Important Notice

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June 12, 2020
No. 23

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us

Second Year of the 166th Session of the New Hampshire General Court

SENATE CALENDAR

Important Notice

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THE SENATE WILL MEET IN SESSION ON
TUESDAY, JUNE 16, 2020 AT 10:00 A.M. IN REPRESENTATIVES' HALL

The Senate Session on Tuesday, June 16, 2020, in Representatives' Hall will be live streamed at the following link:

http://sg001-harmony.sliq.net/00288/Harmony/en/View/Calendar/20200616/-1

Please note, this link will not be live until the Senate Session on Tuesday, June 16, 2020 at 10:00 a.m.

LAID ON THE TABLE

SB 65, relative to the start of the school year.**01/08/2020, Pending Motion Inexpedient to Legislate, Education and Workforce Development, SJ 1**

SB 95-FN, establishing a working families property tax refund program.**01/08/2020, Pending Motion Inexpedient to Legislate, Ways and Means, SJ 1**

SB 171-FN-A, appropriating money to remove lead from drinking water pipes in schools.**01/08/2020, Pending Motion Inexpedient to Legislate, Finance, SJ 1**

SB 181-FN, requiring monitoring of certain radioactive air pollutants.**01/08/2020, Pending Motion Interim Study, Health and Human Services, SJ 1**

SB 468-FN, relative to prohibited sexual contact involving persons in a position of authority.**03/12/2020, Pending Motion Interim Study, Judiciary, SJ 7**

SB 491, relative to shoreland water quality.**03/05/2020, Pending Motion Committee Amendment # 2020-0508s, Energy and Natural Resources, SJ 5**

SB 609, relative to passenger restraints.**03/05/2020, Pending Motion Ought to Pass, Transportation, SJ 5**

SB 644, relative to missing children.**01/30/2020, Pending Motion OT3rdg, Health and Human Services, SJ 2**

SB 667-LOCAL, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.**03/05/2020, Pending Motion Inexpedient to Legislate, Election Law and Municipal Affairs, SJ 5**

SB 699, relative to the interstate compact on child placement 2009.**03/12/2020, Pending Motion OT3rdg, Health and Human Services, SJ 7**

SB 741-FN, establishing the born alive protection act.**02/13/2020, Pending Motion Inexpedient to Legislate, Health and Human Services, SJ 4**

HB 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.**01/08/2020, Pending Motion Inexpedient to Legislate, Executive Departments and Administration, SJ 1**

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders.**02/13/2020, Pending Motion Committee Amendment # 2020-0604s, Judiciary, SJ 4**

HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card.**01/08/2020, Pending Motion Committee Amendment # 2019-2800s, Transportation, SJ 1**

HB 447, relative to school calendar days.**01/08/2020, Pending Motion Inexpedient to Legislate, Education and Workforce Development, SJ 1**

HB 520, relative to availability of diaper changing stations in public restrooms.**01/08/2020, Pending Motion Inexpedient to Legislate, Executive Departments and Administration, SJ 1**

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HB 652, relative to suicide prevention.**01/08/2020, Pending Motion Inexpedient to Legislate, Education and Workforce Development, SJ 1**

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REGULAR CALENDAR REPORTS

COMMERCE

HB 685-FN, establishing a committee to study reimbursement for ambulance services by insurance carriers in New Hampshire.
Ought to Pass with Amendment, Vote 3-2.
Senator Morgan for the committee.
HB 731-FN, establishing a state minimum wage and providing for adjustments to the minimum wage.
Ought to Pass with Amendment, Vote 3-2.
Senator Cavanaugh for the committee.
HB 1166, establishing a committee to study obtaining health insurance for those persons who are uninsured in New Hampshire.
Ought to Pass with Amendment, Vote 3-2.
Senator Cavanaugh for the committee.
HB 1280-FN, relative to copayments for insulin.
Ought to Pass with Amendment, Vote 5-0.
Senator French for the committee.
HB 1494-FN, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.
Ought to Pass with Amendment, Vote 3-2.
Senator Morgan for the committee.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 1454, relative to credit for alternative, extended learning, and work-based programs.
Ought to Pass with Amendment, Vote 3-1.
Senator Dietsch for the committee.
HB 1558-FN, relative to the provision of special education services for older students.
Ought to Pass with Amendment, Vote 4-0.
Senator Kahn for the committee.
HB 1582-FN, providing free tuition at colleges and universities for children of veterans who are totally and permanently disabled.
Ought to Pass with Amendment, Vote 4-0.
Senator Morgan for the committee.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 1111, establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles
Ought to Pass with Amendment, Vote 5-0.
Senator Levesque for the committee.
HB 1129, relative to notice requirements for certain municipal public hearings.
Ought to Pass with Amendment, Vote 3-2.
Senator Morgan for the committee.
HB 1672-FN, allowing voters to vote by absentee ballot.
Ought to Pass with Amendment, Vote 3-2.
Senator Levesque for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1234-FN-A, relative to the heating of certain state-owned buildings in Concord and making an appropriation therefor.

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Ought to Pass with Amendment, Vote 5-0.
Senator Cavanaugh for the committee.
HB 1245, establishing a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute, repealing various statutory boards, commissions, councils, committees, task forces, and reducing the membership on certain statutory committees.
Ought to Pass with Amendment, Vote 5-0.
Senator Rosenwald for the committee.
HB 1491, relative to allied health professional temporary licensure.
Ought to Pass with Amendment, Vote 5-0.
Senator Carson for the committee.

HEALTH AND HUMAN SERVICES
HB 250, requiring reports by the board of dental examiners.
Ought to Pass with Amendment, Vote 4-1.
Senator Chandley for the committee.
HB 578-FN, relative to services for the developmentally disabled.
Ought to Pass with Amendment, Vote 5-0.
Senator Fuller Clark for the committee.
HB 1246, relative to reporting of health care associated infections.
Ought to Pass with Amendment, Vote 3-2.
Senator Fuller Clark for the committee.
HB 1264, extending the commission on the seacoast cancer cluster investigation.
Ought to Pass with Amendment, Vote 5-0.
Senator Fuller Clark for the committee.
HB 1623-FN, relative to telemedicine and substance use disorder.
Ought to Pass with Amendment, Vote 5-0.
Senator Sherman for the committee.
HB 1639-FN, relative to “In and Out Medical Assistance.”
Ought to Pass with Amendment, Vote 5-0.
Senator Sherman for the committee.

JUDICIARY
HB 705-FN, relative to the rights of victims of crime, increasing the cap on assistance for victims of crime, and establishing a committee to study the needs of crime victims and enforcement of statutes governing crime victims’ rights.
Ought to Pass with Amendment, Vote 4-1.
Senator Hennessey for the committee.
HB 1162, relative to adoption and parentage.
Ought to Pass with Amendment, Vote 5-0.
Senator Carson for the committee.
HB 1247, relative to notice of rent increases in certain residential rental property.
Ought to Pass with Amendment, Vote 3-2.
Senator Chandley for the committee.
HB 1645-FN, relative to the annulment of misdemeanor domestic violence offenses.
Ought to Pass with Amendment, Vote 5-0.
Senator Levesque for the committee.

TRANSPORTATION
HB 1135, naming a portion of route 49 in honor of Specialist Marc P. Decoteau.
Ought to Pass with Amendment, Vote 5-0.
Senator Watters for the committee.
HB 1182, establishing a commission to study road usage by non-traditional motor vehicles.
Ought to Pass with Amendment, Vote 5-0.
Senator Watters for the committee.

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AMENDMENTS

Health and Human Services
June 10, 2020
2020-1427s
10/11

Amendment to HB 250

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

AN ACT establishing a dental benefit under the state Medicaid program.

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

1 Statement of Purpose.

I. The general court recognizes that untreated oral health conditions negatively affect a person's overall health and that good oral health improves a person's ability to obtain and keep employment. The general court further recognizes that regular dental care and access to preventive and restorative treatments for oral health conditions are less expensive than emergency care and prevent oral conditions from developing into more complex health conditions that would require medical care.

II. Therefore, to improve overall health, promote savings in the state's Medicaid managed care program, and prevent future health conditions caused by oral health problems, and based on the recommendation of the working group convened pursuant to 2019, 346:225, the general court hereby determines that it is in the best interest of the state of New Hampshire to extend dental benefits under the Medicaid managed care program to individuals 21 years of age and over.

2 New Paragraph; Medicaid Managed Care Program; Dental Benefits. Amend RSA 126-A:5 by inserting after paragraph XIX the following new paragraph:

XIX-a.(a)(1) The commissioner shall pursue contracting options to administer the state's Medicaid dental program with the goals of improving access to dental care for Medicaid populations, improving health outcomes for Medicaid enrollees, expanding the provider network, increasing provider capacity, and retaining innovative programs that improve access and care through a value-based care model.

(2) The commissioner shall issue a request for information to assist in selecting the administrative model for the state's Medicaid dental program. Such model shall be either a model administered by a dental managed care organization or a model administered by the state's current medical managed care organizations. The commissioner shall obtain the requested information from both the current medical managed care organizations and any interested dental managed care organization. The administrative model selected shall demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for information shall be released no later than August 1, 2020. The request for information shall address improving health outcomes, expanding the provider network, increasing capacity of providers, integrating a value-based care model, and exploring innovative programs for children and adults.

(3) If the model administered by a dental managed care organization is selected, the commissioner shall issue a 3-year request for proposals, with 2 optional one-year extensions, to enter into contracts with the vendor that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The state plan amendment shall be submitted to the Centers for Medicare and Medicaid Services (CMS) no later than November 1, 2020. Implementation of a procured contract shall begin April 1, 2021. The commissioner shall establish a capitated rate for the appropriate model for the contract that is full risk to the vendor. In contracting for a dental managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the quality of care provided. Following approval by the joint health care reform oversight committee, pursuant to RSA 420-N:3, the department shall seek, with the review of the fiscal committee of the general court, all necessary and appropriate state plan amendments

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and waivers to implement the provisions of this paragraph. The program shall not commence operation until such state plan amendments or waivers have been approved by CMS. All necessary state plan amendments and waivers shall be submitted by November 1, 2020.

(4) The commissioner shall adopt rules, pursuant to RSA 541-A, if necessary, to implement the provisions of this paragraph and shall first obtain approval of proposed rules by the joint health care reform oversight committee, pursuant to RSA 420-N:3.

(b) Any vendor awarded a contract pursuant to this paragraph shall provide the required dental services to children and the following dental services to individuals 21 years of age and over, reimbursed under the United States Social Security Act, Title XIX, or successors to it:

(1) Preventive dental services including an annual comprehensive oral examination, necessary x-rays or other imaging, prophylaxis, topical fluoride, oral hygiene instruction, behavior management and smoking cessation counseling, and other services as determined by the commissioner.

(2) Comprehensive restorative treatment necessary to prevent or treat oral health conditions, to reduce or eliminate the need for future acute oral health care, and to avoid more costly medical or dental care.

(3) Treatment necessary to relieve pain, eliminate infection or prevent imminent tooth loss.

(4) Prosthodontic coverage subject to medical necessity.

(c) In this paragraph, "dental managed care organization" means any dental care organization, dental service organization, health insurer, or other entity licensed under Title XXXVII, that provides, directly or by contract, dental care services covered under this paragraph rendered by licensed providers and that meets the requirements of Title XIX or Title XI of the federal Social Security Act.

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

2020-1427s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to solicit information and to contract with dental managed care organizations to provide dental care to persons under the Medicaid managed care program.

Health and Human Services
June 2, 2020
2020-1290s
01/04

Amendment to HB 578-FN

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

AN ACT establishing a committee to study the safety of residents and employees in long-term care facilities and relative to cost controls in long-term care.

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

1 Committee Established. There is established a committee to study the safety of residents and employees in long-term care facilities.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the safety, including risk of suicide, of residents and employees in long-term care facilities. In light of the COVID-19 pandemic and its impact on New Hampshire's long-term care facilities, the committee shall also study the acquisition and inventory of personal protective equipment, policies on infection control, staffing and human resource adequacy, availability of appropriate testing, and support and communication with federal and state agencies. The committee may solicit information from any person or entity the committee deems relevant to its study.

4 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 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.

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

6 Hospitals and Sanitaria; Consumer Choice. Amend RSA 151-E:4, I to read as follows:

I. A person who has been determined to be Medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person shall be offered and may choose to receive services in a less restrictive setting if such services are available[~~ and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II~~]. Such choice shall be offered in accordance with state laws and federal regulations. The person shall have the right to have his or her individual support plan developed through a person-centered planning process regardless of age, disability, or residential setting. The department shall take into consideration the family and community supports available to the person, the family's desire and ability to care for the person, and shall ensure that all consideration and support is offered to the family to maintain the person in home and community-based care. Nothing in this section is intended to require the provision of financial assistance or supports by a family member.

7 Long-Term Care; Program Management and Cost Controls. Amend RSA 151-E:11, II to read as follows:

II. [~~For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services. The prior approval shall include a comparison of the mid-level or home-based care costs of the person with the costs of a facility qualified to provide any specialized services necessary for the proper care and treatment of the individual.~~] The department shall provide a report annually no later than January 1 on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee. The department may report to the county-state finance commission and the legislative fiscal committee more frequently if new information is provided by the Centers for Medicare and Medicaid Services.

8 Long-Term Care; Program Management and Cost Controls. Amend RSA 151-E:11, IV to read as follows:

IV. Pursuant to RSA 541-A, the commissioner of the department of health and human services, with prior reporting to the oversight committee on health and human services, shall adopt by rule[~~:~~

(~~a~~] methodologies for determining the cost and average annual cost of home-based care, mid-level care, and intermediate, skilled, or specialized nursing facility care, including:

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[~~(1)~~] ***(a)*** Bases for the methodologies;

[~~(2)~~] ***(b)*** Identification of services considered in determining costs;

[~~(3)~~] ***(c)*** Average annual costs based on the annual average number of recipients in the setting;

[~~(4)~~] ***(d)*** The requirement that nursing facility care include both the initial Medicaid rate and supplemental rates paid through the Medicaid Quality Incentive Program; and

[~~(5)~~] ***(e)*** The requirement that the nursing facility will include the cost for transitional case management.

[~~(b) A process to identify persons in home-based or mid-level care whose costs are expected to exceed 80 percent of the average annual cost for the provision of services to a person in a nursing facility.~~

~~(c) A standard of review and process for prior approval by the commissioner, in accordance with paragraph II of this section, for the cases identified through the process in subparagraph (b).~~]

9 Effective Date.

I. Sections 6-8 of this act shall take effect January 1, 2021.

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

2020-1290s

AMENDED ANALYSIS

This bill establishes a committee to study the safety of residents and employees in long-term care facilities.

This bill also clarifies the cost controls for long-term care services.

Commerce
June 11, 2020
2020-1468s
01/06

Amendment to HB 685-FN

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

AN ACT relative to insurance plans that cover maternity benefits.

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

1 Name of Act. This act shall be known as the Reproductive Health Parity Act of 2020.

2 New Section; Insurance Plans That Cover Maternity Benefits. Amend RSA 417-D by inserting after section 2-b the following new section:

417-D:2-c Insurance Plans That Cover Maternity Benefits. Every insurer subject to this chapter that provides individual or group coverage for maternity services shall provide coverage for emergency or elective abortion services for persons who are residents of this state. A health plan that provides coverage in accordance with this section may contain provisons for maximum benefits and coinsurance and reasonable limitations, deductibles, and exclusions. All contracts under this section shall be deemed to be renewed no later than the next yearly anniversary of the contract date.

II. If the commissioner determines that enforcement of any policy described under paragraph I may adversely affect the allocation of federal funds to New Hampshire, the commissioner may grant an exemption to the requirements of this section only to the minimum extent necessary to ensure the continued receipt of federal funds.

3 Effective Date. This act shall take effect January 1, 2021.

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2020-1468s

AMENDED ANALYSIS

This bill requires insurance plans which cover maternity benefits to provide coverage for emergency or elective abortion services.

Senate Judiciary
June 12, 2020
2020-1496s
04/05

Amendment to HB 705-FN

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

AN ACT relative to sexual assault, sexual misconduct in institutions of higher education, and the rights of victims of crime.

Amend the bill by replacing section 1 with the following:

1 Short Title. Sections 1-10 of this act shall be known as the Crime Victims' Rights Enhancement Act of 2020.

Amend section 8 of the bill by replacing subparagraph I(b) with the following:

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

Amend the bill by replacing all after section 10 with the following:

11 Limitation of Actions; Actions Based on Sexual Assault and Related Offenses. Amend RSA 508:4-g to read as follows:

508:4-g Actions Based on Sexual Assault and Related Offenses. A person, alleging to have been subjected to any offense under RSA 632-A or an offense under RSA 639:2[~~, who was under 18 years of age when the alleged offense occurred, may commence a personal action based on the incident within the later of:~~

~~I. Twelve years of the person's eighteenth birthday; or~~

~~II. Three years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of~~] ***may commence a personal action at any time***.

12 Bodily Injury Actions Against Governmental Units; Limitation on Actions. Amend RSA 507-B:7 to read as follows:

507-B:7 Limitation on Actions.

I. Except as provided in paragraph II, no actions shall be maintained against the governmental unit under this chapter unless the same is commenced within 3 years after the time of injury or damage, except that when the injury and its causal relationship to the act or omission were not discovered and could not reasonably have been discovered at the time of the act or omission, the action shall be commenced within 3 years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of. As a condition precedent to commencement of the action, the clerk of the governmental unit shall be notified by registered mail within 60 days after the time of the injury or damage or discovery of the injury or damage, if it could not reasonably have been discovered at the time of the occurrence of the injury or damage, as to the date, time and location where the injury or damage occurred, and provided that in any case where lack of written notice, actual knowledge or reasonable opportunity to obtain knowledge of any injury or damage within the 60-day period is alleged by the governmental unit, the burden of proof shall be on the governmental unit to show that it was substantially prejudiced thereby.

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II. A person, alleging to have been subjected to any offense under RSA 632-A or an offense under RSA 639:2 by a governmental unit, may commence an action at any time after the injury or damage occurs. The requirement for notification to the clerk of the governmental unit shall not apply to an action based on an offense under RSA 632-A or RSA 639:2.

13 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I(h) to read as follows:

(h) When[~~, except as between legally married spouses,~~] the victim has a disability that renders him or her incapable of freely arriving at an independent choice as to whether or not to engage in sexual conduct, and the actor knows or has reason to know that the victim has such a disability.

14 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I(j)-(k) to read as follows:

(j) When[~~, except as between legally married spouses,~~] the victim is 13 years of age or older and under 16 years of age and:

(1) the actor is a member of the same household as the victim; or

(2) the actor is related by blood or affinity to the victim.

(k) When[~~, except as between legally married spouses,~~] the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.

15 Felonious Sexual Assault. Amend RSA 632-A:3, II-III to read as follows:

II. Engages in sexual penetration with a person[~~, other than his legal spouse,~~] who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or more; or

III. Engages in sexual contact with a person [~~other than his legal spouse~~] who is under 13 years of age.

16 Sexual Assault. Amend RSA 632-A:4, I(b) and (c) to read as follows:

(b) When the actor subjects another person[~~, other than the actor's legal spouse,~~] who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.

(c) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person[~~, other than the actor's legal spouse,~~] who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or less.

17 New Chapter; Over-the-Counter Rape Test Kit. Amend RSA by inserting after chapter 359-Q the following new chapter:

CHAPTER 359-R
OVER-THE-COUNTER RAPE TEST KIT

359-R:1 Sale of Over-the-Counter Rape Test Kit Prohibited.

I. No person shall sell or offer for sale in the state of New Hampshire an over-the-counter rape test kit. Any person who sells a kit in violation of this section shall be guilty of a violation and shall be fined not more than $1,000 for each offense.

II. In this section, an "over-the-counter rape test kit" means a sexual assault forensic exam kit for sale to members of the public, that allows an individual to independently collect evidence of a sexual assault outside of a hospital or other designated health care setting.

III. Nothing in this section shall affect any right of action under RSA 358-A.

18 New Chapter; Sexual Misconduct at Institutions of Higher Education. Amend RSA by inserting after chapter 188-G the following new chapter:

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CHAPTER 188-H
SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER EDUCATION

Adoption of Policies

188-H:1 Definitions. In this subdivision:

I. "Commission" means the higher education commission established in RSA 21-N:8-a.

II. "Director" means the director of the department of education, division of educator support and higher education.

III. "Division" means the department of education, division of educator support and higher education.

IV. "Institution of higher education" means a public, private, non-profit, or for-profit school chartered, incorporated, or otherwise organized in this state legally authorized to award a degree at an associate level or above with an established physical presence in this state.

V. "Reporting party" means a student or employee who reports having experienced an incident of sexual misconduct to the institution.

VI. "Responding party" means a student or employee who has been accused of an alleged incident of sexual misconduct.

VII. "Student" means an individual who is enrolled at least half-time in a credit-bearing program through a public or private degree-granting postsecondary institution of higher education whether part-time, full-time, or as an extension student, or who has taken a leave of absence or who has withdrawn due to being a victim of sexual misconduct.

VIII. "Sexual misconduct" means an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault or harassment, or stalking, as defined by each institution in its code of conduct, in a manner consistent with applicable federal definitions.

188-H:2 Adoption of Policies Required.

I. Each institution of higher education shall adopt a policy on sexual misconduct, consistent with applicable state and federal law, which shall be publicly available on campus in locations where students regularly congregate including, but not limited to, dining and recreational facilities, libraries, bookstores, student unions and student centers, and the common areas of dormitories and other student housing locations, and shall be made available, upon request, to an applicant, student, or employee of the institution and shall be publicly available on the institution's website in an accessible format not later than the first week of classes in each academic year. The institution shall update the website annually. The policy shall be trauma-informed, and shall be developed in coordination with the institution's Title IX coordinator, and the local rape crisis center or domestic violence center. In addition, the institution may consider input from various internal and external entities including, but not limited to institutional administrators, personnel affiliated with on-campus and off-campus health care centers, personnel affiliated with on-campus, when available, and local, confidential resources advisors, residence life staff, students, the division of state police, and the police department and the county attorney having jurisdiction in the city or town where the institution's primary campus is located. The policy shall be developed in a culturally competent manner in order to reflect the diverse needs of all students.The policy shall include, but not be limited to:

(a) Procedures by which students and employees at the institution may report or disclose alleged incidents of sexual misconduct regardless of where the offense occurred.

(b) Information on where to receive immediate emergency assistance following an alleged incident of sexual misconduct which shall include, but shall not be limited to:

(1) The name and location of the nearest medical facility where an individual may request that a medical forensic exam be administered by a trained sexual violence forensic health care provider, including information on transportation options and information on reimbursement for travel costs, if any.

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(2) The contact information for a rape crisis center and a domestic violence center and a description of the services provided by such centers.

(3) The telephone number and website for a national 24-hour hotline, as well as any state or local resources, that provides information on sexual misconduct.

(4) Information on any programs that may financially assist a student with the cost of emergency medical assistance.

(c) Descriptions of and contact information for the types of counseling and health, safety, academic, and other support services available within the local community or region or through a rape crisis center or domestic violence center, or the name and contact information for organizations that support students accused of sexual misconduct, which shall include but not be limited to the name and contact information for a confidential resources advisor and a description of the role of and services provided by the confidential resources advisor and the name and contact information for the institution's Title IX coordinator.

(d) The rights and obligations of students and employees to:

(1) Notify or decline to notify law enforcement, including campus, local and state police, of an alleged incident of sexual misconduct.

(2) Receive assistance from campus authorities in making any such notification.

(3) Obtain a court- or institution-issued protective order against a responding party of the incident of sexual misconduct.

(e) The process for requesting supportive measures reasonably available from the institution which shall include, but not be limited to, options for changing academic, living, campus transportation, or working arrangements or taking a leave of absence in response to an alleged incident of sexual misconduct, how to request those changes, and the process to have any such measures reviewed.

(f) The contact information for the closest local, state, and federal law enforcement agencies with jurisdiction over matters involving sexual misconduct and procedures for students to notify the institution that a protective order has been issued under state or federal law and the institution's responsibilities upon receipt of such notice.

(g) A summary of the institution's procedures for investigating, adjudicating, and resolving sexual misconduct complaints, including an explanation of all procedures which shall be followed to obtain investigatory reports and gather evidence, and potential sanctions which may be imposed, as well as clear statements advising students that:

(1) The process shall be uniformly applied for all disciplinary proceedings relating to any claims of sexual misconduct.

(2) Timely and detailed notice shall be given, upon such time as the institution decides to proceed with an institutional disciplinary process, to the reporting party and the responding party describing the date, time, and location, if known, and a summary of the factual allegations concerning the violation.

(3) An investigation, including any hearings and resulting disciplinary proceedings, shall be conducted by an individual who receives not less than annual training on issues relating to sexual misconduct, investigatory procedures and hearing procedures to protect the safety and rights of students and promote accountability, objectivity, impartiality, and a trauma-informed response.

(4) The reporting party of an alleged incident of sexual misconduct and the responding party may be accompanied by an advisor or support person of their choice, which may include an advocate or counsel, to meet with the institution's investigator or other fact finder and may consult with an advisor or support person, which may include an advocate or counsel, during any meetings and disciplinary proceedings; provided, however, that the institution may establish rules regarding how the proceedings will be conducted which may include guidelines on the extent to which the advisor or support person for each party may participate in a meeting or disciplinary proceeding and any limitations on participation which shall apply equally to both par-

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ties; and provided further, that the institution shall adopt reasonable measures to provide for the involvement of the advisor or support person for each party but the availability of the advisor or support person shall not significantly delay a meeting or disciplinary proceeding.

(5) The reporting party and the responding party shall be provided with a copy of the institution's policies regarding the submission and consideration of evidence that may be used during a disciplinary proceeding and shall have equal opportunity to present evidence and witnesses on their behalf during a disciplinary proceeding; provided, however, that each party shall be provided with timely and equal access to all relevant evidence that shall be used in the determination of a discipline.

(6) There shall be restrictions on evidence considered by the fact finder including, but not limited to, the use of evidence of prior sexual activity or character witnesses.

(7) The reporting party and the responding party shall be informed in writing of the results of a disciplinary proceeding not later than 7 business days after a final determination of a complaint, not including any time for appeal, unless good cause for additional time is shown, and they shall be informed of any process for appealing the decision.

(8) If an institution offers an appeal as a result of procedural errors, previously unavailable relevant evidence that could significantly impact the outcome of a case or where the sanction is disproportionate to the findings, the reporting party and the responding party shall be provided with an equal opportunity to appeal decisions regarding responsibility or sanctions.

(9) The institution shall not publicly disclose the identity of the reporting party and the responding party, except as necessary to carry out a disciplinary process or as permitted under state or federal law.

(10) The institution's disciplinary proceedings shall not serve as a substitute for the criminal justice process.

(h) A summary of the institution's employee disciplinary process as it pertains to sexual misconduct.

(i) The range of sanctions or penalties the institution may impose on students and employees found responsible for a violation of the applicable institutional policy prohibiting acts of sexual misconduct.

II. Each institution of higher education shall provide draft policies and substantive changes by electronic or regular mail to internal and external entities, with instructions on how to comment and a reasonable length of time in which comments will be accepted. However, once an institution has adopted such policies as required by this section, the opportunity for review and comment by internal and external entities shall only apply to substantive changes in those policies.

188-H:3 Notice of Rights. Each institution of higher education shall provide both the accuser and the responding party with written notice of the institution's decision to proceed with an institutional disciplinary process regarding an allegation of sexual misconduct sufficiently in advance of a disciplinary hearing to provide both the reporting and responding parties with the opportunity to meaningfully exercise their rights to a proceeding that is prompt, fair, and impartial; which shall include the opportunity to both parties to present witnesses and other evidence, and any other due process rights afforded to them under institutional policy. The written notice shall include the information required to be posted on the institution's website pursuant to this chapter.

Sexual Misconduct Climate Surveys and Task Force

188-H:4 Sexual Misconduct Climate Surveys. Each institution of higher education shall biennially conduct a sexual misconduct climate survey of all students at said institution. Each institution's sexual misconduct climate survey shall include a base set of common questions recommended by the task force on sexual misconduct and approved by the director, hereinafter described as the "base survey." The director shall provide a copy of the base sexual misconduct climate survey to all institutions biennially. Each institution shall also be permitted to append their own campus-specific questions to the base survey, provided that these questions do not require the disclosure of any personally-identifying information and are not unnecessarily traumatizing for victims of sexual violence. Within 120 days after completion of a sexual misconduct climate survey, each institution shall submit a summary of the results to the director and shall also post a summary of the results on the institution's website in an easily accessible manner.

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188-H:5 Task Force on Sexual Misconduct.

I. There shall be a task force on sexual misconduct at institutions of higher education. The task force shall consist of the following members:

(a) The chancellor of the university system of New Hampshire, or designee.

(b) The chancellor of the community college system of New Hampshire, or designee.

(c) The director of higher education, division of educator support and higher education, department of education, or designee.

(d) Two representatives of the private 4-year colleges in New Hampshire, with not more than one representative from any such college, appointed by the governor and council on recommendation by the New Hampshire College and University Council.

(e) The president of the New Hampshire Association of Campus Law Enforcement Administrators, or designee.

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

(g) The attorney general, or designee.

(h) The following members, who shall be appointed by the governor, one of whom shall be a student attending a public institution of higher education in this state; one of whom shall be a student attending a private institution of higher education in this state; one of whom shall be a student attending an institution in the community college system of New Hampshire; one of whom shall be a representative of the university of New Hampshire recommended by the president of the university; 3 of whom shall be representatives recommended by the New Hampshire Coalition Against Domestic and Sexual Violence; one of whom shall be a representative recommended by the New Hampshire Campus Consortium Against Sexual and Interpersonal Violence; one of whom shall be a researcher with experience in the development and design of sexual misconduct climate surveys; one of whom shall be a researcher of statistics, data analytics, or econometrics with experience in higher education survey analysis; one of whom shall be a representative of the Prevention Innovations Research Center at the University of New Hampshire; and one of whom shall represent Every Voice New Hampshire.

II. The task force shall develop a base sexual misconduct climate survey for distribution to institutions of higher education and provide such institutions with any related recommendations respecting the content, timing, and application of the survey. The task force shall deliver its base survey and related recommendations, including but not limited to, recommendations on achieving statistically valid response rates, to each institution of higher education no less often than biennially and for the first time by March 31, 2021.

III. In developing the base sexual misconduct climate survey, the task force shall:

(a) Utilize best practices from peer-reviewed research and consult with individuals with expertise in the development and use of sexual misconduct climate surveys by institutions of higher education.

(b) Review sexual misconduct climate surveys which have been developed and previously utilized by institutions.

(c) Provide opportunities for written comment from organizations that work directly with victims and survivors of sexual misconduct to ensure the adequacy and appropriateness of the proposed content.

(d) Consult with institutions on strategies for optimizing the effectiveness of the survey.

(e) Account for the diverse needs and differences of the state's institutions of higher education.

IV. The base sexual misconduct climate surveys shall gather information on topics that may include, but shall not be limited to:

(a) The number of incidents, both reported and unreported, of sexual misconduct at the institution of higher education.

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(b) When and where incidents of sexual misconduct occurred.

(c) Student awareness of institutional policies and procedures related to campus sexual misconduct.

(d) Whether a student reported the sexual misconduct, and if so, to which campus resource or law enforcement agency such report was made, and, if not, the reason for the student's decision not to report.

(e) Whether a student was informed of or referred to local, state, campus or other resources, or victim support services, including appropriate medical care and legal services.

(f) Whether a student was provided the option of protection from retaliation, access to school-based accommodations, and criminal justice remedies.

(g) Contextual factors, such as the involvement of force, incapacitation, or coercion.

(h) Demographic information that could be used to identify at-risk groups including but not limited to gender.

(i) Perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond to incidents of sexual misconduct.

(j) Whether the student has chosen to withdraw or taken a leave of absence from the institution or transferred to another institution due to either being the reporting party or responding party in an allegation of sexual misconduct.

(k) Whether the student has withdrawn from any classes or been placed on academic probation as a result of the incident.

(l) Other questions as determined by the task force.

V. The base sexual misconduct climate survey shall collect anonymous responses and shall not provide the disclosure of any identifying information.

VI. There shall be established within the division a data repository for all summaries of sexual misconduct climate surveys submitted by institutions of higher education to the division in accordance with this section. An institution of higher education shall submit its sexual misconduct climate survey, accompanied by the anonymized raw data supporting such survey, to the director. The director shall ensure that the sexual misconduct climate survey data submitted by all institutions will be available to the public in an easily accessible manner on the division's website.

VII. Each institution of higher education shall publish on the institution's website in an easily accessible manner:

(a) The results of the survey.

(b) The annual security report required under 20 U.S.C. section 1092, otherwise known as the Clery Act.

(c) A link to the division's statewide data on sexual misconduct climate survey data as set forth in paragraph VIII.

VIII. The director shall adopt rules, pursuant to RSA 541-A, including deadlines for dissemination and collection of survey information, consistent with the purposes of this statute, and shall promote the effective solicitation to achieve the highest practical response rate, collection, and publication of statistical information gathered from the state's institutions of higher education.

Collaboration With Law Enforcement

188-H:6 Collaboration With Law Enforcement.

I. Each institution of higher education shall adopt policies and procedures with the local law enforcement agency having primary jurisdiction over the city or town wherein the institution's primary campus is located to establish the respective roles and responsibilities of each party related to the prevention of

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and response to on-campus and off-campus sexual misconduct. Institutions of higher education and local law enforcement agencies shall develop policies and procedures that comply with all applicable state and federal confidentiality and privacy laws and:

(a) Delineate sharing protocols for investigative responsibilities.

(b) Provide protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.

(c) Coordinate training, programing, and requirements on issues related to sexual misconduct.

(d) Ensure that reporting parties are able to move safely and comfortably between classes, extracurriculars, sports, and campus jobs.

(e) Develop a protocol for sharing information about specific crimes, which may include a mechanism for sharing information anonymously, that:

(1) Requires that the reporting party authorized or requested that such information be shared and is fully and accurately informed about what procedures shall occur if the information is shared; and

(2) Is carried out in a manner that is consistent with the General Education Provisions Act, 20 U.S.C. section 1221, and any other applicable provisions under state law.

(f) Establish the methods for sharing the Clery Act reporting requirements and for facilitating the issuance of timely warnings and emergency notifications required by the Clery Act relative to crimes that may pose a serious threat to the campus or near campus communities.

(g) Develop methods for notifying the appropriate county attorney's office.

(h) Update such policies and procedures biennially.

II. The commission may waive the requirements of this section in the case of an institution that demonstrates that it acted in good faith but was unable to adopt joint policies and procedures with the local law enforcement agency having primary jurisdiction over the city or town wherein the institution's primary campus is located.

III. Notwithstanding any general or special law to the contrary, a member of the department of state police or a local police department who acts as a first responder to a report of sexual misconduct at an institution of higher education shall receive training in the awareness of dating violence, domestic violence, sexual assault, and stalking and in trauma-informed response, subject to appropriation.

Confidential Resource Advisors

188-H:7 Confidential Resource Advisors.

I. Each institution of higher education shall establish a campus security policy that includes the designation of at least one confidential resource advisor. The confidential resource advisor:

(a) May have another role at the institution;

(b) Shall not be a student or a Title IX coordinator; and

(c) Shall be appointed based on experience and a demonstrated ability of the individual to effectively provide victim services related to sexual misconduct.

II. The institution shall designate existing categories of employees that may serve as confidential resource advisors. The designation of an existing category of employees shall not preclude the institution from designating a new or existing employee as a confidential resource advisor or in another confidential role. An institution may partner with a local, state, or national victim advocacy organization to provide a confidential resource advisor under this section. An institution that enrolls fewer than 1,000 residential students may partner with another institution or rape crisis center within the state to provide the services under this section. An institution shall ensure that any partnership entered into under this paragraph shall result in a confidential resource advisor being available to students within a reasonable distance to the student's institution.

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III. The confidential resource advisor shall receive training in the awareness and prevention of sexual misconduct and in trauma-informed response and coordinate with on-campus and off-campus rape crisis centers and domestic violence centers within a reasonable time after being designated as a confidential resource advisor.

IV. The confidential resource advisor shall inform the student or employee, or provide resources about how to obtain, including in written format:

(a) Reporting options and the effects of each option.

(b) Counseling services available on campus and through a local rape crisis center or domestic violence center.

(c) Medical and health services available on campus and off campus.

(d) Campus escort services for security.

(e) Available academic and residence life accommodations.

(f) Student loan counseling for students considering temporary permanent withdrawal or half time enrollment regarding loan deferment, forbearance, or other student loan programs.

(g) The investigative and disciplinary process of the institution.

(h) The legal process carried out through local, state, and federal law enforcement agencies.

(i) That the institution's disciplinary process is not to be considered a substitute for the criminal justice process.

(j) Any limits on the ability of the confidential resource advisor to provide privacy or confidentiality to the student.

V. The confidential resource advisor:

(a) May, if appropriate and if directed by the reporting party, assist the reporting party in contacting or reporting to campus or local law enforcement agencies.

(b) Shall notify the student of their rights and the institution's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the institution or by a criminal, civil, or tribal court.

(c) Shall not be required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law and shall provide confidential services to students and employees.

(d) May attend an administrative or institution-based adjudication proceeding as the advisor or support person of the student's or employee's choice.

(e) Shall not disclose confidential information without the prior written consent of the student or employee who shared the information.

(f) Shall not provide services to more than one party in an incident and shall ensure confidentiality is maintained.

VI. Nothing in this section shall be construed to limit either party's right of cross examination of the advisor in a civil or criminal proceeding if the advisor testifies after written consent has been given. A confidential resource advisor shall not act as a counselor or therapist unless the confidential resource advisor is licensed as a counselor in this state and the reporting party engages the confidential resource advisor in that capacity.

VII. Notice to a confidential resource advisor of an alleged act of sexual misconduct or a confidential resource advisor's performance of a service under this section shall not be considered actual or constructive notice of such an alleged act to the institution of higher education at which the confidential resource advisor is employed or provides contracted services.

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VIII. If a conflict of interest arises for an institution in which a confidential resource advisor is advocating for a reporting party's need for sexual assault crisis services or campus or law enforcement services, the institution shall not discipline, penalize, or otherwise retaliate against the confidential resource advisor for representing the interest of the reporting party.

188-H:8 Privilege for Confidential Resource Advisors.

I. In this section:

(a) "Confidential communication" means information transmitted between a victim, as defined in paragraph (b), of an alleged sexual assault, alleged domestic abuse, alleged sexual harassment, or alleged stalking, and a confidential resource advisor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the confidential resource advisor in the course of that relationship.

(b) "Victim" means any person alleging sexual misconduct, as defined by the institutions' policies and procedures, who consults a confidential resource advisor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual misconduct, or an alleged attempted sexual misconduct.

II.(a) A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a confidential resource advisor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim. The privilege and confidentiality under this subparagraph shall extend to:

(1) A third person present to assist communication with the victim.

(2) A third person present to assist a victim who is physically challenged.

(3) Co-participants in support group counseling of the victim.

(b) Persons prevented from disclosing a confidential communication or record pursuant to subparagraph (a) shall be exempt from the provisions of RSA 631:6.

III. The privilege may be claimed or waived in all civil, administrative, and criminal legal proceedings, including discovery proceedings, by the following persons:

(a) The victim or an attorney on the victim's behalf.

(b) The guardian of the victim, if the victim has been found incompetent by a court of competent jurisdiction.

(c) A minor victim who is emancipated, married, or over the age of 15, unless, in the opinion of the court, the minor is incapable of knowingly waiving the privilege. A guardian ad litem shall be appointed in all cases in which there is a potential conflict of interest between a victim under the age of 18 and their parent or guardian.

IV. Waiver as to a specific portion of communication between the victim and the confidential resource advisor shall not constitute a waiver of the privilege as to other portions of the confidential communication between victim and confidential resource advisor, relating to the alleged crime.

V. In criminal proceedings when a defendant seeks information privileged under this chapter in discovery or at trial, the procedure below shall be followed:

(a) A written pretrial motion shall be made by the defendant to the court stating that the defendant seeks discovery of records of a confidential resource advisor or testimony of a confidential resource advisor. The written motion shall be accompanied by an affidavit setting forth specific grounds as to why discovery is

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requested and showing that there is a substantial likelihood that favorable and admissible information would be obtained through discovery or testimony. No discovery or hearing shall occur pursuant to the information sought to be disclosed for at least 3 business days after the filing of a motion for disclosure.

(b) The only information subject to discovery from the records of a confidential resource advisor or which may be elicited during the testimony of a confidential resource advisor are those statements of the victim which relate to the alleged crime being prosecuted in the instant trial.

(c) Prior to admission of information at deposition, trial, or other legal proceeding, when a claim of privilege has been asserted and whether or not the information was obtained through discovery, the burden of proof shall be upon the defendant to establish by a preponderance of the evidence that:

(1) The probative value of the information, in the context of the particular case, outweighs its prejudicial effect on the victim's emotional or physical recovery, privacy, or relationship with the confidential resource advisor.

(2) That the information sought is unavailable from any other source.

(3) That there is a substantial probability that the failure to disclose that information will interfere with the defendant's right to confront the witnesses against him or her and the defendant's right to a fair trial.

(d) The trial court shall review each motion for disclosure of information on a case by case basis and determine on the totality of the circumstances that the information sought is or is not subject to the privilege established in paragraph II. In finding that the privilege shall not apply in a particular case, the trial court shall make written findings as to its reasons therefor.

(e) The records and testimony of a confidential resource advisor shall be disclosed solely to the trial judge to determine, as a matter of law, whether the information contained in the records or testimony is admissible under this chapter.

(f) That portion of any record and testimony of a confidential resource advisor which is not disclosed to the defendant shall be preserved by the court under seal for appeal. For the purpose of preservation, a copy of the record shall be retained with the original released to the confidential resource advisor. Costs of duplication shall be borne by the defendant.

(g) If, after disclosure of privileged information, the court upholds the privilege claim, the court shall impose a protective order against revealing any of the information without the consent of the person authorized to permit disclosure.

VI. The privilege established by this chapter shall not apply when the confidential resource advisor has knowledge that the victim has given perjured testimony and when the defendant has made an offer of proof that there is probable cause to believe that perjury has been committed.

VII. Failure of any person to testify as a witness pursuant to the provisions of this chapter shall not give rise to an inference unfavorable to the prosecution or the defense.

VIII. The victim shall have a right to interlocutory appeal to the supreme court from any decision by a court to require the disclosure of records or testimony of a confidential resource advisor.

IX. The confidential resource advisor shall have the same reporting duties under RSA 169-C:29 as other professionals, providing that this duty shall not apply where a minor is seeking relief pursuant to RSA 173-B:3 for abuse by a spouse or former spouse of the minor, or by an intimate partner who is not related to the minor by consanguinity or affinity. As used in this section, "abuse" and "intimate partners" shall be as defined in RSA 173-B:1.

Awareness Programming

188-H:9 Awareness Programming. An institution of higher education, with guidance from its Title IX coordinator, local law enforcement, and the rape crisis center or the domestic violence center, shall provide mandatory annual sexual misconduct primary prevention and awareness programming for all students and all employees of the institution that shall include:

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I. An explanation of consent as it applies to sexual activity and sexual relationships.

II. The role drugs and alcohol play in an individual's ability to consent.

III. Information on options relating to the reporting of an incident of sexual misconduct, the effects of each option, and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure.

IV. Information on the institution's procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the institution may impose on students and employees found responsible for a violation.

V. The name, contact information, and role of the confidential resource advisor.

VI. Strategies for bystander intervention and risk reduction.

VII. Opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.

Training for Individuals and Institutions
Involved in the Disciplinary Process

188-H:10 Training for Individuals Involved in the Disciplinary Process. An individual who participates in the implementation of an institution of higher education's disciplinary process, including an individual responsible for resolving complaints of reported incidents, shall have training or experience in handling sexual misconduct complaints and the operations of the institution's disciplinary process. The training shall include, but not be limited to:

I. Information on working with and interviewing persons subjected to sexual misconduct.

II. Information on particular types of conduct that constitute sexual misconduct, including same-sex dating violence, domestic violence, sexual assault, and stalking.

III. Information on consent and the role drugs and alcohol may play in an individual's ability to consent.

IV. The effects of trauma, including any neurobiological impact on a person.

V. Cultural competence training regarding how sexual misconduct may impact students differently depending on factors that contribute to a student's cultural background, including but not limited to national origin, sex, ethnicity, religion, gender identity, gender expression, and sexual orientation.

VI. Ways to communicate sensitively and compassionately with a reporting party of sexual misconduct including, but not limited to, an awareness of responding to a reporting party with consideration of that party's cultural background and providing services to or assisting in locating services for the reporting party. Ways to communicate sensitively with a responding party, including an awareness of the emotional impact of being wrongly accused.

VII. Training and information regarding how dating violence, domestic violence, sexual assault, and stalking may impact students with developmental or intellectual disabilities.

188-H:11 Institutional Training. Each institution of higher education shall ensure that its Title IX coordinator and members of its special or campus police force or the campus safety personnel employed by the institution are educated in the awareness of sexual misconduct and in trauma-informed response.

Reporting Requirements

188-H:12 Data Reporting Requirements. Annually, not later than October 1, an institution of higher education shall prepare and submit to the director, the commissioner of the department of health and human services, the clerks of the senate and house of representatives, and the chairpersons of the senate and house committees with jurisdiction over education a report that includes:

I. The total number of allegations of dating violence, domestic violence, sexual assault, and stalking reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution.

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II. The number of law enforcement investigations initiated in response to complaints of sexual misconduct brought forward by students or employees of the institution against another student or employee of the institution, if known.

III. The number of students found responsible for violating an institution's policies prohibiting sexual misconduct.

IV. The number of students found not responsible for violating an institution's policies prohibiting sexual misconduct.

V. The number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct. The report shall provide information in an anonymous manner that complies with state and federal privacy laws.

188-H:13 Amnesty. A reporting party or a witness that causes an investigation of sexual misconduct, or drug or alcohol use, shall not be subject to a disciplinary proceeding or sanction for a violation of the institution of higher education's student conduct policy related to the incident unless the institution determine that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

Enforcement and Penalty

188-H:14 Enforcement and Penalty. Upon determination, after reasonable notice and opportunity for a hearing, that an institution of higher education has violated or failed to carry out any provision of this chapter or any rule adopted under this chapter, the director may impose a civil penalty upon such institution for each violation not to exceed $150,000, which shall be adjusted for inflation annually, or one percent of an institution's annual operating budget, whichever is lower. The director shall use any such civil penalty funds to provide oversight of this chapter.

188-H:15 Memoranda of Understanding With Rape Crisis Centers or Domestic Violence Centers.

I. An institution of higher education shall enter into and maintain a memorandum of understanding with a rape crisis center or domestic violence center to:

(a) Assist in developing the institution's policies, programing, and training regarding sexual misconduct involving students or employees.

(b) Provide an off-campus alternative for students and employees of the institution to receive free and confidential sexual assault crisis services, including access to a sexual assault nurse examiner if available, or free and confidential domestic violence crisis services in response to sexual misconduct.

(c) Ensure that a student or employee of the institution may access free and confidential counseling and advocacy services either on campus or off campus.

(d) Ensure cooperation and training between the institution and the crisis center or agency to ensure an understanding of the roles that the institution, crisis center, and agency should play in responding to reports and disclosures of sexual misconduct against students and employees of the institution and the institution's protocols for providing support and services to such students and employees.

II. A memorandum of understanding may include an agreement, including a fee structure, between the rape crisis center or domestic violence center and the institution of higher education to provide confidential victim services. Confidential victim services may include case consultation and training fees for confidential resource advisors, consultation fees for the development and implementation of student education and prevention programs, the development of staff training and prevention curriculum, and confidential on-site office space for an advocate from a rape crisis center or domestic violence center to meet with students.

III. The commission may waive the requirements of this section in the case of an institution that demonstrates that it acted in good faith but was unable to obtain a signed memorandum.

19 Effective Date.

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I. Sections 1-7 and sections 9-16 of this act shall take effect 60 days after its passage.

II. Section 18 of this act shall take effect 180 days after its passage.

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

2020-1496s

AMENDED ANALYSIS

This bill:

I. Increases the maximum recovery for crime victims from the victims' compensation fund; establishes confidentiality procedures for information used to support restitution to the victims' compensation fund; expands the offenses covered by the crime victims' bill of rights; expands the rights available to crime victims; requires the department of justice to develop a crime victims' rights card and establish professional guidelines for victims' assistance providers; and establishes a committee on the needs of crime victims and the enforcement of crime victims' rights.

II. Allows an action based on the sexual assault or incest statutes to be commenced at any time.

III. Removes the exception for legally married spouses from certain sexual assault offenses.

IV. Prohibits the sale of over-the-counter rape test kits in New Hampshire.

V. Requires institutions of higher education to adopt and make available to students policies on sexual misconduct; to develop a task force and survey on sexual misconduct and report its findings; to appoint a campus safety advisor; to collaborate with law enforcement on the investigation and prosecution of sexual misconduct incidents; to establish confidential resource advisors; to develop awareness programming; and to undertake institutional training in the awareness and prevention of sexual misconduct on campus.

Commerce
June 11, 2020
2020-1464s
04/10

Amendment to HB 731-FN

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

AN ACT relative to the state minimum hourly rate.

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

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended ***or the following, whichever is higher:***

From January 1, 2021 to December 31, 2022, $10 per hour.

From January 1, 2023 and thereafter, $12 per hour.

Tipped employees of a restaurant, hotel, motel, inn or cabin, or ballroom who customarily and regularly receive more than $30 a month in tips directly from the customers will receive a base rate from the employer of not less than [~~45 percent of the applicable minimum wage~~] ***$4 per hour***. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal [~~the minimum wage~~] ***$12 per hour*** for all hours worked, the employer shall pay the employee the difference to guarantee the [~~applicable minimum wage~~] ***$12 hourly rate***.

Tipped employees who are licensed as secondary game operators pursuant to RSA 287-D and who customarily and regularly receive more than $30 a month in tips directly from the customers, will

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receive a base rate from the employer of not less than $7.25 per hour. If such an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal $12 per hour for all hours worked, the employer shall pay the employee the difference to guarantee the $12 hourly rate.

The limitations imposed hereby shall be subject to the following exceptions:

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

2020-1464s

AMENDED ANALYSIS

This bill sets the minimum hourly rate paid to employees. The bill also amends the minimum hourly rate for tipped employees.

Election Law and Municipal Affairs
June 11, 2020
2020-1479s
10/05

Amendment to HB 1111

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

AN ACT relative to municipal broadband infrastructure bonds and establishing communications districts.

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

1 Municipal Finance Act; Broadband Infrastructure Bonds. Amend RSA 33:3-g, I to read as follows:

I. A municipality may issue bonds for the purpose of financing the development, construction, reconstruction, ***renovation,*** [~~and~~] improvement***, and acquisition*** of broadband infrastructure in any locations within a municipality unserved by broadband as defined in RSA 38:38, I(c). Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

2 Municipal Finance Act; Broadband Infrastructure Bonds. Amend RSA 33:3-g, III to read as follows:

III. A municipality shall not issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any location within a municipality unserved by broadband as defined in RSA 38:38, I(c) unless a request for information has been issued, at a minimum, to all providers serving the issuing community and such providers have been given 2 months to respond to the request. The request for information may include, but is not limited to, information identifying locations within a municipality [~~unserved~~] ***served*** by broadband as defined in RSA 38:38, I(c). After completing, issuing, and receiving responses to such request for information, a municipality may issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure, as defined in RSA 38:38, I(e), and the provision of broadband service as defined in RSA 38:38, I(f). A municipality may select a proposal based on criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband network[~~, which meets or exceeds the anticipated needs of the community~~]. A municipality may determine that no provider has met the criteria included in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B, including but not limited to, open networks. ***If a broadband provider does not respond to a request for information pursuant to this paragraph, the locations served by that broadband provider shall be considered unserved, unless those locations are served by a broadband provider who responded to that municipality's request for information.***

IV. Any request for information issued pursuant to this section after December 31, 2020 shall conform with a model request for information issued by the New Hampshire department of business and economic affairs.

Important Notice

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3 New Paragraph; Broadband Access. Amend RSA 38:38 by inserting after paragraph II the following new paragraph:

III. If a broadband provider does not respond to a request for information issued pursuant to sections RSA 33:3-g, III and RSA 33:3-g, IV, the locations served by that broadband provider shall be considered unserved unless those locations are served by a broadband provider who responded to that municipality's request for information.

4 Communications Districts; Purpose. The general court recognizes that towns require communications infrastructure and service to retain and attract residents and businesses and many rural towns, individually, lack the resources and population to attract infrastructure suppliers and service providers. Communications districts allow municipalities to join together by formal agreement to create a separate authority for communications. A district may be established for the purposes of contracting and bonding the creation or maintenance of communications infrastructure and for contracting with service providers. Districts may define an agreement that allows revenue bonds and/or taxpayer-funded bonds, as well as other funding as described in 53-G:3, XI.

5 Municipal Revenue Bonds; Definitions; Municipality. Amend RSA 33-B:1, V to read as follows:

V. "Municipality" means a city, town***,*** [~~or~~] village district***, or communications district formed under RSA 53-G***.

6 Broadband Infrastructure Bonds. Amend RSA 33:3-g, I to read as follows:

I. A municipality ***or communications district formed under RSA 53-G*** may issue bonds for the purpose of financing the development, construction, reconstruction, and improvement of broadband infrastructure in any locations within a municipality unserved by broadband as defined in RSA 38:38, I(c). Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

7 New Chapter; Communications Districts. Amend RSA by inserting after chapter 53-F the following new chapter:

CHAPTER 53-G
COMMUNICATIONS DISTRICTS

53-G:1 Definitions. In this chapter:

I. "Board" means the governing board of the district.

II. "District" means a communications district of 2 or more municipalities established under this chapter.

III. "Equipment and infrastructure" means any and all parts of any communications system, owned, leased, or otherwise contracted by the district, whether using wires, cables, fiber optics, wireless, other technologies, or a combination thereof, and used for the purpose of transporting or storing information, in whatever forms, directions, and media, together with any improvements thereto constructed or acquired after the effective date of this chapter, and all other facilities, equipment, and appurtenances necessary or appropriate to such system. "Equipment and infrastructure" shall not apply to communications facilities, or portions of any communications facilities, intended for use by, and solely used by, a district member and its own officers and employees in the operation of municipal departments or systems of which such communications are merely an ancillary component.

IV. "Governing body" means "governing body" as defined in RSA 21:48.

V. "Legislative body" means "legislative body" as defined in RSA 21:47.

VI. "Long-term contract" means a contract for communications services, or an equipment or infrastructure lease for 5 years or more.

VII. "Member" means any city, town, unincorporated town, or unorganized place that elects to form or join a communications district under this chapter.

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VIII. “Municipality” means any city, town, unincorporated town, or unorganized place.

IX. “Person” means any individual, partnership, company, corporation, firm, governmental unit or agency, or any other legal entity.

53-G:2 Communications District Planning Committee; Formation and Responsibilities.

I. The governing bodies of 2 or more municipalities may at their discretion, and shall upon a vote of their respective legislative bodies, create a special unpaid committee to be known as a communications district planning committee, consisting of at least 2 persons from each municipality appointed by the respective governing bodies. The committee shall elect a chairperson, clerk, and treasurer. Members may be reimbursed by the committee for costs of performing duties directly related to the committee.

II. The committee may accept funds from any public or private source and may expend money for planning purposes which may include, but not be limited to, engaging legal counsel, accountants, engineers, contractors, consultants, and other advisors, paying for member expenses, or organizational and secretarial assistance. The committee shall report in a timely fashion to each governing body the sources and amounts of such funds. Each municipality represented on the committee may appropriate funds to the committee.

III. The committee shall study the advisability of establishing a communications district by examining the types of equipment and infrastructure that would be needed; the methods of organizing, operating, and financing such a district; and the potential benefits and disadvantages to member municipalities. The committee may consider specific sites inside or outside the proposed district for equipment location or which municipalities may have equipment or infrastructure, or both, located within them.

IV. If the committee determines that the formation of a district is desirable, it shall prepare a proposed district agreement in accordance with RSA 53-G:4 and hold a public information session in each municipality which is named in the district agreement as a site. Copies of the proposed agreement and of RSA 53-G shall be made available at and prior to any hearing. Notice of any hearing shall be published in one or more newspapers of general circulation in the proposed district or posted on the website of each member municipality and posted in one public place in each member municipality, and sent to the governing bodies of participating municipalities.

V. After the public hearing and information session, the committee may amend the contents of the proposed agreement and shall send it for review to the attorney general. The attorney general shall approve any proposed agreement unless it is in improper form or is incompatible with the requirements of this chapter and the laws of this state. The attorney general shall inform the governing bodies and the planning committee in writing of any specific respects in which the proposed agreement fails to meet the requirements of law. Approval by the attorney general shall be required for any district agreement to be legally valid. Failure by the attorney general to disapprove an agreement within 30 days of its submission shall constitute approval.

VI. The committee may revise the proposed district agreement as it deems necessary and shall resubmit it to the attorney general. A public hearing shall be held in at least one of the participating municipalities if the agreement is substantially revised. The committee may give final approval to a proposed agreement after approval by the attorney general.

VII. The committee shall report its findings and recommendations, along with any proposed district agreement, to the governing bodies of the participating municipalities.

53-G:3 Communications District Agreements. The business affairs and actions of a district shall be conducted and governed pursuant to the terms, conditions, and provisions of its district agreement. The agreement shall include but not be limited to the following:

I. A list of the municipalities included in the district.

II. Provisions for the sharing of planning, construction, operating, and maintenance of equipment, infrastructure, and services, if any.

Important Notice

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III. The method of selection and method of removal of representatives to the district governing board, whether by legislative or governing bodies; the number of representatives; the terms of office of the representatives; rules of procedure concerning the method of conducting the board's business; and, except as provided otherwise by law, the powers, duties, and authorities of the district governing board officers.

IV. A description of equipment, infrastructure, and sites, if applicable.

V. The terms by which other municipalities may be admitted to the district or a member municipality may withdraw from the district before or after debt has been incurred.

VI. The method by which the district agreement may be amended including conditions under which an amendment shall be approved by the governing or legislative bodies of member municipalities.

VII. The procedure for dissolution of the communications district before or after debt has been incurred.

VIII. Provisions for varied levels of participation by member municipalities in equipment and infrastructure, if applicable.

IX. The procedure for the preparation and adoption of the annual budget, including the apportionment of district expenses and a schedule of payments, if applicable, and other procedures relative to governing the district's fiscal affairs in accordance with RSA 53-G:9.

X. The procedure, if any, for establishing the district when not all of the legislative bodies vote to approve the district agreement, as provided in RSA 53-G:4, II.

XI. The funding sources that are acceptable to the district such as: federal, state, regional broadband and economic development grants or loans, general obligation bonds, revenue bonds, private investment or loans, subscriber fees, and member contributions.

53-G:4 Vote on Establishing District.

I. The governing bodies shall cause the question of accepting any proposed agreement to be presented for determination by vote of the respective legislative bodies. In municipalities that hold town meetings, the proposed agreement shall be voted on at the next annual town meeting or at a special town meeting called for such purpose. In all other municipalities, the legislative bodies shall vote on the proposed agreement within 60 days of the governing bodies' receipt of the proposed agreement, as approved by the attorney general under RSA 53-G:2, V. The question to be voted on shall be: "Shall the (insert name of municipality) accept the provisions of RSA 53-G:1-RSA 53-G:11 providing for the establishment of a communications district, together with the municipalities of _____ in accordance with the provisions of the proposed agreement filed with the (insert appropriate office for governing body)?"

Approval by a legislative body shall be by simple majority. If all of the legislative bodies vote in the affirmative, the proposed communications district shall thereby be established in accordance with the terms of the proposed agreement. Otherwise, the district shall not be established, except as specified in paragraph II.

II. The proposed agreement may contain a provision for the establishment of the district when more than one but not all of the legislative bodies vote in the affirmative. Such provision need not require any additional votes by the legislative bodies in order to establish the district, but it may not include in the district any municipality, the legislative body of which did not approve the proposed agreement.

53-G:5 Corporate Body; Powers. A communications district established under this chapter shall be a body politic and corporate and a political subdivision and public instrumentality of the state carrying out a public purpose and an essential governmental function with the following powers, which are subject to the provisions and limitations of the district agreement:

I. To adopt a name and a corporate seal. The engraved or printed facsimile of the seal appearing on a bond or note of the district shall have the same legal effect as if it were impressed thereon.

II. To receive federal or state grants and loans, revenue from subscribers, access fees from subscribers, access to broadband infrastructure bonds, revenue bonds, pledge revenues, and accept member contributions or private investment.

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III. To adopt a budget in accordance with 53-G:9.

IV. To establish and adjust fees.

V. To establish public/private partnerships and enter into broadband agreements with Internet service providers as necessary to build and operate the network.

VI. To provide or contract for communications infrastructure and services for its district members, including the residential and business locations located therein and provide for communications infrastructure and services for such other residential and business locations as its equipment, infrastructure, and obligations may allow, provided such other locations are in a municipality that is contiguous with the town limits of a district member.

VII. To cause to be operated, or contract for the construction, ownership, management, financing, and operation of a communications plant for the delivery of communications services.

VIII. To sue and be sued, but only to the same extent and upon the same conditions that a municipality may be sued.

IX. To hold, deal with, mortgage, pledge, encumber, purchase, acquire, lease, sell, convey, and otherwise dispose of real and personal property of all kinds in furtherance of the purposes of the district, subject to any and all operating agreements.

X. Each communications district shall have the power, by vote of the members, to borrow money and issue its notes or bonds in accordance with RSA 33, subject to the following:

(a) In the case of broadband infrastructure bonds, under RSA 33:3-g.

(b) In the case of revenue bonds, under RSA 33-B, when the board, at a regular or special meeting called for such purpose, determines by resolution passed by a vote of a majority of members present and voting that the public interest or necessity demands communications plant improvements, or a long-term contract, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue of the district, the board may pledge communications plant net revenues and enter into long-term contracts to provide for such improvements. In this chapter, a "long term contract" means an agreement in which the district incurs direct or conditional obligations for which the costs are too great to be paid out of the ordinary annual income and revenues of the district, in the judgment of the board. In this chapter, the term "communications plant improvements" includes improvements that may be used for the benefit of the public, whether or not publicly owned or operated. The pledge of communications plant net revenues and other obligations allowed by law may be authorized for any purpose permitted by this chapter, or any other applicable statutes.

XI. To receive and disburse funds for any district purpose.

XII. To incur temporary debt in anticipation of revenue to be received.

XIII. To engage legal counsel, accountants, engineers, contractors, consultants, agents, and other advisors.

XIV. To enter into contracts with any person consistent with the authority that a district has under this chapter.

XV. To utilize powers delegated to the district through the district agreement by member municipalities to enact bylaws and regulations concerning communications.

XVI. To insure against liability and other risks, and otherwise to obtain all insurance deemed by the governing board to be necessary or appropriate to the district and its operations.

XVII. To guarantee obligations and to give indemnities to third parties, when in the best interests of and for the benefit of the district.

XVIII. To make contracts, leases, or other agreements with any member municipality within which equipment or infrastructure, or both, is or is to be located. Such contracts, leases, or other agreements may

Important Notice

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provide for benefits, privileges, payments, or other considerations for such host member municipality which, with respect to that equipment or infrastructure, or both, are different from and not otherwise available to the other member municipalities. The governing body of each member municipality shall be given written notice of the general purposes of the long-term contract, a summary of the terms of the long-term contract, and a copy of the long-term contract within 7 days after the authorization.

53-G:6 Governing Board.

I. The powers, duties, and liabilities of a district shall be vested in and exercised by a governing board organized in accordance with the district agreement. The governing board shall authorize and govern all actions of a district, and the governing board's actions which are consistent with the district agreement and this chapter are binding on member municipalities without any additional action by the governing or legislative bodies of those municipalities. A majority of governing board members shall constitute a quorum. A simple majority of the voting authority present shall be sufficient to approve an action by the committee except as otherwise provided in the district agreement.

II. The board shall choose a chairperson by ballot from its membership. It shall appoint a secretary and a treasurer, who may be the same person, but who need not be members of the committee, and such other officers as may be provided for in the district agreement. The treasurer shall receive and take charge of all money belonging to the district and shall pay any debt of the district which has been approved by the committee. The treasurer may, by vote of the committee, be compensated for his or her services. Proceedings of the committee shall be held in accordance with RSA 91-A.

III. The committee shall send to the member municipalities, by January 31 of each year, a report on the general activities and affairs of the district, including a detailed financial report.

53-G:7 Admission of Additional District Members. The board may authorize the inclusion of additional district members in the multi-town communications district upon such terms and conditions as it in its sole discretion shall deem to be fair, reasonable, and in the best interests of the district. The legislative body of any nonmember municipality which desires to be admitted to the district shall make application for admission to the board. The board shall determine the financial and operational effects that are likely to occur if such municipality is admitted and thereafter either grant or deny authority for admission of the petitioning municipality. If the board grants such authority, it shall also specify any terms and conditions, including financial obligations, upon which such admission is predicated. Upon resolution of the board, such applicant municipality shall become a district member.

53-G:8 Member Withdrawal. A district member may vote to withdraw in the same manner as the vote for admission to the district. If a majority of the voters of a district member present and voting at a meeting duly warned for such purpose votes to withdraw from the district, the vote shall be certified by the clerk of that municipality and presented to the board. Thereafter, the board shall give notice to the remaining district members of the vote to withdraw and shall hold a meeting to determine if it is in the best interest of the district to continue to exist. Representatives of the district members shall be given an opportunity to be heard at such meeting together with any other interested persons. After such a meeting, the board may declare the district dissolved or it may declare that the district shall continue to exist despite the withdrawal of such member. The membership of the withdrawing municipality shall terminate after the vote to withdraw.

53-G:9 Adoption of Budget. Annually, the governing board shall determine the amounts necessary to be raised to maintain and operate the district during the next calendar year, and the amounts required for payment of debt and interest incurred by the district that will be due in the next year. The committee shall prepare a budget no later than December 31. The committee shall give at least 7 days' notice of the budget hearing by publication of the budget in a newspaper of general circulation within the district, and by posting a copy of the budget in a public place in each municipality in the district. After the hearing the committee shall adopt a budget.

53-G:10 Audits. The governing board shall hire a certified public accountant or a public accountant licensed by the state under RSA 309-B:5 to conduct a financial audit, in accordance with generally accepted governmental auditing standards as adopted by the United States General Accounting Office and applicable state

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statutes, to be completed within 6 months after the close of each fiscal year. Upon completion of an audit, the governing board shall review and vote on acceptance of the audit and send a copy of the audited financial statements, the auditor's opinion on those statements, a report on internal control, a report on compliance, and any other auditor reports to the governing body of each of the member municipalities and to the department of revenue administration. At least every 2 years, the governing board shall vote on whether to contract for a performance audit of the district in accordance with the generally accepted governmental auditing standards. Upon completion of a performance audit, the committee shall review and vote on acceptance of the audit and send a copy of the resulting materials to the governing body of each of the member municipalities and to the department of revenue administration.

53-G:11 Severability. If any portion 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 provisions or applications, and to this end the provisions of this chapter are severable.

hb111

8 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

2020-1479s

AMENDED ANALYSIS

This bill allows municipalities to determine locations within the municipality unserved by a broadband provider. This bill also provides for the establishment of communication districts.

Election Law and Municipal Affairs
June 11, 2020
2020-1480s
11/10

Amendment to HB 1129

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

AN ACT relative to notice requirements for certain municipal public hearings, providing for optional town meeting procedures during the state of emergency declared in response to the novel coronavirus disease (Covid-19), and directing certain CARES Act funding to specific state agencies.

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

2 Temporary Municipal Spending Authority; State of Emergency. Due to the state of emergency declared as a result of the novel coronavirus disease (Covid-19), the provisions of RSA 32:13, II shall also apply to towns and districts, as defined in RSA 32:3, with a July to June fiscal year, so that such towns or districts may make expenditures between July 1 and the date a budget is adopted which are reasonable in light of prior year's appropriations and expenditures during the same time period.

3 Temporary Optional Town Meeting Procedures; State of Emergency. Towns, village districts, and school districts that are unable to hold in-person annual meetings in 2020 or 2021 due to novel coronavirus disease (Covid-19) may conduct virtual meetings in accordance with this section. At the option of the governing body, the town or school district meeting may be convened and proceed to approve the posted 2020 or 2021 warrant in the following fashion:

I. The governing body shall host a live virtual meeting and information session, during which the proposed optional town or school district meeting procedures shall be outlined and warrant articles discussed. At least 7 days prior to this informational session, notice shall be mailed to all registered voters describing the procedures to be followed for conducting an annual meeting pursuant to this section. After the live, virtual meeting is adjourned, questions and comments from the public shall be solicited and received via electronic mail, voice mail, text message, or by other electronic means.

Important Notice

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II. Within 7 days of the information session, the governing body shall hold another live virtual meeting to consider and address comments received from the public. The governing body shall then discuss, debate, and be permitted to amend the posted warrant. The final warrant, as amended, shall then be made available electronically for printing by voters to be brought to the voting session, which shall be scheduled for a date and time to be determined by the governing body.

III. Voting on final warrant articles shall be by secret ballot cast by voters through drive-up procedures to ensure appropriate social distancing. In a town or district that uses the official ballot for the election of officers and has not yet held its town or district election, an official ballot will be printed for the election of officers and other items that are required to be placed on the official ballot. All other warrant articles will be printed on a separate ballot ("the alternative ballot").

IV. The first article on the alternative ballot shall ask whether voters approve these optional meeting procedures. If the optional procedures are not approved by a simple majority, all other warrant articles shall be deemed disapproved. However, the election of officers and action on other items on the initial ballot will be effective. If the optional voting procedures are approved, then all other votes on warrant articles shall be deemed the final action of the meeting, provided that if the operating budget warrant article is not approved, the governing body may vote to:

(a) Convene a meeting before September 1 to adopt an operating budget; or

(b) Elect to deem that the meeting has adopted the previous year's operating budget article, not including separate warrant articles.

V. In a town or district using the official ballot referendum (SB 2) form of annual meeting that has held its deliberative session but has not yet held its official ballot voting sessions, the governing body may choose to use the drive up procedures in paragraph III for the official ballot voting session, and paragraphs I and II shall not apply.

4 Online Access to Budget Information and Reports; CARES Act Funding. Beginning July 1, 2020, the commissioner of the department of administrative services, or the governor's office for economic relief and recovery, shall separately report on the state website the disbursement of all CARES Act funds, in a check register format, including the amount of the payment, the date of the payment, the person or entity to whom the payment was made, the title and number of the accounting unit and class code, the title and number of the expense account, and a brief description of said disbursement.

5 CARES Act Funding; Homelessness Support. The treasurer and the governor shall transfer $10,000,000 from CARES Act funds to the bureau of homeless and housing services, department of health and human services for the purpose of supporting existing housing and homelessness services, rapid rehousing, and supporting our homeless shelter system with both capacity as well as adaptations and staffing necessary during the state of emergency related to the novel coronavirus disease (Covid-19), including adaptations relating to physical spaces and operations to support on-site public health protocols and safe social distancing measures.

6 Covid-19 Housing Recovery Fund.

I. The treasurer and the governor shall transfer $50,000,000 from CARES Act to the New Hampshire housing finance authority for a Covid-19 housing recovery fund, with moneys to be disbursed as follows:

(a) Assistance to landlords and renters impacted by the novel coronavirus disease (Covid-19) by relieving unpaid rent due to Covid-19 in order maintain and stabilize the housing market and avoid evictions for nonpayment of rent;

(b) Assistance to homeowners impacted by Covid-19 by relieving unpaid mortgages due to Covid-19 in order to allow homeowners to stay in their homes and avoid foreclosure;

(c) A $5,000,000 allocation to the affordable housing fund established in RSA 204-C:57, with a priority for housing markets most impacted by Covid-19.

II. The New Hampshire housing finance authority shall develop any and all requests for proposals, applications, and conditions on receipt of assistance to implement this section.

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III. The New Hampshire housing finance authority shall provide a report, on or by October 1, 2020, to the governor and the joint legislative fiscal committee on the implementation and effectiveness of the Covid-19 housing recovery fund in achieving the purposes outlined herein.

7 Broadband Support. The treasurer and the governor shall transfer $40,000,000 from CARES Act moneys to the community development finance authority for the purpose of enhancing access to broadband for families and businesses in unserved areas of New Hampshire. The public utilities commission shall immediately issue a request for proposals for identified unserved areas and provide grants that meet the need in identified unserved areas. Such grants may be used to help leverage public-private provider partnerships for delivery of broadband services to properties unserved by broadband as defined in RSA 38:38 I(c). These funds shall support part of the public investment portion of partnerships that reach unserved properties through a municipal or town-wide project, or infill projects designed to serve specific unserved areas.

8 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2020-1480s

AMENDED ANALYSIS

This bill changes the notice requirements for certain municipal public hearings by allowing notice of the hearing to be posted on the municipal website. The bill also temporarily permits legislative bodies with a fiscal year ending in June to make certain expenditures prior to the adoption of an official budget, temporarily provides for a virtual annual meeting procedure, requires online reporting of CARES Act disbursements, and makes certain distributions of CARES Act moneys.

Senate Transportation
May 29, 2020
2020-1275s
04/10

Amendment to HB 1135

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

AN ACT naming a portion of route 49 in honor of Specialist Marc P. Decoteau; designating a portion of state route 125 as Officer Stephen Arkell Memorial Highway; declaring June 6 as D-Day Remembrance Day; proclaiming August 31 as Overdose Awareness Day; naming certain courtrooms in the tenth circuit district court and relative to circuit court, district and family division cases in Rockingham county; and relative to Holocaust and genocide studies legislation and establishing a commission to study genocide education.

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

1 Specialist Marc P. Decoteau Memorial Highway. Pursuant to RSA 4:43, the portions of New Hampshire route 49 in the towns of Campton, Thornton, and Waterville Valley shall be named the Specialist Marc P. Decoteau memorial highway. A suitable marker or markers may be placed along the highway.

2 The Officer Stephen Arkell Memorial Highway. Pursuant to RSA 4:43, the section of New Hampshire route 125 in the town of Brentwood shall be named the Officer Stephen Arkell Memorial Highway. A suitable marker or markers may be placed along the highway.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers authorized under sections 1 and 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers authorized shall be approved by the department of transportation.

Important Notice

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4 New Sections; D-Day Remembrance Day; Overdose Awareness Day. Amend RSA 4 by inserting after section 13-aa the following new sections:

4:13-bb New Hampshire D-Day Remembrance Day.

I. The governor shall proclaim June 6 of each year as New Hampshire D-Day Remembrance Day.

II. The proclamation issued by the governor shall call on the people of New Hampshire to observe the day with appropriate ceremonies and activities and shall urge all state agencies and academic institutions, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each June 6 in honor of the individuals who died as a result of their service in the invasion of Normandy in World War II.

4:13-cc Overdose Awareness Day. The governor shall annually issue a proclamation calling for the proper observance of August 31 as Overdose Awareness Day, a day to honor and remember those who have died or suffered a permanent injury as a result of an overdose, to raise awareness of the epidemic, and to reduce the stigma associated with addiction, overdoses, and overdose fatalities.

5 Findings. The general court finds that:

I. Since Hampton became a town in 1639, a system of appointed persons to hear disputes and maintain law and order has been in place. In 1919, the police court was replaced by the municipal court. In 1964, Hampton became a district court location serving Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook, the same communities that it serves today.

II. In 1972, Governor Walter Peterson appointed H. Alfred Casassa to serve as a part-time judge. Judge Casassa served through 1979 when the number of cases increased to 1,400 related to the protest demonstrations of the Seabrook nuclear power station and it was determined that the court needed to move to a full-time judge.

III. In 1980, Francis J. "Whitey" Frasier was appointed as the first full-time judge of the court. He served as a special judge under Judge Casassa. Judge Frasier served 28 years on the bench of the Hampton district court until his retirement in 2008.

IV. Because of the exemplary leadership of these individuals, and their demonstrated commitment to the community, the courtrooms in the new tenth circuit district court located at 2 Timber Swamp Road, Hampton shall be named in their honor.

6 Tenth Circuit Court, District Division; Courtrooms Named. Courtroom One of the new tenth circuit district court building is hereby named after Francis "Whitey" Frasier, the first full-time judge for the court, and Courtroom Two in the new tenth circuit district court building is hereby named after H. Alfred Casassa, the last part-time judge serving the court. Appropriate signage may be placed in the court house and at each courtroom.

7 Removal of Name for Misconduct. The chief justice of the supreme court may, upon his or her own initiative or upon written complaint of any person which charges that a person whose name appears on a courtroom pursuant to section 6 of this act committed misconduct and which specifies the grounds therefor, remove the name of such person from the courtroom. Misconduct sufficient to support removal of a name under this section shall include:

I. The practice of fraud or deceit;

II. Conviction of a felony or any offense involving moral turpitude;

III. Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the judicial profession; or

IV. Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the judicial profession.

8 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement of signage, or other markers authorized under section 6 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers authorized under section 6 of this act shall be approved by the judicial branch.

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9 Judicial Districts; Rockingham County. RSA 502-A:1, I-VI is repealed and reenacted to read as follows:

I. PORTSMOUTH DISTRICT. The Portsmouth district shall consist of the city of Portsmouth and the towns of Newington, Greenland, Rye, and New Castle. The district court for the district shall be located in Portsmouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Portsmouth District Court.

II. HAMPTON DISTRICT. The Hampton district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook. The district division for the district shall be located in Hampton, holding sessions regularly therein and elsewhere in the district as justice may require.

III. BRENTWOOD DISTRICT. The Brentwood district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, Brentwood, Danville, Kingston, and Newton. The district division for the district shall be located in Brentwood, holding sessions regularly therein and elsewhere in the district as justice may require.

IV. DERRY DISTRICT. The Derry district shall consist of the towns of Derry, Londonderry, Chester, and Sandown. The district court for the district shall be located in Derry, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Derry District Court.

V. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

VI. SALEM DISTRICT. The Salem district shall consist of the towns of Salem, Windham, Atkinson, Hampstead, and Plaistow in Rockingham county and the town of Pelham in Hillsborough county. The district court for the district shall be located in Salem, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Salem District Court.

10 Judicial Branch Family Division; Sites. Amend RSA 490-D:4, IV(d) to read as follows:

(d) Matters arising in municipalities located within the [~~Exeter~~] ***Brentwood*** district [~~and the Plaistow district~~] shall be heard in the court facility in Brentwood.

11 Findings and Purpose. The general court finds that intolerance, bigotry, antisemitism, and national, ethnic, racial, and religious hatred and discrimination are incompatible with the fundamental principles of democracy, and that such ideologies and practices, when unchallenged, can lead to genocide. Recognizing that democratic institutions and values are not automatically sustained, but need active civic responsibility and engagement, the general court finds that it is necessary, as part of an adequate education, to ensure that students are taught the historical facts about the Holocaust and other genocides and how intolerance, bigotry, antisemitism, and national, ethnic, racial, and religious hatred and discrimination have evolved in the past, and can evolve, into genocide and mass violence. The general court further finds that through education about the Holocaust and other forms of genocide, their causes, the consequences of intolerance, bigotry, antisemitism, and hate, and the lessons to be drawn for the present, students will understand the fragility of democracy, the importance of democratic principles, and the power of individual choices in preventing genocide.

12 Criteria for an Adequate Education. Amend RSA 193-E:2, IV to read as follows:

IV. Knowledge of civics and government, economics, geography, [~~and~~] history***, and Holocaust and genocide education*** to enable them to participate in the democratic process and to make informed choices as responsible citizens.

13 New Paragraphs; Adequate Public Education; Definitions. Amend RSA 193-E:3-a by inserting after paragraph II the following new paragraphs:

II-a. "Genocide" means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group: killing members of the group; causing serious bodily or mental

Important Notice

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harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

II-b. "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jews by the Nazi regime and its collaborators.

II-c. "Holocaust and genocide education" means studies on the Holocaust, genocide***,*** and other acts of mass violence.

14 New Subparagraph; Instruction in National and State History and Government; Genocide Education. Amend RSA 189:11, I by inserting after subparagraph (i) the following new subparagraph:

(j) How intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious hatred and discrimination have evolved in the past, and can evolve, into genocide and mass violence, such as the Holocaust, and how to prevent the evolution of such practices.

15 New Hampshire Genocide Awareness Month. Amend RSA 4:13-t to read as follows:

4:13-t New Hampshire Genocide Awareness Month. The governor shall annually proclaim the month of April as New Hampshire Genocide Awareness Month and shall urge cities and towns throughout the state to observe this month in an appropriate manner commemorating the victims of genocides and educating the public about the [~~evils of genocide and commemorating victims of genocide~~] ***importance of preventing intolerance, bigotry, antisemitism, and national, ethnic, racial, and religious hatred and genocide against any group of people***.

16 State Board of Education; Rulemaking. Following the receipt of the preliminary report of the commission on Holocaust and genocide education, established in RSA 193-E:2-f, the state board of education shall initiate rulemaking, pursuant to RSA 541-A, relative to the recommendations of the commission.

17 New Section; Commission on Holocaust and Genocide Education. Amend RSA 193-E by inserting after section 2-e the following new section:

193-E:2-f Commission on Holocaust and Genocide Education.

I. There is established a commission to study best practices for teaching students how intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious hatred and discrimination have evolved in the past, and can evolve into mass violence and genocide, such as the Holocaust.

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, appointed by the speaker of the house of representatives.

(c) The commissioner of education, or designee.

(d) One high school teacher, appointed by the governor.

(e) One middle school teacher, appointed by the governor.

(f) One school administrator, appointed by the New Hampshire School Administrators Association.

(g) One school curriculum coordinator, appointed by NEA-NH.

(h) The Roman Catholic bishop of Manchester, or designee.

(i) A representative of the New Hampshire Council of Churches, appointed by the council.

(j) A representative of the Keene state college Cohen Center for Holocaust and Genocide Studies, appointed by the college president.

(k) Two members appointed by the Jewish Federation of New Hampshire, one of whom shall be a religious leader.

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(l) Two survivors or direct descendants of a survivor of either the Holocaust or another genocide, one appointed by the president of the senate and one appointed by the speaker of the house of representatives.

(m) A representative appointed by the Anti-Defamation League, New England region.

III. The commission shall:

(a) Recommend model school district policies for Holocaust and genocide education.

(b) Recommend to the state board of education rules for fulfilling the Holocaust and genocide education requirement.

(c) Identify best practices for teaching Holocaust and genocide education and the appropriate number of hours of instruction at multiple grade levels.

(d) Identify existing teaching materials and curriculum as well as strategies and content for providing and enhancing genocide education to students.

(e) Identify in-service education opportunities for educators.

(f) Promote, within the schools and the general population of the state, implementation of Holocaust and genocide education.

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

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

VI. 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 chairpersons of the senate and house committees with jurisdiction over education, the senate clerk, the house clerk, the state board of education, the governor, and the state library. A preliminary report shall be submitted on or before January 1, 2021. An annual report shall be submitted on or before November 1, 2021 and each year thereafter. The commission shall monitor the implementation by grade, curriculum, and hours of instruction. A final report shall be submitted on or before November 1, 2024.

18 Repeal. RSA 193-E:2-f, relative to the commission on genocide education, is repealed.

19 Effective Date.

I. Sections 1-16 of this act shall take effect 60 days after its passage.

II. Section 18 of this act shall take effect November 1, 2024.

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

2020-1275s

AMENDED ANALYSIS

This bill:

I. Names a portion of route 49 in Campton, Thornton, and Waterville Valley in honor of Specialist Marc P. Decoteau.

II. Names the section of state route 125 in Brentwood the Officer Stephen Arkell Memorial Highway.

III. Requires the governor to annually proclaim June 6 as D-Day Remembrance Day and August 31 as Overdose Awareness Day.

IV.(a) Provides for naming of the 2 courtrooms in the tenth circuit district court house in Hampton after Justice H. Alfred Casassa and Justice Francis J. “Whitey” Frasier; and

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(b) Provides that the name of a person may be removed from the courtroom for certain acts of misconduct; and

(c) Reassigns circuit court district and family division cases from certain towns in Rockingham county.

V. Requires Holocaust and genocide prevention education to be included in the criteria for an adequate education and establishes a commission on Holocaust and genocide education.

Senate Judiciary
June 9, 2020
2020-1417s
05/04

Amendment to HB 1162

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

AN ACT relative to adoption and parentage; the office of the child advocate; reimbursement of court ordered services for juveniles; the legal representation of children in the juvenile justice system; the best interest of the child under RSA 169-C and the duties of the oversight commission on children's services; insurance coverage for children's early intervention services; expanding the family-centered early supports and services (FCESS) program to children under the age of 3 who are born substance-exposed; the child abuse and neglect central registry; establishing a kinship navigator program; missing children; dispositional hearings under RSA 169-B; and the rebuttable presumption of harm under the child protection act.

Amend the bill by replacing all after section 8 with the following:

9 New Chapter; Office of the Child Advocate. Amend RSA by inserting after chapter 21-U the following new chapter:

CHAPTER 21-V
OFFICE OF THE CHILD ADVOCATE

21-V:1 Definitions. In this chapter, and unless the specific context indicates otherwise:

I. "Agency" means any department, institution, bureau, or office of the state, as well as other public and private children and youth service organizations providing services under contract or agreement with an executive agency; provided that "agency" shall not include the judicial council or any entity for which the council provides services.

II. "Child advocate" means the administrative head of the office of the child advocate.

III. "Critical incident" means:

(a) A fatality of a child, including, but not limited to, circumstances of accident, child abuse, child neglect, homicide or other violence, natural cause, overdose, suicide, or terminal illness.

(b) A near fatality or serious bodily or emotional injury of a child.

(c) Abduction of a child.

(d) Human trafficking of a child, including, but not limited to, labor trafficking, sex trafficking, or child sexual abuse images.

(e) The death of a parent or guardian of a child.

(f) An accident involving division staff with a child, parent, or provider.

(g) Suicide or attempted suicide by a child.

(h) Rape or other sexual assault of a child.

(i) Serious physical injury or risk thereof to a child.

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(j) Serious psychological injury or risk thereof of a child.

(k) An inquiry made by the governor's office, the department of health and human service's commissioner's office, or the division child advocate's office regarding a child.

(l) Circumstances which result in a reasonable belief that the division failed in its duty to protect a child and, as a result, the child was at imminent risk of, or suffered serious bodily or emotional injury or death.

(m) A media report of a child.

(n) Any restraint or seclusion of a child.

(o) Any other incident that may seriously affect the health and well-being of a child.

IV. "Child" or "youth" means a person under the age of 21 who is in the custody of or receiving services from the division, or who was in the custody of or received services from the division within the past 3 years, or whose siblings, parents, or other caretakers have been the subject of a report to the division within the past 3 years, or who is receiving services from any executive agency.

V. "Division" means the department of health and human services, division for children, youth and families.

VI. "Executive agency" means a state agency within the executive branch that provides services to children.

VII. "Office" means the office of the child advocate.

VIII. "Oversight" means review, monitoring, and evaluation of any executive agency, and all contracted programs, providers, services, and activities of those executive agencies as well as executive agencies' policies, procedures, and practices and implementation and amendment of such policies, procedures, and practices related to the care of, or services to, children.

IX. "Oversight commission" means the oversight commission on children's services established under RSA 21-V:10.

X. "Record" means all records, documents, books, papers, files, photographs, microfilms, sound recordings, magnetic storage media, drafts, computer data, court documents, reports, electronic databases, emails and any other form of communication, and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed, or controlled by or on behalf of executive agencies.

21-V:2 Office of the Child Advocate Established. There shall be an office of the child advocate which shall be an independent agency, attached to the department of administrative services pursuant to RSA 21-G:10 for administrative purposes only. The office shall:

I. Notwithstanding any other provision of law, operate with full independence from any state official, department, or agency in the performance of its duties.

II. Provide independent oversight of executive agencies to:

(a) Ensure that children involved with an agency, and in particular, children served by the child welfare or juvenile justice systems, receive timely, safe, and effective services and that their best interests are being protected.

(b) Strengthen the state by working in collaboration with agencies and other necessary parties on cases under review.

(c) Ensure that children placed in the care of the state or receiving services under the supervision of an agency in any public or private facility, receive humane and dignified treatment at all times, with full respect for the child's personal dignity, right to privacy, and right to adequate and appropriate healthcare and education in accordance with state and federal law.

(d) Examine, on a system-wide basis, the care and services that agencies provide children, and provide recommendations to improve the quality of those services in order to provide each child the opportunity to live a full and productive life.

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(e) Advise the public, governor, commissioners, speaker of the house of representatives, senate president, and oversight commission about how the state may improve its services to and for children and their families.

(f) Periodically review and investigate any aspect of an agency's policies, procedures, and practices and work collaboratively with the agency to improve policies, procedures, practices, and programs affecting children.

III. Upon its own initiative or upon receipt of a complaint, review and if deemed necessary:

(a) Investigate the actions of any agency and make appropriate referrals; provided that department of health and human services specific complaints shall be handled by the ombudsman pursuant to RSA 126-A:4, III.

(b) Investigate those complaints in which the child advocate determines that a child or family may be in need of assistance from the office or a systemic issue in the state's provision of services is raised by the complaint.

(c) Provide assistance to a child or family whom the child advocate determines is in need of assistance, including seeking resolution of complaints, which may include, but not be limited to, referring a complaint to the appropriate agency or entity, making a recommendation to such agency or entity for action related to the complaint, and sharing information in any proceeding before any court or agency in the state in which matters related to the division's child protection and juvenile justice services are at issue.

IV. Regularly consult with executive agencies and the oversight commission.

V. Provide information and referral services to the public regarding all child-serving state services, particularly child protection and juvenile justice services.

VI. Perform educational outreach and advocacy initiatives in furtherance of the mission and responsibilities of the office.

VII. Periodically review the facilities and procedures of any and all institutions or residences, public or private, where a child has been placed by an agency.

VIII. Apply for and accept grants, gifts, bequests of funds from other states, federal and interstate agencies, independent authorities and private firms, individuals, and foundations, for the purpose of carrying out the responsibilities, and consistent with the mission, of the office.

21-V:3 Child Advocate; Appointment; Term; Vacancy; Removal.

I. The office of the child advocate shall be under the supervision of the child advocate. The child advocate shall be the administrative head of the office and shall be a full-time, unclassified position, responsible for the duties of the office.

II. The child advocate shall be appointed by the governor and executive council, upon the recommendation of the oversight commission.

III. The child advocate shall serve a term of 4 years and until a successor is appointed and qualified. Any vacancy in the position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

IV. Upon any vacancy in the position of the child advocate, and until such time as a candidate has been appointed by the governor and council, the associate child advocate shall serve as the acting child advocate and be entitled to the compensation, privileges, and powers of the child advocate.

V. Any person appointed to the position of child advocate shall be selected without regard to political affiliation and on the basis of integrity and demonstrated ability, and shall possess a professional graduate degree in law, social work, public health, or a related field and be qualified by reason of education, experience, and expertise to perform the duties of the office.

VI. The child advocate may be removed from office for cause pursuant to RSA 4:1.

VII. The child advocate shall appoint an associate child advocate, and may, subject to appropriation, appoint such other personnel as the child advocate deems necessary for the efficient management of the office. The duties of these personnel shall be performed under and by the advice and direction of the child advocate.

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21-V:4 Access to Information and Facilities.

I. The office shall have access to the following information:

(a) All case records, all third party records, including the healthcare and education records of any child receiving services from an executive agency, and all records submitted to the courts.

(b) Executive agencies' policies and procedures, including draft policies and procedures.

(c) Executive agencies' records or reports, including draft records and reports.

(d) Autopsy reports from the chief medical examiner, which shall be provided in a timely manner upon the request of the child advocate.

II. The office shall be entitled to prompt electronic access to division records within the scope of its mission.

III. The office, in performance of its duties under this chapter, may communicate privately with any child or person who has received, is receiving, or should have received services from the state. Such communications shall be confidential and not be subject to disclosure except as provided in RSA 21-V:5.

21-V:5 Confidentiality of Information.

I. The office shall maintain the confidentiality of all case records, third party records, and court records pursuant to RSA 169-C:25 and RSA 170-G:8-a, and all other related confidentiality laws.

II. The office investigations and oversight activities, and the information gathered in such investigations and oversight activities, including the identity of any complainant, shall be exempt from the public disclosure provisions of RSA 91-A. Such investigations, oversight activities, and information shall be privileged and exempt from use or disclosure in any criminal or civil matter or administrative proceeding.

III. The child advocate of the office may disclose confidential information about a child to any individual or entity responsible for, or providing services to, the child. Any disclosures of confidential information shall be the minimum necessary to ensure proper care and treatment for the child or to identify, prevent, or treat the abuse or neglect of a child.

IV. The child advocate shall have the same authority as the commissioner of the department of health and human services to publicly release information pursuant to RSA 126-A:5, XII in furtherance of the mission and responsibilities of the office.

V. Notwithstanding any provision of law to the contrary, if the child advocate determines that the health, safety, and welfare of children are at risk, the child advocate may publicly disclose the details of investigation findings, subject to the following limitations:

(a) Names, addresses, or other identifying information of individuals who are the subject of any confidential proceeding or statutory confidential provision shall not be released to the public.

(b) Investigation findings shall not be released if there is a pending law enforcement investigation or prosecution, except as provided in paragraph III.

21-V:6 Power of Subpoena. The office shall have the authority to subpoena witnesses, records, documents, reports, reviews, recommendations, correspondence, data, and other evidence that the office reasonably believes is relevant.

21-V:7 Incidents and Fatalities.

I. The division shall provide the office with a copy of all critical incident reports or other reports related to actual physical injury to children or a significant risk of such harm, as well as other incidents which may affect the safety and well-being of children in the custody or control of the department of health and human services, including but not limited to reports related to the restraint and seclusion of any child under the care and protection of the division, not later than 48 hours after the occurrence.

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II. The division shall provide the office with notice of any child fatality or serious injury of a child under its care or supervision or whose safety and the safety of the child's siblings has been or is being assessed, immediately by telephone. The division shall further provide the office with written report of such fatality or serious injury not later than 48 hours after the occurrence.

21-V:8 Annual Report. Beginning November 1, 2020, and each November 1 thereafter, the child advocate shall submit an annual report of the activities and findings of the office, and present his or her recommendations to the oversight commission. The report shall also be provided to the commissioner of any executive agency that is the subject of a report prepared by the office, the governor, the speaker of the house of representatives, the senate president, and the state library. The child advocate shall make the annual report available to the public on the office of the child advocate's website.

21-V:9 Confidentiality and Admissibility. No person employed or contracted by or volunteering for the office shall be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving exercise of his or her official duties except as may be necessary to enforce this chapter. All related memoranda, work product, notes, or case files of the office are confidential and are not subject to discovery, subpoena, or other means of legal compulsion, and are not admissible in evidence in a judicial or administrative proceeding. This limitation shall not apply to information obtained by any employee, contractor, or volunteer of the office regarding a crime or fraud, or a communication of imminent risk of serious harm, nor shall it apply to communications regarding the general operation of the office and the processes employed.

21-V:10 Oversight Commission on Children's Services Established.

I. There shall be an oversight commission on children's services, which shall consist of the following members:

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

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

(c) Four members representing the executive branch, appointed by the governor.

(d) Two members representing the judicial branch, appointed by the chief justice of the supreme court.

(e) Two representatives of the New Hampshire Association of Chiefs of Police, one of whom serves as chief of police for a city and one of whom serves as chief of police for a town.

(f) Two members of child advocacy organizations, appointed by the senate president.

(g) Two members of child advocacy organizations, appointed by the speaker of the house of representatives.

(h) An individual who was formerly a recipient of child protection, juvenile justice, or voluntary services through the division, appointed by the governor.

(i) An individual who has served or is serving as a foster parent, appointed by the governor.

II. Legislative members of the commission shall serve a term coterminous with their term in office. Members appointed under subparagraphs (c)-(i) shall serve 3-year terms. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The oversight commission shall:

(a) Recommend at least 3 qualified candidates to the governor, in rank order, for appointment to the position of child advocate; except that in the case of reappointment, a single recommendation shall be sufficient.

(b) Provide oversight to the office in its effort to support an effective, comprehensive, and coordinated system of services and programs for children, youth, and families.

(c) Review with the office the efficacy of selected programs and services of executive agencies, including the characteristics of target populations, trends affecting program costs and participation, and alternative approaches to programmatic and administrative concerns.

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(d) Collaborate with the office to identify and implement best practices on behalf of children and families.

(e) Monitor and review implementation of the memorandum of understanding entered into by the department of health and human services and the department of justice regarding the collaboration between the agencies in the investigation and prosecution of abuse and neglect cases.

IV. The oversight 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. Nine members of the commission shall constitute a quorum.

10 Applicability; Oversight Commission on Children's Services. To the extent practicable, members of the oversight commission on children's services established in RSA 170-G:19 on the effective date of section 9 of this act shall serve the remainder of their terms on the oversight commission established in RSA 21-V:10.

11 Repeal. RSA 170-G:18 and RSA 170-G:19, relative to the office of the child advocate, are repealed.

12 Delinquent Children; Petition. Amend RSA 169-B:6, I to read as follows:

I. Any person may file a petition, alleging the delinquency of a minor, with a judge or clerk of the court in the judicial district in which the minor is found or resides or where the offense is alleged to have occurred. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice [~~of liability for parents and other individuals chargeable by law for the child's support and necessities~~] ***of financial responsibility for services, programs, and placement provided under this chapter***.

13 Delinquent Children; Issuance of Summons and Notice. Amend RSA 169-B:7, III to read as follows:

III. The summons shall contain a notice of the right to representation by counsel and the available procedures for obtaining counsel. The summons shall also state as follows: [~~"Pursuant to RSA 169-B:40, parents and other individuals chargeable by law for the minor's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements.~~] "***With limited exception, the department of health and human services shall be responsible for the cost of services provided under this chapter.*** RSA 186-C regarding children with disabilities grants minors and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

14 Delinquent Children; Release Prior to Arraignment. Amend RSA 169-B:11, II to read as follows:

II. If such a person is not available, the court may release the minor under the supervision of a relative or friend; or may release the minor to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a crisis home, a shelter care facility, a group home [~~with expenses charged according to RSA 169-B:40~~], or an alcohol crisis center certified to accept juveniles; or

15 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. Amend RSA 169-B:14, I(c) to read as follows:

(c) Released to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility [~~with expenses charged according to RSA 169-B:40~~]; or

16 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(f) to read as follows:

(f) Release the minor to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility[~~, with expenses charged according to RSA 169-B:40~~].

Important Notice

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17 Delinquent Children; Determination of Competence. Amend RSA 169-B:20, V to read as follows:

V. A competency evaluation may be conducted by an entity approved by the commissioner of health and human services, which may include an agency other than the Philbrook center, a psychiatrist, or psychologist licensed in the state of New Hampshire. The commissioner shall adopt standards establishing the process for approval as an examiner as well as the qualifications required for approval, which shall be based on generally accepted standards for forensic psychiatrists and psychologists. [~~The expense of such evaluation shall be borne by the department of health and human services as provided in RSA 169-B:40, I(a) and shall not be subject to reimbursement under RSA 169-B:40, I(c).~~]

18 Delinquent Children; Mental Health and Substance Abuse Evaluation. Amend RSA 169-B:21 to read as follows:

169-B:21 Mental Health and Substance Abuse Evaluation.

I. Any court, finding that a minor has committed the alleged offense may, before making a final disposition, order the minor, minor's parents, guardian, or person with custody or control to submit to a mental health or substance abuse evaluation to be completed within 60 days. Any substance abuse evaluation of the parent guardian, or person having custody of the child shall be conducted by a provider contracted with the bureau of substance abuse services, or a provider paid by the parent, guardian, or person having custody of the child. The cost of such evaluation shall be paid by private insurance, if available, or otherwise by the [~~person undergoing the evaluation, to whom the evaluation shall be provided free or at reduced cost if the person is of limited means~~] ***department***. A written report of the evaluation shall be given to the court before the dispositional hearing. If the parents, guardian, minor, or person having custody or control objects to the mental health or substance abuse evaluation, they shall object in writing to the court having jurisdiction within 5 days after notification of the time and place of the evaluation. The court shall hold a hearing to consider the objection prior to ordering such evaluation. Upon good cause shown, the court may excuse the parents, guardian, minor, or person having custody or control from the

provisions of this section.

II. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluating facility, agency, or individual shall keep records, but no reports or records of information contained therein shall be made available other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. [~~The expense of such evaluation shall be borne as provided in RSA 169-B:40.~~]

III. In the case of a minor found guilty of possession of marijuana or hashish, the court, finding that a minor has committed the alleged offense, shall refer the minor for a substance abuse assessment to be completed prior to the dispositional hearing. The court may waive the requirement of an assessment if it has access to a similar assessment completed in the previous year or, based on substantial evidence, the court does not find there is a need for an assessment. The assessment shall be completed by a licensed drug and alcohol counselor. [~~In the event the parent, guardian, or person having custody of the child is of limited means, the evaluation shall be provided for free or at reduced cost.~~] The results of the assessment shall be submitted to the court and, if indicated, the court shall order that the minor obtain appropriate treatment. The minor shall furnish the court with evidence of participation and completion of the substance abuse assessment.

19 Delinquent Children; Liability for Expenses. RSA 169-B:40 is repealed and reenacted to read as follows:

169-B:40 Liability for Expenses Incurred.

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter, 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 expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the minor at the Philbrook center, or to expenses incurred for the cost of accompanied transportation.

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(c) Notwithstanding subparagraph (a), the department shall have the right to require parents or other people responsible for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for a mental health evaluation under RSA 169-B:21.

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

II. Notwithstanding any provision of law to the contrary, the department of health and human services shall not be responsible for the payment of the cost of assigned counsel for any party under this chapter.

III. The office of reimbursements acting on behalf of Laconia developmental services and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

20 Child Protection Act; Issuance of Summons and Notice. Amend RSA 169-C:8, III to read as follows:

III. The summons shall contain a notice that the child shall have a guardian ad litem, appointed by the court. The summons shall also state as follows: [~~"Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements.~~] ***"With limited exception, the department of health and human services shall be responsible for the cost of services provided under this chapter.*** RSA 186-C regarding children with disabilities grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

21 Child Protection Act; Liability for Expenses. RSA 169-C:27 is repealed and reenacted to read as follows:

169-C:27 Liability for Expenses.

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter, 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;

(2) Expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital; or

(3) Expenses incurred for the cost of accompanied transportation.

(c) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

II. Voluntary services provided to a child, family, or household in a case that was unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX, shall be the responsibility of the department. Payment for such services shall be made from available TANF reserve funds or other funds appropriated for such purpose.

III. Notwithstanding any provision of law to the contrary, the department shall not be responsible for the payment of the cost of assigned counsel for any party under this chapter.

IV. The office of reimbursements acting on behalf of Laconia developmental services and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

22 Children in Need of Services; Petition. Amend RSA 169-D:5, I-a to read as follows:

I-a. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include [~~a notice of liability for parents and other individuals chargeable by law for the child's support and necessities, which shall state: "In accordance with RSA 169-D:29, parents and others chargeable by law for the child's support and necessities are required to~~

Important Notice

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~~reimburse the state for the cost of voluntary or court ordered services. The amount that you will be required to reimburse the state will be based on your ability to pay. You have a right, upon written request, to receive a statement from the department of the cost of services incurred in the case to date. Upon our receipt of notice of a proposed service or placement, you must contact your insurance carrier within 48 hours to see if coverage is available to pay for the proposed service or placement and notify the department of the results. If insurance coverage is available, you must cooperate with your insurance carrier and comply with their requirements for direct payment to the provider."~~] ***the following notice: "If you have private insurance coverage, you may be required to cooperate with your insurance carrier and assign benefits to the department of health and human services for covered services provided to your child or family in this proceeding."***

23 Children in Need of Services; Brochure. RSA 169-D:5, VIII is repealed and reenacted to read as follows:

VIII. The department shall develop a brochure that describes the department's responsibility for the cost of services provided under this chapter. The brochure shall include a statement that the department may require a parent or guardian to assign insurance benefits to the department for services provided under this chapter. The brochure shall also clarify that the legally liable school district is responsible for any special education costs. The brochure shall be available to the public and shall be distributed at the earliest available opportunity to parents and others responsible for the minor's support who are requesting or receiving voluntary or court ordered services. The department also shall provide its case workers with information and training on the requirements of this chapter.

24 Children in Need of Services; Summons. Amend RSA 169-D:6, III to read as follows:

III. The summons shall state as follows: [~~"Pursuant to RSA 169-D:29, parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements.~~] ***"With limited exception, the department of health and human services shall be responsible for the cost of services provided under this chapter.*** RSA 186-C regarding children with disabilities grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

25 Children in Need of Services; Dispositional Hearing. Amend RSA 169-D:17, I(b)(2)(A) to read as follows:

(2)(A) Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d), releasing the child to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility [~~with expenses charged in accordance with RSA 169-D:29~~].

26 Children in Need of Services; Dispositional Hearing. Amend RSA 169-D:17, I(e) to read as follows:

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the [~~child, parent, guardian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding. Payment shall be made pursuant to RSA 169-D:29 only~~] ***department. Services shall be*** for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

27 Children in Need of Services; Determination of Competence. Amend RSA 169-D:18-a, III to read as follows:

III. Whenever such an evaluation has been made previously for consideration at a prior proceeding, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluator shall keep records of having conducted the evaluation, but no reports or records shall be made available, other than to the court and parties, except upon the written consent of the child or his legal representative, parent or guardian or pursuant to RSA 169-B:35. [~~The expense of such evaluation is to be borne as provided in RSA 169-B:40.~~]

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28 Children in Need of Services; Liability for Expenses. RSA 169-D:29 is repealed and reenacted to read as follows:

169-D:29 Liability for Expenses.

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter, 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 expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center or to expenses incurred for the cost of accompanied transportation.

(c) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

II. Services, programs, and placements payable by the department under this section shall include diversion services and services provided through a voluntary service plan.

III. Notwithstanding paragraphs I and II, the parents or other persons responsible by law for the minor's support and necessities shall promptly notify the department of any insurance benefits that may be available to pay for all or a portion of the services provided. If insurance coverage is available, the parents or other persons responsible by law for the minor's support and necessities shall cooperate with the insurance carrier and assign such insurance benefits to the department for services delivered by the department.

IV. The office of reimbursements acting on behalf of Laconia developmental services and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

29 Repeal. RSA 169-B:2-a, I(d), relative to the payment of fines or restitution by the parent, is repealed.

30 Statement of Findings. The general court hereby finds that:

I. The state's removal of a child from the home is one of the most significant actions it ever undertakes. Such interventions are associated with the risk of a number of negative consequences for the child and the public, including:

(a) The weakening of protective connections with parents, other family, school, and community.

(b) Exiting school before high school graduation.

(c) Homelessness.

(d) Future delinquency and adult criminal involvement.

II. Due process and other constitutional principles, as well as the statutory requirements of the Americans with Disabilities Act and RSA 169-B and 169-D, require that the removal of a child from the home last for no longer than is necessary to accomplish the rehabilitative and public protection purposes of the juvenile justice system.

III. Therefore, courts should carefully and frequently monitor whether there is a continued justification for the separation of children from their families and communities. The courts' ability to effectively conduct this monitoring is enhanced by the continuing participation of counsel for children, who can bring relevant information to the court's attention and advocate for children's release to their homes and communities.

IV. It is also necessary for the protection of the welfare of children who have been placed outside their homes that any problems with the conditions of their placement or the appropriateness of their treatment be promptly brought to the attention of the courts and other authorities. Continuing legal representation during periods of placement facilitate this important monitoring function.

31 New Paragraph; Delinquent Children; Appointment of Counsel. Amend RSA 169-B:12 by inserting after paragraph V the following new paragraph:

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VI. Whenever a juvenile is detained, committed, or otherwise placed outside his or her home, the court shall appoint counsel if such appointment has not previously been made in the proceedings. Such appointment shall be made at a time sufficiently in advance of the decision to place the juvenile outside the home to allow counsel to provide effective representation on the issue of placement, and such appointment shall continue until the court no longer has jurisdiction over the juvenile pursuant to this chapter. The court shall not accept a waiver of counsel when appointment is required by this paragraph.

32 New Section; Delinquent Children; Continuous Legal Representation of Vulnerable Children. Amend RSA 169-B by inserting after section 12 the following new section:

169-B:12-a Continuous Legal Representation of Vulnerable Children.

I. While a case under this chapter is pending, the department of health and human services shall notify the court whenever it becomes aware that the respondent child:

(a) Is subjected to restraint or seclusion, as defined in RSA 126-U:1, IV and V-a;

(b) Is known or suspected to be the victim of abuse, neglect, or any crime involving actual or threatened physical or psychological injury, or the risk thereof; or

(c) Is no longer in the legal custody of his or her parents.

II. Whenever the court receives a notice pursuant to paragraph I regarding a child who has been placed outside the home, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. When placing a child outside the home, the court shall determine whether it has received a notice pursuant to paragraph I and, in those cases in which it has received such notice, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. The court shall take the same action if it receives information from any credible source that any of the circumstances in paragraph I is present.

33 Children In Need of Services; Appointment and Waiver of Counsel. Amend RSA 169-D:12, II to read as follows:

II. The court may accept a waiver of counsel from a child alleged to be in need of services only when:

(a) The parent, guardian, or custodian did not file the petition;

(b) Both the child and parent, guardian, or custodian agree to waive counsel; [~~and~~]

(c) In the court's opinion, the waiver is made competently, voluntarily, and with full understanding of the consequences***; and***

(d) The petition does not allege that the child is in need of services pursuant to RSA 169-D:2, II(d).

III. Whenever the petition alleges that a child is in need of services pursuant to RSA 169-D:2, II(d) and the court places the child outside his or her home, the court shall ensure that the child is continuously represented by counsel until the case is closed pursuant to RSA 169-D:3, III. Appointment of counsel pursuant to this paragraph shall be made at a time sufficiently in advance of the decision to place the child outside the home to allow counsel to provide effective representation on the issue of placement.

34 Children In Need of Services; Appointment Waiver of Counsel. Amend RSA 169-D:12, III to read as follows:

III. Whenever [~~the petition alleges that a child is in need of services pursuant to RSA 169-D:2, II(d) and~~] the court places the child outside his or her home, the court shall ensure that the child is continuously represented by counsel until the case is closed pursuant to RSA 169-D:3, III. Appointment of counsel pursuant to this paragraph shall be made at a time sufficiently in advance of the decision to place the child outside the home to allow counsel to provide effective representation on the issue of placement.

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35 New Section; Children in Need of Services; Continuous Legal Representation of Vulnerable Children. Amend RSA 169-D by inserting after section 12 the following new section:

169-D:12-a Continuous Legal Representation of Vulnerable Children.

I. While a case under this chapter is pending, the department of health and human services shall notify the court whenever it becomes aware that the respondent child:

(a) Is subjected to restraint or seclusion, as defined in RSA 126-U:1, IV and V-a;

(b) Is known or suspected to be the victim of abuse, neglect, or any crime involving actual or threatened physical or psychological injury, or the risk thereof; or

(c) Is no longer in the legal custody of his or her parents.

II. Whenever the court receives a notice pursuant to paragraph I regarding a child who has been placed outside the home, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. When placing a child outside the home, the court shall determine whether it has received a notice pursuant to paragraph I and, in those cases in which it has received such notice, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. The court shall take the same action if it receives information from any credible source that any of the circumstances in paragraph I is present.

36 Repeal. The following are repealed:

I. RSA 169-B:12-a, relative to representation of vulnerable children in delinquency proceedings.

II. RSA 169-D:12-a, relative to representation of vulnerable children in CHINS proceedings.

37 Child Protection Act; Statement of Purpose. Amend RSA 169-C:2 to read as follows:

169-C:2 Purpose.

I. It is the primary purpose of this chapter, through the mandatory reporting of suspected instances of child abuse or neglect, to provide protection to children whose life, health or welfare is endangered. ***The best interest of the child shall be the primary consideration of the court in all proceedings under this chapter.***

II. It is a further purpose of this chapter to establish a judicial framework to protect the rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in the child's own home, the care, emotional security, guidance, and control that will promote the child's best interest; and, if the child should be removed from the control of his or her parents, guardian, or custodian, adequate care shall be secured for the child. This chapter seeks to coordinate efforts by ***parents and*** state and local authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

(a) Protect the safety of the child.

(b) Take such action as may be necessary to prevent the abuse or neglect of children.

(c) [~~Preserve the unity of the family~~] ***Determine if the preservation of family unity is in the best interest of the child***.

(d) Provide protection, treatment, and rehabilitation, as needed, to children placed in alternative care.

(e) Provide assistance to parents to deal with and correct problems in order to avoid removal of children from the family.

III. This chapter shall be liberally construed to the end that its purpose may be carried out, to wit:

(a) To encourage the mental, emotional, and physical development of each child coming within the provisions of this chapter, by providing the child with the protection, care, treatment, counseling, supervision, and rehabilitative resources which the child needs and has a right to receive.

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(b) To achieve the foregoing purposes and policies, whenever [~~possible~~] ***it is in the best interest of the child***, by keeping a child in contact with his or her home community and in a family environment by preserving the unity of the family and separating the child from his or her parents only when the safety of the child is in danger or when it is clearly necessary for the child's welfare or the interests of the public safety and when it can be clearly shown that a change in custody [~~and control will plainly better~~] ***will be in the best interest of*** the child; and

(c) To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which recognize and enforce the constitutional and other rights of the parties and assures them a fair hearing.

38 New Subparagraph; Oversight Commission on Children's Services; Study of Child Protection Statutes. Amend RSA 170-G:19, III by inserting after subparagraph (e) the following new subparagraph:

(f) Review the child protection act under RSA 169-C, identify other statutes that promote the best interest of the child, determine compliance with applicable federal regulations governing child protection, and identify any statutory changes needed to improve child protection in New Hampshire.

39 Coverage for Children's Early Intervention Services; Individual. Amend RSA 415:6-n to read as follows:

415:6-n Coverage for Children's Early Intervention Therapy Services. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care [~~physician~~] ***provider*** if applicable. The benefits [~~included in this section may be subject to deductibles, copayments, coinsurance, or other terms and conditions of the policy, and~~] ***in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section*** may have a cap of $3,200 per child per year not to exceed $9,600 by the child's third birthday. ***For a health care contract that meets the definition of a "high deductible plan" set forth in 26 U.S.C. section 223(c)(2), a carrier shall be exempt from the deductible provisions of this section and may apply a deductible to children's early intervention therapy services until an enrollee's deductible has been satisfied for the year.*** 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.

40 Coverage for Children's Early Intervention Services; Group. Amend RSA 415:18-s to read as follows:

415:18-s Coverage for Children's Early Intervention Services. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, 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 expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care [~~physician~~] ***provider*** if applicable. The benefits [~~included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and~~] ***in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section*** may have a cap of $3,200 per child per year not to exceed $9,600 by the child's third birthday. ***For a health care contract that meets the definition of a "high deductible plan" set forth in 26 U.S.C. section 223(c)(2), a carrier shall be exempt from the deductible provisions of this section and may apply a deductible to children's early intervention therapy services until an enrollee's deductible has been satisfied for the year.*** 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.

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41 Coverage for Children's Early Intervention Services; Health Service Corporations. Amend RSA 420-A:17-g to read as follows:

420-A:17-g Coverage for Children's Early Intervention 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, rehabilitation, 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 expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care [~~physician~~] ***provider*** if applicable. The benefits [~~included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and~~] ***in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section*** may have a cap of $3,200 per child per year not to exceed $9,600 by the child's third birthday. ***For a health care contract that meets the definition of a "high deductible plan" set forth in 26 U.S.C. section 223(c)(2), a carrier shall be exempt from the deductible provisions of this section and may apply a deductible to children's early intervention therapy services until an enrollee's deductible has been satisfied for the year.*** 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.

42 Coverage for Children's Early Intervention Services; Health Maintenance Organizations. Amend RSA 420-B:8-r to read as follows:

420-B:8-r Coverage for Children's Early Intervention Services. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care [~~physician~~] ***provider*** if applicable. The benefits [~~included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and~~] ***in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section*** may have a cap of $3,200 per child per year not to exceed $9,600 by the child's third birthday. ***For a health care contract that meets the definition of a "high deductible plan" set forth in 26 U.S.C. section 223(c)(2), a carrier shall be exempt from the deductible provisions of this section and may apply a deductible to children's early intervention therapy services until an enrollee's deductible has been satisfied for the year.*** 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.

43 New Section; Services for the Developmentally Disabled; Family-Centered Early Supports and Services Program. Amend RSA 171-A by inserting after section 18 the following new section:

171-A:18-a Family-Centered Early Supports and Services Program. The department shall administer a family-centered early supports and services (FCESS) program designed for children birth up to age 3 who have a diagnosed, established condition that has a high probability of resulting in delay, are experiencing developmental delays, or are at risk for substantial developmental delays if supports and services are not provided. All children under the age of 3 who are born substance-exposed shall be considered at risk for substantial developmental delays and shall be referred to FCESS. In this section, a "substance-exposed newborn" means a newborn who was exposed to alcohol, or other drugs in utero, which may have adverse effects, whether or not this exposure is detected at birth through a drug screen or withdrawal symptoms. The department shall adopt rules under RSA 541-A relative to the FCESS program, including application procedures, program administration, and eligibility criteria consistent with this section.

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44 Child Protection Act; Reporting Law; Central Registry. Amend RSA 169-C:35, II and III to read as follows:

II. Upon receipt by the department of a written request and verified proof of identity, an individual shall be informed by the department whether that individual's name is listed in the founded reports maintained in the central registry. It shall be unlawful for any employer other than ***those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and*** those specified in RSA 170-E and RSA 170-G:8-c to require as a condition of employment that the employee submit his or her name for review against the central registry of founded reports of abuse and neglect. Any violation of this provision shall be punishable as a violation.

III. Founded reports of abuse and neglect shall be retained [~~for a period of 7 years~~] ***indefinitely,*** subject to an individual's right to petition for the earlier removal of his or her name from the central registry as provided in this section.

45 New Section; Services for Children, Youth and Families; Department of Health and Human Services; Kinship Navigator Program. Amend RSA 170-G by inserting after section 4-f the following new section:

170-G:4-g Kinship Navigator Program. The department shall establish a kinship navigator program to offer information, referral, and follow up services to grandparents and other relatives raising children to link them to available services and benefits. The program also may be used to promote effective partnerships among public and private agencies to ensure that the needs of kinship caregiver families are met and to provide education and outreach to the community regarding kinship caregiver families. Any program established by the department shall meet the federal criteria for kinship navigator programs in 42 U.S.C. section 627.

46 Missing Children; Age. Amend RSA 169-E:1 to read as follows:

169-E:1 Definition. For the purposes of this chapter "missing child" means any person under the age of [~~16~~] ***18*** years missing from his ***or her*** normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care.

47 Delinquent Children; Dispositional Hearing. Amend the introductory paragraph of RSA 169-B:19, I to read as follows:

I. The department of health and human services shall provide the court with costs of the recommended services, placements and programs. If the court finds that a minor is delinquent, the court [~~may~~] ***shall*** order the least restrictive of the following dispositions, which the court finds is the most appropriate:

48 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

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

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demeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.

49 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, III-a(e) to read as follows:

(e) When a dispositional order is extended beyond the minor's [~~seventeenth~~] ***eighteenth*** birthday, the court may enforce its order with a finding of criminal contempt. Notwithstanding RSA 169-B:35, the state may utilize any relevant portion of a juvenile's records in a criminal contempt proceeding.

50 Release and Discharge from the Youth Services Center. Amend RSA 621:19, III-a to read as follows:

III-a. In every case in which there is a diagnosis or other evidence that a minor at the center may have a serious emotional disturbance or other behavioral health disorder, the center shall, with the consent of the minor and the minor's family, refer the minor to a care management entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health services to be coordinated and supervised by that entity before and after discharge from the facility. ***Such referral shall be made upon the minor's confinement at the center and, in no event, later than 7 days after the confinement begins.*** Discharge plans shall incorporate the recommendations of the care management entity whenever appropriate. In any case where the recommendations of the care management entity are not incorporated into the discharge planning process, the minor, the minor's family, and counsel for the minor shall be notified in writing of the decision and of the basis for the decision.

51 Statement of Findings and Purpose.

I. In December 2016, the Center for the Support of Families issued the New Hampshire Child Welfare Quality Assurance Review of the Division of Children, Youth and Families, a report with recommendations for improving the state's child protection system. The report included the following findings:

(a) That "the child welfare system in New Hampshire is set up to focus primarily on assessing and acting on the immediate safety of children as affected by abuse and neglect, with correspondingly less attention to the serious risks of harm to children that, unchecked, may lead to serious harm or injury to children."

(b) That New Hampshire has a restrictive child protection statute that sets a high bar for determining neglect and risk of harm, there is a restrictive interpretation of the statute, and there is a concern by the staff of the division for children, youth, and families that it is not able to take needed action to protect children at risk.

(c) That "reports were often determined unfounded even when evidence of the alleged incidents existed or where DCYF rated the risk of harm to children as very high, high, or moderate, unless there was evidence of serious injury. A statute that is stringent in defining risk of harm, weak on addressing neglect and emotional harm, and the subject of very strict interpretations is a contributor to this finding."

II. The report by the Center for the Support of Families also recommended that the state "revise policy and/or statute to clarify that if the evidence in an assessment indicates that a child has been exposed to conditions that place the child at risk of future harm, the report should be determined founded and services for the family put into place."

III. The general court concurs with the above findings and recommendations and, in response, enacts the following protections for the children of New Hampshire who are at risk of harm from abuse and neglect when there is exposure to substance misuse, domestic violence, or psychological maltreatment.

52 Child Protection Act; Definition of Parent Amended. Amend RSA 169-C:3, XXI to read as follows:

XXI. "Parent" means mother, father, adoptive parent, ***step-parent,*** but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

53 New Paragraph; Child Protection Act; Definition of Psychological Maltreatment Added. Amend RSA 169-C:3 by inserting after paragraph XXV the following new paragraph:

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XXV-a. "Psychological maltreatment" means pervasive and emotionally abusive behavior, which shall include, but not be limited to, patterns of threatening, berating, or demeaning behavior.

54 New Section; Child Protection Act; Rebuttable Presumption of Harm. Amend RSA 169-C by inserting after section 12-e the following new section:

169-C:12-f Rebuttable Presumption of Harm. There shall be a rebuttable presumption that a child's health has suffered or is likely to suffer serious impairment by exposure to any of the following conduct:

I. Evidence of a parent's, guardian's, or custodian's substance misuse that is adversely affecting a child's care or supervision, when that parent, guardian, or custodian is not actively engaged in treatment;

II. Evidence of a parent's, guardian's, or custodian's impaired driving or operating of a motor vehicle while a child is in the vehicle; or

III. Evidence of a parent's, guardian's, or custodian's exposure of a child to:

(a) Physical violence directed at a sibling, the other parent, or another person living in the home; or

(b) Psychological maltreatment directed at the child, a sibling, the other parent, or another person living in the home.

IV. The rebuttable presumption of harm established in paragraph III shall not apply to victims of domestic violence who are subject to an abuse or neglect petition filed pursuant to this chapter as a result of an incident or incidents in which that parent, guardian, or caregiver was the victim.

55 Training. Prior to January 1, 2021, the department of health and human services, division for children, youth, and families (DCYF), in partnership with the New Hampshire Coalition Against Domestic and Sexual Violence, shall provide training to DCYF child protection staff, Court Appointed Special Advocates, family court judges, and other system partners regarding the implementation of sections 51-54 of this act.

56 Repeal. RSA 169-C:12-f as inserted by section 54 of this act, relative to the rebuttable presumption of harm under the child protection act, is repealed.

57 Effective Date.

I. Sections 9-11, 39-43, and 45-50 of this act shall take effect 60 days after its passage.

II. Sections 30, 32, 33, 35, 44, 51-53 and 55 of this act shall take effect July 1, 2020.

III. Sections 1-8, 12-29, and RSA 169-C:12-f, III as inserted by section 54 of this act of shall take effect January 1, 2021.

IV. Sections 31, 34, and 36 of this act shall take effect July 1, 2021.

V. Section 56 of this act shall take effect July 1, 2024.

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

2020-1417s

AMENDED ANALYSIS

This bill:

I. Expands the categories of individuals eligible to adopt and clarifies adoption and parenting laws for unmarried couples who share parenting responsibilities and for families formed through assisted reproduction.

II. Recodifies the statutes governing the office of the child advocate, clarifies the authority and independence of the office, and expands the jurisdiction of the office to include a broader range of agencies that serve children.

III. Establishes an oversight commission on children's services.

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IV. Removes the requirement that parents and guardians reimburse the state for services provided to a child or family under RSA 169-B, RSA 169-C, or RSA 169-D.

V. Provides for the appointment of counsel for children in out-of-home placements under RSA 169-B and RSA 169-D.

VI. Amends the purpose statement of RSA 169-C, the child protection act, and directs the oversight commission on children's services to study the child protection act and related statutes that promote the best interest of the child.

VII. Clarifies the law regarding insurance benefits for children's early intervention services.

VIII. Directs the department of health and human services to administer a family-centered early supports and services program for children with developmental delays, including children under 3 with prenatal substance exposure.

IX. Expands the type of employers permitted to require that employees submit their names to the child abuse and neglect central registry as a condition of employment.

X. Provides that founded reports of abuse and neglect shall be retained indefinitely.

XI. Directs the department of health and human services to establish a kinship navigator program.

XII. Raises the maximum age of a missing child as defined in RSA 169-E from a person under 16 years of age to a person under 18 years of age.

XIII. Provides that, if a minor diagnosed with a serious emotional disturbance or other behavioral health issues is committed to the department of health and human services for the remainder of their minority, the minor shall be referred to a care management entity under RSA 135-F for a care plan intended to reduce the period of commitment.

XIV. Adds step-parent to the definition of parent under RSA 169-C; establishes a rebuttable presumption of harm for purposes of determining neglect under the child protection act; and directs the department of health and human services to provide training regarding the statute's application.

Commerce
June 11, 2020
2020-1471s
01/10

Amendment to HB 1166

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

AN ACT relative to unemployment compensation, certain sanitary protections for COVID-19, extending the federal Family and Medical Leave Act for certain COVID-19 protections, and waiving cost sharing for testing and treatment for COVID-19.

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

1 New Subparagraph; Unemployment Compensation; Self-Employment Assistance Program. Amend RSA 282-A:31-h, V by inserting after subparagraph (e) the following new subparagraph:

(f) The requirements of this chapter not met due to a participant's quarantine for coronavirus or COVID-19, or for COVID-19 related reasons, as directed by a medical provider shall not be applicable to the participant.

2 New Subparagraph; Unemployment Compensation; Benefit Eligibility Conditions. Amend RSA 282-A:31, I by inserting after subparagraph (i) the following new subparagraph:

(j) Subparagraphs (a) through (g) shall not apply to an individual in quarantine for coronavirus, or COVID-19, as directed by a medical provider or government direction, or for COVID-19 related reasons, and subparagraphs (h) and (i) shall be suspended until July 1, 2021.

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3 New Paragraph; Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32 by inserting after paragraph IV the following new paragraph:

V. Individuals impacted by COVID-19 shall not be disqualified for benefits pursuant to provisions in paragraphs I and II and such unemployment insurance benefits coverage shall include, at a minimum, situations where:

(a) An employer or employing unit temporarily shuts down due to coronavirus, or COVID-19, with the expectation that the individual will return when business resumes;

(b) An individual is quarantined by a medical professional or under government direction, and the employer has instructed the individual to return to work after the quarantine is over or has not provided clear instruction to do so; and

(c) An individual is quarantined by a medical professional or under government direction, or leaves employment due to a reasonable risk of exposure or infection, including self-quarantine, or to care for a family member, and either does not intend to return to the employer or the employer will not allow the individual to return.

4 Unemployment Compensation; Unavailable for Work. Amend RSA 282-A:39 to read as follow:

282-A:39 Unavailable for Work. An individual shall be disqualified for benefits for any week or weeks during any part of which he is not available for work outside a home, irrespective of his reason for refusing to be available for work outside a home***, unless the individual is in quarantine for coronavirus (COVID-19), or for COVID-19 related reasons, as directed by a medical provider***.

5 New Section; Protective Legislation. Amend RSA 275 by inserting after section 52-a the following new section:

275:52-b Protections for Coronavirus (COVID-19). The provisions of the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28, shall be extended to all employees of employers with at least 15 or more employees for any employee in quarantine, or covered family member in quarantine, for coronavirus or COVID-19, or for a COVID-19 related reason, as directed by a medical provider or under government direction. This section shall not apply to individual instances in which the commissioner determines there to be an economic hardship.

6 Unemployment Compensation; Overpayment. Amend RSA 282-A:165, I to read as follows:

I. Any person who has received any benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled or while the person was disqualified from receiving benefits shall be liable to repay to the commissioner such benefits all of which shall be considered to be overpayments***, with the exception of persons receiving benefits under executive orders related to COVID-19 expanded eligibility***.

7 Unemployment Compensation; Weekly Benefit Amount for Total Unemployment and Maximum Total Amount of Benefits Payable During any Benefit Year. RSA 282-A: 25, I is repealed and reenacted to read as follows:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than $1,400, as follows:

$2,800	$132	$3,432
3,100	135	3,510
3,400	139	3,614
3,900	145	3,770

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4,200	148	3,848
4,500	152	3,952
4,800	155	4,030
5,100	159	4,134
5,600	164	4,264
6,100	169	4,394
6,600	175	4,550
7,000	180	4,680
7,400	183	4,758
7,800	188	4,888
8,200	192	4,992
8,600	196	5,096
9,000	201	5,226
9,500	205	5,330
10,000	210	5,460
10,500	215	5,590
11,000	220	5,720
11,500	226	5,876
12,500	237	6,162
13,500	248	6,448
14,500	259	6,734
15,500	267	6,942
16,500	278	7,228
17,500	288	7,488
18,500	299	7,774
19,500	306	7,956
20,500	317	8,242
21,500	327	8,502
22,500	338	8,788
23,500	349	9,074
24,500	354	9,204
25,500	365	9,490
26,500	375	9,750
27,500	386	10,036
28,500	390	10,140

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29,500	401	10,426
30,500	411	10,686
31,500	421	10,946
32,500	431	11,206
33,500	442	11,492
34,500	452	11,752
35,500	462	12,012
36,500	472	12,272
37,500	483	12,558
38,500	494	12,844
39,500	505	13,130
40,500	516	13,416
41,500	527	13,702

9 Unemployment Compensation; Annual Earnings. Amend RSA 282-A:16 to read as follows:

282-A:16 Annual Earnings. "Annual earnings" shall be the wages, to the nearest dollar, earned during each base period from an employer by an individual in employment in New Hampshire and an amount equivalent to the average weekly wage, as determined under the New Hampshire workers' compensation statute, for each week that an individual has been found by either the labor commissioner or a court to be entitled to receive workers' compensation based on a claim involving such employer; no portion of any lump sum payment pursuant to RSA 281-A:37 shall constitute annual earnings. For any week which commences during the period between 2 successive sports seasons (or similar periods), no annual earnings shall be available for purposes of RSA 282-A:25 to any individual which are based on any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods). ***For any week in which an individual was on an unpaid leave, pursuant to the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28, or on a paid leave, for reasons similar to the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28, then the individual's annual earnings for those weeks on such leave shall be deemed the earnings the individual received prior to the leave.***

10 Department of Employment Security; Computer System; Transfer of Moneys. The treasurer and the governor shall transfer $50,000,000 from CAREs Act moneys to the department of employment security, with the commissioner first applying any moneys needed to upgrade the benefits application computer system, and any other computer system, to reflect, to code, and to account for any and all expanded COVID-19 eligibility factors, including self-employment. Following such upgrades and coding the commissioner shall certify to the chairs of the house commerce and consumer affairs committee and senate commerce committee and the chairs of house and senate finance committees that such upgrades and coding were completed in a manner that manual overrides are not needed for any expanded COVID-19 eligibility factors, that no delays in processing benefits for expanded COVID-19 eligibility factors exist as compared with eligibility factors existing prior to COVID-19, and report any amounts necessary to complete the upgrades and coding, including when the upgrades and coding for each eligibility factor was completed. The balance of any moneys transferred after first applying any moneys needed for upgrading and coding shall be deposited in the unemployment insurance trust fund. In the event the United States Department of Labor provides a written notice to the New Hampshire department of employment security that any specific statutory change in this act will result in the loss of federal funding to New Hampshire then that specific statutory change, and that specific statutory change only, shall be inoperative.

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11 Sanitation, Provision for. Amend RSA 277:10 to read as follows:

277:10 Sanitation, Provision for. Every employer shall provide and maintain reasonable and proper toilet facilities and reasonably sanitary and hygienic conditions for employees***, including any and all reasonable sanitary and hygienic conditions related to COVID-19***.

12 New Section; Safety and Health of Employees; Worker Safety in COVID-19. Amend RSA 277 by inserting after section 10 the following new section:

277:10-a Worker Safety in COVID-19. Every employer shall provide, arrange access to, or provide paid time off for COVID-19 testing, upon the request of an employee. Every employer shall provide personnel protective equipment for employees in any workplace where there are 10 or more employees or customers on a regular basis, or in any health care workplace. Every employer shall comply with all applicable state and federal standards and guidances related to COVID-19. The commissioner shall accept phone calls for COVID-19 related workplace safety concerns.

13 New Paragraph; Safety and Health of Employees; Rulemaking. Amend RSA 277:16 by inserting after paragraph II the following new paragraph:

III. On or by August 1, 2020, the commissioner, in consultation with the commissioner of health and human services, shall adopt worker safety rules, pursuant to RSA 541-A, to protect workers from COVID-19 and to protect the public interest, including consistent with RSA 277:16-b, RSA 277:10-a, and RSA 277:10.

14 New Section; Safety and Health of Employees; COVID-19 Business Support. Amend RSA 277 by inserting after section 16 the following new section:

277:16-a COVID-19 Business Support. The labor commissioner shall, in coordination with the commissioner of safety, provide personnel protective equipment upon request of an employer. A state website shall be maintained for the purpose of employer requests, including adequate and timely notification of employers of when and where personnel protective equipment may be retrieved. There shall be no costs to employers with fifteen or fewer employees. The failure of the state to provide personnel protective equipment to employers who, in good faith, requested but did not receive personnel protective equipment from the state shall be considered in evaluating compliance with RSA 277:10-a.

15 New Paragraph; Job Training Program; Cost sharing Waived. Amend RSA 282-A:181 by inserting after paragraph II the following new paragraph:

III. Until July 1, 2021 any employer or business cost-sharing for the job training program is waived.

16 New Section; Accident and Health Insurance; Cost-Sharing for Testing for the Corona virus (COVID-19) Waived; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Cost-Sharing for Testing and Treatment for the Coronavirus (COVID-19) Waived. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall waive cost-sharing for coronavirus (COVID-19) testing and treatment, including any out-of-network charges, for certificate holders of such insurance who are residents of this state.

17 New Section; Accident and Health Insurance; Cost-Sharing for Testing for the Corona virus (COVID)-19 Waived; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Cost-Sharing for Testing and Treatment for the Coronavirus (COVID-19) Waived. Each insurer that issues or renews any policy of group or blanket 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, shall waive cost-sharing for coronavirus (COVID-19) testing and treatment, including any out-of-network charges, for certificate holders of such insurance, who are residents of this state.

18 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x,

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RSA 415:6-y, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

19 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

20 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

21 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

22 New Paragraph; State Employees Health Insurance; Medical and Surgical Benefits. Amend RSA 21-I:30 by inserting after paragraph XVI the following new paragraph:

XVII. Medical and surgical benefits provided under this subdivision shall include waiving cost-sharing for testing and treatment for the coronavirus (COVID-19).

23 New Subparagraph; Medicaid Managed Care, Cost-Sharing for Certain Testing Waived. Amend RSA 126-A:5, XIX by inserting after subparagraph (k) the following new subparagraph:

(l) Managed care organizations shall waive all cost-sharing for coronavirus (COVID-19) testing and treatment for Medicaid recipients receiving care pursuant to this paragraph.

24 Effective Date.

I. Sections 19 and 21 shall take effect January 1, 2021 at 12:03 p.m.

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

2020-1471s

AMENDED ANALYSIS

This bill:

I. Makes various changes in unemployment compensation for purposes of the Coronavirus (COVID-19).

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II. Extends the provisions of the federal Family and Medical Leave Act for certain COVID-19 protections.

III. Requires employers to provide certain sanitation conditions relating to COVID-19.

IV. Waives cost-sharing for testing for COVID-19 under accident and health insurance policies.

Senate Transportation
June 12, 2020
2020-1488s
11/06

Amendment to HB 1182

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

AN ACT establishing the commission to study the on road usage of non-traditional motor vehicles, relative to motor vehicles and transportation, relative to roadable aircraft, and making an appropriation to the department of education for the purpose of funding the Hudson CTE center.

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

1 New Subdivision; Commission to Study the On Road Usage of Non-Traditional Motor Vehicles. Amend RSA 260 by inserting after section 77 the following new subdivision:

Commission to Study the On Road Usage of Non-Traditional Motor Vehicles

260:78 Commission to Study the On Road Usage of Non-Traditional Motor Vehicles.

I. There is established a committee to study the on road usage of non-traditional motor vehicles.

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

(a) Five members of the house of representatives, 3 of whom shall serve on the house transportation committee and 2 of whom shall serve on the house resources, recreation, and development committee, appointed by the speaker of the house of representatives.

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

(c) Two representatives of the department of safety, division of motor vehicles, appointed by the commissioner of the department of safety.

(d) One representative of the department of safety, division of state police, appointed by the commissioner of the department of safety.

(e) The commissioner of the department of transportation, or designee.

(f) The executive director of the fish and game commission, or designee.

(g) The attorney general, or designee.

(h) The commissioner of the department of natural and cultural resources, or designee.

(i) A representative of the New Hampshire Automobile Dealers Association, appointed by the association.

(j) A representative of the New Hampshire Off Highway Vehicle Association, appointed by the association.

(k) A representative of the New Hampshire Farm Bureau Federation, appointed by the federation.

(l) A representative of the New Hampshire City and Town Clerks' Association, appointed by the association.

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 the on road usage of non-traditional motor vehicles, such as all terrain vehicles and golf carts.

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

VI. The commission shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020. The commission shall submit a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2021.

2 Repeal. RSA 260:78, relative to the commission to study the on road usage of non-traditional motor vehicles, is repealed.

3 Transportation Network Company; Airport Charges. Amend RSA 376-A:17 to read as follows:

376-A:17 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements***, except that an airport that is federally obligated may charge a TNC fee, as may be amended from time to time, which is not greater than a fee applied to a taxicab service***.

4 Drivers' Licenses; Issuance of Licenses; Examination. Amend RSA 263:6 to read as follows:

263:6 Examination.

I. Before a license is granted to any person, the applicant, if not previously licensed to drive a motor vehicle in this state, shall pass such examinations as to the person's qualifications as the director may prescribe. Such examinations may include an examination for visual acuity, knowledge, and road skill as prescribed by the director. All license examinations shall be conducted by department of safety personnel and shall include knowledge questions regarding distracted driving, driving under the influence, and driving during poor weather conditions. No license shall be issued until the director is satisfied that the applicant is a proper person to receive it. No physical defect of an applicant shall prohibit the applicant from receiving a license unless it can be shown by common experience that such defect results in an incapacity to safely drive a motor vehicle, except as provided in RSA 263:13.

II. The director may enter into agreements with foreign jurisdictions related to the waiver of road skill examinations for applicants currently licensed in such foreign jurisdictions. The director may adopt rules pursuant to RSA 541-A to enforce the terms of such agreements.

5 New Section; Access to Crash Data. Amend RSA 21-L by inserting after section 12-d the following new section:

21-L:12-e Access to Crash Data. Notwithstanding any provision of law to the contrary, the commissioner of the department of transportation and designated department of transportation safety representatives are authorized to access or be provided with crash data held by the department of safety, local law enforcement, or other government agencies or entities. The purpose of this authorization is to enable the department of transportation and its agents to access information for the sole purpose of timely crash analysis to improve safety and to advance safety related initiatives. For the stated purpose, the department of transportation is authorized to share the redacted data with governmental transportation planning agencies and their contracted agents for transportation planning purposes, provided the information shall not be further disseminated or used for any other purpose. In the event that the department obtains personally identifiable information, the department shall redact such information and not include such information in its analysis nor disclose the personally identifiable information. The department is authorized to publish the following analytical information for public information purposes and to help prioritize transportation projects: the number of accidents, each accident location, type of accident, and severity of impact at each accident location. Any information received under this section by the department of transportation shall not be subject to RSA 91-A.

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6 Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(b)(1)(B) to read as follows:

(B) Annually, on or before April 15, the lessors of all leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a county, city, town, school district, or village district, including those properties identified under subparagraph (d), shall provide written notice and a copy of the lease or other agreement to the assessing officials of the municipality in which the property is located. ***This subparagraph does not apply to the department of transportation.***

(C) On or before April 15, 2021, the department of transportation shall provide to the assessing officials of the municipality in which leased property is located a copy of any lease in effect as of January 1, 2021. Thereafter on an annual basis, on or before April 15, the department of transportation shall provide to the assessing officials of the municipality in which leased property is located a copy of any new or renewed lease in effect. Such lease filing with municipal assessing officials shall not include permits, licenses, or non-lease agreements.

7 Drivers' Licenses; Commercial Licensing; Violations; Penalties; Serious Violations. Amend RSA 263:94, VII to read as follows:

VII. [~~Prior to disqualifying a driver under this section, the commissioner shall provide the driver with notice and an opportunity for a hearing.~~] ***If the director disqualifies a person pursuant to this section, the department shall grant a hearing to the person, upon written application to the department, within 15 days after the filing of such application.***

8 Driving or Operating Under the Influence of Drugs or Liquor. Amend RSA 265-A:3, I(c)-(d) to read as follows:

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lamps while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued; [~~or~~]

(d) Carries as a passenger a person under the age of 16; ***or***

(e) Drives a vehicle with a gross combination weight rating of 10,001 pounds or more;

9 Driving or Operating Under the Influence of Drugs or Liquor. Amend RSA 265-A:3, II(c)-(d) to read as follows:

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lights while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued;[~~or~~]

(d) Carries as a passenger a person under the age of 16; or

(e) Drives a vehicle with a gross combination weight rating of 10,001 pounds or more; or

10 Driving or Operating Under the Influence of Drugs or Liquor; Implied Consent Requirements for Commercial Motor Vehicle Drivers. Amend RSA 265-A:25, V to read as follows:

V. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph IV, the department shall ***immediately*** disqualify the driver from driving a commercial motor vehicle under RSA 265-A:23.

11 Regulation of Motor Vehicle Repair Facilities; Definitions RSA 358-D:1 is repealed and reenacted to read as follows:

358-D:1 Definitions. As used in this chapter:

I. "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

II. "Counterfeit supplemental restraint system" means a supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from such manufacturer or supplier, including, but not limited to, an airbag cover, an inflator, cushion material, sensors, a control unit, and seat belt tensors.

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III. "Customer" means any person, or representative thereof, who is seeking to have performed, is having performed, or has had performed, any service or repair work on a motor vehicle.

IV. "Motor vehicle" means any vehicle defined by RSA 259:60, I except "motor trucks," "motorcycles" and "motor-driven cycles" as defined by RSA 259.

V. "Motor vehicle repair facility" means any person who performs services or repair work on any motor vehicle.

VI. "Nonfunctional airbag" means an airbag that meets any of the following criteria:

(a) The airbag was previously deployed or damaged.

(b) The airbag has an electric fault that is detected by the motor vehicle's diagnostic system when the installation procedure is completed and:

(1) The motor vehicle is returned to the customer who requested the work be performed; or

(2) Ownership of the vehicle is intended to be transferred.

(c) The airbag includes a part or object installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.

(d) The airbag is subject to the prohibitions of 49 U.S.C. section 30120(j).

VII. "Person" means any person defined by RSA 358-A:1, I.

VIII. "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 C.F.R. section 571.209, and which includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:

(a) The airbag operates as designed in the event of a collision.

(b) The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

12 Regulation of Motor Vehicle Repair Facilities; Sale, Purchase, and Installation of Airbags; Criminal Penalty Established. Amend RSA 358-D:11-a to read as follows:

358-D:11-a Sale, Purchase, and Installation of Airbags; Criminal Penalty Established.

I. Any person who knowingly ***manufactures, imports,*** sells, ***offers for sale,*** purchases, installs, or reinstalls any object [~~which is~~] ***intended to replace a supplemental restraint system component as part of a vehicle inflatable restraint system, and said object is*** not a properly operating airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, [~~as part of a vehicle inflatable restraint system,~~] ***including a counterfeit supplemental restraint system component or a nonfunctional airbag,*** shall be guilty of a class A misdemeanor.

II. Any person who knowingly and intentionally sells, installs, or reinstalls a device that causes a motor vehicle's diagnostic system to fail to warn when the motor vehicle is equipped with a counterfeit supplemental restraint system component or a nonfunctional airbag or when no airbag is installed shall be guilty of a class A misdemeanor.

13 Regulation of Motor Vehicle Repair Facilities; Installation of Recycled Airbag. Amend RSA 358-D:11-b to read as follows:

358-D:11-b Installation of Recycled Airbag***; Disposal of Counterfeit Supplemental Restraint System Components or Nonfunctional Airbags***.

I. Nothing in RSA 358-D:11-a shall prohibit the installation or reinstallation of a recycled airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system.

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II. Nothing in RSA 358-D:11-a shall prohibit automotive dealers, repair professionals, recyclers, original equipment manufacturers, or contractors from disposing of counterfeit supplemental restraint system components or nonfunctional airbags in accordance with federal or state law.

14 Drivers' Licenses; Prohibitions. Amend RSA 263:12, I to read as follows:

I. Display or cause or permit to be displayed any [~~revoked, suspended,~~] fictitious**,** or fraudulently altered driver's license or permit.

I-a. Display or cause or permit to be displayed any revoked or suspended driver's license or permit while operating a motor vehicle.

15 Administration of Motor Vehicle Laws; Provision for Federal Identification Database Prohibited. Amend RSA 260:14-a, VI to read as follows:

VI. Notwithstanding any law to the contrary, the department is authorized to participate in [~~a pointer based state-to-state driver verification system with information from applicants for drivers' licenses and identification cards pursuant to RSA 263:14-b, RSA 263:14-c, RSA 260:21-a, and RSA 260:21-b~~] ***the state to state (S2S) driver information program***.

VII. Notwithstanding any law to the contrary, the department is authorized to participate in the driver license data verification (DLDV) program.

16 Equipment of Vehicles; Motor Carriers; Equipment; Roadside Inspections. Amend RSA 266:72-a, I to read as follows:

I. The commissioner may adopt as rules, under RSA 541-A, the current version of the federal motor carrier safety regulations promulgated by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration and Federal Motor Carrier Safety Administration, contained in 49 C.F.R. parts 107, ***380, and*** 382[~~, and 385~~]-397. Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on the part of the commissioner. The commissioner shall be authorized to exempt vehicles and drivers operating exclusively in intrastate commerce from such rules which the commissioner determines impose an unnecessary regulatory burden without providing a corresponding safety benefit.

17 Drivers' Licenses; Commercial Driver License Qualification Standards. Amend RSA 263:87 to read as follows:

263:87 Commercial Driver License Qualification Standards.

[~~I.~~] No person shall be issued a commercial driver license unless that person is a resident of the state of New Hampshire and has passed a knowledge and skills test for driving a commercial motor vehicle. The knowledge and skills test shall comply with minimum federal standards established by federal regulation, as enumerated in 49 C.F.R. part 383, sub-parts G and A, in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department. The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test in accordance with 49 C.F.R. part 383.

~~[II. The department may waive the skills test for a commercial driver license applicant who meets the following requirements:~~

~~(a) The applicant has a minimum of 2 years of recent experience driving a vehicle that is representative of the group of vehicles for which he wishes to obtain a commercial driver license;~~

~~(b) The applicant's employer has provided certification to the division of motor vehicles that indicates that the applicant has the experience as required in subparagraph (a);~~

~~(c) The applicant holds a commercial light, commercial heavy or tractor-trailer or commercial driver license at the time he applies for the commercial driver license, and is regularly employed as a commercial motor vehicle driver; and~~

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~~(d) The applicant has a driving record that is free of license suspensions, revocations, or cancellations, and free of disqualifying offenses, for a 2-year period immediately prior to applying for a commercial driver license.~~]

18 Suspension for Evasion of Electronic Toll Collection System. Amend RSA 263:56-f, I to read as follows:

I. Upon receiving a report from the commissioner of the department of transportation or designee, or another state having a reciprocal toll collection enforcement agreement, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-c, the director shall notify the owner in writing by first class mail that the owner's motor vehicle registration renewal privileges ***for the vehicle driven in violation of RSA 236:31*** may be suspended on the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. ***Furthermore, the registered owner of the vehicle driven in violation of RSA 236:31 is prohibited from transferring a plate to said vehicle or obtaining a new plate for said vehicle until such tolls and fees are paid.*** The director shall also notify the owner that he or she may request an administrative hearing before the suspension takes effect. The hearing shall be limited in scope and shall not constitute an appeal of the fees or fines related to the unpaid tolls, which can only be determined by the department of transportation. A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

19 Evasion of Tolls and Charges. Amend RSA 236:31, IV(c) to read as follows:

(c) A procedure for processing all other violations of this section, which shall require the department, or its designee, to send by regular mail, or other agreed upon method, an advisory and payment request to the owner of the vehicle, within [~~30~~] ***60*** days of the date of the violation. The advisory and payment request shall notify the owner of the date, time, and location of the alleged violation, give the owner the opportunity to resolve the alleged violation by payment of the toll or charge due and a reasonable administrative fee, and advise the owner that failure to pay the required toll or charge and administrative fee [~~within 60 days of the date of the violation~~] shall cause the department to file a report with the department of safety, division of motor vehicles, seeking an order of suspension pursuant to RSA 263:56-f.

20 New Subparagraph; Evasion of Tolls and Charges. Amend RSA 236:31, VI by inserting after subparagraph (b) the following new subparagraph:

(c) The department may use an agent or third party contractor, including but not limited to collection agencies, to pursue and collect tolls and fees from users of the turnpike system whose vehicles are registered outside the United States.

21 State 10-Year Transportation Improvement Plan. The legislature hereby adopts the plan known as the "Ten Year Transportation Improvement Plan 2021-2030 Submitted by the Governor to the Legislature Pursuant to RSA 228:99 and RSA 240 of the Laws of New Hampshire" and encourages expeditious implementation of the projects shown therein. This plan required the legislature to grant the authority to borrow up to $44,000,000 to advance projects associated with the State Aid Bridge Program. This authority is not granted as such project schedules should be adjusted to align with the August 12, 2019 version of the ten year plan presented during the public hearing phase of the ten year plan process.

22 Bedford. The project named Bedford-Merrimack, project number 16100, shall be modified to convert the mainline toll plaza in Bedford to all electronic tolling.

23 Garvee Bonds; Issuance of Revenue Bonds. Amend RSA 228-A:2 to read as follows:

228-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "federal highway grant anticipation bonds." The bonds may be issued from time to time for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border[~~, the replacement of the Sarah Mildred Long Bridge in Portsmouth, New Hampshire,~~] and any other federally aided highway project hereafter authorized by the general court to be financed under this chapter. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable

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solely from the particular funds provided therefor under this chapter. The issuing of bonds shall be contingent upon the availability of sufficient anticipated federal aid over the term of the bonds. The bonds shall be issued by the treasurer in such amounts as the fiscal committee of the general court and the governor and council shall determine, and shall not exceed $490,000,000. Debt service for federal highway grant anticipation bonds (GARVEE bonds) for the projects shall be paid from a portion of future federal funds. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 15 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, including above or below par value, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine. [~~The state may further issue GARVEE bonds for the purpose of financing the project costs related to the replacement and/or rehabilitation of 2 Connecticut River bridges, located in Lebanon, New Hampshire and Hinsdale, New Hampshire, pursuant to the issuance process in this section.~~]

24 Plymouth. Funding for preliminary engineering, right of way and construction for the project named Plymouth, project number 41583, shall be moved from 2027 to 2022, 2024 and 2025 respectively.

25 Bedford-Merrimack. Funding for construction for the project named Bedford-Merrimack, project number 16100, shall be moved from 2022 and 2023 to 2023 and 2024.

26 Merrimack; Removal of Ramp Toll Plazas. The following shall be added to the 10-year transportation improvement plan 2021-2030: Removal of the exit 11 ramp toll plazas in 2021 with funding for construction totaling $600,000.

27 New Paragraph; Turnpike System; Authority Granted. Amend RSA 237:2 by inserting after paragraph X the following new paragraph:

XI. Remove the exit 11 ramp toll plazas in the town of Merrimack.

28 Turnpike System; Funds Provided. Amend RSA 237:7(h) to read as follows:

(h) Improvements to central New Hampshire turnpike. RSA 237:2, IV(h), VII, VII(b), VII(c), IX***, XI***. [~~$891,000,000~~]***$954,000,000***

29 Department of Transportation; Betterment Program and Block Grant Aid; Temporary Authority. Due to unprecedented circumstances resulting in significant declines in highway revenues and uncertain federal financial assistance, and notwithstanding provisions to the contrary, the legislature hereby authorizes the department of transportation to take the following actions as necessary and subject to the approval of the fiscal committee and the governor and council:

I. In the event the department receives significant additional federal funds as part of novel coronavirus disease (Covid-19) relief, and with the intent to distribute an amount up to the fiscal year 2021 budgeted amount, the department is authorized, with approval of the joint legislative fiscal committee and governor and council, to deviate from the provisions of RSA 235:23 concerning the distribution of the block grant aid, and may distribute the funds at a percentage greater than 12 percent.

II. Excluding funds deposited in the highway and bridge betterment account in accordance with RSA 260:32-b, IV(c), in the event that federal relief is not forthcoming, to offset decreased highway fund revenue due to the novel coronavirus disease (Covid-19) pandemic, the department is authorized, with approval of the joint legislative fiscal committee and governor and council, to temporarily suspend the highway and bridge betterment program provisions established in RSA 235:23-a through the end of the fiscal year ending June 30, 2021, to meet departmental operational needs as budgeted and amended by the joint legislative fiscal committee and to further reduce the betterment funded projects in the ten year plan in proportion to available projected revenue.

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III. In the event that federal relief is received after such suspensions and transfers are made, the department is authorized, with approval of the joint legislative fiscal committee and governor and council, to restore betterment funded projects to the extent possible.

30 Drivers' Licenses; Form of License; Medically Recognized Disorder Indication. Amend RSA 263:41-b, III to read as follows:

III. For the purpose of this section, [~~autism spectrum disorder (ASD) or its abbreviation is~~] ***the following medically recognized disorders, or their abbreviations, are*** authorized to be printed on the driver's license or nondriver's picture identification card[~~.~~]***:***

(a) Autism spectrum disorder (ASD).

(b) Deaf or hard of hearing.

31 New Section; Motor Vehicles; Definitions; Roadable Aircraft. Amend RSA 259 by inserting after section 91 the following new section:

259:91-a Roadable Aircraft. "Roadable aircraft" shall mean any aircraft capable of taking off and landing from a suitable airfield which is also designed to be driven on public roadways as a conveyance.

32 New Subparagraph; Certificates of Title; Exempted Vehicles. Amend RSA 261:3, I by inserting after subparagraph (k) the following new subparagraph:

(l) A roadable aircraft as defined in RSA 259:91-a.

33 New Section; Motor Vehicles; Registration; Roadable Aircraft. Amend RSA 261 by inserting after section 41-b the following new section:

261:41-c Roadable Aircraft; Registration.

I. Upon receipt of an application for registration of a roadable aircraft and payment of applicable state and municipal registration permit fees, the department shall issue a certificate of registration to the owner of such aircraft, provided that the application is accompanied by the following:

(a) Proof of valid and unexpired aircraft registration issued by the New Hampshire department of transportation.

(b) A copy of an annual aircraft inspection completed within the 12 calendar months immediately preceding the date of application.

II. For purposes of this section, roadable aircraft shall be identified by the registration number assigned to such aircraft by the New Hampshire department of transportation.

III. The expiration date of a certificate issued pursuant to this section shall match the expiration of the aircraft registration issued by the New Hampshire department of transportation.

IV. The fees for registration of roadable aircraft shall be comprised of the fee prescribed by RSA 261:141, III(g), payable to the department, plus a municipal registration permit fee of $2,000, payable to the city or town in which the owner of such roadable aircraft resides.

34 New Section; Certificates of Title and Registration of Vehicles; Number Plates; Roadable Aircraft. Amend RSA 261 by inserting after section 89-d the following new section:

261:89-e Identification of Roadable Aircraft. Roadable aircraft as defined in RSA 259:91-a shall be identified using the federally issued tail number and shall not be required to display an additional license plate or decal.

35 Motor Vehicle Inspections; Roadable Aircraft. Amend RSA 266:1, I-II to read as follows:

I. The director may require the inspection of any vehicle, except an OHRV, snowmobile, moped, ***roadable aircraft,*** or any other vehicle exempted under this chapter, to determine whether it is fit to be driven. Such inspection shall be made at such times and in such manner as the director may specify, subject to the requirements set forth in this section.

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II. Any vehicle registered under this title, except an OHRV, snowmobile, moped, ***roadable aircraft,*** or other exempt vehicle, shall be inspected once a year, during the month in which the birth date of the owner is observed, if the owner is a natural person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application. Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates. An inspection sticker shall not expire when a vehicle is transferred to a licensed dealer.

36 Motor Vehicle Inspections; Roadable Aircraft. Amend RSA 266:1, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, [~~and~~] mopeds, ***roadable aircraft,*** and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, [~~and~~] mopeds, ***and roadable aircraft,*** the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 20 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate unless a valid inspection sticker issued by the dealer is in place, in which case the vehicle shall be inspected within 20 days or before the sticker expires, whichever occurs first. All other expired motor vehicle inspections shall be subject to the 10-day grace period in RSA 266:5.

37 Motor Vehicle Inspections; Roadable Aircraft. Amend RSA 266:1, X to read as follows:

X. The director may authorize properly qualified persons to inspect any motor vehicle, except an OHRV, snowmobile, moped, ***roadable aircraft,*** or any other vehicle exempted under this chapter, which has been involved in a fatal accident or an accident involving serious bodily injury as defined in RSA 625:11, VI, to determine whether the vehicle was in compliance with state inspection requirements.

38 New Paragraph; Aeronautics; Definitions; Roadable Aircraft. Amend RSA 422:3 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Roadable aircraft" means any aircraft capable of taking off and landing from a suitable airfield which is also designed to be driven on public roadways as a conveyance.

39 New Section; Aeronautics; Prohibitions and Penalties; Roadable Aircraft in Operation on Public Roadways. Amend RSA 422 by inserting after section 27 the following new section:

422:27-a Roadable Aircraft in Operation on Public Roadways.

I. All roadable aircraft shall be considered motor vehicles while in operation on the roadways of the state and shall comply with the provisions of RSA 265.

II. The operation of roadable aircraft shall be subject to restrictions placed upon the use of public roadways by rules adopted by the department of safety.

III. All roadable aircraft shall be required to take off and land from a suitable airstrip and shall be prohibited from taking off and landing from any public roadway, unless under conditions of an emergency.

40 Department of Education; Hudson CTE Center; Supplemental Appropriation.

I. The sum of $2,550,000 for the biennium ending June 30, 2021, is hereby appropriated to the department of education for the purpose of completing the construction and renovation of the Wilbur H. Palmer Career and Technical Education Center located at the Alvirne High School in Hudson, New Hampshire. The appropriation shall be part of, and not in addition to, the $17,000,000 appropriated to the department for renovation of the center in 2019, 146:18, I. The appropriation made in this section shall not lapse until June 30, 2023 and shall be in lieu of the anticipated appropriation for the biennium ending June 30, 2023 in 2019, 146:18, II, B.

Important Notice

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II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $2,550,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

III. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

41 Appropriation Lapses. To offset $1,018,000 of sums appropriated in section 40 of this act, the sum of $865,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2015, 220:1, II, D, 1, extended by 2017, 228:22, 26 and extended by 2019, 146:20, 36 for Merrimack county superior court - new courthouse, $99,186 from the unencumbered balance of the appropriation made to the department of administrative services in 2017, 228:1, II, D, 1, extended by 2019, 146:20, 25 for convert AOC building to probate court and the sum of $53,814 from the unencumbered balances of the appropriation made to the department of administrative services in 2017, 228:1, II, B, 8, extended by 2019, 146:20, 20 for state library parapet and ceiling repair shall lapse on June 30, 2020.

42 New Section; Department of Transportation; Business Impacts. Amend RSA 228 by inserting after section 31-b the following new section:

228:31-c Business Impacts; Department of Transportation. For projects exceeding $5,000,000, the department of transportation shall include in its engineering and design how to mitigate effects on entry, access, or parking.

43 Effective Date.

I. Section 2 of this act shall take effect November 1, 2021.

II. Sections 6-13 of this act shall take effect January 1, 2021.

III. Section 3, 4, 18-20, and 30-39 of this act shall take effect 60 days after its passage.

IV. Section 42 of this act shall take effect July 1, 2020.

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

2020-1488s

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study the on road usage of non-traditional motor vehicles.

II. Allows an airport to charge a fee to transportation network companies which is not greater than motor carrier or taxicab charges.

III. Authorizes the director of the division of motor vehicles to enter into agreements with foreign jurisdictions related to the waiver of road skill examinations for applicants licensed in such jurisdictions.

IV. Permits the department of transportation to access crash data held by other governmental agencies for the purpose of advancing safety related initiatives.

V. Requires the department of transportation to provide assessing officials, in municipalities where the department leases property to others, with copies of such leases by April, 2021 and annually thereafter.

VI. Clarifies the appeal process for disqualification of commercial motor vehicle driving privileges, expands the circumstances under which a person may be found guilty of aggravated driving while intoxicated, and provides for the immediate disqualification of a commercial motor vehicle driver upon receipt of information such driver refused a blood alcohol concentration test.

VII. Clarifies the penalties imposed for the sale, purchase, and installation of improperly operating airbags.

VIII. Clarifies the prohibition against displaying or permitting to be displayed any revoked or suspended driver's license or permit, and authorizes the department of safety to participate in the state to state driver information program and the driver license data verification program.

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IX. Clarifies which federal motor carrier safety regulations may be adopted by the commissioner of the department of safety as administrative rules, and repeals the authority of the commissioner to waive the skills test for an applicant for a commercial driver's license.

X. Prohibits the owner of a vehicle driven in a manner that evades toll collection from obtaining a new plate for the vehicle until the toll is paid.

XI. Adopts the 10-year transportation improvement plan for 2021-2030.

XII. Amends the project named Bedford Mainline Toll Plaza.

XIII. Limits the projects for which the state may issue GARVEE bonds.

XIV. Moves funding for the project named Plymouth from 2027 to 2022, 2024, and 2025.

XV. Moves funding for the project named Bedford-Merrimack from 2022 and 2023 to 2023 and 2024.

XVI. Adds a project in Merrimack to remove exit 11 ramp toll plazas.

XVII. Grants temporary authority to the department of transportation to distribute Block Grant Aid funds at a percentage greater than 12 percent, and to suspend the highway and bridge betterment program and to reduce betterment funded projects in the ten year plan as needed to meet operational needs to offset decreased revenue due to the novel coronavirus disease (Covid-19) pandemic.

XVIII. This bill adds deaf or hard of hearing to the medical conditions that may be indicated on a driver's license or nondriver's identification card.

XIX. Defines and establishes inspection and registration requirements for roadable aircraft.

XX. Makes a bonded, supplemental appropriation to the department of education for the purpose of completing construction of the Hudson CTE center.

XXI. Requires the department of transportation to include in its engineering and design how to mitigate effects on entry, access, or parking for projects exceeding $5,000,000.

Senate Executive Departments and Administration
June 11, 2020
2020-1487s
05/04

Amendment to HB 1234-FN-A

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

AN ACT relative to state and local government administration.

Amend the bill by replacing all after section 2 with the following:

3 Charter Commission; Membership; Procedure; Preliminary Report. Amend RSA 49-B:4, I(b) to read as follows:

(b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk. Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the [~~fourth Wednesday before the election and end on the Friday of the following week~~] ***Wednesday immediately following the election and coinciding with the recount period pursuant to RSA 40:4-c. The declarations of candidacy shall be invalid if the vote confirming the establishment of a charter commission fails in a recount***.

4 Department of Information Technology; Duties of the Commissioner. Amend RSA 21-R:4, XVIII to read as follows:

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XVIII. Establishing as necessary, after consultation with the information technology council, established under RSA 21-R:6, statewide standards and protocols for information technology, networks, ***telephony,*** and cyber security, which ***shall not be subject to the rulemaking requirements under RSA 541-A and*** shall be adhered to by all executive branch agencies unless granted a waiver by the commissioner.

5 Administrative Procedure Act; Exemptions; Standards and Protocols of the Department of Information Technology. RSA 541-A:21, I(gg) is repealed and reenacted to read as follows:

(gg) Statewide standards and protocols developed by the department of information technology in consultation with the information technology council, including those adopted pursuant to RSA 21-R:4, XVIII, relative to information technology, networks, telephony, and cyber security within executive branch agencies.

6 Repeal. RSA 21-R:4, XX, relative to development of a telephony services manual by the department of information technology, is repealed.

7 Retirement System; Investment Committee; Report on Investment Fees. Amend RSA 100-A:15, II-a(c) to read as follows:

(c) Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the independent investment committee. ***The report shall include a description of all fees incurred due to investment transactions.***

8 Retirement System; Independent Investment Committee; Reports. RSA 100-A:15, X is repealed and reenacted to read as follows:

X. The quarterly report of the independent investment committee under paragraph II(c) and the comprehensive annual financial report under paragraph VI shall be made available for public inspection on the retirement system's Internet website.

9 Death Benefits; Emergency Medical Technicians and Rescue Squad Members. Amend RSA 21-I:29-a, I(c) to read as follows:

(c) "Family" means the surviving spouse of the police officer, firefighter, emergency medical technician, or rescue squad member who was wholly or partially dependent, in fact, upon the earnings of the police officer***,*** firefighter, emergency medical technician, or rescue squad member or, if there is no surviving spouse, the surviving dependent child or dependent children, of such police officer***,*** [~~or~~] firefighter***, emergency medical technician, or rescue squad member*** or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such police officer, firefighter, emergency medical technician, or rescue squad member.

10 Death Benefits; Emergency Medical Technicians and Rescue Squad Members. Amend RSA 21-I:29-a, I(h) to read as follows:

(h) "Rescue squad member" means any member of a rescue squad formed for the purposes of responding to a state of emergency as declared by the governor or as part of a search and rescue effort under the supervision of the fish and game department [~~to recover a lost person~~].

11 Administrative Procedure Act; Definition of Form. RSA 541-A:1, VII-a is repealed and reenacted to read as follows:

VII-a. "Form" means a document, whether hardcopy or electronic, with blank spaces for insertion of required or optional information, which must be submitted to the agency by persons outside the agency, such as, but not limited to, licensing applications, petitions, or requests. The term does not include a document that is called a form by the agency but which does not have blank spaces for insertion of information by persons outside the agency.

12 Public Hearing and Comment. Amend RSA 541-A:11, I(a) to read as follows:

I.(a) Each agency shall hold at least one public hearing on all proposed rules filed pursuant to RSA 541-A:3 and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or

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arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice filed pursuant to RSA 541-A:3, I and the provisions of this section. The office of legislative services shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of the office of legislative services. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule ***and any draft new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b,*** shall be available to the public under RSA 91-A and at least 5 days prior to the date of the hearing.

13 New Paragraph; Filing of Final Proposal. Amend RSA 541-A:12 by inserting after paragraph II the following new paragraph:

II-a. The agency shall file with the final proposal a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the final proposed rule or whose requirements are set forth in the final proposed rule pursuant to RSA 541-A:19-b.

14 Review by the Joint Legislative Committee on Administrative Rules; Basis for Objection. Amend RSA 541-A:13, IV(c) to read as follows:

(c) Determined not to be in the public interest***, including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b***; or

15 Final Adoption. Amend RSA 541-A:14, III to read as follows:

III. The agency shall file [~~all adopted rules~~] with the director of legislative services ***all adopted rules and any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rules incorporate by reference or whose requirements are set forth in the rules pursuant to RSA 541-A:19-b***.

16 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph IV the following new paragraph:

IV-a. The agency shall file with the proposed interim rule a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the proposed interim rule or whose requirements are set forth in the proposed interim rule pursuant to RSA 541-A:19-b.

17 Interim Rules; Basis for Objection. Amend RSA 541-A:19, VII(c) to read as follows:

(c) Determined not to be in the public interest***, including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b***; or

18 Interim Rules. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b). An adopted interim rule***, and any new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or the requirements for which are set forth in the rule pursuant to RSA 541-A:19-b,*** shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval. Interim rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

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19 Adoption of Forms. Amend RSA 541-A:19-b to read as follows:

541-A:19-b Adoption of Forms. An agency may adopt a form as defined in RSA 541-A:1, VII-a***, either*** by incorporating the actual form by reference ***in a rule,*** or by setting forth the requirements of the form in rules***,*** adopted according to the procedures in this chapter ***and in compliance with the drafting and procedure manual pursuant to RSA 541-A:8. No new or amended form shall be effective and enforceable pursuant to RSA 541-A:22, I unless the form has been adopted in accordance with this chapter***.

20 Revisions to Forms; Expedited Procedure. Amend RSA 541-A:19-c to read as follows:

541-A:19-c Revisions to Forms; Expedited Procedure.

I. An agency may make editorial changes to a previously adopted form without following the procedures required in RSA 541-A:19-b, in this section, or in RSA 541-A:3***, but shall notify the office of legislative services of any proposed editorial changes in accordance with the drafting and procedure manual pursuant to RSA 541-A:8***.

II. An agency may revise [~~a form as defined in RSA 541-A:1, VII-a without meeting the requirements of RSA 541-A:5-7~~] ***substantively the requirements on a previously adopted form as defined in RSA 541-A:1, VII-a, and amend the relevant provisions in the rule which set forth the requirements of the form or incorporate the form by reference pursuant to RSA 541-A:19-b, without meeting the requirements of RSA 541-A:5, RSA 541-A:6,*** and RSA 541-A:9-14 [~~either in accordance with RSA 541-A:19-b or~~] by providing notice and adopting the ***amended*** form in accordance with paragraphs III through VII.

III. Notice of an agency's intent to [~~adopt a form or amendment to a form~~] ***amend a form and amend the relevant, affected rule*** shall include:

(a) The name and address of the agency.

(b) The statutory authority for the form.

(c) ***The rule number and title of the affected rule to be amended, and whether the action is an amendment or readoption with amendment of the rule as described in the drafting and procedure manual pursuant to RSA 541-A:8.***

(d) An explanation of the reason for the proposed [~~adoption or~~] amendment of a form ***and a summary of the existing, affected rule and the proposed amendment to the form and the rule***.

[~~(d)~~] ***(e)*** The name, address, electronic address, and telephone number of an individual in the agency able to answer questions about the proposed form.

[~~(e)~~] ***(f)*** The deadline for receipt by the agency of written or electronic public comment, which shall be no sooner than the 7th calendar day after the date of publication of the notice in the rulemaking register.

III-a. The amended rule to be filed shall include only those relevant provisions of the rule, as described in the drafting and procedure manual, pursuant to paragraph II, and neither the amended form nor the amended rule shall have a fiscal impact which would otherwise require a fiscal impact statement pursuant to RSA 541-A:5.

IV. ***The agency shall file a copy of the amended form, the amended rule including an appendix pursuant to RSA 541-A:3-a, and*** the notice required by paragraph III [~~shall be filed~~] with the director of legislative services***,*** [~~for publication~~] ***who shall publish the notice*** in the rulemaking register. [~~A copy of the form to be adopted shall be filed with the notice.~~]

V. If on the basis of public comment the official or the group of individuals with rulemaking authority determines that the form should not be [~~adopted~~] ***amended***, the agency shall so notify the director of legislative services and the form shall not be [~~adopted~~] ***amended***.

VI. The proposed form ***as amended and amended rule*** shall be placed on the agenda of the committee for review at the first regularly scheduled or special meeting at least 5 calendar days after the close of the period for written or electronic comment described in subparagraph III(e). The committee may approve or object to the form. The committee may object to the adoption of the form ***as amended and the affected rule*** if the form is:

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(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature; [~~or~~]

(c) ***Deemed not to be in the public interest, including the existence of substantive inconsistencies between the form and the rule where the form is incorporated by reference or which set forth the requirements of the form pursuant to RSA 541-A:19-b; or***

(d) Deemed by the committee not to meet the requirements of this section***, including due to the existence of a fiscal impact***.

VII. Subsequent review and adoption of the form ***as amended and the affected rule*** shall be as provided in RSA 541-A:13 for final proposed rules.

21 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

I. No agency rule***, including a form,*** is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

22 Retail Installment Sales of Motor Vehicles; Consumer Inquiries. Amend the introductory paragraph of RSA 361-A:4-a, I to read as follows:

I. Consumer complaints naming retail sellers or sales finance companies under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via ***electronic mail or*** certified or registered mail to the retail seller or sales finance company for response within 10 days of receipt by the department. Retail sellers or sales finance companies shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the retail seller or sales finance company shall conduct an investigation of the complaint and either:

23 Bank Commissioner; Qualifications. Amend RSA 383:6 to read as follows:

383:6 Qualifications. No person who is not a resident of the state at the time of his or her appointment or who fails to become a resident of the state within one year after his or her appointment, and no person who is indebted to any entity under the supervision of the commissioner, or who holds any stock or office in the entity, or who is engaged as principal or agent in the business of selling or negotiating loans, stocks, or securities of any kind in this state, or who is an officer or stockholder in any entity engaged in that business, shall be eligible to hold or continue to hold the office of commissioner or deputy commissioner. The provisions of this section relative to indebtedness to an entity under the supervision of the commissioner shall not disqualify a person who[~~, at the time of his or her appointment,~~] is indebted to the entity for [~~a home mortgage loan, or if at a time subsequent to his or her appointment a legal transfer of the loan or conversion of an entity results in the loan being held by an entity under the supervision of the commissioner or deputy commissioner, provided that the indebtedness shall be limited to such pre-existing contracts.~~] ***a residential mortgage loan, car loan, or other secured personal loan if such indebtedness is subject to customary terms and conditions and transacted in the normal course of business. The provisions of this section relative to stock shall not disqualify a person who holds investments in shares of regulated diversified investment companies.***

24 Bank and Credit Union Regulatory and Enforcement; Consumer Complaints. Amend the introductory paragraph of RSA 383-A:9-904, I to read as follows:

I. Consumer complaints naming state banks or credit unions, which are filed in writing, shall be forwarded via ***electronic mail or*** certified mail to the state bank or credit union for response within 10 days of receipt by the department. Not later than 30 days following receipt of such complaint, the state bank or credit union shall conduct an investigation of the complaint and either:

25 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer Inquiries. Amend the introductory paragraph of RSA 397-A:15-a, I to read as follows:

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I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via ***electronic mail or*** certified mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

26 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries. Amend the introductory paragraph of RSA 399-A:12, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via ***electronic mail or*** certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

27 Debt Adjustment Services; Consumer Inquiries. Amend the introductory paragraph of RSA 399-D:11, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via ***electronic mail or*** certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

28 New Paragraph; Licensing of Money Transmitters; Definitions; Nationwide Multistate Licensing System and Registry. Amend RSA 399-G:1 by inserting after paragraph XVII the following new paragraph:

XVII-a. "Nationwide multistate licensing system and registry" means a national licensing system and facility developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or their successors, for the licensing and registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers, and other non-depository financial service licensees, including money transmitters.

29 Licensing of Money Transmitters; Application and Fees. Amend the introductory paragraph of RSA 399-G:4, I(a) to read as follows:

(a) To be considered for licensing, each person shall complete and file with the department one verified application through the Nationwide Multistate Licensing System and Registry, using the Nationwide Multistate Licensing System and Registry form, [~~or providing all the same information required on the application developed by the Nationwide Multistate Licensing System and Registry,~~] which shall include but not be limited to the following information:

30 Licensing of Money Transmitters; Consumer Inquiries. Amend the introductory paragraph of RSA 399-G:12, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via ***electronic mail or*** certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

31 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the following new sections:

437:8-a Animal Records Database Established.

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I. The department of agriculture, markets, and food shall design, establish, and contract with a third party for the implementation and operation of an electronic system to facilitate the handling of animal records. The department shall maintain a statewide database of all health certificates for any dog, cat, or ferret for which it is required; records of all rabies vaccinations; records of quarantine for any animal brought into New Hampshire for transfer under RSA 437:8, IV; any records required of pet vendors for the transfer of any animal that is not a dog, cat, or ferret; license information for pet vendors required to be licensed under RSA 437:3, and the number of individual and group licenses issued each year by each municipality in New Hampshire under RSA 466.

II. Such database may also be used to record other data relevant to the oversight of pet animal health in the state as the commissioner deems necessary.

III. The department shall maintain a reporting system capable of receiving electronically transmitted reports from veterinarians, pet vendors, animal shelters, and any other person the department requires by rule to submit animal records. Authorized users shall be capable of working in offline mode when an Internet connection is not available. The commissioner shall adopt rules under RSA 541-A to govern methods of obtaining, compiling, and maintaining such information it deems necessary to manage such database including procedures for providing authorized access by licensed veterinarians, municipal clerks, and other persons the commissioner requires to access to the database. The commissioner shall also adopt rules pursuant to RSA 541-A relative to the collection of fees necessary to maintain the database. The commissioner shall also ensure that the database is secure from unauthorized access or use.

IV. There is established a nonlapsing fund to be known as the animal records database fund in the department of agriculture, markets, and food which shall be kept distinct and separate from all other funds. All moneys in the animal records database fund shall be nonlapsing and continually appropriated to the commissioner, and except as otherwise provided in law, shall be used for the purpose of administering and maintaining the animal records database established in this section. The database fund shall draw moneys only from grants, appropriations, and the fees in RSA 437:8-a.

V. Notwithstanding paragraph IV, the fund shall be initiated by transfers from the agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA 435:20,V(a), and the integrated pest management fund established under RSA 430:50, as provided in RSA 430:50, IV(a). After the animal records database is operational, the commissioner may reimburse first the integrated pest management fund, and then the agricultural product and scale testing fund, over a period of 5 years as provided in RSA 435:20, V(b) and RSA 430:50, IV(b).

437:8-b Confidentiality.

I. Information contained in the database, information obtained from it, and information contained in the records of requests for information from the database, shall be confidential, and shall not be a public record or otherwise subject to disclosure under RSA 91-A, and shall not be subject to discovery, subpoena, or other means of legal compulsion for release. Such information shall not be shared with an agency or institution, except as provided in this subdivision.

II. The department shall establish and maintain procedures to ensure the privacy and confidentiality of animal and animal owner information.

III. The department may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

IV. No database records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

V. Database records, information, or lists may be made available pursuant to a court order on a case-by-case basis. In a case of potential rabies exposure, rabies vaccination information may be made available in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. Any information, record, or list received pursuant to this paragraph shall not be transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.

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VI. Any person who knowingly accesses, alters, destroys, or discloses program information except as authorized in this subdivision or attempts to obtain such information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

32 Health Certificates; Fee. Amend RSA 437:8 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~~] ***an electronic record electronically submitted to the animal records database*** 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~~] ***in*** the certificate. ***The signing veterinarian shall pay a fee not to exceed $2 for each official health certificate submitted to the department of agriculture, markets, and food in accordance with rules established by the department for the submission of the health certificates for the administration of the animal records database.***

II. ***The electronically submitted health certificate shall be considered the official health certificate. A copy of the health certificate of*** [~~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, local officials, or a member of the public upon request up to one year 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, ***a copy of*** that 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 dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.~~]

II-a. For purposes of this chapter, an official health certificate waiver means an electronic record electronically submitted to the animal records database provided in lieu of an official health certificate for a dog, cat, or ferret that has failed the examination for an official health certificate because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus. The waiver shall contain 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; the reason for failure of the examination for the official health certificate; and the signature of the transferee indicating that the transferee has knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included in the health certificate waiver. The waiver shall be submitted electronically to the animal records database by a New Hampshire licensed veterinarian, a New Hampshire licensed pet vendor, or other person authorized to submit to the animal records database. The person submitting the health certificate waiver shall pay a fee not to exceed $2 for each official health certificate waiver submitted to the department of agriculture, markets, and food in accordance with rules established by the commissioner for the administration of the animal records database. Payments shall be made electronically.

III. No person, firm, corporation, or other entity 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, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

IV. 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.

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V. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall 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.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification 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.

VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using a vaccine approved by the state veterinarian. [~~No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph III.~~] ***No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by a copy of the official health certificate or official health certificate waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the transferred animal is accompanied by a copy of the official health certificate or official health certificate waiver. The official health certificate shall reside in the animal records database in a record which the issuing veterinarian and the licensee shall be authorized to access. A copy, generated by the veterinarian or the licensee, shall be provided to the transferee. The transferor shall retain a copy for his or her records.*** If an official health certificate is produced, it shall be prima facie evidence of transfer. [~~The signing veterinarian shall provide a copy of the health certificate to the department of agriculture, markets, and food upon request.~~]

33 Duties of Veterinarian; Notification of Administration of Rabies Vaccine. Amend RSA 436:102 to read as follows:

436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination [~~in triplicate~~] which includes the following information: owner's name and address, description of dog, cat, or ferret (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the vaccination. [~~Distribution of copies of the certificate shall be: the original to the owner, one copy retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100.~~] ***The veterinarian shall enter the rabies vaccine certificate information electronically into the animal records database, and generate a copy for the owner, who shall retain that copy for the interval between vaccinations specified in RSA 436:100. The department shall provide city and town clerks access to database records of vaccination for all dogs, cats, and ferrets within their jurisdiction.*** A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's premises, and not under the control of the owner or handler while working the dog, the collar or harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), or participating in any lawful competitive event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with the tag.

34 Cost; Rabies Vaccination Fee. Amend RSA 436:103 to read as follows:

436:103 Cost. The cost of rabies vaccination shall be paid by the owner of the dog, cat, or ferret. ***A fee not to exceed $2 shall be included in the cost of such vaccinations and shall be submitted***

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to the department of agriculture, markets, and food in accordance with rules established by the department for submission of the vaccination certificate required in RSA 436:102 for the administration of the animal records database.

35 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the animal records database fund established in RSA 437:8-a, IV.

36 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend RSA 435:20 by inserting after paragraph IV the following new paragraph:

V(a). The commissioner shall transfer funds from the agricultural product and scale testing fund established under RSA 435:20, IV to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the agricultural product and scale testing fund to the animal records database fund for this purpose.

(b) After the animal records database is operational, for the purpose of reimbursement, the commissioner may transfer funds back to the agricultural product and scale testing fund for a period of 5 years from the date of certification, employing any surplus over the ongoing cost of database operation and maintenance. All transfers shall end 5 years after certification, whether or not reimbursement is completed.

37 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50 by inserting after paragraph III the following new paragraph:

IV(a). The commissioner shall transfer funds from the integrated pest management fund established in this section to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the integrated pest management fund to the animal records database fund for this purpose.

(b) After the animal records database is operational, for the purpose of reimbursement, the commissioner is authorized to transfer funds back to the integrated pest management fund for a period of 5 years from the date of certification, employing any surplus over the ongoing cost of data base operation and maintenance. All transfers shall end 5 years after certification, whether or not reimbursement is completed.

38 Repeal. The following are repealed:

I. RSA 430:50, IV(a), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds from the integrated pest management fund.

II. RSA 430:50, IV(b), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds to the integrated pest management fund.

III. RSA 435:20, V(a), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

IV. RSA 435:20, V(b), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds to the agricultural product and scale testing fund.

V. RSA 437:8-a, V, relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds to and from the animal records database fund.

39 Applicability.

I. Sections 32-34 of this act shall take effect 90 days after the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services that the animal records database established in RSA 437:8-a is operational.

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II. Paragraphs I and III of section 38 of this act shall take effect 2 years from the date on which the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services, that the animal records database established in RSA 437:8-a is operational.

III. RSA 437:8-a, V, as inserted by section 31 of this act, and paragraphs II and IV of section 38 of this act, shall take effect 5 years from the date on which the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services, that the animal records database established in RSA 437:8-a is operational.

40 Organization of State Banks; Application. Amend RSA 383-A:3-305(e)(6) to read as follows:

(6) ***In addition to paying the cost for any examination or investigation of the background and criminal history of any person pursuant to this section,*** [~~The commissioner may require~~] the organizer [~~to~~] ***shall*** pay the actual costs of each background investigation and criminal history records check.

41 Trust Company Act; Number of Directors. Amend RSA 383-C:6-601 to read as follows:

383-C:6-601 [~~Number of~~] Directors.

(a) The board of directors of a trust company shall be composed of at least 5 directors. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the trust company's safety and soundness.

(b) Every new director shall submit to a background investigation and criminal history records check, to include submission of financial and other information in accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material change related to the background investigation and criminal history records check of any director or any new information related to the experience, ability, standing, competence, trustworthiness, and integrity of a director that could jeopardize the safe and sound operation of the trust company within 30 days of learning of such change. The cost of any examination or investigation of the background information and criminal history shall be paid by the trust company.

42 New Section; Trust Company Act; Removal of Directors or Officers by Commissioner. Amend RSA 383-C by inserting after section 6-603 the following new section:

383-C:6-604 Removal of Directors or Officers by Commissioner. In addition to the grounds for removal set forth in RSA 383-A:9-902, the commissioner may also remove a director or officer of a trust company if, in the opinion of the commissioner, the director or officer does not possess the experience, ability, standing, competence, trustworthiness, and integrity to ensure the safe and sound operation of the trust company. The commissioner shall act in accordance with the procedure described in RSA 383-A:9-902 for any such removal.

43 Family Trust Company Act; Directors and Officers. Amend RSA 383-D:8-801(a) to read as follows:

(a) A family trust company shall have a board of directors, and that board of directors must have not less than three members. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the family trust company's safety and soundness. [~~RSA 383-C:6-601~~] ***RSA 383-C:6-601(a)*** shall not apply to family trust companies.

44 Purpose and Findings. The general court finds that proper solid waste management protects public health and the environment and preserves natural resources. To adequately prepare the state for future solid waste challenges, New Hampshire must review and update its solid waste management laws and policies and its solid waste management plan, engage in vigorous long-range planning, and develop creative, effective solutions. Other states in the region have devoted significant effort and funds to future solid waste management planning. New Hampshire lags behind in updating its solid waste reduction and recycling policies, while solid waste disposal capacity rapidly diminishes to the detriment and expense of the state's citizens, municipalities, and businesses. The working group in section 45 of this act is being established to assist the department of environmental services plan our state's solid waste future.

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45 New Subdivision; Solid Waste Working Group. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Solid Waste Working Group

149-M:61 Solid Waste Working Group.

I. The solid waste working group shall be convened by the department of environmental services and shall have, at a minimum, the following members:

(a) One member of the house, appointed by the speaker of the house of representatives.

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

(c) One member of the waste management council, appointed by the chair of the council.

(d) One member representing private solid waste disposal facilities who shall also operate a major materials recovery facility.

(e) One member representing publicly owned solid waste disposal facilities.

(f) One member representing solid waste haulers.

(g) One member representing solid waste recyclers.

(h) One representative of the Northeast Resources Recycling Association, appointed by that association.

(i) One member representing cities with single stream recycling.

(j) One member representing a rural community with source separated recycling.

(k) The commissioner of the department of environmental services, or designee.

(l) The commissioner of business and economic affairs, or designee.

(m) One representative of the New Hampshire health care industry.

(n) One representative of the Northeast Recycling Council, appointed by that council.

(o) One representative of an environmental/public health advocacy organization.

(p) One member representing the public interest, appointed by the governor.

(q) One member representing New Hampshire commercial/industrial waste generators.

(r) Any other members the commissioner of the department of environmental services deems necessary.

II. Unless otherwise indicated, the members of the working group shall be appointed by the commissioner.

III. The solid waste working group shall:

(a) Assist the department in long-range planning for and the development of creative, effective solutions to the state's solid waste management challenges.

(b) Review and make recommendations for changes to the state's existing solid waste reduction, recycling, and management policies, programs, goals, and initiatives.

(c) Review and make recommendations regarding the impact of regional solid waste management initiatives, including landfill waste disposal bans, on our state and our solid waste disposal landfill capacity.

(d) Advise the department in the development of the solid waste management plan required by RSA 149-M:29.

(e) Review and recommend methods to better provide technical assistance and educational outreach to municipalities, schools, businesses, and the public regarding solid waste reduction, recycling, and management policies.

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(f) Review and recommend ways to better implement the solid waste hierarchy and solid waste reduction goals, under RSA 149-M:3.

(g) Review and make recommendations based on the 2019, 265 (HB 617) study committee report on recycling and solid waste management in New Hampshire.

(h) Review such other matters as the working group deems necessary and to recommend any related legislation, policy, or rule changes.

IV. The working group shall meet no later than 60 days after the effective date of this subdivision. The working group shall submit an initial report to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on November 1, 2020 and a final report on November 1, 2023.

46 Repeal. RSA 149-M:61, relative to the solid waste working group, is repealed.

47 Compost; Rulemaking. The commissioner shall initiate rulemaking pursuant to RSA 149-M:7, XV by September 30, 2020 relative to requirements and best practices for facilities that compost organics, including vegetable matter, meat, meat byproducts, dairy products, and dairy product derivatives.

48 State Building Code; Ratification of Amendments. Pursuant to RSA 155-A:10, IV(b), the general court hereby ratifies the amendments to the state building code, as defined in RSA 155-A:1, approved by the state building code review board from July 10, 2015 through March 11, 2016 and from March 8, 2019 through November 8, 2019, in administrative rules Bcr 300; with the exception of state building code review board Exhibits RE-15-35-18 and RE-15-36-18, which shall not take effect. Further provided that the following amendments shall expire as provided in 2019, 250:4:

I. RE-15-33-18, an amendment to International Residential Code (IRC) 2015, table N1102.1.2, relative to climate zone 6, wood frame wall r-value.

II. RE-15-37-18, an amendment to IRC 2015, section N1101.5, relative to information on construction documents.

III. RE-15-39-18, an amendment to IRC 2015, section N1102.1, relative to the building thermal envelope.

IV. RE-15-40-18, an amendment to IRC 2015, section N1102.4.1.2, relative to testing.

V. RE-15-42-18, an amendment to IRC 2015, section N1103.6, relative to mechanical ventilation.

VI. RE-15-43-18, an amendment to IRC 2015, table N1102.1.2, relative to insulation and fenestration requirements by component.

49 State Fire Code; Ratification of Amendments. Pursuant to RSA 153:5, the general court hereby ratifies the amendments to the state fire code adopted by the state fire marshal and the state board of fire control on January 15, 2020.

50 Local Option for Operation of Sports Book Retail Locations. Amend RSA 287-I:6, III to read as follows:

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election. ***A city with biennial elections may conduct a vote on the question in accordance with the provisions of paragraph I at the September state primary election.***

51 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting [~~highways,~~] sidewalks[~~,~~] and sewers. They

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shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. [~~They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits.~~] Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district. [~~The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.~~] ***The town of Haverhill shall be responsible for the care and maintenance of all roads within its boundaries, including all precincts and districts. Highway block grant funds shall be distributed in accordance with the department of transportation formula, and all other appropriations shall be as directed by warrant articles duly voted by the voters present and voting at each annual Haverhill town meeting.***

52 Financial Audit Requirement. No later than one year after the effective date of section 51 of this act, the Woodsville fire district shall provide a financial audit by a certified public accountant approved by the department of revenue administration that is compliant with generally accepted accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources including state and federal funds, from January 1, 2015 to the effective date of section 51 of this act, as directed by the department of revenue administration. The department of revenue administration must approve the scope of the audit and shall receive monthly updates from the certified public accountant and the Woodsville fire district on the status of the audit while it is in progress. The results of the audit shall be published on the town of Haverhill website within 60 days of delivery by the certified public accountant to the Woodsville fire district and the department of revenue administration. The audit shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the audit incurred by the department of revenue administration shall be in accordance with the provisions of RSA 21-J:22. The department of revenue administration may levy a fine of $250 per day against the Woodsville fire district for every day of noncompliance with section 51 of this act beyond one year from the effective date of section 51 of this act. The commissioner may waive such fine at his or her discretion, subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and the provisions of section 51 of this act.

53 Transportation of Beverages and Wine. Amend RSA 179:15 to read as follows:

179:15 Transportation of Beverages and Wine.

I. A person may transport or deliver beverages and wines in this state without a license, provided such beverages and wines were obtained as authorized by this title and provided such beverages and wines are for consumption only and not for resale purposes.

II. Licensees may transport and deliver to their place of business beverages and wines purchased as authorized under this title, and[~~, except on-premises licensees,~~] may transport and deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles operated under the control of themselves or of their employees [~~or agents~~], provided that the owner of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on behalf of the licensee for whom they are transporting such beverages and wines.

III.(a) Notwithstanding the provisions of paragraph II, an on-premises licensee may purchase a restaurant delivery license from the commission for $250. Such license shall expire one year after the date of issue and may be renewed by an on-premises licensee for $250 each year.

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(b) An on-premises licensee in possession of a restaurant delivery license shall only be permitted to transport beverages and wines for delivery to consumers subject to the following requirements:

(1) All deliveries of beverages and wines shall be accompanied by food prepared by the restaurant delivery licensee and ordered by the consumer;

(2) All deliveries of beverages and wine conducted pursuant to this section shall be undertaken during the on-premises licensee's hours of operation and shall be delivered only to areas where the sale of alcoholic beverages is permitted;

(3) All deliveries of beverages and wine shall be solely for the personal consumption of the consumer and not for resale;

(4) All beverages and wines transported pursuant to RSA 179:15, II shall be transported in their original, manufactured, sealed containers and shall consist of no greater than 192 ounces of malt beverage or 1.5 liters of sparkling or still wine;

(5) Any individual engaged in the delivery of beverages and wines pursuant to this section shall be an employee who regularly receives a W-2 from the on-premises licensee and is at least 21 years of age; and

(6) During deliveries conducted under this section, the person engaged in making the delivery shall acquire a signed receipt from the consumer. Consumers who appear visibly intoxicated or who a reasonable and prudent person would know is intoxicated, who do not produce identification verifying the consumer's age, or who fail to sign a receipt shall not be entitled to his or her delivery of beverages or wine.

(c) No holder of a restaurant delivery license or on-premises license shall deliver any alcoholic beverage to any college, university, or school, whether public or private, located within the state. No holder of a restaurant delivery license or on-premises license shall deliver any alcoholic beverage to any public library, public playground, or public park.

IV. A person holding an on-premises license engaged in take-out services may include beverages and wine with meals sold to a consumer for consumption by the consumer and not for resale. The requirements set forth in subparagraph III(b) shall apply to any take-out meal sold with beverages or wine.

V. Every person operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the commission by rule may prescribe showing the origin and destination of the beverages and wines being transported or delivered. Upon demand of any law enforcement officer, investigator, or employee of the commission, the person operating such vehicle shall produce for inspection a copy of the license and the evidence required by this section. Failure to produce such license or evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided, beverages and wines may be transported within the state only by a railroad or steamboat corporation or by a person regularly and lawfully conducting a general express or trucking business, and in each case holding a valid carrier's license issued by the commission. Nothing in this section shall prohibit individual retail licensees from arranging for the delivery of wine products to a location central for the parties involved.

54 Transportation of Beverages and Wine; Effective July 1, 2021. RSA 179:15 is repealed and reenacted to read as follows:

179:15 Transportation of Beverages and Wine.

I. A person may transport or deliver beverages and wines in this state without a license, provided such beverages and wines were obtained as authorized by this title and provided such beverages and wines are for consumption only and not for resale purposes.

II. Licensees may transport and deliver to their place of business beverages and wines purchased as authorized under this title, and, except on-premises licensees, may transport and deliver anywhere in the state

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such beverages and wines ordered from and sold by them in vehicles operated under the control of themselves or of their employees or agents, provided that the owner of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on behalf of the licensee for whom they are transporting such beverages and wines.

III. Every person operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the commission by rule may prescribe showing the origin and destination of the beverages and wines being transported or delivered. Upon demand of any law enforcement officer, investigator, or employee of the commission, the person operating such vehicle shall produce for inspection a copy of the license and the evidence required by this section. Failure to produce such license or evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided, beverages and wines may be transported within the state only by a railroad or steamboat corporation or by a person regularly and lawfully conducting a general express or trucking business, and in each case holding a valid carrier's license issued by the commission. Nothing in this section shall prohibit individual retail licensees from arranging for the delivery of wine products to a location central for the parties involved.

55 New Subparagraph; Advisory Council on Career and Technical Education. Amend RSA 188-E:10-b, I by inserting after subparagraph (h) the following new subparagraph:

(i) A high school counselor from a sending school district, appointed by the president of the New Hampshire School Counselor Association.

56 Advisory Council on Career and Technical Education. Amend RSA 188-E:10-b, III to read as follows:

III. Members of the advisory council appointed under subparagraphs I(f)-[~~(h)~~]***(i)*** shall serve for terms of 3 years and may be reappointed, except that terms of initial appointments by the commissioner under subparagraphs (f) and (h) shall be staggered.

57 New Paragraph; Career and Technical Education; Rulemaking. Amend RSA 188-E:10-b by inserting after paragraph VI the following new paragraph:

VII. By September 30, 2020, upon recommendation of the council, the state board of education shall adopt rules, pursuant to RSA 541-A, establishing requirements for a career readiness credential.

58 Repeal. 2019, 256:2, increasing the quorum required for the Pease development authority board of directors under RSA 12-G:4, III, is repealed.

59 New Chapter; Lakes Region Development Authority. Amend RSA by inserting after chapter 12-O the following new chapter:

CHAPTER 12-P
LAKES REGION DEVELOPMENT AUTHORITY

12-P:1 Declaration of Purpose.

I. The general court recognizes that the redevelopment of the lakes region facility is a matter of great concern for the city of Laconia, the lakes region, and the state of New Hampshire. Therefore, the general court finds that refinement and implementation of the redevelopment master plan prepared by the lakeshore redevelopment planning commission is necessary to ensure proper planning and optimal disposition and use of the property for the benefit of the city of Laconia, the lakes region, and the state.

II. The general court further recognizes that the economies, environment, and quality of life of the city of Laconia, the lakes region, and the state will depend on the expeditious and proper redevelopment of the lakes region facility. Thus, it is hereby declared to be in the public interest and to be the policy of the state to foster and promote the redevelopment of the lakes region facility by implementing the redevelopment master plan prepared by the lakeshore redevelopment planning commission.

III. It is further declared that creation of a development authority to implement the redevelopment master plan, oversee, and manage the sale and transfer of the land, buildings, and facilities at the lakes region facility, and, to the greatest extent practicable, integrate the development of the lakes region facility with

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nearby state resources and the master plan of the city of Laconia is in all respects for the benefit of the city of Laconia, the lakes region, and the state and for the improvement of their welfare and prosperity, including the creation and enhancement of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the lakeshore redevelopment planning commission the responsibility for completing any steps in the planning process that may remain incomplete as of July 1, 2020, and to create a development authority with the power, duties, and authority to implement all aspects of the redevelopment of the lakes region facility subject to provisions of this chapter.

12-P:2 Definitions. In this chapter:

I. "Authority project" means the development, construction, reconstruction, maintenance, or operation of any authority property, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of lakes region facility property or used or useful in connection therewith.

II. "Authority property" means all real property and tangible and intangible personal property, rights, and facilities located at the lakes region facility.

III. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, and the mayor and city council of the city of Laconia.

IV. "Authority" means the lakes region development authority.

V. "Board" means the board of directors of the authority.

VI. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VII. "Commission" means lakeshore redevelopment planning commission established pursuant to former RSA 10:5.

VIII. "Director" means a member of the board.

IX. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-P:19 required (a) to pay the costs of operating, maintaining, and repairing all property and projects of the authority, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the state issued to support authority projects or operations, as the same become due and payable, (d) to create and maintain a capital improvement fund for development of authority property and authority projects to be established pursuant to RSA 12-P:18, and (e) to pay any federal or state taxes owed by the authority related to its ownership or operation of authority property or authority projects.

X. "Lakes region facility" means all land, easements, buildings, structures, and appurtenances owned or controlled by the state of New Hampshire in the city of Laconia formerly known as the Laconia State School or subsequently acquired or transferred to the authority.

XI. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or interstate body.

XII. "Revenues" means the gifts, grants, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of the lakes region facility and the operation of related facilities located thereon and all right to receive the same, including investment earnings and the proceeds of any borrowing hereunder or of any sale, disposition or insurance of any assets of the authority.

XIII. "Security document" means any trust agreement, security agreement, or resolution authorizing the issuance of or securing bonds.

XIV. "State" means the state of New Hampshire.

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12-P:3 Lakes Region Development Authority Established.

I. There is hereby created a public instrumentality of the state, to be known as the lakes region development authority, to carry out the provisions of this chapter. The exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

II. Any resolution, vote, or contract executed, passed, or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on June 1, 2020, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt, or otherwise be bound by the bylaws, votes, or decisions of the commission or any advisory committee thereof except as set forth in paragraph II.

12-P:4 Management by Board of Directors; Executive Director.

I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

(a) Two members appointed by the governor and executive council.

(b) Two members appointed by the mayor and city council of the city of Laconia.

(c) One member appointed by the president of the senate.

(d) One member appointed by the speaker of the house of representatives.

(e) One member who is nominated by majority vote of the legislative delegation of Belknap county, including any senator whose district includes Belknap county, and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this manner shall be a resident of Belknap county. The member appointed in this manner may be removed from office for cause after hearing by the Belknap county legislative delegation.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed. State-appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the city of Laconia may be removed from office for cause after hearing by the mayor and city council.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its employees, subject, however, to the direction and control of the board. The executive director shall be responsible for ensuring that all revenues and all costs associated with operating and maintaining property and projects are accounted for and shall perform all such other duties as from time to time may be assigned to the executive director by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority. The executive director shall have the power to cause copies to

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be made of all minutes and other records and documents of the authority. The executive director may employ, with the consent and approval of the board, such assistants, legal counsel, and clerical and administrative staff as is directed by the board and within the limits of funds available for that purpose. The salary of the executive director shall be established by the board.

12-P:5 Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless the member has already filed a statement in that calendar year.

II. A member of the board shall not be allowed to enter into or continue his or her duties, unless the member has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of $10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of $5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of $5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly-held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

12-P:6 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

12-P:7 Duties.

I. The authority assumes from the commission and shall perform the following duties:

(a) Undertaking such studies as are deemed necessary by the authority to effect the redevelopment and future use of the lakes region facility or otherwise carry out the duties of the authority under this statute. Any such studies shall have as a primary concern the impact of the redevelopment and future reuse of the lakes region facility on the economies, environment, and quality of life of the city of Laconia, the lakes region, and the state.

(b) Reviewing and implementing as expeditiously as possible all options relative to the most appropriate future uses of the lakes region facility to achieve, to the extent practicable, the following goals:

(1) Converting the lakes region facility through sale or other transfer or conveyance to non-state ownership;

(2) Generating property tax revenues from property within the lakes region facility;

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(3) Creating jobs and promoting economic development within the city of Laconia and the lakes region;

(4) Integrating redevelopment of the lakes region facility with the city of Laconia master plan and adjacent and nearby state facilities;

(5) Reducing the costs and other financial burdens on the state and its agencies resulting from state ownership, operation, and maintenance of the lakes region facility;

(6) Recognizing and memorializing the prior use of the lakes region facility as the former Laconia state school; and

(7) Returning to the state when the authority ceases to exist or, at the discretion of the board, prior to such time, an amount of funds equal to the total cost of any bonds issued by the state in support of redevelopment of the lakes region facility.

II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the redevelopment master plan for the lakes region facility.

12-P:8 Incorporation; Powers. Notwithstanding any other provision of law, the authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

II. To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the authority.

III. To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

IV. To sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, all or any of the property, whether tangible or intangible, at the lakes region facility or other property of the authority or any interest therein on such terms and conditions as the authority deems to be consistent with it duties under RSA 12-P:7 and without regard to any other provision of law affecting or restricting the sale, conveyance, lease, rental, exchange, transfer, abandonment or other disposal of state property, except that no real property may be made subject to a license, lease, or other rental agreement subject to a term beyond June 30, 2026, without the prior approval of the governor and the executive council.

V. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or its agencies or departments, the state or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, grants, property, funds, money, materials, labor, supplies, or services.

VI. To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and fulfillment of the duties of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic on such terms and conditions as the authority deems appropriate within the limits of its available funds.

VII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

VIII. To procure insurance against any loss in connection with its property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor. Nothing in this paragraph shall be construed as a waiver of the sovereign immunity of the state except as authorized under RSA 491:8.

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IX. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of, or other participation in facilities, products, or services of any person who engages in business on property owned or controlled by the authority.

X. To make any inquiry, investigation, survey, feasibility study, or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XI. To apply to the appropriate agencies and officials of the federal government and the state for applicable licenses, permits, or approvals of its plans or projects as it may deem necessary or advisable, and to accept such licenses, permits, or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XII. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary to make rules pursuant to its own procedures for the use of its projects and property and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XIII. To design, construct, maintain, operate, improve, and reconstruct such projects as shall be consistent with the purposes and provisions of this chapter and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in such parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XIV. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-P:9 General Authority Power. In addition to the duties and powers specifically enumerated in RSA 12-P:7 and RSA 12-P:8, the authority shall have every power enumerated in the laws of the state granted to the authority or the executive director under any other provision of state law.

12-P:10 Status of Authority Employees; Entitlement to State Benefits; Reimbursement of Costs.

I. The authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding any other provision of law, any employee's service with the authority shall be credited to such employee as continuous state service for all purposes, including without limitation rate of pay, determination of seniority and years of state service, longevity pay, and annual, sick, or other forms of leave.

III. Notwithstanding the provisions of paragraph I, any individual employed by the authority, whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are equivalent to those afforded to classified employees of the state. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

IV. Notwithstanding any other provision of law, the board or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority.

12-P:11 Local Land Use Controls.

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I. Notwithstanding any other provision of law, any and all land use controls of the city of Laconia shall not apply to any of the property at the lakes region facility until such time as such property is transferred, conveyed, or otherwise granted to an entity or person that is not an agency or instrumentality of state or federal government or any employee or agent thereof. Prior to such transfer, conveyance, or grant, the authority shall have the exclusive jurisdiction in adopting and establishing such land use controls for the property at the lakes region facility as it deems necessary. In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of any land use controls it may adopt. Any land use controls enacted by the authority shall be filed in the Belknap county registry of deeds, the clerk's office for the city of Laconia, and the New Hampshire office of strategic initiatives.

II. Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Laconia and any abutters shall have standing to appeal decisions made by the authority related to implementation of any land use control adopted by the authority.

III. The authority shall engage with the appropriate officials of the city of Laconia to develop for property to be transferred, conveyed, or otherwise granted by the authority the appropriate zoning and other ordinances and regulations as are necessary to effect the purposes of this chapter as are consistent with the state's redevelopment master plan and the city's master plan.

IV. The authority, after notice and hearing and in addition to any contract right or other power, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of the authority's land use controls. The proceeds of any administrative fine levied pursuant to this section shall be revenue of the authority.

V. If the authority adopts land use controls pursuant to this section, the authority shall adopt rules relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of the authority's land use controls as provided in this paragraph;

(b) Procedures for notice and hearing prior to imposition of an administrative fine; and

(c) Procedures for rehearings and appeals to the board.

12-P:12 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity, and for the improvement of their social and economic conditions, and the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf. Nothing in this section shall be construed to exempt any transferee, lessee, or tenant of the authority from paying any recording fee, transfer tax, or other tax required by state law.

II. Upon the sale, conveyance, or other transfer by the authority of any of its property to a nonexempt entity for any use, the city of Laconia shall subject such property and any improvements thereon, consistent with applicable state and local law, to any and all applicable property taxes of the municipality.

III. Upon the leasing or renting by the authority of any of its property to a nonexempt entity for any use, the city of Laconia shall subject such property, consistent with applicable state and local law, to any and all applicable property taxes of the municipality as though such property were not owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such property rented from the authority, the renter shall pay, in lieu of real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a nongovernmental person.

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(b) In the case of such property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes by the due date:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum from the due date until such taxes are paid;

(2) The city of Laconia shall have a lien, subordinate only to any existing lien of the authority or the state, upon any personal property including, but not limited to, equipment owned by the lessee, which lien shall continue in force from the due date until the taxes and accrued interest are paid; and

(3) The city of Laconia may bring suit against the lessee in any court of competent jurisdiction for the recovery of any unpaid taxes and interest, together with reasonable attorney's fees and costs.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the city of Laconia for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the lessee or authority determines that any valuation made by the city is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

IV. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the lakes region facility owned by the authority shall be provided by the authority or other agencies of the state.

(b) Primary responsibility for maintenance of the physical plant shall remain with the department of administrative services with coordination and cooperation from the authority until such time as a parcel is sold.

(c) Until such time as the city of Laconia begins collecting municipal taxes on any property or interest in property at the lakes region facility, any police or fire services provided to the authority by the city of Laconia shall be provided and reimbursed as set forth in a contract with the authority.

(d) At such time as the city of Laconia begins collecting municipal taxes on any property or interest in property at the lakes region facility, the city shall provide police, fire, and other municipal services to such properties on the same terms and conditions as provided by the city to all other residents and businesses within the city of Laconia shall be provided.

12-P:13 Distribution of Excess Revenues.

I. To the extent consistent with grants, loans, or other obligations incurred by the authority, revenues of the authority in excess of projected operating costs and capital requirements for each state biennial period may be distributed by the board, in its sole discretion, within 30 days of the end of the authority's fiscal year to the state treasurer for deposit in the general fund.

II. Before any excess revenues are distributed pursuant to paragraph I, the authority shall reimburse in full on a pro rata basis the state and the city of Laconia for any funds provided to the authority since July 1, 2020.

III. The annual report prepared by the authority pursuant to RSA 12-P:19 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

12-P:14 Liability of State and Limited Municipal Liability. All obligations and liabilities incurred by the authority related to its property or projects, whether arising from contracts or otherwise, shall be subject to appropriations by the state. They shall not be deemed a debt of or obligation of any political subdivision thereof.

12-P:15 Operating Budget. The authority shall comply with the requirements of RSA 9:1 through 9:9, relative to the budget, except that any appropriation made to the former lakeshore redevelopment planning commission established pursuant to RSA 10:5, including but not limited to appropriations to the commission in 2017, 240, and 2019, 345, shall be transferred to and available for expenditure by the authority upon the repeal of RSA 10:5 through RSA 10:10 and shall not lapse.

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12-P:16 Matching Grants. The state treasurer is authorized to borrow upon the credit of the state a sum not exceeding $1,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for United States Economic Development Administration grants and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from the general fund of the state.

12-P:17 Matching Funds. The state treasurer is authorized to borrow upon the credit of the state a sum not exceeding $1,000,000 to make a loan or loans to the authority to be used solely for the purposes of matching public and private funds. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from the general fund of the state.

12-P:18 Lakes Region Development Authority Fund; Expenditure of Other Revenues.

I. There is hereby established the lakes region development authority fund into which shall be credited any sums appropriated to the authority for each fiscal year and any funds generated from any project or activity of the authority, including sale of any authority property.

II. All sums in the lakes region development authority fund shall be nonlapsing and continually appropriated to the authority for the following purposes:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with authority property, an authority project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;

(b) To pay the costs of operating, maintaining, improving, and repairing all property and projects of the authority;

(c) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director;

(d) To pay the principal of, and premium, if any, and the interest on the outstanding bonds of the state related to property or projects of the authority as the same become due and payable;

(e) To create and maintain a capital improvement fund for property and projects of the authority to be established by the board in an amount not more than $5,000,000;

(f) To pay any taxes that may be owed by the authority related to property or projects of the authority;

(g) To pay any excess revenues authorized pursuant to RSA 12-P:13; and

(h) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. Revenues received and due to the authority from all other sources, except as provided in paragraph I, from whatever source derived, shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

12-P:19 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house finance committee, the senate finance committee, the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

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12-P:20 Construction and Effect of Other Laws.

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. The sale, lease, rental, conveyance, purchase, acquisition, ownership, improvement, transfer, or otherwise dealing in and with authority property, an authority project, or any interest therein, whether tangible or intangible, may be undertaken and executed as otherwise authorized under this chapter without regard to any provision of law relating to the state land or property, tangible or intangible.

IV. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures, including, but not limited to, rules regulating the conduct of hearings. The authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority within 7 days of such adoption, amendment, or repeal. All such rules and bylaws shall be made available to the public on the authority's website.

V. The provisions of this chapter shall be liberally construed in order to effect its purpose.

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

60 New Subparagraph; Application of Receipts; Lakes Region Development Authority Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys in the lakes region development authority fund established in RSA 12-P:18.

61 Reference Changed; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the Pease development authority, division of ports and harbors, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, members and employees of the [~~lakeshore redevelopment planning commission~~] ***lakes region development authority***, or directors, officers, and employees of the land and community heritage investment authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in the treasury not oth-

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erwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

62 Application of Repeal; Lapse of Funds. RSA 12-P, the lakes region development authority, shall be in effect until its repeal on June 30, 2026. Upon the repeal of RSA 12-P and to the extent consistent with any conditions or restrictions on the use of all or any portion of the funds of the lakes region development authority, any funds held by the authority in the lakes region development authority fund at such time as the authority ceases to exist under state law shall be used to repay any outstanding bond obligations incurred by the state pursuant to RSA 12-P and any other funds thereafter remaining shall be forfeited to the general fund of the state, and, simultaneously therewith, any property or interest in property, tangible or intangible, held or otherwise controlled by the authority prior to the lapse of the authority shall be transferred to the department of administrative services.

63 Repeal of Chapter; June 30, 2026. RSA 12-P, relative to the lakes region development authority, is repealed.

64 Repeal. RSA 10:5 through RSA 10:10, relative to the lakeshore redevelopment planning commission, is repealed.

65 Brewster Academy; Composition and Election of Board of Trustees. Amend 1887, 167:3, as amended by 1951, 333:1; 1953, 313:1; 1965, 455:1; 1975, 153:2; and 2010, 5:4 to read as follows:

SECT. 3. The board of trustees shall be composed of not less than nine nor more than [~~twenty-five~~] ***thirty*** members as fixed in Brewster Academy's bylaws, or in the absence of any such bylaw provision, as from time to time expressly determined by resolution of the trustees. Not less than five nor more than twenty-one members shall be elected members as hereinafter provided. Three of the members of the board shall be three trustees under the seventh or residuary clause of the will of John Brewster. The trustees under said will and their several successors in said trust under said will shall each be members of the board of trustees of the Academy for so long as they severally remain trustees under said will. One of the members of the board shall be a representative of the Brewster Academy alumni association who shall serve for one year from the date of his or her election. At each annual meeting approximately one-third of the trustees to be elected shall be elected to serve for three years to succeed those whose terms then expire. The retiring members shall be eligible for reelection but shall have no vote in such election. If a vacancy shall occur among the aforesaid elected trustees or their successors or the trustee from the Brewster Academy alumni association, the board of trustees may elect a trustee to serve for the unexpired balance of the affected term. The head of the academy shall be selected by the board of trustees and may attend meetings of the board of trustees but shall not have a vote therein.

66 Brewster Academy; Amendments to Charter. Notwithstanding any provision of law to the contrary, the board of trustees of Brewster Academy may amend the charter of Brewster Academy in accordance with the provisions of RSA 292:7.

67 Administrators and Their Appointment; Waiver of Administration. Amend RSA 553 by inserting the following new subdivision heading preceding RSA 553:32:

Waiver of Administration

68 Waiver of Administration. RSA 553:32, I-II are repealed and reenacted to read as follows:

I.(a) Notwithstanding any provision of law, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets in any of the following circumstances:

(1) Whenever a decedent dies testate and an individual is named in the will as the sole beneficiary of the decedent's estate and is appointed to serve as administrator.

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(2) Whenever a decedent dies testate and all individuals named in the will as beneficiaries of the decedent's estate are appointed to serve as co-administrators or any appropriate person is appointed to serve as administrator with the assent of all such beneficiaries.

(3) Whenever a decedent dies testate, a trust is named in the will as the sole beneficiary of the estate, and any appropriate person, including one or more trustees of such trust, is appointed to serve as administrator with the assent of all such trustees.

(4) Whenever a decedent dies intestate and an individual, including a surviving spouse, is the sole heir of the decedent's estate and is appointed to serve as administrator.

(5) Whenever a decedent dies intestate and all heirs of the decedent's estate, including a surviving spouse, if any, are appointed to serve as co-administrators or any appropriate person is appointed to serve as administrator with the assent of all such heirs.

(6) Whenever, in the discretion of the court, the court determines it is appropriate under the circumstances.

(b) Administration of the estate shall be completed upon the administrator's filing, and the probate court's approval, of an affidavit of administration. Such filing shall occur not less than 6 months and no more than one year after the date of appointment of the administrator. Upon motion of the administrator, for good cause shown, the court may extend the one year deadline for filing the affidavit of administration. The affidavit of administration shall state that to the best of the knowledge and belief of the administrator there are no outstanding debts or obligations attributable to the decedent's estate and shall list all real estate owned by the decedent at the time of death, including the location, book, and page.

(c) If the administrator fails to file the affidavit of administration within the time prescribed in subparagraph (b), including any extensions granted, the court may take appropriate action in the discretion of the court, including, but not limited to, issuing a notice of default, a show cause order, or requiring full administration of the estate.

II.(a) Any interested person may petition for a full administration of the estate at any time from the original grant of administration to the filing of the affidavit of administration, and such petition may be granted by the probate court for good cause shown.

(b) Where full administration is granted subsequent to an original grant of administration under this section, the deadlines for filing an inventory in RSA 554:1, RSA 554:26-a, and RSA 553:13, I(a), and for filing an account of administration in RSA 554:26-a, shall run from the date of the grant of full administration. All other deadlines, including but not limited to the deadline to request proof in solemn form in RSA 552:7, the notice to legatees and heirs at law in RSA 552:15, the publication of notice of appointment in RSA 553:16, the requirement that an estate be open for at least 6 months before a motion for summary administration may be filed in RSA 553:33, II, for petitioning to distribute assets of an insolvent estate in RSA 554:19-b, the deadline for waiver or release of the will and homestead rights and election of statutory rights by a surviving spouse in RSA 560:10 and RSA 560:14, and deadlines relating to suits in RSA 556, shall run from the original grant of administration.

69 Distribution Upon Intestacy. Amend RSA 561:1, I(e) to read as follows:

(e) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, the first $100,000, plus 1/2 of the ***balance of the*** intestate estate.

70 Uniform Power of Attorney Act; Agent's Authority and Agent's Acceptance or Declination. Amend RSA 564-E:113(a) to read as follows:

(a) A person designated as agent under a general power of attorney shall have no authority to act as agent unless, at any time prior to exercising the power granted under the general power of attorney and not necessarily at the time the general power of attorney is signed by the principal, the person has signed (other than by electronic signature) and affixed to the general power of attorney an acknowledgment in substantially the following form:

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I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that when I act as agent, I am given power under the power of attorney to make decisions about money, property, or both belonging to the principal, and to spend the principal's money, property, or both on the principal's behalf, in accordance with the terms of the power of attorney. When acting as agent, I have duties (called "fiduciary duties") to act in ***accordance with the principal's reasonable expectations to the extent actually known by me and, otherwise, in*** the principal's best interest, to act in good faith, and to act only within the scope of authority granted in the power of attorney, as well as other duties imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the power of attorney specifically gives me the authority to do so. As an agent, my authority under the power of attorney will end when the principal dies and I will not have authority to manage or dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about the power of attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

71 Uniform Powers of Attorney Act; Authority That Requires Specific Grant. Amend RSA 564-E:201(a)(8) to read as follows:

(8) exercise authority over the content of electronic communications sent or received by the principal ***pursuant to RSA 554-A:9***.

72 Uniform Power of Attorney Act; Gifts. Amend RSA 564-E:217(a) to read as follows:

(a) In this section, [~~a "gift" for the benefit of a person~~] ***"gift"*** includes, without limitation, a gift ***for the benefit of a person, including without limitation, a gift*** to a trust, ***a gift to*** an account under the Uniform Transfers to Minors Act, and a ***gift to a*** tuition savings account or prepaid tuition plan as defined under Internal Revenue Code section 529, 26 U.S.C. section 529, as amended.

73 Uniform Power of Attorney Act; Statutory Form Power of Attorney. Amend RSA 564-E:301 to read as follows:

564-E:301 Statutory Form Power of Attorney. A document substantially in the following form may be used to create a power of attorney that is in compliance with the provisions of this chapter***. It is not required that a document be substantially in the following form in order to create a power of attorney that is in compliance with the provisions of this chapter***:

NEW HAMPSHIRE

STATUTORY POWER OF ATTORNEY

INFORMATION CONCERNING THE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the "Principal," you are using this Power of Attorney to grant power to another person (called the "Agent") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Unless you have expressly provided otherwise in this Power of Attorney, your Agent will have these powers before you become incapacitated, and unless you have expressly provided otherwise in this Power of Attorney, your Agent will continue to have these powers after you become incapacitated. You have the right to retain this Power of Attorney and to release it later or to request that another person retain this Power of Attorney on your behalf and release it only if one or more conditions specified in advance by you are satisfied. You have the right to revoke or take back this Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Power of Attorney that you do not understand, you should seek professional advice.

Principal's Signature:

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Date:

1. DESIGNATION OF AGENT

I, (Name of Principal), of (Address of Principal), name the following person as my agent:

Name of Agent:

Agent's Address:

2. DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name the following person as my successor agent:

Name of Successor Agent:

Successor Agent's Address:

If my successor agent is unable or unwilling to act for me, I name the following person as my second successor agent:

Name of Second Successor Agent:

Second Successor Agent's Address:

3. REVOCATION OF EXISTING POWERS OF ATTORNEY

(Initial the following statement if it is your choice.)

_____ This Power of Attorney revokes all existing powers of attorney***, except for powers of attorney relating to health care,*** previously executed by me.

4. GRANT OF GENERAL AUTHORITY

(Initial beside your choice of A or B, but not both.)

_____ A. I grant my agent general authority to act for me in all matters, including, without limitation, all of the subjects enumerated in B below.

_____ B. I grant my agent general authority over the following subjects [~~as defined in the following sections of the Uniform Power of Attorney Act~~]:

(Initial each subject you want to include in the agent's general authority.)

_____ Real Property as defined in RSA 564-E:204

_____ Tangible Personal Property as defined in RSA 564-E:205

_____ Stocks and Bonds as defined in RSA 564-E:206

_____ Commodities and Options as defined in RSA 564-E:207

_____ Banks and Other Financial Institutions as defined in RSA 564-E:208

_____ Operation of Entity or Business as defined in RSA 564-E:209

_____ Insurance and Annuities as defined in RSA 564-E:210

_____ Estates, Trusts and Other Beneficial Interests as defined in RSA 564-E:211

_____ Claims and Litigation as defined in RSA 564-E:212

_____ Personal and Family Maintenance as defined in RSA 564-E:213

_____ Benefits from Governmental Programs or Civil or Military Service as defined in RSA 564-E:214

_____ Retirement Plans as defined in RSA 564-E:215

_____ Taxes as defined in RSA 564-E:216

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_____ Digital Assets ***as defined in RSA 554-A:2(10)***

5. GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

(Initial each subject you want to include in the agent's authority. CAUTION: As to some of the following subjects, granting your agent authority will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

_____ Create, amend, revoke, or terminate an inter vivos trust

(If you have granted your agent the authority to create, amend, revoke, or terminate an inter vivos trust, then initial the following statement if it is your choice.)

_____ ***My agent may create, amend, revoke, or terminate an inter vivos trust to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.***

_____ Make a gift, subject to the limitations of RSA 564-E:217.[~~ of the Uniform Power of Attorney Act~~]

(If you have granted your agent the authority to make a gift, then as to each of the following statements, initial beside it if it is your choice.)

_____ My agent may make a gift, even if it will leave me without sufficient assets or income to provide for my care without relying on Medicaid, other public assistance or charity.

_____ My agent may make a gift to himself or herself and to any individual to whom my agent owes a legal obligation of support.

_____ Create or change rights of survivorship

(If you have granted your agent the authority to create or change rights of survivorship, then initial the following statement if it is your choice.)

_____ ***My agent may create or change rights of survivorship to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.***

_____ Create or change a beneficiary designation

(If you have granted your agent the authority to create or change a beneficiary designation, then initial the following statement if it is your choice.)

_____ ***My agent may create or change a beneficiary designation to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.***

_____ ***Reject, renounce, disclaim, release, or consent to a reduction in or modification of my share in, or a payment to me from, an estate, trust, or other beneficial interest, to benefit my agent or any individual to whom my agent owes a legal obligation of support.***

_____ Delegate authority granted under this Power of Attorney to another person.

_____ Waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.

(If you have granted your agent the authority to waive your right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan, then initial the following statement if it is your choice.)

_____ ***My agent may waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan, to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.***

_____ Exercise the fiduciary power(s) that I have the authority to delegate as specified in the "Special Instructions" in Paragraph [~~7~~] ***6*** of this Power of Attorney.

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_____ Exercise authority over the content of electronic communication sent or received by me ***pursuant to RSA 554-A:9.***

_____ Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks.

~~[6. LIMITATION ON AGENT'S AUTHORITY (OTHER THAN GIFTING)~~

~~(If an agent (including successor agent) named in this Power of Attorney is someone other than an ancestor of yours, your spouse, or a descendant of yours, you must initial the following statement if it is your choice that such agent have the following authority. An agent who is an ancestor of yours, your spouse, or a descendant of yours already has the following authority under New Hampshire law.)~~

~~_____ My agent may exercise authority under this Power of Attorney to create in my agent, or in an individual to whom my agent owes a legal obligation of support, an interest in my property by any manner (other than a gift), including, without limitation, by right of survivorship, beneficiary designation, or disclaimer.~~

~~7.~~] ***6.*** SPECIAL INSTRUCTIONS (OPTIONAL)

(Here you may include special instructions. You may leave this Paragraph blank. You may attach additional pages as necessary.)

[~~8.~~] ***7.*** EFFECTIVE DATE AND AUTHORITY OF AGENT

This Power of Attorney is effective immediately unless I have stated otherwise in the Special Instructions in Paragraph [~~7~~] ***6*** of this Power of Attorney. An agent (including successor agent) named in this Power of Attorney will have no authority to act as my agent until he or she has signed and affixed to this Power of Attorney an acknowledgment that is substantially the same as the Acknowledgment at the end of this Power of Attorney.

~~[9.~~] ***8.*** GOVERNING LAW

This Power of Attorney shall be governed by the laws of the State of New Hampshire.

~~[10.~~] ***9.*** RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon this Power of Attorney if it is acknowledged before a notary public or other individual authorized to take acknowledgments (or a copy of the acknowledged Power of Attorney), unless that person knows it is void, invalid, or terminated.

SIGNATURE AND ACKNOWLEDGMENT

(You must date and sign this Power of Attorney. If you are physically unable to sign, it may be signed by someone else writing your name, in your presence and at your express direction. This Power of Attorney must be acknowledged before a notary public or other individual authorized by law to take acknowledgments.)

Principal's Signature:

Principal's Printed Name:

Principal's Address:

Date:

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing Power of Attorney was acknowledged before me on _____, by _____, known to me or satisfactorily proven to be the person named herein

Signature of Notarial Officer:

Title (and Rank):

My commission expires:

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AGENT ACKNOWLEDGMENT

Notice to Agent: You will have no authority to act as agent under this Power of Attorney until you sign and affix this acknowledgment to the Power of Attorney.

I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that when I act as agent I am given power under the power of attorney to make decisions about money, property, or both belonging to the principal, and to spend the principal's money, property, or both on the principal's behalf, in accordance with the terms of the power of attorney. When acting as agent, I have duties (called "fiduciary duties") to act in ***accordance with the principal's reasonable expectations to the extent actually known by me and, otherwise, in*** the principal's best interest, to act in good faith, and to act only within the scope of authority granted in the power of attorney, as well as other duties imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the power of attorney specifically gives me the authority to do so. As an agent, my authority under the power of attorney will end when the principal dies and I will not have authority to manage or dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this power of attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent's Signature:

Date:

74 Applicability.

I. Section 68 of this act shall apply to all petitions for estate administration filed on or after July 1, 2020 regardless of the date of the decedent's death.

II. Section 69 of this act shall apply to decedents dying on or after July 1, 2020.

III. Section 70 of this act shall apply to general powers of attorney executed on or after July 1, 2020.

75 Purposes. The general court finds:

I. Through the development of thoughtful, innovative laws, New Hampshire has become one of the best legal environments for trusts, trust companies, fiduciaries, and fiduciary services.

II. This legal environment attracts individuals and families to the state and section 76 of this act further reinforces the state's long tradition of protecting settlor intent and further facilitates the administrations of trusts and estates.

III. Section 76 of this act replaces New Hampshire's existing and obsolete Uniform Disclaimer of Property Interests Act by removing the 9-month time limit for disclaimers, expanding the prior definition of "disclaimer" to include a broader range of property, providing further instructions for when a disclaimer is delivered and under what circumstances it becomes effective, clarifying the result of refusing property or powers through a disclaimer, creating rules for several types of disclaimers that have not been explicitly addressed in the prior act, providing rules for the disclaimer of powers held in a fiduciary capacity, specifically allowing a partial disclaimer of an interest in property, and clarifying that the disclaimed interest passes without direction by the disclaimant.

76 Uniform Disclaimer of Property Interests Act. RSA 563-B is repealed and reenacted to read as follows:

CHAPTER 563-B

UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT

Article 1

Short Title

563-B:1 Short Title. This chapter may be cited as the "Uniform Disclaimer of Property Interests Act."

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Article 2

Application

563-B:2 Application. This chapter applies to disclaimers of any interest in or power over property, whenever created.

Article 3

Definitions

563-B:3 Definitions. For purpose of this chapter, the following definitions shall apply:

(a) "Disclaimant" means the person to whom a disclaimed interest or power would have passed had the disclaimer not been made.

(b) "Disclaimed interest" means the interest that would have passed to the disclaimant had the disclaimer not been made.

(c) "Disclaimer" means the refusal to accept an interest in or power over property.

(d) "Fiduciary" means a personal representative, trustee, agent acting under a power of attorney, or other person authorized to act as a fiduciary with respect to the property of another person.

(e) "Jointly held property" means property held in the name of 2 or more persons under an arrangement in which all holders have concurrent interests and under which the last surviving holder is entitled to the whole of the property.

(f) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

(g) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, recognized by federal law or formally acknowledged by a state.

(h) "Trust" means:

(1) An express trust, charitable or noncharitable, with additions thereto, whenever and however created as defined in RSA 564-A:1; and

(2) A trust created pursuant to a statute, judgment, or decree which requires the trust to be administered in the manner of an express trust.

Article 4

Power to Disclaim; General Requirements; When Irrevocable

563-B:4 Power to Disclaim; General requirements; When Irrevocable.

(a) Power to Disclaim.

(1) A person may disclaim, in whole or part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

(2) Except to the extent a fiduciary's right to disclaim is expressly restricted or limited by another statute of this state or by the instrument creating the fiduciary relationship, a fiduciary may disclaim, in whole or part, any interest in or power over property, including a power of appointment, whether acting in a personal or representative capacity. A fiduciary may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim, or an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

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(b) General Requirements.

(1) To be effective, a disclaimer must be in a writing or other record, declare the disclaimer, describe the interest or power disclaimed, be signed by the person making the disclaimer, and be delivered or filed in the manner provided in Article 12. In this Article:

(A) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) "Signed" means, with present intent to authenticate or adopt a record, to;

(i) Execute or adopt a tangible symbol; or

(ii) Attach to or logically associate with the record an electronic sound, symbol, or process.

(2) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, term of years, limitation of a power, or any other interest or estate in the property.

(c) When Irrevocable.

(1) A disclaimer becomes irrevocable when it is delivered or filed pursuant to Article 10 or when it becomes effective as provided in Articles 5 through 9, whichever occurs later.

(2) A disclaimer made under this chapter is not a transfer, assignment, or release.

Article 5

Disclaimer of Interest in Property

563-B:5 Disclaimer of Interest in Property.

(a) In this section:

(1) "Future interest" means an interest that takes effect in possession or enjoyment, if at all, later than the time of its creation.

(2) "Time of distribution" means the time when a disclaimed interest would have taken effect in possession or enjoyment.

(b) Except for a disclaimer governed by Article 6 or 7, the following rules apply to a disclaimer of an interest in property:

(1) The disclaimer takes effect as of the time the instrument creating the interest becomes irrevocable, or, if the interest arose under the law of intestate succession, as of the time of the intestate's death.

(2) The disclaimed interest passes according to any provision in the instrument creating the interest providing for the disposition of the interest, should it be disclaimed, or of disclaimed interests in general.

(3) If the instrument does not contain a provision described in paragraph (2), the following rules apply:

(A) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.

(B) If the disclaimant is an individual, except as otherwise provided in subparagraphs (C) and (D), the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.

(C) If by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive the time of distribution.

(D) If the disclaimed interest would pass to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest instead passes by representation to the descendants of the disclaimant who survive the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate estate under the intestate

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succession law of the transferor's domicile had the transferor died at the time of distribution. However, if the transferor's surviving spouse is living but is remarried at the time of distribution, the transferor is deemed to have died unmarried at the time of distribution.

(4) Upon the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

Article 6

Disclaimer of Rights of Survivorship in Jointly Held Property

563-B:6 Disclaimer of Rights of Survivorship in Jointly Held Property.

(a) Upon the death of a holder of jointly held property, a surviving holder may disclaim, in whole or part, the greater of:

(1) A fractional share of the property determined by dividing the number one by the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates; or

(2) All of the property except that part of the value of the entire interest attributable to the contribution furnished by the disclaimant.

(b) A disclaimer under subsection (a) takes effect as of the death of the holder of jointly held property to whose death the disclaimer relates.

(c) An interest in jointly held property disclaimed by a surviving holder of the property passes as if the disclaimant predeceased the holder to whose death the disclaimer relates.

Article 7

Disclaimer of Interest by Trustee

563-B:7 Disclaimer of Interest by Trustee. If a trustee disclaims an interest in property that otherwise would have become trust property, the interest does not become trust property.

Article 8

Disclaimer of Power of Appointment or Other Power

Not Held in a Fiduciary Capacity

563-B:8 Disclaimer of Power of Appointment or Other Power Not Held in a Fiduciary Capacity. If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

(a) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

(c) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

Article 9

Disclaimer by Appointee, Object, or Taker in Default of

Exercise of Power of Appointment

563-B:9 Disclaimer by Appointee, Object, or Taker in Default of Exercise of Power of Appointment.

(a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

(b) A disclaimer of an interest in property by an object or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

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Article 10

Disclaimer of Power Held in Fiduciary Capacity

563-B:10 Disclaimer of Power Held in Fiduciary Capacity.

(a) If a fiduciary disclaims a power held in a fiduciary capacity which has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If a fiduciary disclaims a power held in a fiduciary capacity which has been exercised, the disclaimer takes effect immediately after the last exercise of the power.

(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for whom the fiduciary is acting.

Article 11

Delivery or Filing

563-B:11 Delivery or Filing.

(a) In this section, "beneficiary designation" means an instrument, other than an instrument creating a trust, naming the beneficiary of:

(1) An annuity or insurance policy;

(2) An account with a designation for payment on death;

(3) A security registered in beneficiary form;

(4) A pension, profit-sharing, retirement, or other employment-related benefit plan; or

(5) Any other non-probate transfer at death.

(b) Subject to subsections (c) through (l), delivery of a disclaimer may be effected by personal delivery, first-class mail, or any other method likely to result in its receipt.

(c) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) A disclaimer must be delivered to the administrator of the decedent's estate; or

(2) If no administrator is then serving, it must be filed with a court having jurisdiction to appoint the personal representative.

(d) In the case of an interest in a testamentary trust:

(1) A disclaimer must be delivered to the trustee then serving, or if no trustee is then serving, to the administrator of the decedent's estate; or

(2) If no administrator is then serving, it must be filed with a court having jurisdiction to enforce the trust.

(e) In the case of an interest in an inter vivos trust:

(1) A disclaimer must be delivered to the trustee then serving;

(2) If no trustee is then serving, it must be filed with a court having jurisdiction to enforce the trust; or

(3) If the disclaimer is made before the time the instrument creating the trust becomes irrevocable, it must be delivered to the settlor of a revocable trust or the transferor of the interest.

(f) In the case of an interest created by a beneficiary designation which is disclaimed before the designation becomes irrevocable, the disclaimer must be delivered to the person making the beneficiary designation.

(g) In the case of an interest created by a beneficiary designation which is disclaimed after the designation becomes irrevocable:

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(1) The disclaimer of an interest in personal property must be delivered to the person obligated to distribute the interest; and

(2) An attested copy of the disclaimer of an interest in real property must be recorded in the office of registry of deeds of the county where the real property that is the subject of the disclaimer is located.

(h) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer must be delivered to the person to whom the disclaimed interest passes.

(i) In the case of a disclaimer by an object or taker in default of exercise of a power of appointment at any time after the power was created:

(1) The disclaimer must be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

(j) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) The disclaimer must be delivered to the holder, the personal representative of the holder's estate or to the fiduciary under the instrument that created the power; or

(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

(k) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer must be delivered as provided in subsection (c), (d), or (e), as if the power disclaimed were an interest in property.

(l) In the case of a disclaimer of a power by an agent, the disclaimer must be delivered to the principal or the principal's representative.

(m) Notwithstanding any right to disclaim an interest in property as provided for in this chapter, a person who has been devised real estate by testamentary instrument, or inherited under the laws of intestacy, may waive his or her rights to the property pursuant to RSA 554:18-b.

Article 12

When Disclaimer Barred or Limited

563-B:12 When Disclaimer Barred or Limited.

(a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

(1) The disclaimant accepts the interest sought to be disclaimed;

(2) The disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or

(3) A judicial sale of the interest sought to be disclaimed occurs.

(c) A disclaimer, in whole or part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

(d) A disclaimer, in whole or part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

(e) A disclaimer is barred or limited if so provided by law other than this chapter.

(f) A disclaimer of a power over property which is barred by this section is ineffective. A disclaimer of an interest in property which is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under this chapter had the disclaimer not been barred.

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Article 13

Tax Qualified Disclaimer

563-B:13 Tax Qualified Disclaimer. Notwithstanding any other provision of this chapter, if as a result of a disclaimer or transfer the disclaimed or transferred interest is treated pursuant to the provisions of Title 26 of the United States Code, as now or hereafter amended, or any successor statute thereto, and the regulations promulgated thereunder, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under this chapter.

Article 14

Recording of Disclaimer

563-B:14 Recording of Disclaimer. If an instrument transferring an interest in or power over property subject to a disclaimer is required or permitted by law to be filed, recorded, or registered, the disclaimer may be so filed, recorded, or registered. Except as otherwise provided in Article 11(g)(2), failure to file, record, or register the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

Article 15

Application to Existing Relationships

563-B:15 Application to Existing Relationships. Except as otherwise provided in Article 12, an interest in or power over property existing on the effective date of this chapter as to which the time for delivering or filing a disclaimer under law superseded by this chapter has not expired may be disclaimed after the effective date of this chapter.

Article 16

Supplemented by Other Law

563-B:16 Supplemented by Other Law.

(a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a law other than this chapter.

Article 17

Uniformity of Application and Construction

563-B:17 Uniformity of Application and Construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

77 Short Title. Section 78 of this act shall be known as the Granite State Ratepayer Protection Act.

78 Public Utilities Commission; Participation in Regional Activities; Costs. Amend RSA 374-F:8 to read as follows:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices. The commission shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the commission shall consider how

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other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission determines to be unjust or unreasonable***, including, but not limited to, unjust or unreasonable returns on equity. The commission shall directly assess gas and electric distribution utilities the costs and expenses of fulfilling its duties under this section, including the costs and expenses of assistants hired by the commission, based on the annual revenues of the utilities in the same manner as issued in assessing the annual operating expenses of the commission, or as appropriate and equitable on a case by case basis. Such costs and expenses shall not include any part of the salaries of the commissioners or of employees of the commission, or the commission's membership fees for the New England Conference of Public Utility Commissioners and the National Association of Regulatory Utility Commissioners. The commission may make and the utilities shall pay such assessments monthly, quarterly, or annually at the commission's election. The commission shall by order establish rate recovery mechanisms for any public utility assessment imposed pursuant to this section. Such rate recovery mechanisms shall adjust at least annually to recover any change in a utility's assessment.***

79 Annulment, Divorce and Separation; Term Alimony. Amend the introductory paragraph of RSA 458:19-a, II(a) to read as follows:

II.(a) The amount of a term alimony order shall be the lesser of the payee's reasonable need, or a formula based on [~~30~~] ***23*** percent of the difference between the parties' gross incomes at the time the order is created, unless the court finds that justice requires an adjustment. In making this calculation, gross income as defined in RSA 458:19, V shall be:

80 New Subparagraph; Annulment, Divorce and Separation; Term Alimony; Formula Percentage. Amend RSA 458:19-a, II to insert after subparagraph (b) the following new subparagraph:

(c) The formula percentage in subparagraph (a) of 23 percent is based on alimony not being deductible to the payor and taxable to the payee under federal income tax law. If alimony becomes deductible to the payor and taxable to the payee under federal income tax law, the formula shall be based on 30 percent of the difference between the parties' gross incomes.

81 Annulment, Divorce and Separation; Term Alimony; Consideration of Special Circumstances; Impact of Federal Tax Law. Amend RSA 458:19-a, IV(j) to read as follows:

(j) ***The impact of federal tax law on the parties including the allocation of applicable tax-related benefits.***

(k) Any other reason the court deems material and relevant.

82 New Paragraph; Alimony Modification; Effective Date. Amend RSA 458:19-aa by inserting after paragraph I the following new paragraph:

I-a. Any modification may be retroactive as the parties may agree. If contested, an alimony modification shall not be effective prior to the date that the notice of the petition for modification was given to the other party.

83 New Paragraphs; Modification of Alimony Orders; Applicable Law Based on Filing Date of Initial Petition For Divorce or Legal Separation. Amend RSA 458:19-aa by inserting after paragraph IX the following new paragraphs:

X.(a)(1) The provisions of RSA 458:14, 458:19, 458:19-a, and 458:19-aa, as amended or inserted by 2018, 310, shall not apply to modifications of orders in cases whose initial petition for divorce or legal separation was filed prior to January 1, 2019, unless the court finds that the original order:

(A) Was based on an agreement of the parties adopting some or all of the provisions of that act; or

(B) Specified that the court was adopting some or all of the provisions of that act.

(2) Absent such a finding, modifications of these orders shall be controlled by the law in effect on the date the initial petition for divorce or legal separation was filed.

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(b) Parties to any case in which the initial petition was filed prior to January 1, 2019 may agree to adopt some or all of the provisions of 2018, 310:

(1) In the original agreement or any modification of it; or

(2) In modifying any court order.

XI. An alimony order effective on or after January 1, 2019, including one based on an agreement of the parties, may be modified in accordance with RSA 458:19-a, II, without the need to demonstrate the findings in RSA 458:19-a, VI, provided that:

(a) The alimony order was issued pursuant to RSA 458:14, 458:19, 458:19-a, and 458:19-aa, as amended or inserted by 2018, 310;

(b) The alimony amount is greater than 23 percent of the difference in the parties gross incomes as defined in RSA 458:19-a, II(a); and

(c) The petition for modification is filed by July 1, 2021.

84 Industrial Hemp Research; Authorization. Amend RSA 433-C:2 to read as follows:

433-C:2 Authorization. An institution of higher education, as defined in 20 U.S.C. section 1001, may grow or cultivate ***or may contract with a private party to grow or cultivate,*** industrial hemp, on site or off site, for purposes of research under an agricultural pilot program or other agricultural or academic research. In addition to studying the plant's growth and cultivation, the research shall also study the economics of industrial hemp, including markets and processing. Industrial hemp grown or cultivated in accordance with this chapter shall not be considered a controlled drug or controlled substance under RSA 318-B.

85 New Paragraph; Victims' Assistance Fund; Claimant Eligibility. Amend RSA 21-M:8-h by inserting after paragraph IV the following new paragraph:

IV-a. If the commission determines the claimant is ineligible for compensation, in whole or in part, the claimant may petition the attorney general for a rehearing pursuant to RSA 541:3. The attorney general, or designee, shall review the complete record before the commission and may affirm or reverse, in whole or in part, the commission's decision. An appeal of the attorney general's decision may be taken directly to the supreme court pursuant to RSA 541:6.

86 Solid Waste Disposal Reduction Goal. Amend RSA 149-M:2 to read as follows:

149-M:2 ***Solid*** Waste ***Disposal*** Reduction Goal.

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. [~~The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods.~~] The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators.

II. [~~In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the waste reduction goal and disposal hierarchy established in RSA 149-M:2 and 149-M:3. The department shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.~~] ***The general court further declares a goal to reduce the quantity by weight of solid waste disposed in landfills and incinerators by 25 percent by the year 2030, and by 45 percent by the year 2050. For the purposes of this goal, disposal reduction targets shall apply, on a combined basis, to disposal of municipal solid waste and construction and demolition debris, and shall be measured against baseline quantities of these wastes disposed of in***

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the year 2018. For the purposes of this goal only, municipal solid waste means solid waste generated at residences, commercial or industrial establishments, and institutions, but excludes automobile scrap and other motor vehicle waste, infectious waste, asbestos waste, contaminated soil and other absorbent media, sludge, industrial process waste, and ash other than ash from household stoves. Disposal reduction may be achieved through source reduction as well as diversion including but not limited to reuse, recycling, and composting.

III. In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the disposal reduction goal and solid waste management hierarchy established in this section and RSA 149-M:3. The department shall not take any action relative to the reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.

87 State Solid Waste Disposal Reduction Goal. Amend the introductory paragraph of RSA 149-M:29, II to read as follows:

II. [~~At least every~~] ***Beginning*** October 1***, 2022*** [~~of every odd-numbered~~] ***and every even-numbered*** year ***thereafter***, the department shall prepare a report on the level of achievement in reaching the [~~40 percent diversion~~] goal established in RSA 149-M:2 and on proposed strategies for achieving the goal and any proposed changes to the goal. The report shall contain information regarding:

88 State Solid Waste Plan. Amend RSA 149-M:29, I to read as follows:

I. Beginning October 1, [~~1998~~] ***2021***, and every [6] ***10*** years thereafter, the department shall update the state's solid waste plan***, which shall contain, at minimum, the following elements:***

(a) Goals and strategies for solid waste management in New Hampshire that are consistent with the provisions of this chapter.

(b) Discussion of opportunities to reduce solid waste generation through source reduction and increase diversion through methods such as recycling and composting.

(c) Discussion of actions necessary to maintain adequate capacity for management of solid waste generated in New Hampshire.

89 Repeal. The following are repealed:

I. RSA 153-A:36 and the subdivision heading preceding RSA 153-A:36, relative to the emergency medical services personnel licensure interstate compact.

II. RSA 153-A:20, XXIV, relative to rulemaking by the department of safety regarding implementation of the compact.

90 Site Evaluation Committee; Filing Fees. Amend RSA 162-H:8-a, II(d) to read as follows:

(d) Filing fees for administrative proceedings:

(1) Petition for committee jurisdiction: $10,500.

(2) Petition for declaratory ruling: [~~$10,500, or $3,000 if heard by a 3-member subcommittee~~] ***$250***.

(3) Certificate transfer of ownership: $10,500, or $3,000 if heard by a 3-member subcommittee.

(4) Request for exemption: $10,500, or $3,000 if heard by a 3-member subcommittee.

(5) Request to modify a certificate: $10,500, or $3,000 if heard by a 3-member subcommittee.

91 Snowmobiles; Definitions; Antique Snowmobiles. Amend the introductory paragraph of RSA 215-C:1, II to read as follows:

II. "Antique snowmobile" means a snowmobile [~~owned by a resident of this state~~] which is any of the following:

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92 Water Pollution; Rulemaking. Amend RSA 485-A:6, XIV to read as follows:

XIV. Dissolved oxygen [~~concentration~~] water quality standards under RSA 485-A:8, II and II-a.

93 Administrative Fines; Asbestos Management. Amend RSA 141-E:16, I(a) to read as follows:

I.(a) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $4,000 for each offense upon any person who violates any provision of RSA 141-E:3 or any rule adopted by the commissioner under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited in the [~~general~~] fund ***established by RSA 141-E:12, II***.

94 New Section; Fire Marshal; Exemption for Recovery Houses. Amend RSA 153 by inserting after section 10-c the following new section:

153:10-d Exemption for Recovery Houses.

I. An owner or operator of a recovery house which is in compliance with rules adopted by the commissioner of health and human services under RSA 172-B:2, V for the voluntary registry for operators of recovery houses and/or is certified by the New Hampshire Coalition of Recovery Residences may apply to the state fire marshal and may be granted an exemption under RSA 153:5, IV from certain requirements of the state fire code, provided the following requirements are in place:

(a) A properly maintained electrical system.

(b) A properly maintained heating system, inspected and tagged annually by a qualified service technician, including a domestic sprinkler head over the unit and smoke separation from the living area.

(c) Maintained cooking appliances.

(d) Street number of the recovery house posted and visible from the street.

(e) No smoking within 10 feet of the building unless approved by the local fire department.

(f) A written evacuation plan submitted to and approved by the local fire department.

(g) Monthly evacuation drills must be conducted with documentation available for review onsite.

(h) Basement living spaces shall have an exit directly to grade.

(i) The facility shall have a minimum of 200 gross square feet per resident.

(j) Each sleeping room shall have at least one escape window that complies with the state fire marshal's most recent informational bulletin document relative to size and dimensions.

(k) Installed interconnected smoke and carbon monoxide alarms, electrically powered with battery backup, on each level and in each sleeping room. Ten year battery alarms with wireless interconnectivity may be substituted for electrically powered alarms. For occupancies exceeding 8 occupants, the installation of a complete fire alarm system, with carbon monoxide detection and automatic notification to the local fire department, shall be required.

(l) Annual compliance inspection by the local fire department.

(m) If the travel distance to an exit is greater than 75 feet, or for occupancies with living space above the second floor regardless of travel distance, there shall be 2 remote means of egress from each floor.

(n) A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building so it is readily visible to the fire department.

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II. In this section, "recovery house" means a residence that provides a safe, healthy, family-like substance-free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

95 Findings and Purpose. The general court hereby finds that renewable energy policies should be technology neutral, so that one resource is not arbitrarily favored over another.

96 Electric Renewable Portfolio Standards; Electric Renewable Energy Classes. Amend RSA 362-F:4, I(c) to read as follows:

(c) Hydrogen derived from biomass fuels***, water,*** or methane gas.

97 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, II-III to read as follows:

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

(a) Class I-$55, except for that portion of the class electric renewable portfolio standards to be met by qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3 which shall be [~~$25~~] ***$55*** beginning January 1, [~~2013~~] ***2020***.

(b) Class II-$55.

(c) Class III-[~~$31.50~~] ***$55 beginning January 1, 2020***.

(d) Class IV-[~~$26.50~~] ***$55 beginning January 1, 2020***

III.(a) Beginning in 2013 ***for Class I (except for useful thermal energy under RSA 362-F:3) and Class II, and beginning in 2021 for Class I qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3, Class III, and Class IV***, the commission shall adjust these rates by January 31 of each year using ***1/2 of*** the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor [~~for classes III and IV and 1/2 of such Index for classes I and II~~].

(b) [~~In lieu of the adjustments under subparagraph (a) for class III in 2015 and 2016, the class rate in each of those years shall be $45. In lieu of the adjustments under subparagraph (a) for class III in 2017, 2018, and 2019, the class rate in each of those years shall be $55.~~

~~(c) By January 31, 2020 the commission shall compute the 2020 class III rate to equal the rate that would have resulted in 2020 by the application of subparagraph (a) to the 2013 rate and each subsequent year's rate to 2020.~~

~~(d) In 2021 and thereafter, the class III rate shall be determined by application of subparagraph (a) to the prior year's rate~~] ***The 2019 class rates for all classes are those in effect on December 1, 2019 as posted by the commission***.

98 License Required; Exemptions. Amend RSA 184:84, V to read as follows:

V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, ***ice cream, frozen yogurt,*** or kefir shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only. ***Ice cream and frozen yogurt produced and sold under this paragraph shall be packaged in containers no larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the date of manufacture.***

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99 New Section; Small Groundwater Withdrawals. Amend RSA 485-C by inserting after section 25 the following new section:

485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-Hour Period for Community Water Systems. The department shall adopt rules pursuant to RSA 541-A specifying criteria and procedures to ensure a groundwater withdrawal less than 57,600 gallons over any 24-hour period from a new source of water for a community water system as defined by RSA 485:1-a and subject to RSA 485:8 does not cause an unmitigated impact to an existing private water supply well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

100 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15, III to read as follows:

III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments under a financing agreement for the purpose for which the capital reserve was established***, including a lease/purchase agreement***. [~~If the financing agreement is a lease/purchase agreement the following shall apply:~~

~~(1) The lease/purchase agreement does not contain an "escape clause" or "non-appropriation clause"; and~~

~~(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.~~]

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds following the initial vote which ratified the financing agreement.

101 New Chapter; Customer Energy Storage. Amend RSA by inserting after chapter 374-G the following new chapter:

CHAPTER 374-H
CUSTOMER ENERGY STORAGE

374-H:1 Definitions. In this chapter:

I. "Energy storage" means any commercially available system, device, or technology capable of taking electric energy, storing it in some form of usable energy, and using that energy to either convert back into electricity for on-site use or to discharge to the grid, or to displace an electrical or thermal load at a later time.

II. "Commission" means the public utilities commission.

III. "Behind-the-meter storage" means an energy storage project that is installed on a retail electricity customer's premises and is electrically connected to the customer's side of the electric utility meter. Any energy storage not installed on the customer's side of the electric utility meter shall not be behind-the-meter storage.

IV. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage and may include energy storage constructed, owned, and/or operated by utilities subject to the same use restrictions in RSA 374-G:3, I.

V. "Bring your own device" means a program to encourage non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide the greatest value possible to the electricity system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall compensate participating behind-the-meter energy storage for a fair share, as determined by the commission, of the value it provides to the electricity system.

VI. "Non-utility" means any entity that is not a regulated utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.

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VII. “Peak demand” means the total combined annual and monthly coincident peak energy demand of all utility service territories in New Hampshire.

VIII. “Utility” and “utilities” mean public utilities as defined in RSA 362:2.

374-H:2 Customer Energy Storage Systems.

I. The commission shall adopt rules clarifying policy for the installation, interconnection, and use of energy storage systems by customers of utilities, and shall incorporate the following principles into the rules:

(a) It is in the public interest to limit barriers to the installation, interconnection, and use of customer-sited, behind-the-meter energy storage systems in New Hampshire.

(b) New Hampshire’s consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, subject to appropriate size and safety requirements established by the commission, without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees.

(c) Utility approval processes and any required interconnection reviews of energy storage systems shall be simple, streamlined, and affordable for customers.

(d) Utilities shall not require the installation of customer-sited meters in addition to a single net energy meter for the purposes of monitoring energy storage systems; except that the commission may authorize the requirement of metering for certain large energy storage systems, as determined by the commission.

(e) The commission may approve mechanisms for a utility to compensate a non-utility for a fair share, as determined by the commission, of the value of any transmission or distribution costs actually avoided because of a non-utility energy storage project, to the extent practicable, based on determinable cost components.

(f) For behind-the-meter storage, the rules or orders shall allow for a bring-your-own-device peak reduction program. The commission may approve mechanisms for utilities to compensate such projects for a fair share, as determined by the commission, of their peak reduction value, as well as any transmission or distribution costs actually avoided because of the non-utility energy storage project, to the extent practicable based on determinable cost components.

(g) Utilities shall not own behind-the-meter battery storage, with the exception of the energy storage pilot approved by the commission in order number 26,209, including phase 2 of the pilot, unless the commission finds, after the pilot has been fully implemented, that additional utility ownership of behind-the-meter battery storage would be in the public interest and would not unreasonably encumber the deployment of non-utility behind-the-meter battery storage.

II. Nothing in this section alters or supersedes either:

(a) The principles of net energy metering under RSA 362-A:9; or

(b) Any existing electrical permit requirements or any licensing or certification requirements for installers, manufacturers, or equipment.

102 Electric Generation Equipment Funded by Public Utility; Distributed Energy Resources. Amend RSA 374-G:3, I to read as follows:

I. The energy produced by electric generation equipment owned by the public utility shall be used ***to benefit low-income customers,*** as an offset to distribution system losses**,** or the public utility company’s own use;

103 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G: 4, II to read as follows.

II. Distributed electric generation owned by or receiving investments from an electric utility under this section shall be limited to a cumulative maximum in megawatts of 6 percent of the utility’s total distribution peak load in megawatts. ***This limitation shall not apply to front-of-meter energy storage, the energy storage pilot approved by commission order number 26,209, or demand response.***

104 Meals and Rooms Tax; Definition; Gross Rental Receipts; Motor Vehicle Rentals. Amend the introductory paragraph of RSA 78-A:3, VI to read as follows:

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VI. "Gross rental receipts" means value received or promised as consideration to the owner of a motor vehicle ***and any rental facilitator*** for [~~rental of the vehicle , but~~] ***a rental agreement, including any fee, service, or other charge or amount required to be paid by the renter as a condition for the rental agreement. The term*** shall not include:

105 Definition; Operator. Amend RSA 78-A:3, XIII to read as follows:

XIII. "Operator" means any person operating a hotel, charging for a taxable meal, or receiving gross rental receipts, whether as owner or proprietor or lessee, or otherwise. ***The term operator shall include a rental facilitator.***

106 Definition; Rental Agreement. Amend RSA 78-A:3, XVIII to read as follows:

XVIII. "Rental agreement" means an agreement by the owner of a motor vehicle to provide, for not longer than 180 days, the exclusive use of that motor vehicle to another for consideration***, whether directly or indirectly, through a rental facilitator or otherwise***.

107 New Paragraph; Definition; Rental Facilitator. Amend RSA 78-A:3 by inserting after paragraph XVIII the following new paragraph:

XVIII-a. "Rental facilitator" means any person having any right, access, ability, or authority to offer, reserve, book, arrange for, remarket, distribute, broker, resell, coordinate, or otherwise facilitate rental of a motor vehicle to a renter, whether directly or indirectly, through an Internet transaction or any other means whatsoever.

108 New Subparagraph; Collection of Tax; Rental Facilitator. Amend RSA 78-A:7, I by inserting after subparagraph (b) the following new subparagraph:

(c) If the rental of a motor vehicle is offered, reserved, booked, arranged for, or otherwise facilitated in whole or in part by a rental facilitator, the rental facilitator shall demand and collect the tax from the renter. The rental facilitator shall remit the tax to the state.

109 New Paragraph; Assessment of Additional Tax; Rental Facilitator. Amend RSA 78-A:11 by inserting after paragraph I the following new paragraph:

I-a. If a rental facilitator required to collect and remit a tax under this chapter fails to make a return, no assessment shall be made except against the rental facilitator.

110 Fish and Game Agents; Electronic Issuance. Amend RSA 214-A:2, VI-a to read as follows:

VI-a. Notwithstanding other provisions of law to the contrary, the executive director [~~may permit~~] ***and authorized*** license agents [~~to~~] ***may*** collect from licensees an Internet transaction fee when [~~issuing online licenses~~] ***any license, registration, or permit is issued online***. This Internet transaction fee shall be in addition to the agent fee as provided in RSA 214-A:4. The amount of the Internet transaction fee shall be set at the discretion of the executive director.

111 New Paragraph; Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23 by inserting after paragraph I the following new paragraph:

I-a. A corporation, non-profit corporation, or limited liability entity doing business in New Hampshire shall pay the fee charged to a resident individual that is not a member of an organized New Hampshire nonprofit OHRV club, if the entity certifies to the law enforcement division that it is in good standing with the New Hampshire secretary of state, and that the OHRV registered will be used exclusively for business purposes and not for recreational purposes for the entire registration year.

112 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, X to read as follows:

X. Notwithstanding the provisions of paragraph IX, [~~there shall be paid to the executive director~~] ***the registrant shall pay***, in addition to the fees required by this section, an additional fee of $1 for each registration required by this section[~~. The additional fee~~] ***which*** shall be paid into the fish and game search and rescue fund established under RSA 206:42***, the Internet transaction fee imposed pursuant to RSA 214-A:2, VI-a, and the agent fee imposed pursuant to RSA 214-A:4***.

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113 New Paragraph; Snowmobiles; Registration Fees. Amend RSA 215-C:39 by inserting after paragraph I the following new paragraph:

I-a. A corporation, non-profit corporation, or limited liability entity doing business in New Hampshire shall pay the fee charged to a resident individual that is not a member of an organized New Hampshire nonprofit snowmobile club, if the entity certifies to the law enforcement division that it is in good standing with the New Hampshire secretary of state, and that the snowmobile registered will be used exclusively for business purposes and not for recreational purposes for the entire registration year.

114 Snowmobiles; Registration Fees. Amend RSA 215-C:39, XI to read as follows:

XI. Notwithstanding the provisions of paragraph X, there shall be paid to the executive director, in addition to the fees required by this section, an additional fee of $1 for each registration required by this section[~~. The additional fee~~] ***which*** shall be paid into the fish and game search and rescue fund established under RSA 206:42***, the Internet transaction fee imposed pursuant to RSA 214-A:2, VI-a, and the agent fee imposed pursuant to RSA 214-A:4***.

115 Pooled Risk Management Programs; Membership. Amend RSA 5-B:3, I to read as follows:

I.***(a)*** A political subdivision, by resolution of its governing body, may establish and enter into agreements for obtaining or implementing insurance by self-insurance; for obtaining insurance from any insurer authorized to transact business in this state as an admitted or surplus lines carrier; or for obtaining insurance secured in accordance with any method provided by law; or for obtaining insurance by any combination of the provisions of this paragraph. Agreements made pursuant to this paragraph may provide for pooling of self-insurance reserves, risks, claims and losses, and of administrative services and expenses associated with them among political subdivisions. To accomplish the purposes of this chapter, 2 or more political subdivisions may form an association under the laws of this state or affirm an existing association so formed to develop and administer a risk management program having as its purposes reducing the risk of its members; safety engineering; distributing, sharing, and pooling risks; acquiring insurance, excess loss insurance, or reinsurance; and processing, paying and defending claims against the members of such association.

(b) Founding organizations of existing pooled risk management programs may join the risk pool and obtain coverage allowed under subparagraphs III(f) and (g) upon approval of the governing board of the risk management program.

116 New Subparagraph; Department of Revenue Administration; Department Records Not Deemed Confidential or Privileged; Formula Used to Determine Current Use Tax Rates. Amend RSA 21-J:14, IV by inserting after subparagraph (c) the following new subparagraph:

(d) The formula used by the department to assist the current use board in their determination of current use tax rates, and all variables within that formula, including definitions of those variables, if any.

117 Net Energy Metering; Hydroelectric Generation; Exception. Amend RSA 362-A:9 by inserting after paragraph XI the following new paragraph:

XI-a. A hydroelectric generator with a nameplate or maximum rated capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational before July 1, 2020 and shares equipment or facilities with another generator or electric utility customer for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such customer generator shall be eligible to participate in net energy metering as a customer-generator in a manner consistent with all other hydroelectric customer-generators of the same nameplate or maximum rated capacity.

118 The Militia; National Guard Facilities. Amend RSA 110-B:28, I to read as follows:

I. All armories, arsenals, camps, ranges, bases, airports, and other facilities owned, leased, licensed, or maintained by the state or by the United States for the use of the New Hampshire national guard and all activities conducted therein shall be under the general charge, control of, and regulated by the adju-

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tant general and no political subdivision of the state shall interfere with or regulate such activities. The adjutant general may use the means necessary and required, including the arming of trained personnel, to protect, guard, secure and defend and maintain all such facilities. [~~Use of force by any member of the New Hampshire national guard in duty status, shall be in accordance with the applicable Department of Defense, United States Army, and United States Air Force directives and instructions on rules of engagement and use of force. If mission specific rules of engagement are issued, the specific rules shall be followed, to the degree they deviate from the existing rules, for as long as military members are carrying out duties related to the mission for which the specific rules were issued.~~]

119 New Section; The Militia; Rules for the Use of Force. Amend RSA 110-B by inserting after section 28 the following new section:

110-B:28-a Rules for the Use of Force. Use of force by personnel, to include state employees and contractor personnel while conducting security functions at National Guard Facilities; and any employee and member of the New Hampshire National Guard, in a duty status, shall be in accordance with adjutant general issued guidance and procedures, which, except for mission specific rules for the use of force, shall be consistent with applicable Department of Defense, Chairman of the Joint Chiefs of Staff, United States Army, or United States Air Force unclassified directives and instructions on the standing rules for use of force.

120 The Militia; Trespassers and Disturbers; Camp Regulations. Amend RSA 110-B:68, II to read as follows:

II. The adjutant general or commanding officer of any armory, arsenal, camp, range, base, or other facility of the New Hampshire national guard, or any place where any unit is performing military duty, has the authority to limit access and activities in that place. This includes the authority to take action necessary to protect, guard, secure, and defend the armory, arsenal, camp, range, base, or other facility in accordance with RSA 110-B:28 ***and RSA 110-B:28-a***.

121 Effective Date.

I. Sections 7,8, 11-30, 40-43, 53, 75-76, 85-90, 94-109, and 118-120 of this act shall take effect 60 days after its passage.

II. Sections 32-34 of this act shall take effect as provided in section 39 of this act.

III. Paragraphs I and III of section 38 of this act shall take effect as provided in paragraph II of section 39 of this act.

IV. RSA 437:8-a, V, as inserted by section 31 of this act, and paragraphs II and IV of section 38 of this act, shall take effect as provided in paragraph III of section 39 of this act.

V. Sections 59-62, 64, and 67-74 of this act shall take effect July 1, 2020.

VI. Section 54 of this act shall take effect July 1, 2021.

VII. Section 46 of this act shall take effect November 1, 2023.

VIII. Section 63 of this act shall take effect June 30, 2026.

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

2020-1487s

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of administrative services for the purpose of replacing heating systems in state-owned buildings in Concord that formerly used Concord Steam. The bill also extends a prior appropriation to the state heating system savings account.

II. Clarifies the timeline for declarations of candidacy of charter commission members.

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III. Exempts statewide standards and protocols relative to information technology, networks, telephony, and cyber security developed by the department of information technology in consultation with the information technology council from rulemaking under RSA 541-A.

IV. Requires the quarterly report of the retirement system's independent investment committee to include a description of investment fees and requires independent investment committee reports to be available on the retirement system's Internet website.

V. Makes a technical correction in the law governing death benefits for emergency medical technicians and rescue squad members and clarifies the definition of "rescue squad member."

VI. Revises the rulemaking requirements for forms under the administrative procedure act.

VII. Clarifies the qualifications of the banking department commissioner and deputy commissioner, permits certain consumer complaints to be submitted vial email, and defines "nationwide multistate licensing system and registry."

VIII. Creates a database for animal health records; authorizes the commissioner of the department of agriculture, markets, and foods to transfer money from certain funds; establishes a fee on the submission of animal health certificates; establishes a fee on rabies vaccinations; and requires veterinarians to send a copy of the rabies vaccination certificate to the department of agriculture, markets, and food.

IX. Requires banks to pay the cost of background investigations and criminal history records checks, requires trust company directors to submit to such checks, and provides for the removal of trust company directors and officers by the bank commissioner.

X. Establishes a solid waste working group on solid waste management planning.

XI. Requires the department of environmental services to make certain rules regarding compost.

XII. Ratifies certain amendments to the state building code and state fire code.

XIII. Allows for a vote for accepting operation of sports book retail locations by a city at the state primary election.

XIV. Deletes the authority of the Woodsville fire district over highways within the district; requires the town of Haverill to assume responsibility for the care and maintenance of roads within the Woodsville fire district; and requires the Woodville fire district to provide a financial audit of all funds received from the town of Haverhill.

XV. Allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee.

XVI. Adds a member to the advisory council on career and technical education and requires the state board of education to adopt rules establishing requirements for a career readiness credential.

XVII. Provides that the change to the quorum for the Pease development authority board of directors made pursuant to HB 243 (2019, 256) shall not take effect on April 30, 2021. The quorum required under current law shall remain unchanged.

XVIII. Establishes the lakes region development authority to implement the redevelopment master plan prepared by the lakeshore redevelopment planning commission. The authority is repealed in 2026.

XIX. Amends the charter of the Brewster Academy by increasing the membership on the Brewster Academy board of trustees and allows Brewster Academy to amend its charter in accordance with the provisions of RSA 292:7 governing the powers of voluntary corporations.

XX. Makes changes to the statutes governing the administration of estates and the distribution of intestate estates, and revises the statute governing powers of attorney.

XXI. Reenacts RSA 563-B, the Uniform Disclaimer of Property Interests Act and removes the 9-month time limit for disclaimers, expands the prior definition of "disclaimer" to include a broader range of property,

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provides further instructions for when a disclaimer is delivered and under what circumstances it becomes effective, clarifies the result of refusing property or powers through a disclaimer, creates rules for several types of disclaimers, provides rules for the disclaimer of powers held in a fiduciary capacity, specifically allowing a partial disclaimer of an interest in property, and clarifies that the disclaimed interest passes without direction by the disclaimant.

XXII. Requires the public utilities commission to assess certain costs of participation in regional activities to gas and electric distribution utilities.

XXIII. Revises the formula for term alimony based on the fact that under current federal income tax laws, alimony is not deductible to the payor and taxable to the payee. The bill adjusts the formula if such a deduction is permitted in the future and explicitly provides that consideration of federal income tax consequences may warrant adjustment to the amount of term alimony.

XXIV. Authorizes higher educational institutions to contract with a third party to grow or cultivate industrial hemp.

XXV. Provides that a claimant denied compensation by the victims' assistance commission may appeal such decision to the attorney general.

XXVI. Establishes a statewide solid waste disposal reduction goal and revises requirements relative to the state solid waste plan.

XXVII. Repeals the emergency medical services personnel licensure interstate compact.

XXIII. Decreases the filing fee for petitions for a declaratory ruling in energy facility siting administrative proceedings.

XXIX. Makes technical changes concerning the definition of antique snowmobile, water quality rules, and asbestos management fines.

XXX. Allows alcohol and drug free recovery houses to be granted an exemption by the state fire marshal for requirements of the state fire code and local amendments.

XXXI. Sets the alternative compliance payment at $55 per megawatt hour to the renewable energy fund for electric distribution utility requirements not satisfied by renewable energy credits; and changes the rate adjustments for certain class obligations.

XXXII. Allows for the sale of products made with raw milk in certain circumstances.

XXXIII. Requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

XXXIV. Permits capital reserve funds of counties, towns, districts, and water departments to be used for financing the cost of leases of equipment.

XXXV. Establishes the use by electric utility customers and regulation by the public utilities commission of customer installed behind-the-meter electrical energy storage systems.

XXXVI. Adds and modifies definitions and requirements in the meals and rooms tax to include facilitators of Internet transactions of motor vehicle rentals.

XXXVII. Requires payment of an Internet transaction fee for any OHRV or snowmobile license, registration, or permit issued online; and specifies OHRV and snowmobile registration fees to be paid by a business entity that will use the OHRV or snowmobile for business purposes only.

XXXVIII. Allows founding organizations of existing pooled risk management programs to obtain certain coverage through the risk pool if the governing board approves their participation.

XXXIX. Provides that the formula used by the department of revenue administration and current use board to determine current use tax rates shall not be considered confidential and shall be available to the public.

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XL. Establishes an exception to allow certain hydroelectric generators to participate in net metering as a customer-generator.

XLI. Clarifies the use of force at New Hampshire national guard facilities.

Senate Executive Departments and Administration
June 10, 2020
2020-1425s
10/06

Amendment to HB 1245

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

AN ACT adopting omnibus legislation concerning state agencies.

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

1 Parole of Prisoners; Earned Time Credits. Amend RSA 651-A:22-a, I to read as follows:

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or recommend that the prisoner receive a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated***, and shall establish procedures for each program, which shall be exempt from RSA 541-A, for awarding such reductions***:

(a) Education Programs:

(1) High School Equivalency Certificate 90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(5) Master's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(6) Doctorate Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence ***for each program under subparagraph (a) completed***. [~~The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.~~]

(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. [~~The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.~~]

(d) Participation in Family Connections Center Programming. A prisoner who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction

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of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. [~~The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.~~]

(e) Correctional Industries On-the-Job Training. A prisoner who is awarded a certificate or certificate of apprenticeship in a correctional industries job that is authorized and approved by the department that the commissioner deems to be valuable to the prisoner's rehabilitation shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each master's certificate earned.

(f) Other Programs. A prisoner who meaningfully participates in any program that is authorized and approved by the department that the commissioner deems to be valuable to the prisoner's rehabilitation which are not covered under subparagraphs (a) through (e) shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each program completed.

2 New Subparagraph; Docking Permits. Amend RSA 482-A:3, XIII by inserting after subparagraph (d) the following new subparagraph:

(e) Notwithstanding RSA 482-A:3, XIII(a) and (c), those lots in the town of Freedom located on the peninsula known as Spindle Point on Ossipee Lake and south of a straight line connecting 2 points located at 43 degrees, 47 minutes, 44.38 seconds north, 71 degrees, 06 minutes, 15.85 seconds west, and 43 degrees, 47 minutes, 43.24 seconds north, 71 degrees, 06 minutes, 13.41 seconds west may obtain a permit under RSA 482-A:3 to have a single 4 foot by 24 foot seasonal dock centered on the lot frontage.

3 Committee Established. Review of Non-regulatory Entities.

I. There is established a committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute and determine which of these entities should be repealed.

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

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

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

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

IV. The committee shall review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute and shall make recommendations relative to which such entities shall be repealed, along with any other statutory changes necessary for such repeals.

V. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Three members of the committee shall constitute a quorum.

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

4 Repeal of Boards, Commissions, Councils, Committees, Task Forces. The following are repealed:

I. RSA 9-F:2, relative to the state transparency website oversight committee.

II. RSA 12-A:5 and 12-A:6, relative to the commission advisory to the commissioner of natural and cultural resources.

III. RSA 12-I:1 and 12-I:2, relative to the Northern New England interstate commission on economic development.

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IV. RSA 21-I:92 - 21-I:94, relative to the task force to study state revenues and expenditures.

V. RSA 77-A:4-c, relative to the committee to study safe harbors and taxation of investment organizations.

VI. RSA 106-B:18-a, relative to the state police barracks honor roll committee.

VII. RSA 126-A:4-f, relative to the transitional Healthy Kids Silver program waiver.

VIII. RSA 126-H, relative to the Healthy Kids corporation.

IX. RSA 126-Y, relative to the palliative care center for health care consumers and providers.

X. RSA 137-L:5, relative to the provider order for life-sustaining treatment (POLST) registry advisory committee.

XI. RSA 147-A:4-a, relative to the hazardous waste facility siting board.

XII. RSA 153:16-c, relative to the advisory committee on heating system certification.

XIII. RSA 187-A:32, relative to the oversight committee to oversee the operations of the innovation research center.

XIV. RSA 189:60 and 189:63, relative to the dropout prevention and dropout recovery oversight council and report.

XV. RSA 193-C:7 and 193-C:8, relative to the New Hampshire statewide education improvement and assessment oversight committee.

XVI. RSA 193-E:2-a, IV(c), relative to the review of academic standards by the education improvement and assessment oversight committee.

XVII. RSA 193-E:5, II, relative to education improvement and assessment oversight committee revisions to unique pupil identification.

XVIII. RSA 193-I:3-193-I:6, relative to the task force on the math learning communities program.

XIX. RSA 195-J, relative to the New Hampshire children's savings account program.

XX. RSA 261:88, XI, relative to the walking disability plates and placards advisory committee.

XXI. RSA 284-A, relative to the gaming regulatory oversight authority.

XXII. RSA 332-I:7-332-I:10, relative to the health information organization board.

XXIII. RSA 332-I:1, II(c), relative to the definition of the health information organization.

XXIV. RSA 332-I:1, II(g) and (h), relative to the definition of the health information organization board and corporation.

5 References Removed; Online Access to Budget Information. Amend RSA 9-F:1, II(e) and III to read as follows:

(e) Any other information as determined by the department of information technology and the department of administrative services[~~, in consultation with the legislative oversight committee established in RSA 9-F:2~~].

III. Annually on or before October 31, a report from each agency shall be made available which shows the total amount expended during the prior fiscal year for each program providing aid or assistance to individuals. This annual report shall also document any changes in eligibility criteria or payment amount or formulas. Each agency shall prepare its annual report by analyzing and summarizing the content of its statement of appropriation. Each agency shall submit its annual report to the commissioner of administrative services on or before September 1. For the fiscal year ending June 30, 2011, each agency shall submit existing reports to fulfill the requirements of this paragraph. Beginning in the fiscal year ending June 30, 2012 and in each year thereafter, each agency's report shall be in a format developed by the commissioner of administrative services [~~in consultation with the legislative oversight committee established by RSA 9-F:2~~].

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6 State Parks; Advisory Commission Report. Amend RSA 216-A:3-c, VI to read as follows:

VI. The director of parks and recreation shall report ***biennially*** to the house [~~resources, recreation and development committee and the senate energy, environment, and economic development committee within the biennial report pursuant to RSA 12-A:6~~] ***and senate committees with jurisdiction over the state park system*** on the state of the parks and historic sites.

7 Reference to Hazardous Waste Siting Board. Amend RSA 147-A:3, XXV to read as follows:

XXV. Conditional exemptions from the permitting, registration, and siting requirements of RSA 147-A:4[~~, 147-A:4-a,~~] and RSA 147-A:6.

8 Health Insurance; Reference to Healthy Kids Association Removed. Amend RSA 404-G:2, VII to read as follows:

VII. "Health insurance" means health insurance coverage issued in accordance with RSA 415, 420-A, or 420-B. For the purposes of this chapter, health insurance shall not include accident only, credit, dental, vision, Medicare supplement, Medicare Risk, Medicare+Choice, Managed Medicaid, long-term care, disability income, coverage issued as a supplement to a liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, policies or certificates of specified disease, hospital confinement indemnity, limited benefit health insurance, [~~coverage provided through the New Hampshire healthy kids association,~~] and coverage provided through the Federal Employees' Program. Health insurance does include group excess loss insurance.

9 Health and Human Services; Healthy Kids Corporation Removed. Amend RSA 126-A:5, XIV-a (b) to read as follows:

(b) The department shall[~~, through the New Hampshire healthy kids corporation,~~] allocate funds for the development of a volunteer program to promote the program to eligible families and to identify those families who may require assistance with the application or redetermination process, and provide training and supervision of volunteers. [~~The healthy kids corporation shall coordinate with and utilize the services of Volunteer NH, AmeriCorps, and other volunteer organizations.~~]

10 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:31 to read as follows:

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of business and economic affairs shall enter into a grant program with the university of New Hampshire to establish a center for innovation research at the Durham campus. Through the grant program, the center shall provide applied and basic scientific, engineering, and associated marketing research capability and technology transfer in support of New Hampshire's industrial and business community. The center may pool its funds with those of other entities, either public or private, for the purpose of delivering services to New Hampshire businesses and industries. To be eligible to receive grant-funded services, businesses and industries must have an ongoing business within the state or an announced intention to locate a business in the state. The center may provide services other than grants including but not limited to: training regarding the capture and protection of intellectual property, strategic thinking and strategy development, and writing proposals. Assistance may be provided by the NHIRC director, by small subsidies to assist in the identification and funding of consultants to help the company, or by other creative means [~~approved by the NHIRC oversight committee~~].

11 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:33 to read as follows:

187-A:33 Funding. Any center project utilizing state appropriations except for certain short-term, fee-based activities [~~authorized by the oversight committee~~], shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center: the center's research clients, profit and nonprofit organizations, the federal government, or local political subdivisions. In kind and equipment contributions may be accepted as matching funds [~~under criteria established by the committee~~].

12 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:33-c to read as follows:

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187-A:33-c Equipment Purchases. Any center project which includes the purchase of equipment shall contain a provision that allows either the company, the university of New Hampshire, or Dartmouth College to retain possession of such equipment when the project is completed and the company has paid its matching share in full. Final disposition of equipment shall be agreed to by the company and the center [~~and approved by the oversight committee~~] in advance of a project starting date. A company which purchases equipment deemed necessary to the conduct of the project may count the purchase price as part of its matching fund requirement.

13 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:35, I to read as follows:

I. A program to provide assistance to inventors shall be established at the innovation research center at the University of New Hampshire at Durham. The center shall develop, implement, publicize, and operate the program within the limits of available resources and in a manner which will give greatest effect to the purposes of the program. In so doing the center may charge a reasonable fee for proposals submitted. The administrative head of the program shall be the executive director of the innovation research center. [~~The administrative head shall be responsible to the oversight committee established in RSA 187-A:32.~~]

14 Reference to Oversight Committee on Innovation Research Center. Amend the introductory paragraph of RSA 187-A:36 to read as follows:

187-A:36 Annual Report. The center shall submit an annual report on or before December 31 of each year to the governor[,] ***and*** the governor's executive council[~~, and the oversight committee established in RSA 187-A:32~~]. The report shall include statistics for the following:

15 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 189:66, II to read as follows:

II. The department shall develop a detailed data security plan to present to the state board[~~, the legislative oversight committee established in RSA 193-C:7,~~] and the commissioner of the department of information technology. The plan shall include:

16 References to Education Improvement Oversight Committee. Amend RSA 189:66, III(a)(2) and the introductory paragraph of RSA 189:66, III(b) to read as follows:

(2) The governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, [~~legislative oversight committee established in RSA 193-C:7,~~] and commissioner of the department of information technology.

(b) Require the department to issue an annual data security breach report to the governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, [~~legislative oversight committee established in RSA 193-C:7,~~] and commissioner of the department of information technology. The breach report shall also be posted to the department's public Internet website and shall not include any information that itself would pose a security threat to a database or data system. The report shall include:

17 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 193-E:3, II(a) to read as follows:

II.(a) The department of education[~~, with the approval of the legislative oversight committee established in RSA 193-C:7,~~] may implement and report data on any additional indicators deemed relevant to the purposes of this section.

18 Task Force Removed; Oversight Committee References; Performance-Based Accountability System. Amend RSA 193-E:3-c to read as follows

193-E:3-c Performance-Based Accountability System.

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations [~~to the legislative oversight committee established under RSA 193-C:7. The~~

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~~commissioner may establish a task force to assist with this review. The commissioner, or designee, shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members to the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of current public school pupils, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force's duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate~~] ***for future legislation.***

II. The [~~task force~~] ***department*** shall have the following duties:

(a) Implement the performance-based accountability system to be used by schools that will ensure that the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The performance-based accountability system[~~, as recommended by the task force,~~] shall be based on data and indicators aligned to the New Hampshire consolidated state plan, as required by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act. [~~This plan shall be approved by the legislative oversight committee established in RSA 193-C:7.~~]

IV. The [~~task force~~] ***commissioner*** shall submit a report of its findings with recommendations for future legislation for the performance-based accountability system to [~~the legislative oversight committee established under RSA 193-C:7. After the report is approved by the legislative oversight committee the department shall submit the report to~~] the chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to this section, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than January 15 annually to the same individuals receiving the final report under paragraph IV.

19 References to Education Improvement Oversight Committee. Amend RSA 193-E:3-e, IV to read as follows:

IV. The commissioner shall provide progress reports annually to the state board [~~and the legislative oversight committee established in RSA 193-C:7~~] on the status and effectiveness of the corrective and technical assistance provided by the department in achieving the demonstration of adequacy by all schools.

20 Health Information Organization; Commissioner of health and human services. Amend RSA 126-A:5, XX to read as follows:

XX. The commissioner shall [~~enter into a contract with the health information organization established pursuant to RSA 332-I to~~] administer the grant for the New Hampshire Information Exchange Planning and Implementation Project.

21 Membership; Oversight Committee on Health and Human Services. Amend RSA 126-A:13, I, to read as follows:

I. There shall be an oversight committee on health and human services consisting of [8] ***5*** members as follows:

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(a) [~~3~~] ***Two*** members of the senate, at least one of whom shall be a member of the senate health and human services committee and one of whom shall be a member of the senate finance committee, appointed by the president of the senate; and

(b) [~~5~~] ***Three*** members of the house of representatives, [~~4~~] ***2*** of whom shall be from the health, human services and elderly affairs committee, and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.

22 Membership; State Park System Advisory Council. Amend RSA 216-A:3-kk, I(a) to read as follows:

(a) [~~Four~~] ***Three*** members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

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

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

24 Membership; Air Pollution Advisory Committee. Amend RSA 125-J:11, I-II to read as follows:

I. There is established the air pollution advisory committee composed of the following members:

(a) [~~Four~~] ***Two*** representatives, appointed by the speaker of the house ***of representatives***, of whom at least [~~3 are from~~] ***one shall be a member of*** the house science, technology, and energy committee. [~~At least~~] One [~~of the 4 representatives~~] ***representative*** shall be a member of a minority party.

(b) [~~Four~~] ***Two*** senators, appointed by the senate president.

(c) The governor, or designee.

I-a. The following additional members, whose terms shall be coterminous with their terms of office, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning matters subject to its purview:

(a) The commissioner of safety, or designee.

(b) The commissioner of environmental services, or designee.

II. The committee shall elect a chairperson and vice-chairperson, and meetings shall be at the call of the chair or [~~4 or more~~] ***a majority of*** committee members. The terms of the members shall be coterminous with their terms of office.

25 Membership; Committee to Study Exotic Aquatic Weeds and Species; Amend RSA 487:30, II(a)(1) to read as follows:

(1) [~~Five~~] ***Three*** members of the house of representatives, appointed by the speaker of the house ***of representatives***.

26 Membership; New Hampshire Conservation Number Plate Advisory Committee. Amend RSA 261:97-d, I(f) and (g) to read as follows:

(f) [~~Three~~] ***Two*** house members appointed by the speaker of the house ***of representatives***.

(g) [~~Three~~] ***Two*** senators appointed by the president of the senate.

27 Membership; OBD II Testing Advisory Committee. Amend RSA 266:59-b, VII(a)(1) and (2) to read as follows:

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(1) [~~Three~~] ***Two*** representatives, appointed by the speaker of the house of representatives.

(2) [~~Two senators~~] ***One senator***, appointed by the president of the senate.

28 Prospective Repeal Date Changed; Commission to Study Cryptocurrency. Amend 2016, 205:3, I to read as follows:

I. Section 2 of this act shall take effect November 1, [~~2021~~] ***2020***.

29 Repeal; Public Health; Licensing and Registering Boards. RSA 125:22-125:24, relative to professional and trade licensing and registering boards within the department of health and human services, are repealed.

30 State Workforce Innovation Fund. Amend RSA 6:12, I(b)(283 to read as follows:

(283) Moneys deposited into the [~~New Hampshire~~] s***tate*** workforce [~~opportunity~~] ***innovation*** fund established in RSA 12-O:45.

31 Director of Economic Development; State Workforce Innovation Board. Amend RSA 12-O:20, VII to read as follows:

VII. Plan, develop, and administer programs to assist in the implementation of the Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, implement the state plan established by the governor and the ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board***, and perform the following additional functions:

(a) Through the youth council, select youth providers of training services in the local areas.

(b) Identify eligible providers of training services in the local area.

(c) Identify eligible providers of intensive services, if not otherwise provided by the One-Stop operator.

(d) Develop a budget for carrying out the duties of the ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board***, subject to the approval of the commissioner.

(e) Oversee local programs of youth activities, local employment, and training service.

(f) Establish, in conjunction with the commissioner, local performance measures.

(g) Assist the commissioner in developing statewide employment statistics systems described in the Wagner-Peyser Act.

(h) Coordinate workforce investment activities authorized and implemented within the state with economic development strategies, and develop the employer linkages with such activities.

(i) Make available to the public, on a regular basis through open meetings, information regarding ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board*** activities including information regarding the state plan prior to its submission, and information regarding membership, the designation and certification of One-Stop operators and the award of grants or contracts to eligible providers of youth activities and, as requested, minutes of formal meetings of the ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board***.

(j) Review the operation of programs and the availability, responsiveness, and adequacy of state services, and make recommendations to the governor, appropriate chief elected officials, service providers, the legislature, and general public with respect to steps to improve the effectiveness of these services and programs.

(k) Review plans of all state agencies providing employment training, and related services, and provide comments and recommendations to the governor, the legislature, the state agencies, and appropriate federal agencies on the relevancy and effectiveness of employment and training and related services delivery system in the state.

32 Workforce Development; State Workforce Innovation Board. Amend RSA 12-O:42 to read as follows:

12-O:42 Workforce Development. The commissioner of business and economic affairs shall work with the workforce development director to plan, develop, and administer workforce investment activities, programs,

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and grants under the federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, and shall discharge the day-to-day operational responsibilities and obligations of the [~~New Hampshire~~] ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board*** established under RSA 12-O:44. The commissioner shall coordinate with the [~~New Hampshire~~] ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board*** to promote state and local investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

33 State Workforce Innovation Board. Amend the section heading of RSA 12-O:44 and RSA 12-O:44, I through the introductory paragraph of paragraph III to read as follows:

12-O:44 [~~New Hampshire~~] ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board***.

I. There is established a [~~New Hampshire~~] ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board*** within the bureau of workforce development.

II. Membership of the council shall be as set forth in section 111(b) of the Workforce Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time. Members of the [~~council~~] ***board*** shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall select a chairperson for the [~~council~~] ***board*** from among the members of the [~~council~~] ***board***, in accordance with 29 U.S.C. section 2821(c).

III. The [~~council~~] ***board*** shall meet no less frequently than semi-annually, shall have the powers and responsibilities of the state workforce investment board under the Workforce Investment Act of 1998, and shall assist the governor in:

34 State Workforce Innovation Fund. Amend RSA 12-O:45 to read as follows:

12-O:45 [~~New Hampshire~~] ***State*** Workforce [~~Opportunity~~] ***Innovation*** Fund.

I. There is hereby established the [~~New Hampshire~~] ***state*** workforce [~~opportunity~~] ***innovation*** fund which shall be nonlapsing and administered by the commissioner of the department of business and economic affairs. Said fund shall be for the purpose of receiving financial assistance under the Workforce Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

II. The fund shall be distributed or expended by the commissioner after consultation with the [~~New Hampshire~~] ***State*** Workforce [~~Opportunity Council~~] ***Innovation Board*** established in RSA 12-O:44 and the approval of the governor and council for any of the following purposes:

(a) Workforce Investment Act Adult and Dislocated Worker programs.

(b) Workforce Investment Act Youth programs.

(c) Workforce Investment Act Senior Community Service Employment programs.

(d) Workforce Investment Act Disability programs.

(e) Workforce Investment Act Regional Innovation and National Emergency grant programs.

(f) Other projects, programs, or grants recognized as being beneficial to workforce development initiatives and consistent with the goals of the Workforce Investment Act.

III.(a) The department may accept gifts, grants, donations, or other moneys for the purposes of this section. Said moneys shall be deposited into the [~~New Hampshire~~] ***state*** workforce [~~opportunity~~] ***innovation*** fund.

35 Youth Council; Reference Changed. Amend RSA 188-E:13 to read as follows:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the [~~workforce opportunity council~~] ***State Workforce Innovation Board*** formed by the governor pursuant to the Workforce Investment Act of 1998:

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I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

36 New Paragraph; Foreign Insurance Companies and Their Agents; Credit for Reinsurance. Amend RSA 405:47 by inserting after paragraph IV-a the following new paragraph:

IV-b.(a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth in this paragraph.

(1) The assuming insurer must have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A "reciprocal jurisdiction" is a jurisdiction that meets one of the following:

(A) A non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this subparagraph, a "covered agreement" is an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. sections 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(B) A U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(C) A qualified jurisdiction, as determined by the commissioner pursuant to RSA 405:47, IV-a(c), which is not otherwise described in subparagraph (A) or (B) and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in rules.

(2) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rules. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in rules.

(3) The assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which will be set forth in rules. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(4) The assuming insurer must agree and provide adequate assurance to the commissioner, in a form specified by the commissioner pursuant to rules, as follows:

(A) The assuming insurer must provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subparagraphs (a)(2) or (3), or if any regulatory action is taken against it for serious noncompliance with applicable law;

(B) The assuming insurer must consent in writing to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this provision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;

(C) The assuming insurer must consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;

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(D) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(E) The assuming insurer must confirm that it is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers, and agree to notify the ceding insurer and the commissioner and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of paragraph IV-a and RSA 405:50 and as specified by the commissioner in rules.

(5) The assuming insurer or its legal successor must provide, if requested by the commissioner, on behalf of itself and any legal predecessors, certain documentation to the commissioner, as specified by the commissioner in rules.

(6) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in rules.

(7) The assuming insurer's supervisory authority must confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subparagraphs (a)(2) and (3).

(8) Nothing in this paragraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(b) The commissioner shall timely create and publish a list of reciprocal jurisdictions.

(1) A list of reciprocal jurisdictions is published through the NAIC committee process. The commissioner's list shall include any reciprocal jurisdiction as defined under subparagraphs (a)(1)(A) and (B), and shall consider any other reciprocal jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under rules adopted by the commissioner.

(2) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in rules adopted by the commissioner, except that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subparagraph (a)(1)(A) and (B). Upon removal of a reciprocal jurisdiction from this list credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to RSA 405:47.

(c) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this paragraph and to which cessions shall be granted credit in accordance with this subparagraph. The commissioner may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subparagraph (a)(4) and complies with any additional requirements that the commissioner may impose by rules, except to the extent that they conflict with an applicable covered agreement.

(d) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this subparagraph, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subparagraph in accordance with procedures set forth in rules.

(1) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with RSA 405:50.

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(2) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of RSA 405:50.

(e) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(f) Nothing in this paragraph shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law or rules.

(g) Credit may be taken under this subparagraph only for reinsurance agreements entered into, amended, or renewed on or after the effective date of this paragraph, and only with respect to losses incurred and reserves reported on or after the later of (1) the date on which the assuming insurer has met all eligibility requirements pursuant to subparagraph (a), and (2) the effective date of the new reinsurance agreement, amendment, or renewal.

(1) This paragraph does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this paragraph, as long as the reinsurance qualifies for credit under any other applicable provision of this section.

(2) Nothing in this paragraph shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(3) Nothing in this paragraph shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

37 Foreign Insurance Companies and Their Agents; Credit for Reinsurance. Amend RSA 405:47, V to read as follows:

V. Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraphs I, II, III IV, [~~or~~] IV-a***, or IV-b*** but only with respect to the insurance of risks located in the jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

38 Foreign Insurance Companies and Their Agents; Asset or Reduction From Liability. Amend the introductory paragraph of RSA 405:50 to read as follows:

An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of RSA 405:47 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer ; provided that the commissioner may adopt by rule, pursuant to RSA 541-A, specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in RSA [~~405:51~~] ***405:50-a***, and the circumstances pursuant to which credit shall be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under such contract, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in RSA 405:46, III. This security may be in the form of:

39 Foreign Insurance Companies and Their Agents; Rulemaking for Reinsurance. Amend RSA 405:50-a, IV(a) and (b) to read as follows:

(a) Meets the conditions set forth in RSA 405:47, IV-b; or

[~~(a)~~] ***(b)*** Is certified in this state; or

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[~~(b)~~] ***(c)*** Maintains at least $250,000,000 in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:

(1) Licensed in at least 26 states; or

(2) Licensed in at least 10 states and licensed or accredited in a total of at least 35 states.

40 Termination of Parental Rights. Amend RSA 170-C:15 to read as follows:

170-C:15 Appeals. Any party aggrieved by any order or decree of the court may appeal [~~in accordance with RSA 567~~] ***to the supreme court***. The pendency of an appeal, or an application therefor, shall not suspend the order of the court regarding the child.

41 Criminal Trespass. Amend RSA 635:2, III to read as follows:

III. Criminal trespass is a misdemeanor if:

(a) The trespass takes place in an occupied structure as defined in RSA 635:1, III; or

(b) The person knowingly enters or remains:

(1) In any secured premises;

(2) In any place in defiance of an order to leave or not to enter which was personally communicated to him by the owner or other authorized person;[~~ or~~]

(3) In any place in defiance of any court order restraining him from entering such place so long as he has been properly notified of such order***; or***

(4) On any grounds, lands, or parking areas of any state correctional facility or transitional housing unit operated by the department of corrections without prior authorization or without a legitimate purpose associated with department of corrections operations.

42 Cancellation or Refusal to Renew Commercial Insurance; Grounds for Cancellation. RSA 417-C:1, I(c) is repealed and reenacted to read as follows:

(c) A change in the risk that substantially increases a hazard insured against after insurance coverage has been issued or renewed.

43 Repeal. RSA 132:41, VII(c), relative to the exemption of the child fatality review committee from the requirements for nonpublic session under RSA 91-A:3, is repealed.

44 Department of Administrative Services; Use of Procurement Cards for Purchase of Commodities or Services. Amend RSA 21-I:17-d to read as follows:

21-I:17-d Use of Procurement Cards for Purchase of Commodities or Services.

I. ***In addition to the division of procurement and support services' authority to allow the use of field purchase orders or procurement cards for the purchase of supplies under RSA 21-I:17-a, the director of procurement and support services may authorize agencies, or their designees, to purchase commodities or services directly from vendors by the use of procurement cards issued for that purpose; provided, however, that no such procurement card shall be used where a total expenditure of more than $1,000 is involved unless such other use is otherwise allowed by law, or unless the commissioner of administrative services or his or her designee authorizes a higher total expenditure on a case by case basis. The commissioner or his or her designee may authorize a higher total expenditure only if he or she concludes that to do so would be in the best interests of the state.***

I-a. The director of procurement and support services ***also*** may, upon written application of an agency, authorize the agency, or one or more individuals designated by the agency, to purchase commodities or services secured by or through the division using procurement cards issued for that purpose; provided, however,

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that no such card shall be used for an expenditure which is greater than the amount allowed by the division for purchases under the applicable contract, or the price allowed by the division for the commodity or service, and provided further that use of such cards shall be in accordance with paragraphs II and III.

II. Use of a procurement card under paragraph I ***or I-a*** shall not alter any other purchasing requirements which may apply to the agency or to the type of purchase at issue, including but not limited to any restrictions or limitations contained in contracts entered into by the division of procurement and support services and any processes, rules, or manual of procedures provisions adopted by the department of administrative services which are applicable to the purchase. Agencies' use of procurement cards shall be subject to the limitations of the amounts appropriated by the legislature.

III. The form and use of credit cards to conduct or pay for purchases under paragraph I ***or I-a*** shall be prescribed by rules adopted by the commissioner of administrative services pursuant to RSA 541-A in consultation with the state treasurer, or in the department's manual of procedures described in RSA 21-1:14, I. Rules or procedures adopted by the commissioner shall include processes for monitoring the use of cards. Cards shall be used only for state purposes. Unauthorized use of a card may result in disciplinary action up to and including termination of employment. Any person who knowingly uses a card in violation of this section shall be guilty of a misdemeanor.

45 Department of Administrative Services; Internal Organization of the Divisions of Procurement and Support Services; Functions of the Bureau of Purchase and Property. Amend RSA 21-I:12, I(a)(6) to read as follows:

(6) Transferring unused supplies and equipment from one department or agency to another where needed and determining the value thereof; where such unused supplies and equipment cannot be so transferred, providing for disposal to the public by competitive bid whenever the estimated value of any unit or total of units is [~~$100~~] ***$2,500*** or more, [~~otherwise in such manner as appears to be~~] ***unless the director of the division of procurement and support services determines an alternate disposal method will be*** in the best interest of the state.

46 Drivers' Licenses; Members of Armed Services; Federal Employees; Spouses; Residency. Amend RSA 263:5-b, II to read as follows:

II. A resident of this state shall not be considered as having lost residence when the sole reason for the person's absence is that he or she is accompanying his or her spouse ***or parent*** on a United States armed forces deployment outside the state of New Hampshire or state department or other federal agency assignment abroad.

47 Insurance Companies and Agents; Quantitative Limitations. Amend RSA 402:29-d, IX to read as follows:

IX. Investments exceeding the limitation established by this section shall not be permitted under any other provision of this chapter including, but not limited to, RSA 402:28, I[~~(o)~~] ***(q)*** and shall not be considered admitted assets of the insurer.

48 Producer Licensing; License Denial, Nonrenewal, or Revocation. Amend the introductory paragraph of RSA 402-J:12, I to read as follows:

I. The commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license, or may levy [~~a penalty~~] ***an administrative fine not to exceed $2,500 per violation,*** in accordance with RSA 400-A:15, III or any combination of actions for any one or more of the following causes:

49 Unauthorized Insurance; Penalty for Unauthorized Insurance. Amend RSA 406-B:12 to read as follows:

406-B:12 Penalty for Unauthorized Insurance.

[~~I.~~] Any unlicensed insurer who does any unauthorized act of an insurance business as set forth in RSA 406-B:2 shall be fined [~~not more than $10,000.~~

~~II. In addition to any other penalty provided for herein or otherwise provided by law, any person or insurer violating this chapter shall be fined $500 for the first offense and an additional sum of $500 for each month or fraction thereof during which any such person or insurer continues such violation~~] ***in accordance with RSA 400-A:15, III***.

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50 Fire Insurance Contract; Use Required. Amend RSA 407:2 to read as follows:

407:2 Use Required. No policy or contract of fire insurance, except ***for motor vehicle insurance, marine insurance, inland marine insurance, and*** policies used to effect reinsurance between insurers, shall be made, issued or delivered by any insurer or by any agent or representative thereof, on any property in this state unless it shall conform to all the provisions of the policy form prescribed herein. The insurance commissioner may, after hearing, revoke or suspend the license of any insurer using any other form of such policy.

51 Unfair Insurance Practices; Unfair Methods, Acts, and Practice Defined. Amend RSA 417:4, IX(b)(10) to read as follows:

(10) An insurance company issuing non-participating life insurance [~~from~~] paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance;

52 Repeal. RSA 420-N:10, relative to the health exchange advisory board, is repealed.

53 Department of Administrative Services; Energy Management; State Policy. Amend RSA 21-I:19-a to read as follows:

21-I:19-a Energy Efficient Measures; State Policy.

I. It shall be the policy of the state of New Hampshire to [~~maximize~~] ***prioritize public health and environmental quality, while maximizing economic benefits through*** the use of economical energy [~~efficient measures~~] ***efficiency measures including, but not limited to, energy conservation, strategic electrification, fuel switching, cogeneration, renewable energy, and energy storage*** in the construction, renovation, ***operation,*** and maintenance of [~~buildings~~] ***properties*** owned or leased by the state. Further, it shall be the policy of the state to encourage municipalities to incorporate such measures into their [~~buildings~~] ***properties*** to the greatest extent possible.

II. The department of administrative services shall consider ***energy measures including, but not limited to, energy conservation,*** energy efficiency***, strategic electrification, fuel switching, cogeneration, renewable energy, energy storage,*** and the ***energy*** life cycle [~~costing of energy cost saving measures a~~] ***costs as*** significant [~~criterion~~] ***criteria*** in its ***construction, renovation, operation, and*** purchasing and leasing decisions.

54 State Facility Energy Cost Reduction; Definitions. RSA 21-I:19-b is repealed and reenacted to read as follows:

21-I:19-b Definitions. In this subdivision:

I. “Cogeneration” means the simultaneous production of electric energy and other forms of useful energy, such as steam or heat, which are used for industrial, commercial, heating, or cooling purposes from a single fuel input.

II. “Date of project implementation” means the expected date established in the energy performance contract that the construction, improvement, repair, alteration, or betterment is to be completed and become operational. If the energy performance contract includes more than one energy cost saving measure, the “date of project implementation” may be alternatively defined by the contracting state agency or municipality to be the date that the last of the energy cost saving measures is expected to become operational.

III. “Demand response program” means a program under which the state receives payment for voluntarily reducing electricity demand in response to grid instability as dictated by the regional independent system operator or in response to high wholesale electricity prices.

IV. “Energy cost saving measure” means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within 20 years from the date of project implementation.

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V. "Energy performance contract" means an agreement for the provision of energy services or equipment or both. This shall include, but shall not be limited to, energy conservation-enhancing projects in buildings and alternate energy technologies, in which a private sector person or company agrees to finance, design, construct, install, maintain, operate, or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a state government agency or facility in exchange for a portion of the energy cost savings or specified revenues. The level of payments made would be contingent upon measured energy cost savings or energy production.

VI. "Energy storage" refers to batteries, compressed air energy systems, heat storage, or any other technology, system, or device capable of capturing energy produced at one point in time and storing it as some contained form of energy that the technology, system, or device can release at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source.

VII. "Fuel switching" means replacing an end-use technology such as a heating system with one that uses a different direct or indirect energy source to reduce energy costs, improve energy factor, reduce energy consumption, or lower greenhouse gas emissions.

VIII. "Positive cash flow financing" means an agreement among an agency, a capital leasing firm, and a provider of design-build energy management services under which the leasing cost of the project, including all interest payments, is equal to or less than the energy cost the project avoids.

IX. "Power purchase agreement (PPA)" means an agreement for the design, permitting, financing, installation, operation, and maintenance of a cogeneration or renewable energy system, including electric and thermal, on a host customer's property. The host customer agrees to purchase the system's energy output at an agreed upon price for a set time period.

X. "Renewable energy," for the purposes of this section, means wind energy; energy generated from eligible biomass fuel; geothermal energy, if the geothermal energy output is in the form of useful thermal energy; energy generated from hydrogen derived from biomass fuels or methane gas; ocean thermal, wave, current, or tidal energy; energy generated from methane gas; solar thermal or electric energy; or hydroelectric energy.

XI. "Shared-savings contract" means an agreement under which a private sector person or company undertakes to design, implement, install, operate, and maintain improvements to the agency's or municipality's procedures, equipment, or facilities, and the agency or municipality agrees to pay a contractually specified amount of measured or estimated energy cost savings.

XII. "Strategic electrification" means the replacement of combustion technologies, which utilize primary fuels including but not limited to biomass, oil, or natural gas, to electric powered measures in order to reduce energy costs, improve energy factor, reduce energy consumption, or lower greenhouse gas emissions.

55 Energy Performance Contracting. Amend RSA 21-I:19-d, I to read as follows:

I. Any state agency or municipality may enter into an energy performance contract for the purpose of undertaking or implementing ***energy measures including, but not limited to,*** energy conservation***, energy efficiency, strategic electrification, fuel-switching, cogeneration,*** [~~or alternate~~] ***renewable*** energy [~~measures~~]***, or energy storage*** [~~in a facility~~]. An energy performance contract may include, but shall not be limited to, options such as joint ventures, shared-savings contracts, positive cash flow financing***,*** [~~or~~] energy service contracts, ***power purchase agreements,*** or any combination thereof, provided that at the conclusion of the contract the agency will receive title to the energy system being financed, if the agency so desires.

56 Energy Performance Contracting. Amend RSA 21-I:19-d, II(c) to read as follows:

(c) Upon the approval by the [~~HEEC and~~] governor and council, the agency may enter into an energy performance contract with the person or company whose proposal is selected as the most qualified based on the criteria established by the agency.

57 Energy Performance Contracting. Amend RSA 21-I:19-d, II(f) to read as follows:

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(f) Any energy performance contract [~~should~~] ***shall*** require [~~the contractor to include all energy efficiency improvement in selected buildings that are calculated to~~] ***the state to*** recover all ***implementation*** costs within 20 years from the date of project implementation at existing energy prices. The contract shall require that the public utility or energy services provider be repaid only to the extent of energy cost savings guaranteed by the contractor to accrue over the term of the contract.

58 New Paragraph; Purchase of Electricity by Competitive Bidding. Amend RSA 21-I:17-b by inserting after paragraph II the following new paragraph:

III. The solicitation of competitive bids for electric power supply shall only apply to wholesale power purchased from the electric grid and does not apply to power purchase agreements under RSA 21-I:19-d, which will result in power generated on state-owned property. Nothing in this section shall be interpreted to mean that any energy contract entered into under RSA 21-I:19-d shall not be subject to competitive bidding.

59 Distribution of Energy Cost Savings. Amend RSA 21-I:19-e to read as follows:

21-I:19-e Energy Cost Savings Revert to General Fund. [~~The cost savings remaining after meeting the obligations under an energy performance contract, shared-savings contract, or lease of energy saving equipment or services or any similar program~~] ***At the end of each biennium, 50 percent of the general funds remaining in an agency's energy costs budget shall revert to the state energy investment fund established in RSA 21-I:19-f. All remaining budgeted energy funds*** shall revert to the general fund.

60 State Energy Investment Fund. Amend RSA 21-I:19-f to read as follows:

21-I:19-f ***State*** Energy ***Investment*** Fund. There is hereby established [~~an~~] ***a state*** energy ***investment*** fund into which shall [~~only~~] be deposited moneys received by the state for participating in demand response~~,~~ [~~or~~] utility or public utility commission programs, [~~or both~~] ***energy cost savings distribution as defined in RSA 21-I:19-e, or the sale of renewable energy certificates, as defined by RSA 362-F:6, for state-owned renewable thermal and electricity projects***. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and continually appropriated to the division of plant and property to be used exclusively to fund energy efficiency or renewable energy projects and energy efficiency or renewable energy contracts; to reimburse the department of administrative services, division of public works design and construction, for costs of providing construction administration services including, but not limited to, design and oversight of design and construction of energy saving or renewable energy measures; and to reimburse state agencies for [~~demand response~~] program expenses or completing energy saving or renewable energy measures.

61 Application of Receipts. Amend RSA 6:12, I(b)(271) to read as follows:

(271) Moneys deposited in the ***state*** energy ***investment*** fund established in RSA 21-I:19-f.

62 Veterans Services; Donations and Bequests. Amend RSA 110-B:87 to read as follows:

110-B:87 Donations and Bequests. The division of veterans services may receive, on behalf of the state, all donations and bequests that may be made to support the delivery of state veterans services programs ***shall be nonlapsing and continually appropriated to the division of veterans services***.

63 Multi-Use Veterans Decal Plates; Decals. Amend RSA 261-C:2, III to read as follows:

III. The division of veterans services may issue decals to eligible veterans who qualify under this chapter and to gold star family members pursuant to RSA 261-C:3-a, and shall collect a fee of $10 for the set of decals. Revenue collected under this paragraph shall be restricted revenue to the division of veterans services and shall [~~not lapse~~] ***be nonlapsing and continually appropriated to the division***.

64 Gold Star Family Decals; Eligibility. Amend RSA 261-C:3-a, V to read as follows:

V. Pursuant to RSA 261-C:2, the division of veterans services may issue gold star family decals to eligible family members and shall collect a fee of $10 for the set of decals. Revenue collected under this paragraph shall be restricted revenue to the division of veterans services and shall [~~not lapse~~] ***be nonlapsing and continually appropriated to the division***.

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65 Department of Environmental Services; Office of the Commissioner; Public Information. Amend RSA 21-O:12, IV to read as follows:

IV. Public information and permitting [~~shall include all initial public contact relative to permits and applications; furnishing members of the general public with all permit applications and information needed for any project which comes under the jurisdiction of the department, as well as information as to federal or local permits which may be required; assisting~~] ***shall assist*** members of the general public, whenever possible[~~, to fill out permit applications~~] by directing them to the appropriate person within the relevant division of the department; and generally providing members of the general public with all of the information necessary for meeting permit requirements[~~, including information as to where to find the relevant federal laws and regulations, rules, and municipal ordinances~~].

66 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in RSA 94:1-a, I(b) by deleting:

DD	Department of natural and cultural resources	director
EE	Department of health and human services	senior policy analyst
FF	Department of health and human services	senior project manager
FF	Department of health and human services	bureau chief of elderly and adult services
HH	Department of safety	director of administration
HH	Department of health and human services	director of economic and housing services
HH	Department of health and human services	chief legal officer
HH	Department of revenue administration	assistant commissioner
NN	Department of health and human services	physician

67 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in RSA 94:1-a, I(b) by inserting:

CC	Department of justice	deputy chief investigator
EE	Department of natural and cultural resources	director and state historic preservation officer
FF	Department of health and human services	director of the office of health equity
GG	Department of health and human services	deputy director, division of public health services
GG	Department of health and human services	director, project management
GG	Department of health and human services	bureau chief of elderly and adult services
II	Department of safety	director of administration
II	Department of health and human services	director of economic and housing stability
II	Department of health and human services	director of performance evaluation and innovation
II	Department of health and human services	chief legal officer
JJ	Department of revenue administration	assistant commissioner

68 Salary Adjustment for Recruitment or Retention. Amend RSA 94:3-b, II(a) to read as follows:

(a) Comptroller, department of administrative services, [~~$120,270.32~~] ***$99,000-$138,000***

69 Administrative Procedure Act; Definition of Electronic Document and File. Amend RSA 541-A:1, V-a and VI to read as follows:

V-a. "Electronic document" means a document which complies with requirements ***prescribed by the director for filing under paragraph VI and*** established in the drafting and [~~procedures~~] ***procedure***

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manual under RSA 541-A:8. For electronic documents, a requirement during the rulemaking process for a signature accompanying the filing of an electronic document shall be met if such signature complies with the requirements of RSA 294-E.

VI. "File" means the actual receipt, by the director of legislative services, of a [~~paper or electronic~~] document required to be submitted during a rulemaking process established by this chapter***, under the terms and in the format prescribed by the director***. The term "file" shall also apply to any other response, submission, or written explanation required during a rulemaking process established by this chapter.

70 Administrative Procedure Act; Notice of Rulemaking Proceedings. Amend RSA 541-A:6, II to read as follows:

II. The director of legislative services may refuse to publish a notice if the director determines that [~~there is significant noncompliance with the requirements of paragraph I. In this paragraph, "significant noncompliance" means one or more errors of such magnitude that a reasonable person would not be able to discern what rules are the subject of the rulemaking proceeding and/or what the agency is proposing to do. The term includes the absence of elements required by paragraph I~~] ***the notice does not conform to the requirements of the drafting and procedure manual under RSA 541-A:8***.

71 Administrative Procedure Act; Rulemaking Register. Amend RSA 541-A:9, I-a to read as follows:

I-a. Prior to publication [~~and with prior notice to the agency~~], the director of legislative services may correct ***clarity, formatting,*** typographical, spelling, and punctuation errors, as well as unintentional errors in references and citations in a submission[~~, provided the corrections do not affect the substance of the notice~~]. ***Consistent with RSA 541-A:6, II, the director shall notify the agency prior to publication of the notice of any amendments made to the notice and may set a deadline for agency comment on the amendments.***

72 Administrative Procedure Act; Filing of Proposed Rule Tex; Establishing and Revising Text. Amend RSA 541-A:10, I to read as follows:

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. ***The text of each proposed rule filed shall encompass at least a full rules section.*** The text of the proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the hearing held pursuant to RSA 541-A:11, I(a).

73 Administrative Procedure Act; Filing the Final Proposal. Amend RSA 541-A:12, I and I-a to read as follows:

I. After fully considering public comment and any committee comments or comments by the office of the legislative services received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the agency shall file the final proposal no earlier than 21 days and no later than [~~150~~] ***180*** days after the date of publication of the notice in the rulemaking register. [~~If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal.~~] The agency shall file the final proposal with the director of legislative services. Final proposals filed no later than [~~14~~] ***21*** days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than [~~14~~] ***21*** days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting.

[~~I-a. If an agency chooses to receive and respond to comments before the committee meeting as specified in RSA 541-A:13, II(a) and (b), the agency shall file the final proposal with a request that the final proposal be reviewed by the office of legislative services and placed on the agenda for the next regularly scheduled committee meeting or special meeting that is at least 28 days but no more than 60 days after the date that the final proposal is filed. The final proposal and request shall be filed at least 14 days prior to the first regularly scheduled committee meeting at which the request may be considered. The committee shall notify the agency in writing of its approval or denial of the request.~~]

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74 Administrative Procedure Act; Review by the Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, I-V(a) to read as follows:

I. The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within [~~45~~] ***60*** days of the filing of a final proposal under RSA 541-A:12, I, unless the deadline is waived for good cause pursuant to RSA 541-A:40. [~~The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within 60 days of the filing of a final proposal under RSA 541-A:12, I-a, unless the deadline is waived for good cause pursuant to RSA 541-A:40.~~] Objections to a rule may be made only once. ***The committee may not add or amend rounds for objection after a preliminary objection is made under paragraph V unless the agency's response to the objection creates the grounds or the agency requests a revised objection which includes them.***

II.(a) If an agency has filed a final proposal [~~and the committee has granted the agency's request, pursuant to RSA 541-A:12, I-a~~], the director of legislative services shall notify the agency of any potential bases for committee objection identified by the office of legislative services by forwarding a copy of the final proposal with the counsel's comments noted thereon [~~at least 14 days prior to the committee meeting at which the proposal will be considered~~].

(b) In response to the comments, ***or for other reasons in lieu of requesting a preliminary objection,*** an agency may then file a [~~proposed amended final proposal~~] ***request for conditional approval*** with the director for review by the committee and request that the committee ***conditionally*** approve the rule [~~as amended~~] ***with an amendment***. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda. ***An agency may request a waiver pursuant to RSA 541-A:40, IV of the 7-day deadline for good cause as established in the drafting and procedure manual under RSA 541-A:8, but the committee may for compelling reasons under the committee's rules pursuant to RSA 541-A:2, II accept a request for a conditional approval in the meeting under paragraph V.***

(c) The committee may:

(1) Approve the rule as originally filed; ***or***

(2) [~~Approve the rule with amendment; or~~

~~(3)~~] Act under paragraph V.

(d) If the committee approves the rule as filed pursuant to RSA 541-A:12, [~~or with amendment,~~] it shall notify the agency in writing of its approval.

(e) Failure to give notice of either approval, conditional approval, or objection at the end of the [~~45-day or~~] 60-day period under paragraph I shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (e), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature;

(c) Determined not to be in the public interest; or

(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections ***and conditional approvals***:

(a) If the committee objects to the final proposal as filed [~~or as amended pursuant to paragraph II~~], it shall so inform the agency. In lieu of a preliminary objection, ***and with or without a written request under subparagraph II(a),*** the committee may vote to conditionally approve the rule with an amendment, provided that the committee specifies in its conditional approval the language of the amendment to address the

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basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 30 days of the meeting, or in the case of a board or commission, 7 days following its next regularly scheduled meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the office of legislative services determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the office of legislative services shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

75 Administrative Procedure Act; Publication of Rules. Amend RSA 541-A:15, I to read as follows:

I. The director of legislative services shall compile, index, and publish, or require agencies to publish, all effective rules adopted by each agency. The text of an adopted rule as filed with the director and which is effective shall be the official version of the rule, unless or until a version prepared for publication, which may have editorial changes not affecting the substance of the rule, is certified by the agency as the same in substance as originally filed. The certified version shall be the official version. ***Both the adopted rule as-filed and as-certified may be an electronic document and still be the official version if in compliance with RSA 541-A:1, V-a and VI and the drafting and procedure manual for administrative rules under RSA 541-A:8.*** The official version of the rule shall be available to the public by the agency and the director pursuant to RSA 541-A:14, IV.

76 Administrative Procedure Act; Interim Rules. Amend RSA 541-A:19, I(a) to read as follows:

(a) Conform with a new or amended codified state statute or chaptered session law, provided, however, that an agency shall not publish notice of a proposed interim rule more than [~~120~~] ***180*** days after the effective date of the new or amended codified state statute or chaptered session law;

77 Administrative Procedure Act; Interim Rules. Amend RSA 541-A:19, V-VIII to read as follows:

V. A proposed interim rule filed under paragraph II no less than [~~14~~] ***21*** days before a regularly scheduled committee meeting shall be placed on the committee's agenda for review for that meeting. Publication of notice shall occur no less than [~~7~~] ***14*** days before a regularly scheduled meeting. If the agency has published notice in a newspaper, pursuant to subparagraph II(a), the agency shall file a copy of the notice as it was published no later than 3 days after the date of publication. Proposed interim rules filed less than [~~14~~] ***21*** days before a regularly scheduled committee meeting shall be placed on the agenda for review at the following regularly scheduled committee meeting or at a special meeting, as determined by the committee.

VI. The committee shall vote to approve ***or conditionally approve*** the rule or object under paragraph VII. Objections to a proposed interim rule may be made only once.

VII. The committee may object to a proposed interim rule if the rule is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature;

(c) Determined not to be in the public interest; or

(d) Deemed by the committee not to meet the requirements of paragraph I.

VIII. The following procedures shall govern committee review of interim rules:

(a) The director of legislative services shall notify the agency of any potential bases for committee objection by forwarding a copy of the proposed interim rule with comments noted thereon to the agency at least 7 days prior to the committee meeting at which the rule will be considered. Following receipt of the comments an agency may [~~amend~~] ***file a request for conditional approval of*** its interim rule ***with an***

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amendment to address the noted potential bases for objection***, or for other reasons in lieu of requesting an objection***. ***Both the request for conditional approval and the amendment shall be in writing and shall be filed at least 3 days prior to the meeting for which the proposed interim rule has been placed on the agenda. An agency may request a waiver pursuant to RSA 541-A:40, IV of the 3-day deadline for good cause as established in the drafting and procedure manual under RSA 541-A:8, but the committee may for compelling reasons under the committee's rules pursuant RSA 541-A:2, II accept a request for a conditional approval in the meeting.*** ~~[The agency may present the amended proposal to the committee for approval at the committee meeting.~~] The committee may approve the rule as originally proposed or [~~as amended~~] ***conditionally approve the rule under subparagraph (b)***.

(b) If the committee objects to the proposed interim rule as filed [~~or as amended~~], it shall so inform the agency. In lieu of an objection, ***and with or without a written request under subparagraph (a),*** the committee may vote to conditionally approve the rule with an amendment, provided that the committee specified in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the committee legal counsel determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the committee legal counsel shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

(c) If the committee objects to the proposed interim rule as filed [~~or as amended~~] pursuant to subparagraph VIII(a), the committee shall send the agency a written objection stating the basis for the objection. An objection or a conditional approval shall require the assent of a majority of the votes cast, a quorum being present.

(d) If the committee makes an objection to the proposed interim rule pursuant to subparagraph VIII(c), the agency may cure the defect or withdraw the interim rule. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee prior to its next regularly scheduled meeting. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed interim rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule, provided the conditions in paragraph I are met.

(e) The committee shall review the response and vote to approve the response or continue the objection.

(f) The committee's objection shall not preclude the agency from adopting the substance of an interim rule by meeting the requirements of RSA 541-A:3.

78 Repeal. RSA 541-A:2, IV(g), relative to the pilot program for electronic filing, is repealed.

79 Compensation of Certain State Officers; Health and Human Services Positions Amended. Amend the following positions in RSA 94:1-a, I(b), grade EE to read as follows:

EE Department of health and human services[~~senior project manager~~] ***Sununu youth services center administrator***

EE Department of health and human services[~~project manager office specialist~~] ***senior policy analyst***

80 Excavating and Dredging Permit; Registration for Seasonal Docks. Amend RSA 482-A:3, I(d)-(e) to read as follows:

(d) ***If an owner chooses to voluntarily register existing docking structures, at the time the owner registers the structures with the department, he or she shall also submit a nonrefundable fee of $200.***

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(e) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to:

(1) All abutters, as defined in the rules of the department, unless exempted in such rules, which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice. Nothing in this subparagraph shall prevent the department from taking appropriate action in the event an applicant fails to provide the required notice or provides false information.

(2) The local river management advisory committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. Such notice shall be sent by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The local river management advisory committee shall, under RSA 483:8-a, III(a)-(b), advise the commissioner and consider and comment on the permit application.

[~~(e)~~] ***(f)*** Beginning October 1, 2007, the department shall submit an annual report to the house and senate finance committees, the house resources, recreation and development committee, and the senate energy and natural resources committee relative to administration of the wetlands fees permit process established by this section.

81 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, IV-a to read as follows:

IV-a.***(a)*** [~~Temporary~~] Seasonal docks [~~installed on any lake or pond~~] shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of property that includes the name and address of the property owner, ***a copy of the deed for the property on which the dock is to be installed,*** the municipality, the waterbody, [~~and~~] tax map and lot number on which the proposed dock will be located***, and plans of the waterfront and structure to be installed showing that the requirements of this paragraph will be met***. To qualify for an exemption under this paragraph, a [~~temporary~~] seasonal dock shall be:

[~~(a)~~] ***(1)*** The only docking structure on the frontage;

[~~(b)~~] ***(2)*** Constructed to be removed during the non-boating season;

[~~(c)~~] ***(3)*** Removed from the lake bed for a minimum of 5 months of each year;

[~~(d)~~] ***(4)*** Configured to be narrow, rectangular, and erected perpendicular to the shoreline ***of a lake or pond or parallel to the bank of a river***;

[~~(e)~~] ***(5)*** No more than 6 feet wide and no more than 40 feet long if the water body is 1,000 acres or larger, or no more than 30 feet long if the water body is ***a river or*** less than 1,000 acres ***in size***;

[~~(f)~~] ***(6)*** Located on a parcel of land that has 75 feet or more of shoreline frontage;

[~~(g)~~] ***(7)*** Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water;

[~~(h)~~] ***(8)*** Installed in a manner which requires no modification, regrading, or recontouring of the shoreline, such as installation of a concrete pad for construction of a hinged dock;

[~~(i)~~] ***(9)*** Installed in a manner which complies with RSA 483-B; and

[~~(j)~~] ***(10)*** Installed in a location that is not in, or adjacent to, an area that has been designated as a prime wetland in accordance with RSA 482-A:15.

(b) The repair or replacement of legally existing docking facilities in non-tidal waters shall be exempt from the permitting requirements of this section, provided that the structure has a valid registration filed with the department by the owner of the property, in accordance with RSA 482-A:11, XI, that includes the name and address of the property owner, the municipality, the waterbody,

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tax map and lot number on which the proposed dock will be located, photographs of all existing structures constructed or installed in the waterbody, and plans of the waterfront and structures to be repaired showing that the requirements of this paragraph will be met. To qualify for an exemption under this paragraph, the owner of the docking facilities shall provide evidence that the docking structures to be repaired:

(1) Have been:

(A) Constructed and maintained in compliance with a permit issued under RSA 482-A or its preceding statutes; or

(B) Maintained in their current size, location, and configuration since January 1, 2000;

(2) Were not constructed to make land in public waters;

(3) Are not subject to RSA 482-A:26; and

(4) Are not the subject of any municipal or state compliance action or pending civil action.

(c) Registrations for the repair or replacement of legally existing docking structures shall be effective on the date issued and shall be valid for 5 years or until ownership of the property changes, whichever occurs first.

(d) Within 10 business days of receipt of a registration filing, the department shall issue a written notice to the property owner stating that the registration has either been accepted and issued a registration number, or rejected. If the department does not respond within the 10-day period, the property owner or agent may submit to the department a written request for a response. If the department fails to respond to the written request within an additional 5 days, the property owner or agent shall be deemed to have submitted a complete and qualifying registration and may proceed with the repair or replacement of the legally existing docking structures as presented in the registration filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

(e) Docking structures registered and maintained in accordance with this section shall be considered to be in compliance with this chapter.

82 New Paragraph; Administrative Provisions. Amend RSA 482-A:11 by inserting after paragraph X the following new paragraph:

XI. The commissioner shall adopt rules pursuant to RSA 541-A, establishing registration forms, the registration renewal process, and the display of registration numbers; and the registration process for the installation of seasonal docking structures and the repair or replacement of legally existing docking structures pursuant to RSA 482-A:3, IV-a.

83 Posting of Permits; Display of Registration Numbers. Amend RSA 482-A:12 to read as follows:

482-A:12 Posting of Permits***, Display of Registration Numbers,*** and Reports of Violations. Project approval by the department shall be in the form of a permit, a copy of which the applicant shall post in a secured manner in a prominent place at the site of the approved project. The department shall mail a copy of such permit to the local governing body of the municipality where the project is located. ***Any registration number issued by the department pursuant to RSA 482-A:3, IV-a(c) shall be prominently displayed on the lakeward face of the docking structures.*** Any person proceeding without a posted permit shall be in violation of this chapter. All state, county***,*** and local law enforcement officers are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the department.

84 New Sections; Dams; Emergency Actions; Entry; Access. Amend RSA 482 by inserting after section 12 the following new sections:

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482:12-a Emergency Actions. If during any flood warning issued by the National Weather Service, the condition of any hazardous dam becomes so dangerous to the safety of life or property in the opinion of the department as not to permit sufficient time for issuance of an order in the manner provided by RSA 482:12, the department may immediately take such action as may be essential to provide for emergency protection to such life or property. The owner or owners of such a dam shall be strictly liable for all costs incurred by the state in performing an emergency action under this section. The attorney general may institute an action in superior court for the county in which the dam is located against the owner or owners of the dam for all costs incurred by the state. Costs recovered under this section shall be deposited into the dam maintenance fund established pursuant to RSA 482:55. This section shall not apply to any dams under the jurisdiction of the Federal Energy Regulatory Commission.

482:12-b Rights of Entry and Access. During a flood warning issued by the National Weather Service, the department shall have the right to enter on any property, public or private, for the purpose of investigating the condition, construction, or operation of any hazardous dam or associated equipment, facility, or property to take emergency actions pursuant to RSA 482:12-a.

85 State Building Code; Enforcement by Fire Marshal and Local Municipalities. Amend RSA 155-A:2, IV to read as follows:

IV. Except for buildings owned by the state, the community college system of New Hampshire, or the university system, the issuance of permits and certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall issue permits**,** [~~and~~] conduct inspections***, and issue certificates of occupancy*** for buildings owned by the state, the community college system of New Hampshire, and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services***, provided the fees for such services are paid for by the applicant. Any municipality that has adopted an enforcement mechanism under RSA 674:51 alternatively may request the services of the state fire marshal under the state building permit system, including issuance of permits, conducting inspections, and issuance of certificates of occupancy, for buildings or projects owned by the counties, town, cities, or village districts, if a project requires specialized knowledge of the fire marshal or due to staffing limitations of the municipality. Nothing in this section shall require the state fire marshal to accept a project under the state building permit system when requested by a municipality.***

86 New Paragraph; Department of Safety; Duties of Commissioner; Authority to Appoint Security Officers. Amend RSA 21-P:4 by inserting after paragraph XVI the following new paragraph:

XVII.(a) Have discretion to grant to security officers assigned to protect one or more department facilities and grounds such powers as the commissioner deems necessary to quell disturbances, including the power to detain, for up to 2 hours, persons who are creating a disturbance or whom they have reasonable grounds to believe have committed any offense under the laws of the state. In this paragraph, a "disturbance" means behavior or actions that disrupt the orderly conduct of business in a department facility, including bitter exchanges, vulgarities, or abusive, offensive, or insulting comments that impede the orderly disposition of an administrative due process hearing, and any acts of violence or intimidation.

(b) A security officer who has detained a person shall, as soon as practicable, surrender the person to a state trooper, deputy sheriff, or local police officer having jurisdiction in the geographical area where the detention occurred. Any detention shall be accomplished in a reasonable manner and shall not exceed 2 hours.

(c) Each security officer employed on or after the effective date of this paragraph shall be required to pass a criminal history check, a background investigation, and a psychological evaluation approved by the commissioner, a physical examination by a licensed physician at the department's expense, and an initial training program approved by the commissioner and annual refresher training. The security officer shall serve a one-year term, at the pleasure of the commissioner, and shall be issued such equipment and weapons as the commissioner designates, subsequent to formal training in their usage and periodic retraining. The security officer shall serve in business attire with a suitable badge or other identification or in a distinctive uniform, as determined by the commissioner.

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(d) A security officer shall submit a written report regarding any detention, use of physical force, or taking into custody of any person to the commissioner, or the commissioner's designee, and to the division of state police. The division of state police shall be responsible for any court prosecution arising from such incident.

87 New Section; Authority of Department of Safety Security Officers. Amend RSA 21-P by inserting after section 7-c the following new section:

21-P:7-d Authority of Department of Safety Security Officers.

I. The commissioner may appoint department of safety security officers for the purpose of keeping the peace at department facilities and grounds and protecting department employees. The security officers shall be under the immediate control of, and be responsible to the commissioner or the commissioner's designee. Security officers shall have the authority of an ex officio constable and possess such limited police powers and authority as are granted to them by the commissioner pursuant to RSA 21-P:4, XVII. The security officers shall be entitled to the same statutory indemnification regarding their official acts as other state officials and employees.

II. Whenever a security officer detains an individual, the security officer shall surrender the person to a state trooper, deputy sheriff, or local police officer having jurisdiction in the geographical area where the detention occurred.

III. Security officer staff shall be considered a law enforcement agency for purposes of receiving and exchanging criminal justice information and motor vehicle record information with the division of state police, the division of motor vehicles, the division of homeland security and emergency management, and other law enforcement agencies and officials.

IV. Security officers shall not be required to meet all of the physical, training and educational requirements of RSA 106-L:6, but may attend and participate in training programs at the police standards and training council and, upon successfully completing such programs, shall receive the same academic credits or certifications as other peace officers attending such programs.

V. Security officers who were certified police officers prior to appointment to the security staff may retain or regain their police certification while serving as sworn department of safety security officers upon completing such remedial or updated continuing education and other requirements as the police standards and training council may require.

88 New Paragraphs; Definitions Added; Medical Imaging and Radiation Therapy. Amend RSA 328-J:1 by inserting after paragraph I the following new paragraphs:

I-a. "Cardiac electrophysiology specialist" means the individual who assists a physician with diagnosing and treating the electrical activities of the heart, including procedures involving invasive (intracardiac) catheter recording of spontaneous activity as well as of cardiac responses to programmed electrical stimulation (PES).

I-b. "Cardiovascular invasive specialist" means the individual who assists a physician with cardiac catheterization procedures which can determine if a blockage exists in the blood vessels that supply the heart muscle and can help diagnose and treat other problems.

89 Board; Quorum. Amend RSA 328-J:6 to read as follows:

328-J:6 Organization and Meetings. The board shall hold meetings at least 2 times per year. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. [Four members shall constitute] A quorum of the board shall be described in RSA 21:15.

90 New Sections; Criminal History Records; Disciplinary History. Amend RSA 328-J by inserting after section 7 the following new sections:

328-J:7-a Criminal History Record Checks.

I. The board of medical imaging and radiation therapy shall require criminal background checks for initial licensure, reinstatement of licensure or temporary licensure using a criminal history record release form, as provided by the New Hampshire division of state police which authorizes the release of his or her criminal history record, if any, to the board of medical imaging and radiation therapy.

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(a) The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board of medical imaging and radiation therapy may, in lieu of the criminal history records check, accept police clearances from every city, town or county where the person has lived during the past 5 years.

(b) The board of medical imaging and radiation therapy shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the public conviction criminal history records to the board of medical imaging and radiation therapy.

II. The board of medical imaging and radiation therapy shall review the criminal record information prior to making a decision on licensure and shall maintain the confidentiality of all criminal history records received pursuant to this section.

III. The applicant shall bear the cost of all criminal history record checks.

IV. The board shall consider military security clearance for an individual actively serving in any component of the Department of Defense in lieu of criminal background checks.

328-J:7-b Records of Licensees and Disciplinary History.

I. The board shall maintain an electronic record of living or deceased persons who have ever been licensed to practice. The list shall show the last known place of employment, the last known place of residence, the number of the license, the most recent date of issuance, renewal, or reinstatement of the license, and the date the license lapsed if applicable. No information shall be put on a list to be transferred to another entity for commercial use without the permission of the person to whom the information applies.

II. The board shall maintain a list of persons against whom the board has taken any disciplinary action. This list shall include the name of the person, the reason for the disciplinary action, the date of the disciplinary action, and the nature of the disciplinary action.

91 New Paragraphs; Medical Imaging and Radiation Therapy; Licenses Added. Amend RSA 328-J:11 by inserting after paragraph VII the following new paragraphs:

VIII. Cardiac electrophysiology specialist licensure. To qualify for a license as a cardiac electrophysiology specialist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in cardiac electrophysiology approved by the board; and

(d) Possess current certification in cardiac electrophysiology from Cardiovascular Credentialing International or a certifying organization approved by the board.

IX. Cardiovascular invasive specialist license. To qualify for a license as a cardiovascular invasive specialist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in cardiovascular invasive procedures approved by the board; and

(d) Possess current certification in cardiovascular invasive procedures from Cardiovascular Credentialing International or a certifying organization approved by the board.

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X. Computed tomography license. To qualify for a license in computed tomography, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in computed tomography approved by the board; and

(d) Possess current certification and registration in tomography from the American Registry of Radiologic Technologists or a certification organization approved by the board.

92 Applications; Temporary Licensure. Amend RSA 328-J:13 to read as follows:

328-J:13 Applications; Temporary License.

I. Applications for licensure or for a temporary license shall be [on forms] in the manner prescribed [and furnished by the board] by the office of professional licensure and certification, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work. The [board] office of professional licensure and certification shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

II. The board may issue a temporary license to any person whose certification and registration is pending [or when issuance is for the purpose of providing medical imaging or radiation therapy services to medically underserved areas as determined by the board] for a period not to exceed 120 days. A temporary license shall be issued only if the board finds that it will not violate the purpose of this chapter or endanger the public health and safety. [A temporary license shall expire 90 days after the date of the next examination if the applicant is required to take an examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license. A temporary license shall not be issued for a period longer than 180 days.]

II-a. If an applicant is required to take an examination, the board may issue a temporary license for a period not to exceed 90 days after the date of the next examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire.

II-b. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license.

III. New graduates awaiting national certification and registration may be issued a temporary license for employment purposes for a period not to exceed one year.

IV. Any person issued a license under this chapter shall display the official license document or a verified copy in each place of regular employment.

93 New Section; Motor Carriers; Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine. Amend RSA 266 by inserting after section 72-a the following new section:

266:72-b Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine.

I. Except as provided in paragraph III, a motor carrier's privilege to have any commercial motor vehicle driven shall be suspended or revoked, upon written order of the director, whenever such motor carrier:

(a) Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined it is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction.

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II. Any suspension or revocation described in paragraph I shall be effective 30 days after any default or revocation described in subparagraphs I(a)-(c).

III. If a motor carrier receives a summons in hand from a law enforcement officer, no further notification to such a motor carrier is required before the suspension of its privilege occurs as provided in subparagraph I(c). If a motor carrier receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such motor carrier by certified mail at its last known address that its privilege shall be suspended 30 days after the mailing of such notification.

IV. The department shall cause written notice to be sent to any motor carrier that defaults as otherwise provided in this section on an appearance, summons, or court order issued in this state. Any motor carrier that defaults as provided in subparagraph I(c) shall be required to produce proof of satisfaction of the default either in hand or through the court to the department.

V.(a) If such motor carrier fails to appear, pay the fine, or comply with an order within the applicable period as provided in subparagraph I(c) or paragraph III of this section, or fails to demonstrate that the motor carrier is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such motor carrier's privilege to have any commercial motor vehicle driven in New Hampshire effective from the applicable date for an indefinite period and mark the motor carrier's files accordingly.

(b) The director may report the names of all motor carriers whose privilege has been suspended or revoked under this section due to nonpayment to a consumer reporting agency as defined in RSA 359-B:3.

VI. Except as provided in paragraph VII, any motor carrier whose privilege has been suspended or revoked pursuant to paragraph V shall be reinstated upon:

(a) Payment to the director of a fee of $100, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(b)(5); and

(b) Appearance by such motor carrier, payment of its fine, or compliance with the order of the director, as applicable, or upon demonstration that such motor carrier is financially unable to pay the fine or to comply with the order. Any court which has ordered a motor carrier's privilege suspended pursuant to paragraph V shall vacate the order and so notify the director and the affected motor carrier immediately after such motor carrier has appeared or paid its fine, as applicable, or has demonstrated that it is financially unable to pay the fine or to comply with the order.

VII. No motor carrier whose privilege to have any motor vehicle driven in New Hampshire has been suspended or revoked under this section shall be reinstated before the expiration of any other period of suspension or revocation in effect.

VIII. Nothing shall prevent any motor carrier affected by this section from obtaining a prompt review or hearing, upon showing just cause, before either the court or director for appropriate relief.

IX. The provisions of this section shall be the primary sanction for motor carriers who fail to appear, pay a fine or other penalty, or comply with an order of the director or a court, but shall not exclude other provisions of law relative to sanctions for motor carriers who fail to appear, pay a fine or other penalty, or comply with an order of the director or a court.

X. Notwithstanding the provisions of RSA 541-A:30, the director may order the suspension of a motor carrier's privilege to have any motor vehicle driven in New Hampshire in their discretion, and without a hearing, whenever the director has reason to believe that the motor carrier is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct; and the certificate shall not be reissued unless, upon examination or investigation, or after hearing, the director determines that the motor carrier should again be permitted to allow a commercial motor vehicle to be driven. Provided, however, that if the director revokes or suspends a motor carrier's privilege under the provisions hereof, the motor carrier, upon a written application to the department, shall be granted a hearing by the department within 15 days after the filing of the application.

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XI. Any motor carrier whose privilege has been suspended or revoked pursuant to paragraph I or X, shall be subject to a fine of $500 plus penalty assessment. A law enforcement officer may order the removal of a commercial motor vehicle driven in violation of paragraph I or X at the motor carrier's expense.

94 State Board of Fire Control; Definition of Health Care Facility. Amend RSA 153:1, V-b to read as follows:

V-b. "Health care facility" means [~~any hospital, nursing home, hospice, hostel, or any other facility which accommodates 2 or more residents for medical, recovery from medical, psychological, maintenance, or other than ordinary domiciliary purposes~~] ***a facility licensed under RSA 151***.

95 Department of Administrative Services; General Functions; Personnel Administration. Amend RSA 21-I:1, II(l) to read as follows:

(l) Personnel administration***, including but not limited to administration of any positions within the executive branch***.

96 Department of Administrative Services; Division of Personnel; Issuance of Executive Branch Personnel Standards. RSA 21-I:42, XV is repealed and reenacted to read as follows:

XV. After consultation with the commissioner, issuing standards, practices, procedures, policies, protocols, guidelines, specifications, instructions, directives, requirements, or descriptions of requirements to executive branch departments, agencies, or subdivisions thereof regarding personnel matters within the executive branch, and publishing and distributing to state agencies one or more technical assistance manuals containing information describing the responsibilities of the division of personnel and state agencies in matters relating to personnel administration. These items shall not be considered rules subject to the provisions of RSA 541-A and shall be binding upon the state agencies or subdivisions to whom they are directed.

97 Registration of Commercial Animal Food Sellers. Amend RSA 435:20, IV to read as follows:

IV. One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural product and scale testing fund. The remainder of the fees collected under this section shall be deposited in the general fund***, provided that for each biennium, the commissioner of agriculture, markets, and food shall include in the department's biennial request for appropriations pursuant to RSA 9:4 an amount sufficient to fund an adequate cost of care fund as provided in RSA 437-B:1***.

98 Cost of Care Fund. Amend RSA 437-B:1, II to read as follows:

II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI ***and moneys received from RSA 435:20, IV provided the balance in the cost of care fund shall not exceed $2,000,000.***

99 New Subparagraph; Cost of Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the cost of care fund established in RSA 437-B:1.

100 New Section; Remote Sellers of Unregistered Animal Feed Products; Study Commission. Amend RSA 435 by inserting after section 31 the following new section:

435:31-a Commission to Study Remote Sellers of Unregistered Animal Feed Products.

I. There is established a commission to study the identification of unregistered animal feed products being sold remotely in New Hampshire.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the ways and means committee and one of whom shall be a member of the environment and agriculture committee.

(b) The commissioner of the department of agriculture, markets, and food, or designee.

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(c) The commissioner of the department of revenue administration, or designee.

(d) The attorney general, or designee.

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 the feasibility and criteria for setting up a system of identification of remote sellers into New Hampshire of unregistered products required to be registered under RSA 435:20 and the collection of registration fees due.

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

VI. The commission 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, 2020.

101 Repeal. RSA 435:31-a, relative to the commission on the identification of unregistered animal feed products being sold remotely in New Hampshire, is repealed.

102 Purpose Statement. The general court finds that in order to promote more economic, clean energy and associated economic development benefits for New Hampshire, Governor Sununu made a formal request to the Bureau of Ocean Energy Management (BOEM) to establish an Intergovernmental Renewable Energy Task Force (Task Force) to facilitate regional collaboration among state and federal agencies in the planning and development of offshore wind in the Gulf of Maine. In parallel with the work of the Task Force, it is in the interest of all New Hampshire ratepayers and residents to create a commission to study the opportunities within New Hampshire for supply chain development, seacoast port capability, workforce development and associated economic expansion; to ensure that New Hampshire is poised to immediately engage in, support, and benefit from the development of the offshore wind industry, and to ensure that such development and the energy produced therefrom benefits economically disadvantaged populations. It is declared a public good in the state of New Hampshire to develop offshore wind generation of renewable energy, with the attendant coastal zone utilization, as such development ensures the vitality and sustainability of industry, and tourism, and the quality of life of New Hampshire people, including the protection of historic resources and natural resources, including wetlands, floodplains, estuaries, beaches, dunes, and fish and wildlife and their habitat, within the coastal zone.

103 New Section; Offshore Wind Commission Established. Amend RSA 374-F by inserting after section 9 the following new section:

374-F:10 Offshore Wind and Port Development; Commission Established.

I. There is established a commission to investigate, in parallel with the work of the Gulf of Maine Intergovernmental Renewable Energy Task Force established by the Bureau of Ocean Energy Management (BOEM) study, the economic development opportunities for New Hampshire in supply chain needs, port capabilities, workforce development, energy procurement, transmission and storage, and fisheries and marine environment, to ensure the success of offshore wind in the Gulf of Maine. The commission may consider, at an appropriate time, in relation to the New Hampshire state energy strategy, outlined in RSA 4-E, if contracts with developers and utilities can deliver lower costs to ratepayers. The commission may coordinate with the advisory boards established in Executive Order 2019-06 as to assist the commission in reaching its recommendations.

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

(a) Two members of the senate who are members of different political parties, appointed by the president of the senate.

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(b) Four members of the house of representatives, at least one of whom shall be a member of the house environment and agriculture committee, one of whom shall be a member of the fish and game and marine resources committee, and one of whom shall be a member of the house science, technology & energy committee, appointed by the speaker of the house of representatives.

(c) The director of the office of strategic initiatives, or designee.

(d) The commissioner of the department of business and economic affairs, or designee.

(e) The commissioner of the department of environmental services, or designee

(f) A representative of the public utilities commission, appointed by the chairperson.

(g) The executive director of the fish and game department, or designee.

(h) The consumer advocate, or designee.

(i) A member of the Pease development authority, appointed by the governor.

(j) A representative of Clean Energy NH, appointed by that organization.

(k) The president of the University of New Hampshire, or designee.

(l) The chancellor of the community college system of New Hampshire, or designee.

(m) Two members representing the New Hampshire commercial fishing community, appointed by the governor.

(n) The president of the Business and Industry Association of New Hampshire, or designee.

(o) Two members representing offshore wind-related labor, one of whom shall be appointed by the IBEW and one of whom shall be appointed by the New Hampshire AFL-CIO.

(p) A representative of a New Hampshire electric transmission utility, appointed by the governor.

(q) A representative of the Rockingham regional planning commission, appointed by the organization

(r) A representative of the Strafford regional planning commission, appointed by the organization.

III. The commission shall consider and make specific recommendations on the following topics:

(a) Existing and future opportunities to establish a supply chain supporting the development of offshore wind facilities.

(b) An assessment of the capabilities of the Portsmouth Harbor to become a regional hub for offshore wind, both on and off shore, to attract developers in the offshore wind industry.

(c) An evaluation of the potential workforce and workforce housing and transportation needs of the offshore wind industry and New Hampshire's ability to provide workforce educational opportunities, training, development, and recruitment, housing, and transportation to meet those needs, and the benefits of utilizing a New Hampshire workforce to the fullest extent possible.

(d) Potential locations to interconnect offshore wind facilities to the onshore transmission grid, and the advisability of an independent transmission solicitation process.

(e) Opportunities for contracts and/or solicitations with offshore wind developers to ensure the full development of the projects and at the lowest cost to ratepayers.

(f) Opportunities for research partnerships with the University of New Hampshire and the community college system of New Hampshire on workforce development, technology, and environmental issues.

(g) Opportunities in coordination with the congressional delegation and the Department of the Navy for use of facilities at the Portsmouth Naval Shipyard.

(h) Appropriate accommodations and protections for fisheries and marine habitat.

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(i) Coordination with partner states on marine surveys and studies, meta-ocean data, and transmission studies.

(j) Energy procurement requirements and schedules for public utilities.

(k) The role of energy storage in transmission procurement or energy procurement.

IV. The first meeting of the commission shall be called by the first-named senate member and shall be held within 30 days of the effective date of this section. The members of the commission shall elect a chairperson from among the members at the first meeting. Sixteen members of the commission shall constitute a quorum.

V. The commission shall make an annual report, starting on November 1, 2020, to the speaker of the house of representatives, the president of the senate, the governor, and the chairperson of the public utilities commission. The report shall describe the activities and findings of the commission and any recommendations for proposed legislation, direction to the New Hampshire congressional delegation for items requiring federal oversight, direction to the public utilities commission to initiate a proceeding for all items requiring state regulatory review, and direction to state agencies and communities concerning economic and educational development related to offshore wind development.

VI. The commission shall receive staff support and other services, including research and facilities assessments, from the department of business and economic affairs, office of offshore wind industry development established in RSA 12-O:51.

104 New Subdivision; Office of Offshore Wind Industry Development. Amend RSA 12-O by inserting after section 50 the following new subdivision:

Office of Offshore Wind Industry Development

12-O:51 Statement of Findings and Purpose. The general court hereby finds that the development of a new offshore wind development industry is in the beginning stages of expanding to northern New England. It should be a goal of the state of New Hampshire to maximize the economic benefit that will come to the state as a result of this new industry. In furtherance of these objectives, the general court hereby establishes an office of offshore wind industry development in the department of business and economic affairs.

12-O:52 Office of Offshore Wind Industry Development Established.

I. There is established in the department of business and economic affairs the office of offshore wind industry development. The office shall be under the supervision of a classified director of the office of offshore wind industry development, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

II. The office of offshore wind industry development shall:

(a) Support the work of the New Hampshire members of the Intergovernmental Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management (BOEM).

(b) Support the work of the offshore wind commission established in RSA 374:10.

(c) Assist the offshore wind commission to develop and implement offshore wind development strategies including:

(1) Assessment of port facilities.

(2) Economic impact analyses.

(3) Supply chain analyses.

(4) Outcome and performance measurements.

(d) Collaborate with key state agencies and partners on offshore wind industry development initiatives.

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(e) Coordinate offshore wind industry economic development policy, including:

(1) Development of workforce.

(2) Identification of and recruitment of offshore wind development employers.

(3) Identification and recruitment of offshore wind supply chain employers.

(4) Promotion of New Hampshire's benefits to the various components of the offshore wind industry.

(5) Provide updates and guidance to the general court with regard to policy and funding.

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

126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of [~~19~~] ***21***.

106 Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, V to read as follows:

V. "Minor" means a person under the age of [~~18~~] ***21***.

107 Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, XI to read as follows:

XI. "Tobacco product" means any product containing ***or derived from*** tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes. ***"Tobacco product" shall not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the federal Food, Drug, and Cosmetic Act.***

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

I. For the purposes of this chapter, any person responsible for monitoring sales from a tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or e-liquid which vending machine or other sale is to be made to any person who does not appear to be at least [~~19~~] ***21*** years of age, shall require the purchaser to furnish any of the following documentation that such person is [~~19~~] ***21*** years of age or over:

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

III. The establishment of all of the following facts by a person responsible for monitoring sales from a vending machine or a person or sampler making a sale or distribution of tobacco products, e-cigarettes, or e-liquid to a person under [~~19~~] ***21*** years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was [~~19~~] ***21*** years of age or older;

(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least [~~19~~] ***21*** years of age or older; and

(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually [~~19~~] ***21*** years of age or over.

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

126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or E-Liquid to Persons Who Have Not Attained [~~19~~] ***21*** Years of Age Prohibited.

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products, e-cigarettes, or e-liquid to a person who has not attained [~~19~~] ***21*** years of age. The prohibition established by this paragraph shall not be deemed to prohibit persons who have not attained [~~19~~] ***21***

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years of age employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, e-cigarettes, or [~~liquid nicotine~~] ***e-liquid*** during the duration of their employment.

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

126-K:4-a Rolling Papers.

II. No person under [~~19~~] ***21*** years of age shall purchase, possess, or use any rolling paper. Any person who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed $100 for each offense.

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

I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes, or [~~liquid nicotine~~] ***e-liquid*** in a public place or to a person who has not attained [~~19~~] ***21*** years of age. This prohibition shall not apply to sampling:

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

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

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

II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of free samples of tobacco products, e-cigarettes, or [~~liquid nicotine~~] ***e-liquid*** to prevent their distribution to persons who have not attained [~~19~~] ***21*** years of age.

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

126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or E-Liquid [~~Nicotine~~] by Persons Who Have Not Attained [~~19~~] ***21*** Years of Age.

I. No person under [~~19~~] ***21*** years of age shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, device, or e-liquid except [~~that a minor who has~~] ***individuals who have*** been issued a registry identification card under RSA 126-X:4 may ***purchase,*** possess ***and use*** e-liquids containing cannabis and applicable devices ***as allowed under RSA 126-X***.

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

III. A person who has not attained [~~19~~] ***21*** years of age shall not misrepresent his or her age for the purpose of purchasing tobacco products.

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

V. Any person who has not attained [~~19~~] ***21*** years of age who violates this section may be guilty of a violation and shall be punished by a fine not to exceed $100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an education program.

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

I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or e-liquid to a person who has not attained [~~19~~] ***21*** years of age who has a note from an adult requesting such sale, gift, or delivery. Tobacco products, e-cigarettes, or e-liquid shall only be delivered to a person who provides an identification as enumerated in RSA 126-K:3 establishing that the person has attained [~~19~~] **21** years of age.

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

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance which provides for a penalty not exceeding $100 plus the penalty assessment, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under [~~19~~] ***21*** years of age. However, if incarceration takes place at any stage in proceedings on such violations, incarceration shall be only in a juvenile facility certified by the commissioner of the department of health and human services.

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

169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under [~~19~~] ***21*** years of age.

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

III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products or e-cigarettes to persons under age [~~19~~] ***21***. Warning: violators of these provisions may be subject to a fine."

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

(c) Does not allow any person under the age of [~~19~~] ***21*** on the premises unless accompanied by a parent, legal guardian, or adult spouse.

119 Forms and Rate Regulation Applicable to Workers' Compensation; Auditable Basis Policies. Amend RSA 412:35, IV to read as follows:

IV.***(a)*** In cases where there is a bona fide dispute, the insurer shall notify the insured in writing that there is a bona fide dispute and this notice shall toll the 120-day time period until the dispute is resolved. Upon resolution of the dispute, the insurer shall proceed to complete the audit within the time remaining in the 120-day time period. A bona fide dispute includes the insured's failure to cooperate with the audit, provided the insurer has notified the insured of:

[~~(a)~~] ***(1)*** The acts or omissions that constitute the insured's failure to cooperate; and

[~~(b)~~] ***(2)*** The consequences of the insured's failure to cooperate, including delay in the completion of the audit.

(b) The consequence of the insured's failure to cooperate with this paragraph within 30 days of the notice shall be the assessment of a penalty equaling 3 times the estimated premium and setting the estimated premium as the final premium. Upon receipt of the penalty and final premium, the insured shall have an additional 10 days to request that the penalty be waived and to have the final premium be recalculated based upon actual exposure by completing the audit that is required by paragraph III. No timely request by an insured for a waiver and recalculation shall be denied by the insurer. The request shall be granted upon completion of the audit.

120 Commitment to Hospitals; Notification Authorized. Amend RSA 135:17-b, I to read as follows:

I. Notwithstanding any provision of law to the contrary, [~~in the event that~~] ***the first instance*** a person [~~who~~] has been charged with a violent crime and found incompetent to stand trial pursuant to RSA 135:17-a, and civilly committed pursuant to RSA 135-C or RSA 171-B, [~~or~~] ***found incompetent to stand trial pursuant to RSA 135:17 and*** committed pursuant to RSA 651:9-a, is transferred to another facility or discharged to the community, either conditionally or absolutely, the department of health and

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human services shall immediately notify the attorney general, who shall notify the victim as defined in RSA 21-M:8-k, I(a) and, in the event of a discharge, the law enforcement agency in the community to which the person is being discharged. For purposes of this section, discharge [~~shall include~~] ***means*** the initial authorization by the administrative review committee of New Hampshire hospital to allow a person to leave the grounds of the hospital unaccompanied by a hospital staff member.

121 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:49, IV to read as follows:

IV. The administrator***, or designee,*** of the facility may grant a person, whose condition is not considered appropriate for absolute discharge under paragraph I of this section, a conditional discharge.

122 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, I to read as follows:

I. The administrator***, or designee,*** of a receiving facility may grant a conditional discharge under this chapter to any person who consents, by an informed decision, to participate in continuing treatment on an out-patient basis, who agrees to be subject to any rules adopted by the commissioner relative to conditional discharge, and who understands the conditions of his ***or her*** discharge. The administrator of the facility or [~~his~~] ***the administrator's*** designee shall prepare, deliver a copy of, and read to the person being conditionally discharged a written statement of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 135-C:51.

123 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, VI to read as follows:

VI. A person conditionally discharged pursuant to RSA 135-C:50 may be admitted to a receiving facility by an involuntary emergency admission under RSA 135-C:27-33. In such cases, the finding of probable cause for involuntary emergency admission by the district court pursuant to RSA 135-C:31, I, shall authorize the person's admission for no longer than a 10-day period, as provided in RSA 135-C:32, unless during the period of involuntary emergency admission the person's conditional discharge is absolutely revoked. No absolute revocation of conditional discharge shall be made pursuant to this section unless the administrator of the facility or his or her qualified designee personally examines the individual and finds that the person conditionally discharged has violated a condition of the discharge or***, at the time of the examination,*** is in such a mental condition as a result of mental illness so as to create a potentially serious likelihood of danger to himself or to others. If a person's conditional discharge is absolutely revoked pursuant to this section, the person shall receive notice of the reasons for the absolute revocation and shall have a right to appeal as provided in RSA 135-C:52.

124 Anna Philbrook Center; Purpose. The section heading and the introductory paragraph of RSA 135-C:64 are repealed and reenacted to read as follows:

135-C:64 Behavioral Health Services for Children and Adolescents; Purpose. The commissioner shall maintain behavioral health services for children and adolescents in one or more facilities on the New Hampshire hospital campus, or other locations to be determined by the commissioner. All services for children and adolescents shall be appropriate for each child's developmental stage and shall address the educational, supervisory, and clinical needs of each child. The purposes of child and adolescent services shall include but not be limited to:

125 Child Protection Act; Appeals. Amend RSA 169-C:28, I to read as follows:

I. An appeal under this chapter may be taken to the [~~superior court~~] ***supreme court*** by the child or the child's authorized representative or any party having an interest, including the state, or any person subject to any administrative decision pursuant to this chapter, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. [~~The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.~~] For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. "Final dispositional order" shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.

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126 Jurisdiction; Continued Jurisdiction, Modification; Obsolete Reference Removed. Amend RSA 169-C:4, III to read as follows:

III. When a custody award has been made pursuant to this chapter, said order shall not be modified or changed nor shall another order affecting the status of the child be issued [~~by the superior court except on appeal under RSA 169-C:28~~].

127 Commission to Study the Current Statutes Related to Management of Non-tidal Public Waterways; Extension of Reporting Date. Amend RSA 482-A:35, V to read as follows:

V. The members of the commission shall elect a chairperson and secretary from among the members. The first meeting of the commission shall be called by the by the first-named member of the house. The first meeting of the commission shall be held within 45 days of the effective date of this section. Subsequent meetings shall be at the call of the chair, or at the request of 3 or more commission members. Eight members of the commission shall constitute a quorum. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, the senate clerk, the house clerk, and the state library on or before November 1, 2019. The commission shall make a final report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, the senate clerk, the house clerk, and the state library on or before November 30, [~~2020~~] ***2021***.

128 Structures on Non-tidal Public Waterways Commission; Repeal Date Extended. Amend 2018, 95:3, I, as amended by 2019, 79:3 to read as follows:

I. Section 2 of this act shall take effect November 30, [~~2020~~] ***2021***.

129 Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Alcohol and Drug Free Housing; Voluntary Registration Program. RSA 172-B:2, V is repealed and reenacted to read as follows:

V.(a) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to establishing and providing for the administration of a voluntary registration program for operators of recovery housing seeking registration in the state of New Hampshire. The rules developed for the administration of the registration program shall include:

(1) A process for receiving complaints against recovery housing operators.

(2) Documents to show the recovery house meets minimum safety and recovery standards to include, but not limited to health, building, zoning, and fire inspection reports, proof of insurance, resident agreement, emergency procedures, and policies and procedures addressing grievances, resident rights, non-discrimination, code of ethics, and medication administration.

(3) Criteria by which the department may exclude a residence from the list if the frequency or severity of complaints received supports a determination that the recovery housing at issue does not provide an environment that appropriately supports recovery.

(b) "Recovery housing" means a residence that provides a safe, healthy, family-like substance-free living environment that support individuals in recovery from addiction and are centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

130 New Paragraph; Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Recovery Housing. Amend RSA 172-B:2 by inserting after paragraph VI the following new paragraph:

VII.(a) The commissioner or designee shall designate an entity to serve as the certifying body for a voluntary certification program for recovery residences based upon standards determined by the National Alliance for Recovery Residences (NARR) or a similar entity. The certifying body shall establish and implement a certification program for recovery residences that maintain nationally-recognized standards that:

(1) Uphold industry best practices and support a safe, healthy, and effective recovery environment;

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(2) Evaluate the residence's ability to assist persons in achieving long-term recovery goals;

(3) Protect residents of recovery residences against unreasonable and unfair practices in setting and collecting fee payments; and

(4) Verify good standing with regard to local, state, and federal laws and any regulations and ordinances including, but not limited to, building, maximum occupancy, fire safety and sanitation codes.

(b) The certifying body shall investigate complaints received by the department regarding non-compliance with NARR standards. The certifying body shall provide an annual report to the department, and shall report quarterly on any newly certified houses or houses that are out of compliance. The certifying body shall inform the department within 5 business days if a recovery house's certification is suspended or revoked.

(c) The department shall identify certified recovery houses in good-standing on the registry created pursuant to paragraph V.

(d) The department shall adopt rules, pursuant to RSA 541-A, relative to the process for certification and the requirements of this paragraph.

131 Alcoholism and Alcohol Abuse; Provision of Services; Referral Process for Certified Recovery Housing. Amend RSA 172-B:2, VI to read as follows:

VI. The department shall prepare, publish, and disseminate a list of [~~alcohol and drug free housing registered~~] ***recovery*** housing pursuant to paragraph V. A state agency or vendor with a state or federally funded contract that is providing treatment or recovery support services to a person shall not refer the person to [~~alcohol and drug free~~] ***recovery*** housing unless the [~~alcohol and drug free~~] ***recovery*** housing is registered pursuant to paragraph V. Nothing in this section shall prohibit a residence that is not registered from operating or advertising as [~~alcohol and drug free~~] ***recovery*** housing or from offering residence to individuals recovering from substance use disorders.

132 Definitions; Beverage Vendor. Amend RSA 175:1, X to read as follows:

X. "Beverage vendor" means an individual, partnership, limited liability company, or corporation, including any subsidiaries thereof, which sells beverages ***or specialty beverages*** to wholesale distributors.

133 New Paragraph; Definition; Single Serve. Amend RSA 175:1 by inserting after paragraph LXII the following new paragraph:

LXII-a. "Single serve" means a specialty beverage container that does not exceed 16 ounces.

134 Definition; Beverage. Amend RSA 175:1, VIII to read as follows:

VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit juices, and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. The commission may approve any fermented malt beverage or mead greater than 6 percent but not to exceed 8 percent or any cider greater than 6 percent or any specialty cider greater than 8 percent and not to exceed 12 percent alcohol by volume at 60 degrees Fahrenheit. ***A beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, or a table wine as defined in RSA 175:1, LXIX, or a fortified wine as defined in RSA 175:1, LXVIII, or a liquor as defined in RSA 175:1, XLII.***

135 New Paragraph; Definition; Specialty Beverage. Amend RSA 175:1 by inserting after paragraph LXIV-aa the following new paragraph:

LXIV-aaa. "Specialty beverage" means any wine based product or liquor based product with other liquids added for human consumption having a combined alcoholic content of not less than 6 percent alcohol by volume and not more than 8 percent alcohol by volume at 60 degrees Fahrenheit and sold in single serve ready to drink containers that shall not exceed 16 ounces. The commission may approve any specialty beverage. A specialty beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, a table wine as defined in RSA 175:1, LXIX, a fortified wine as defined in RSA 175:1, LXVIII, or a liquor as defined in RSA 175:1, XLII.

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136 Wholesale Distributor License; Specialty Beverages Added. Amend RSA 178:16, I to read as follows:

I. Wholesale distributor licenses shall authorize the licensees to sell beverages in barrels, bottles, or other closed containers ***and specialty beverages in single serve containers*** to licensees for resale or to the general public. A wholesale distributor shall provide to an on-premises or off-premises licensee any obtainable beverage, ***specialty beverage,*** beer, specialty beer, or cider. Requested products shall be priced subject to special order terms as agreed by all parties. The holder of a wholesale distributor license shall maintain a regular place of business in this state.

137 New Paragraph; Wholesale Distributor License; Specialty Beverages Added. Amend RSA 178:16 by inserting after paragraph V the following new paragraph:

VI. Nothing in this chapter shall preclude or prevent a licensed liquor and wine representative, liquor vendor, or wine vendor from selling specialty beverages to the state nor place any limitations or restrictions on the commission from distributing and selling specialty beverages.

138 Additional Fees; Specialty Beverages Added. Amend RSA 178:26, I to read as follows:

I. In addition to the annual license fees provided in this chapter, a fee of $.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs; provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be $.18 per gallon as of the effective date of such legislation. ***A fee of 5 percent of the wholesale price per case of any specialty beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors or beverage manufacturers.*** For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee.

139 Beverage Vendor License; Specialty Beverages Added. Amend RSA 178:15, I to read as follows:

I. The holder of a beverage vendor license may sell beverages ***or specialty beverages*** to New Hampshire wholesale distributor licensees.

140 Beverage Manufacturer License; Specialty Beverages Added. Amend RSA 178:12, I to read as follows:

I. Beverage manufacturer licenses shall authorize the licensee to manufacture beverages ***and specialty beverages*** within the state and to sell the beverages manufactured to wholesale distributors.

141 Combination License; Specialty Beverages Added. Amend RSA 178:18, I to read as follows:

I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, [~~and~~] beverages***, and specialty beverages*** for consumption only off the premises designated in the licenses and not to other licensees for resale. Such sale shall be made only in the immediate container in which the beverage, ***specialty beverage,*** wine, or fortified wine was received by the off-premises combination licensee; except that in the case of the holder of a wholesale distributor license, beverages ***and specialty beverages*** may be sold only in such barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses may also authorize the licensee to sell tobacco products or e-cigarettes. There shall be no restriction on the number of combination licenses held by any person. The license shall authorize the licensee to transport and deliver beverages, ***specialty beverages,*** tobacco products, e-cigarettes, and table or fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

142 On-premises Beverage and Wine Licenses; Specialty Beverages. Amend RSA 178:20 to read as follows:

178:20 On-Premises Beverage and Wine Licenses.

I. The commission may issue a license to any of the types of businesses specified in paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b) and (c). The license issued shall entitle the licensee to serve beverages***, specialty beverages,*** and wines and similar vinous liquors or fruit juices containing at least 1/2 percent and not over 24 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container, and by the bottle if the cap or cork is removed, for consumption on the premises designated by the commission.

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II. The commission may authorize bed and breakfasts with suitable cooking and dining areas, dining cars, vessels serving food, restaurants, and outlets of the New Hampshire Fair Association who are members in good standing to serve beverages***, specialty beverages,*** and wines in any areas approved by the commission at such times as food is available. New Hampshire Fair Association outlets shall not be subject to reduced fees as provided by RSA 178:29.

III. No beverages***, specialty beverages,*** or liquor shall be consumed in the licensed areas except those that are sold by the licensee.

IV. No beverages***, specialty beverages,*** or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

V. Notwithstanding the fact that the town of Errol has voted or votes in any referendum to prohibit the sale of liquor and beverages, a license as provided in paragraph I to sell beverages***, specialty beverages,*** and wines by the glass or by the bottle, if the cork is drawn, to customers, may be issued to any full service restaurant in said town but only if the restaurant is open and does business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

143 On-Premises Beverage and Liquor Licenses; Specialty Beverages Added. Amend RSA 178:21 to read as follows:

178:21 On-Premises Beverage and Liquor Licenses.

I.(a) The commission may issue a license to any of the types of businesses specified in paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license shall entitle the licensee to serve beverages ***or specialty beverages*** containing at least 1/2 percent and not more than [6] ***8*** percent alcohol by volume at 60 degrees Fahrenheit by the glass or other suitable container and by the bottle with the cork or cap removed; liquor containing more than 6 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container; and wines, by the glass, by the bottle with the cork or cap removed; or other suitable container, under rules adopted by the commission.

(b) No beverage***, specialty beverage,*** or liquor shall be consumed on the premises except that which is sold by the licensee.

(c) No beverage***, specialty beverage,*** or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

II. The commission may authorize establishments, as they are defined in RSA 175:1, having full service restaurants to sell beverages***, specialty beverages,*** and liquor at such time as food is available.

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages***, specialty beverages,*** and liquor at tables in the approved dining rooms of the restaurant with or without meals when the restaurant kitchen is in operation and meals are being actively promoted and served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed with the license application, covering the 12 most recent calendar months prior to filing, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual food sales of at least $75,000 shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exemption.

(3) Private groups contracting for function rooms may also be served beverages and liquor without food.

(4) Notwithstanding the fact that the towns of Newington, New Hampton, and Landaff have voted or vote in any referendum to prohibit the sale of liquor and beverages, a license to sell beverages ***or specialty beverages*** by the glass or other suitable container or by the bottle with cap removed; wines or fortified wines

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by the bottle with cap removed; wines or fortified wines by the bottle, if the cork is drawn, or liquor by the glass or the suitable container to customers with meals at tables only, may be issued to any full service restaurant in the towns of Newington, New Hampton, and Landaff, but only if the restaurant is open and does business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

(5) Except as provided in this paragraph, no beverages***, specialty beverages,*** or liquor shall be consumed in the licensed areas except those that are sold by the licensee. With the permission of the commission, a licensee may charge a fee for consumption of privately owned table wine stored on the premises and consumed with the purchase of a full-course meal.

(b)(1) Hotel Full Service Restaurant. The commission may issue a license to any hotel in any town. Notwithstanding the fact that the town where the hotel is located has voted not to approve the sale of beverages ***and specialty beverages*** in said town, the license issued to a hotel shall entitle the licensee to:

(A) Sell beverages***, specialty beverages,*** and liquor by the glass or other suitable container and wine by the bottle, if the cork is drawn, or by other suitable container to guests in the dining room or in the rooms of guests.

(B) Sell beverages, ***specialty beverages,*** liquor, and wine by the bottle which shall be delivered to the rooms of guests, provided that such sales are not made below the cost of such beverages and liquor.

(C) Include a specified quantity of complimentary beverages***, specialty beverages,*** and liquor as part of a contract for the hosting of a convention or offer a specified quantity of complimentary beverages***, specialty beverages,*** or liquor in soliciting such conventions. As used in this paragraph "convention" means an assembly of persons participating in a business, political, professional, or other organizational gathering. Notwithstanding RSA 175:4 or any rules adopted under that section, hotels may advertise and offer package deals to resident guests, which include complimentary drinks, provided such offers shall be limited to persons of legal drinking age.

(D) Sell beverages***, specialty beverages,*** and liquor in bottles or containers not exceeding one liter capacity, which shall be stored under lock and key in a cabinet or miniature refrigerated bar in hotel rooms and which shall be available only to hotel room guests who are of legal drinking age.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exception.

(3) Hotels may serve beverages***, specialty beverages,*** and liquor in the dining room without meals provided the hotel kitchen is in operation and meals are being actively promoted and served in the dining room. The dining room may not be used as a substitute for lounge operations.

(c) Bed and Breakfasts. The commission may issue a license to any bed and breakfast which has at least 4 rentable rooms and a dining area capable of seating the total number of registered guests and shall entitle the licensee to:

(1) Sell liquor***,*** [~~and~~] beverages***, and specialty beverages*** to registered guests in any approved area or in the rooms of guests.

(2) Sell liquor***,*** [~~and~~] beverages***, and specialty beverages*** by the bottle which shall be delivered to the rooms of registered guests, provided that the charge for such liquor and beverages is not below cost.

(d) Dining Cars. The commission may issue a license to any railroad or car corporation, or designee, operating any dining cars in which food is served within this state, authorizing the holder of the license to sell in such cars liquor***,*** [~~and~~] beverages***, and specialty beverages*** to be consumed in such cars. Such license shall be good throughout the state in both license and non-license territory, and only one such license shall be required for all cars operated in the state by the same owner.

(e) Vessels. The commission may issue a special license to the owner or operator of a passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor with food or beverages ***or specialty beverages*** in any area of the vessel approved by the commission.

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144 On-Premises Cocktail Lounge Licenses; Specialty Beverages Added. Amend RSA 178:22 to read as follows:

178:22 On-Premises Cocktail Lounge Licenses.

I. The commission may issue a license to the types of businesses listed in RSA 178:22, V in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license issued shall entitle the licensee to serve beverages, ***or specialty beverages*** by the glass, by the bottle with cap removed or in any other suitable container, wines by the glass, by the bottle with the cork or cap removed or in any other suitable container, or liquor by the glass or other suitable container.

II. No person under the age of 18 shall be in the cocktail lounge unless accompanied by a parent, legal guardian, or adult spouse.

III. Except as provided in this paragraph, no beverages***, specialty beverages,*** or liquor shall be consumed in the licensed areas except those that are sold by the licensee. With the permission of the commission, a licensee may charge a fee for consumption of privately owned table wine stored on the premises and consumed with the purchase of a full-course meal.

IV. No beverages***, specialty beverages,*** or liquor may be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

V. The commission may authorize the following types of businesses as they are defined in RSA 175:1 to sell beverages***, specialty beverages,*** and liquor in cocktail lounges:

(a) Airports. The commission may issue a cocktail lounge license to any operator of an airport or designee. Such cocktail lounge license shall allow the licensee to serve liquor***, specialty beverages,*** and beverages in such rooms as may be designated by the commission. Food and coffee shall be available without requiring a minimum or cover charge.

(b) [Repealed.]

(c) Ballrooms.

(1) The commission may issue a cocktail lounge license to any ballroom which has seating accommodations for at least 500 patrons. The cocktail lounge license shall allow the licensee to sell liquor***, specialty beverages,*** and beverages to patrons but only at such times as "live entertainment," as defined in RSA 175:1, is being provided by the licensee.

(2) Any ballroom may open its facilities to the public for functions of a limited duration during which time liquor***, specialty beverages,*** and beverages shall not be available to patrons and during which time all liquor***,*** [~~and~~] beverages***, and specialty beverages*** shall either be removed from the area open to the public or locked and unaccessible to persons other than employees approved by the commission. Any licensee of a ballroom may so open the facilities upon notice in writing to the commission at least 5 business days prior to the function. If the facility is open for special functions at which time liquor***,*** [~~and~~] beverages***, and specialty beverages*** are not available to patrons, the commission shall not impose any conditions as to who may attend such functions or whether or not live entertainment is provided so long as local fire and building code requirements are met.

(3) Any licensee of a ballroom may receive a supplemental license from the commission to close all or part of the ballroom facilities to the public for special social functions at which only bona fide members of a social club or organization or persons who have been invited to a family social function shall be admitted. The commission shall issue such a license to allow the licensee to sell liquor***,*** [~~or~~] beverages***, or specialty beverages*** to persons attending such social functions if the licensee applies for one at least 5 business days prior to the function and pays a fee for each such function. If only part of the ballroom facilities are used for such a function, the licensee may operate the remaining facilities under his license issued under subparagraph (c)(1).

(d) [Repealed.]

(e) Caterers, On- and Off-Site.

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(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor***,*** [~~and~~] beverages***, and specialty beverages*** with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages***, specialty beverages,*** and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor***,*** [~~and~~] beverages***, and specialty beverages*** on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of $100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer's liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph. New premises or locations shall be approved by the commission 10 days before the scheduled events.

(B) The commission may issue a supplemental license to an on-site caterer licensed to sell beverages***, specialty beverages,*** and liquor with food to the public on dates approved by the commission when no private function is being catered under RSA 178:22, V(e)(1)(A), unless such premises which have been approved by the commission are capable of being physically separated between public and private functions. The supplemental license may be issued to the applicant for 18, 36, or 52 events per license year. The fee charged for such license shall be $5 for 18, 36, or 52 events. A person issued a supplemental license under this subparagraph shall meet all requirements of RSA 178:22, I-IV. The caterer shall request the commission's approval at least 5 days before any scheduled event to be serviced by a supplemental license. The commission may suspend or revoke the caterer's supplemental license without affecting any other license issued for the premises.

(2) The commission may issue a license to any person operating an off-site catering service or any person holding a full service restaurant license, hotel full service restaurant, brew pub, or convention center license to conduct an off-site catering business on the premises of other licensed establishments or the premises of any public building approved by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where liquor***,*** [~~and~~] beverages***, and specialty beverages*** are sold. A license issued under the provisions of this paragraph shall allow the licensee to serve liquor***,*** [~~and~~] beverages***, and specialty beverages*** with or without meals to members of a private party contracting for such service. Such caterers shall notify the commission not less than 5 days in advance of a function specifying the date, time, and location of the scheduled function. New premises and locations shall be approved by the commission at least 10 days before the scheduled event.

(3) For the purposes of subparagraph (e):

(A) "Private group" means an assembly of persons gathered for a designated social or business occasion, present by invitation or reservation and shall in no way be construed to mean the general public.

(B) "Public building" means any building maintained and available for any person, group, or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical, unmovable barrier between the licensed business and the catered area; and tents, gazebos, or other defined outdoor areas, provided 2 separate toilet facilities are located in the immediate vicinity. A public building shall not be construed to mean a private residence.

(4) Premises restrictions:

(A) The holder of a caterer's on- or off-site license shall ensure, at every function, that all state laws are complied with and that any entertainment provided shall be approved by the commission.

(B) On-site caterers and off-site caterers shall file, between January 15 and February 15 of each year, a certificate form with the commission covering food and beverage***, specialty beverage,*** and liquor sales for the previous calendar year. All catered sales shall be noted on the certificate form which shall be furnished by the commission.

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(f) College Clubs. A college or university club may be entitled to a license for the sale of beverages***, specialty beverages,*** and liquor to members and guests in a room or rooms approved by the commission.

(g) Military Club. An operator or designee of a military club may be entitled to a license for the sale of liquor***,*** [~~and~~] beverages***, and specialty beverages*** to members and guests in a room or rooms approved by the commission.

(h) Veterans' Clubs, Private Clubs, and Social Clubs.

(1) The commission may issue cocktail lounge licenses to private, social, or veterans' clubs incorporated under the laws of the state and which may be affiliated with any national fraternal organization, for the sale of liquor***,*** [~~and~~] beverages***, and specialty beverages*** to members and guests in a room or rooms approved by the commission. A licensee under this subparagraph shall sell for convenience and for a reasonable profit to be determined by the commission. Each licensee shall make a sworn report to the commission for each month on or before the fifteenth of the following month, in such form as the commission may require, showing the income from liquor and beverages sold and the expenses properly chargeable to the business for the month. The cost of the cocktail lounge license shall be considered an expense chargeable to the business. Veterans clubs which qualify as "club-veterans' under RSA 175:1, XXII shall be exempt from the requirements of subparagraphs V(h)(6)-(8), V(h)(9)(B)-(C), and V(h)(10)-(12).

(2) No person under the age of 18 shall be in any room where liquor***,*** [~~and~~] beverages***, and specialty beverages*** are sold, except persons under the age of 18 shall be allowed in rentable rooms approved by the commission when beverages***, specialty beverages,*** and liquor are served without a parent or guardian present at such times the club is using a supplemental license.

(3) The commission may issue to a club licensed under subparagraph (h)(1) a supplemental license to set up a separate bar facility to serve liquor***,*** [~~and~~] beverages***, and specialty beverages*** to private groups in a rental hall approved by the commission. This supplemental license shall allow the club to hold up to 18 events, 36 events, or 52 events for the fees established in RSA 178:29, I. The club shall be responsible for compliance with this title and any rules adopted under it. The club shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any other license in effect on the club premises.

(4) Clubs may allow private groups to bring in or sell their own liquor***,*** [~~and~~] beverages***, and specialty beverages*** in approved rental facilities provided there is a complete separation between the club area and the rental area.

(5) Every member of a club, affiliated with a national fraternal organization and licensed under subparagraph (h), shall be entitled to canteen privileges at every club with which his or her club is affiliated in this state. Such canteen privileges shall include the right to bring guests to affiliated clubs, providing the member has on his or her person, and displays upon request, a current membership card of the national fraternal organization. A veterans' club licensed under subparagraph V(h) is authorized to permit, if approved by a majority of the members, the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges as if the members of the approved group or groups are members of the club.

(6) No licensee corporation shall enter into a contract with any person to provide services, equipment, or any other thing of value if that person is also a director, officer, or employee of the licensee corporation.

(7) No licensee corporation shall permit a person, either elected or appointed, to hold multiple corporate offices or permit an officer to hold the position of director.

(8) No licensee corporation shall permit a director or officer of the club to be an employee of the licensee corporation.

(9) All clubs shall annually provide written documentation to the commission which shall include:

(A) A certificate from the secretary of state which shall demonstrate that the nonprofit corporation holding a license under this subparagraph is registered and in good standing with the secretary of state;

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(B) Minutes of all membership meetings, meetings held by officers and directors, and any special meetings;

(C) Copies of all contracts entered into between the licensee corporation and any director, officer, or manager of the licensee corporation, as well as any provider of services to the club.

(10) For the purposes of subparagraph (h):

(A) "Minutes" means detailed written memoranda of a transaction, proceedings, or club operations.

(B) "Contract" means any oral or written agreement between the licensee corporation and any other person, to do or not do a particular thing. The definition of a contract for the purposes of this section shall not be limited by its enforceability.

(11) No director, officer, or employee of a licensee corporation shall engage in any undertaking that shall place the personal interests of a person ahead of the interests of the membership of the club.

(12) Violations of subparagraph (11) of this subparagraph shall be investigated by the enforcement division of the liquor commission and directed to the department of justice for examination of issues unrelated to this title.

(i) Convention Centers. The commission may issue a cocktail lounge license to any convention center. Such license shall allow the licensee to sell liquor**,** [~~and~~] beverages***, and specialty beverages*** in rooms approved by the commission, to persons within the convention center. Liquor**,** [~~and~~] beverages**,** ***and specialty beverages*** shall be sold with meals in the public dining rooms. Persons under 18 years of age shall be accompanied by a parent, legal guardian, or adult spouse when in convention rooms where liquor**,** [~~or~~] beverages***, or specialty beverages*** are being sold. Patrons of any age may be allowed in the dining rooms.

(j) [Repealed.]

(k) Hotel. The commission may issue a cocktail lounge license to any hotel holding a hotel full service restaurant license issued under RSA 178:21, II(b)(1) to serve liquor and beverages in any room of a hotel designated by the commission. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the lounge may operate 2 hours before the dining room opens for the evening meal. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant of the hotel after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor**,** [~~and~~] beverages***, and specialty beverages*** need not be served with meals. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to a hotel.

(l) One Day Licenses for Voluntary Nonprofit Organizations.

(1) Notwithstanding the provisions of RSA 178:2, I, the commission may issue a limited license to any responsible individual representing a voluntary nonprofit group or organization approved by the commission. Such license shall authorize the licensee to sell, on premises approved by the commission, beverages**,** ***specialty beverages,*** and liquor on the approved premises.

(2) No license shall be issued under subparagraph (l)(1) unless the organization's representative obtains:

(A) Official approval of the chief of the local fire department as to the safety of the premises.

(B) Official approval of the local health department concerning sanitary accommodations.

(C) Official approval of the chief of police as to accessibility of the premises. Written statements from such officials shall accompany the application for the license. Such application shall be filed with the commission 15 days before the date on which the license is needed.

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(3) No person under the age of 18 shall be allowed in those areas where liquor and beverages are served, unless accompanied by a parent, legal guardian, or adult spouse. The selectmen of the town in which such licenses are held may, at their discretion, assign police officers to the premises where liquor***,*** [~~or~~] beverages***, or specialty beverages*** are being served.

(4) No license shall be issued under subparagraph (l)(1) for premises holding other licenses issued by the commission except rental facilities on licensed club premises approved by the commission. Notwithstanding any other provision of law, the commission or its investigators may suspend without warning any license issued under subparagraph (l)(1) if, in their opinion, such sale of liquor***,*** [~~and~~] beverages***, specialty beverages*** is contrary to the public interest.

(m) Performing Arts Facility. The commission may issue a cocktail lounge license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The cocktail lounge license shall allow the licensee to sell liquor***,*** [~~and~~] beverages***, and specialty beverages*** to patrons in any rooms designated by the commission.

(n) Race Tracks.

(1) The commission may issue to any operator of a race track or designee a cocktail lounge license which shall allow the licensee to serve liquor***,*** [~~and~~] beverages***, and specialty beverages*** to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission. Liquor***,*** [~~and~~] beverages***, and specialty beverages*** sold by a licensee under this subparagraph need not be consumed with meals, provided that suitable food services, approved by the commission, are available for patrons. A licensee under this subparagraph may sell beverages***, specialty beverages,*** and liquor on dates other than those on which races take place.

(2) Notwithstanding the requirements of RSA 178:22, II and V, a commercial motor vehicle racetrack facility with a paved course of at least 1/4 mile may elect to have an exception to the cocktail lounge definition of RSA 175:1, XXIII and requirements under RSA 178:22, V(n)(1) to sell beverages ***and specialty beverages*** only, from commission-approved beverage service facilities located in areas approved by the commission within the commercial motor vehicle racetrack facility and allow patrons to carry beverages ***and specialty beverages***, not exceeding 2 containers at any time as approved by the commissioner, to approved grandstand seating, other seating accommodations, or areas approved for alcoholic beverage consumption by the commission under such rules as the commission may adopt pursuant to RSA 541-A.

(3) Notwithstanding paragraph III, a commercial motor vehicle racetrack licensed under this section may allow patrons to carry beverages ***and specialty beverages*** into the facility for on-premises consumption with approval of the commission.

(o) [Repealed.]

(p) Rail Cars. The commission may issue a cocktail lounge license to any railroad or rail car corporation, or their designees, operating rail cars authorizing the licensee to sell liquor***,*** [~~and~~] beverages***, and specialty beverages*** in such cars to be consumed in such cars. The license shall be good throughout the state in both license and non-license territory, and only one license shall be required for all cars operated on the same line by the same owner.

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve liquor***,*** [~~and~~] beverages***, and specialty beverages*** in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor***,*** [~~and~~] beverages***, and specialty beverages*** served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor***,***

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[~~and~~] beverages***, and specialty beverages*** need not be served with meals. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least $75,000 shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

(r) [Repealed.]

(s) Vessels.

(1)(A) Watercraft. The commission may issue a cocktail lounge license to any owner or operator of a passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor**,** [~~and~~] beverage***, and specialty beverages*** in any area of the vessel approved by the commission.

(B) Any licensee may open its vessel to school groups, youth organizations, or other gatherings of persons under the age of 18 years, for functions of a limited duration during which time all liquor**,** [~~and~~] beverages***, and specialty beverages*** shall not be made available to patrons and during which time all liquor**,** [~~and~~] beverages***, and specialty beverages*** shall either be removed from the vessel or be locked and unaccessible to persons other than employees approved by the commission. Any licensee who opens its vessel to groups under age 18 shall give written notice to the commission of such function at least 5 business days prior to the function. The provisions of RSA 178:22, II shall not apply during these functions.

(2) [Repealed.]

(t) [Repealed.]

(u) Sports/Entertainment Complex.

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor**,** [~~and~~] beverage***, and specialty beverages*** in any clearly defined areas approved by the commission. Liquor**,** [~~and beverage~~] ***beverages, and specialty beverages*** shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any interscholastic event. The provisions of RSA 178:22, II shall not apply to this license.

(2) The commission may issue to any sports/entertainment complex licensed under subparagraph (u)(1) a supplemental license to set up a separate bar facility to serve liquor**,** [~~and~~] beverages***, and specialty beverages*** to private groups in any area approved by the commission. The supplemental license shall allow the sports/entertainment complex to hold up to 9 events, 18 events, 36 events, and 52 events for the fees established in RSA 178:29, I. The sports/entertainment complex shall be responsible for compliance with this title and any rules adopted under it. The sports/entertainment complex shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any license in effect on the sports/entertainment complex premises.

(v) Sports Recreation Facility. The commission may issue a cocktail lounge license to any operator of a sport recreation facility or its designee. The license shall allow the licensee to serve liquor**,** [~~and~~] beverages**,** ***and specialty beverages*** to patrons in designated drinking areas as approved by the commission.

145 Exemptions for Large Groundwater Withdrawals from Replacement Wells. Amend RSA 485-C:22 to read as follows:

485-C:22 Exemptions for Large Groundwater Withdrawals From Replacement Wells.

I. Large groundwater withdrawals from new wells that replace a well or wells installed prior to August 1, 1998 shall not be subject to the requirements of RSA 485-C:14-a and RSA 485-C:21. Such wells shall require approval of the department under RSA 485-C:22, [~~III-IV~~] ***II-IV***.

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II. No person shall withdraw 57,600 gallons or more of groundwater from a replacement well or wells over any 24-hour period without the prior approval of the department.

III. Before the department issues an approval for a large groundwater withdrawal from a replacement well or wells, a person shall submit an application to the department to demonstrate the withdrawal from the replacement well or wells will*:*

(a) Operate and impact water users and resources in substantially the same manner as the well or wells that are being replaced*; and*

(b) Not cause an unmitigated impact to any existing drinking water supply described in RSA 485-C:21, V-c that exists at the time the application was submitted.

IV. Applications for approval of replacement wells shall be submitted to the department and contain the following information:

(a) Name and address of the well owner replacing the well or wells.

(b) Address and map identifying the location of the well or wells being replaced and the location of the replacement well or wells.

(c) Description of the well construction details of the well or wells being replaced and new replacement or replacement wells including:

(1) Depth of well.

(2) Length and diameter of well casing and screen.

(3) Description of overburden and bedrock lithology of the well or wells being replaced and the new replacement well or wells.

(d) Hydrogeologic information that demonstrates that the effects of the replacement well or wells on water users and water resources identified by RSA 485-C:21, V-c will be substantially the same as the well that is being replaced.

(e) Hydrogeologic information, including withdrawal testing data and mitigation plans when necessary, that demonstrates the replacement well will not cause an unmitigated impact to any drinking water supply well described in RSA 485-C:21, V-c that exists at the time the application was submitted in accordance with rules adopted by the department pursuant to RSA 541-A.

(f) The department shall require that monitoring and mitigation plans be implemented when necessary to identify and mitigate the occurrence of such impacts or reduce the volume of the withdrawal. The department shall require a large groundwater withdrawal from a replacement well to cease and desist if such withdrawal causes unmitigated impacts to drinking water supply wells as described in RSA 485-C:21, V-c that exists at the time the application was submitted.

V. A person submitting an application to the department in accordance with paragraph III, shall provide a copy of the application to the governing body of municipalities located within 4,000 feet of the proposed replacement well.

VI. The department shall provide a copy of any final decisions it makes on an application submitted pursuant to paragraph III to the governing body of municipalities located within 4,000 feet of the proposed replacement well.

VII. Any party may appeal from the decision of the department to approve a withdrawal in accordance with paragraph IIII. Actions of the department under paragraph III may be appealed in accordance with RSA 21-O:14. The appeal shall be filed within 60 days after the approval of the department.

146 Lucky 7 Ticket Prices. Amend RSA 287-E:20, II to read as follows:

II. The price of any lucky 7 ticket pack or ticket card shall [~~not exceed~~] ***be either*** $.50 ***or $1, provided that at any location where a charitable organization offers $1 tickets for sale the charitable organization shall also offer $.50 tickets for sale***.

Important Notice

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147 Child Fatality Review Committee. Amend RSA 132:41, II(d) to read as follows:

(d) Improve the [~~sources of data collection by developing protocols for autopsies, death scene investigations, and complete recording of cause of death on all death certificates~~] ***quality and comprehensiveness of child fatality data by enhancing and integrating information obtained from autopsies, death scene investigations, death certificates, police reports, medical records, and other relevant sources***.

148 New Subparagraph; Child Fatality Review Committee. Amend RSA 132:41, III by inserting after subparagraph (bb) the following new subparagraph:

(cc) A representative from the fire marshal's office, appointed by the fire marshal.

149 New Subparagraph; Child Fatality Review Committee. Amend RSA 132:41, IV by inserting after subparagraph (d) the following new subparagraph:

(e) The chairpersons may invite any expert or member of the public to committee meetings.

150 Repeal. RSA 132:41, VII(c), relative to the exemption of the child fatality review committee from the requirements for nonpublic session under RSA 91-A:3, is repealed.

151 Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Alcohol and Drug Free Housing; Voluntary Registration Program. RSA 172-B:2, V is repealed and reenacted to read as follows:

V.(a) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to establishing and providing for the administration of a voluntary registration program for operators of certified recovery housing seeking registration in the state of New Hampshire. The rules developed for the administration of the registration program shall include:

(1) A process for receiving complaints against certified recovery housing operators.

(2) Certification based on national standards including, but not limited to, documents to show the recovery house meets minimum safety and recovery standards including, but not limited to health, building, zoning, and fire inspection approvals, proof of insurance, resident agreement, emergency procedures, and policies and procedures addressing grievances, non-discrimination, code of ethics, and safe storage of medication.

(3) Criteria by which the department may exclude a residence from the list if the frequency or severity of complaints received supports a determination that the recovery housing at issue does not maintain standards or provide an environment that appropriately supports recovery.

152 New Paragraph; Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Recovery Housing. Amend RSA 172-B:2 by inserting after paragraph VI the following new paragraph:

VII.(a) The commissioner or designee shall designate an entity to serve as the certifying body for a voluntary certification program for recovery residences based upon standards determined by the National Alliance for Recovery Residences (NARR) or a similar entity. The certifying body shall establish and implement a certification program for recovery residences that maintain nationally-recognized standards that:

(1) Uphold industry best practices and support a safe, healthy, and effective recovery environment;

(2) Evaluate the residence's ability to assist persons in achieving long-term recovery goals;

(3) Protect residents of recovery residences against unreasonable and unfair practices in setting and collecting fee payments; and

(4) Verify good standing with regard to local, state, and federal laws and any regulations and ordinances including, but not limited to, building, maximum occupancy, fire safety and sanitation codes.

(b) The certifying body shall investigate complaints received by the department regarding non-compliance with NARR standards. The certifying body shall provide an annual report to the department, and shall report quarterly on any newly certified houses or houses that are out of compliance. The certifying body shall inform the department within 5 business days if a recovery house's certification is suspended or revoked.

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(c) The department shall identify certified recovery houses in good-standing on the registry created pursuant to paragraph V.

(d) The department shall adopt rules, pursuant to RSA 541-A, relative to the process for certification and the requirements of this paragraph.

153 Alcoholism and Alcohol Abuse; Provision of Services; Referral Process for Certified Recovery Housing. Amend RSA 172-B:2, VI to read as follows:

VI. The department shall prepare, publish, and disseminate a list of [~~alcohol and drug free housing registered~~] ***recovery*** housing pursuant to paragraph V. A state agency or vendor with a state or federally funded contract that is providing treatment or recovery support services to a person shall not refer the person to [~~alcohol and drug free~~] ***recovery*** housing unless the [~~alcohol and drug free~~] ***recovery*** housing is [~~registered~~] ***certified*** pursuant to paragraph V. [~~Nothing in this section shall prohibit a residence that is not registered from operating or advertising as alcohol and drug free housing or from offering residence to individuals recovering from substance use disorders.~~]

154 Committee Established. There is established a committee to study state and municipal authority governing recovery housing.

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 state and municipal authority governing recovery housing to ensure the safety and wellbeing of individuals and families residing in recovery housing and to promote positive integration of recovery housing within surrounding neighborhoods. The committee shall also study incentives for recovery operators to adhere to nationally recognized quality standards.

IV. The committee shall solicit information and assistance from any governmental entity, organization, or person the committee deems necessary in carrying out its duties including, but not limited to, the department of justice, the department of health and human services, the New Hampshire fire marshal's office, the New Hampshire Municipal Association, and municipalities.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

155 Effective Date.

I. Sections 1, 36-39, 40-42, 44, 45, 47-79, 86-92, 102-104, 119, and 145 shall take effect 60 days after its passage.

II. Sections 80-83 and 93 of this act shall take effect January 1, 2021

III. Sections 97-99 and 120-126 of this act shall take effect July 1, 2020.

IV. Section 101 of this act shall take effect November 1, 2021.

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

Important Notice

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2020-1425s

AMENDED ANALYSIS

This bill:

I. Establishes earned time credit reductions for prisoners who participate in correctional industries or other programs, and authorizes the commissioner of the department of corrections to establish procedures for all earned time credit programs which shall be exempt from RSA 541-A.

II. Allows certain lots in the town of Freedom located on Spindle Point on Ossipee Lake to build seasonal docks.

III. Establishes a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute. The bill repeals various statutory boards, commissions, councils, committees, task forces and makes necessary corrections to statutory provisions. The bill also reduces the number of house and/or senate members on certain statutory committees.

IV. Revises the credit for reinsurance statute to reflect recent NAIC revisions. The bill also clarifies grounds for cancellation of commercial insurance, and makes various technical changes to the insurance laws.

V. Removes an obsolete reference to appeal of the probate court's decision regarding the termination of parental rights. The bill provides that the appeal in such cases shall be to the supreme court.

VI. Establishes a penalty for criminal trespass to include any state correctional facility, transitional housing unit, and parking area operated by the department of corrections.

VII. Removes the exemption of the child fatality review committee from RSA 91-A:3, relative to nonpublic sessions of public bodies.

VIII. Expands the authority of the department of administrative services, division of procurement and support services to authorize agencies to use procurement cards to purchase commodities and services directly from vendors.

IX. Provides that children of members of the armed forces may retain their New Hampshire residency for purposes of a driver's license during a period of a parent's active deployment.

X. Increases the measures that may be taken to reduce energy costs and meet state energy goals; clarifies the eligibility of power purchase agreements to be eligible mechanisms for reducing energy costs and meeting state energy goals; and modifies the way funds remaining in energy utility budgets are distributed.

XI. Declares that certain donations, bequests, and moneys from the veterans decal plates are nonlapsing and continually appropriated to the division of veterans services.

XII. Changes the functions of the public information and permitting office of the commissioner of the department of environmental services.

XIII. Revises the salary grade for certain non-classified positions.

XIV. Makes various changes to the filing process for administrative rules under RSA 541-A.

XV. Amends the title of 2 positions in the department of health and human services.

XVI. Establishes a procedure for voluntarily registering docks with the department of environmental services.

XVII. Allows the department of environmental services to take emergency actions to correct hazardous dams.

XVIII. Permits a municipality that has a local enforcement mechanism for the state building code to request that the state fire marshal issue the building permit, conduct the inspection, and issue the certificate of occupancy, for a project that requires the specialized knowledge of the fire marshal or due to staffing limitations of the municipality.

XIX. Authorizes the commissioner of safety to appoint security officers to protect department of safety facilities and employees.

XX. Adds cardiac electrophysiology specialist and cardiovascular invasive specialist to the licenses administered by the medical imaging and radiation therapy board. The bill also adds a requirement for a criminal

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history records check for medical imaging and radiation therapy license applicants, and modifies procedures for the board.

XXI. Provides the suspension or revocation of motor carrier privileges to have motor vehicles driven in New Hampshire for default, noncompliance, or nonpayment of fines.

XXII. Provides that, under the state board of fire control and for purposes of enforcement of the state fire code, a health care facility means a facility licensed under RSA 151.

XXIII. Clarifies the authority of the department of administrative services, division of personnel to administer positions within the executive branch and issue personnel standards, practices and procedures, including technical assistance manuals for state agencies.

XXIV. Uses fees from registration of commercial animal food sellers to fund the cost of care program. The bill also establishes the remote sellers of unregistered animal feed products study commission.

XXV. Establishes an offshore wind commission. Establishes an offshore wind industry development office in the department of business and economic affairs. Includes both land based and offshore wind programs relative to renewable energy.

XXVI. Increases the age for sales and possession of tobacco products.

XXVII. Clarifies the penalty for the failure of an insured to cooperate with the auditing requirements of workers' compensation policies.

XXVIII. Clarifies behavioral health services for children and makes certain revisions to notifications of discharge for certain individuals.

XXIX. Provides that appeals of decisions under the Child Protection Act shall be to the supreme court. Appeals are currently made to the superior court. The bill also removes an outdated reference to the superior court in RSA 169-C:4.

XXX. Extends the commission to study structures on non-tidal public waterways.

XXXI. Replaces references to "alcohol and drug free housing" with "recovery housing". The bill also requires the department of health and human services to adopt rules relative to the voluntary registration and certification of recovery housing.

XXXII. Defines specialty beverage and single serve; allows the sale of specialty beverages by beverage vendors, whole sale distributors, beverage manufacturers, grocery and drug stores, on premises licensees, and on premise cocktail lounge licenses; and assesses a fee on cases of specialty beverages.

XXXIII. Adds to the requirements for an application for an exemption for large groundwater withdrawals from replacement wells.

XXXIV. Makes changes to the price of lucky 7 tickets.

XXXV. This bill amends the membership and duties of the child fatality review committee and removes the exemption of the child fatality review committee from RSA 91-A:3, relative to nonpublic sessions of public bodies.

XXXVI. This bill replaces references to "alcohol and drug free housing" with "recovery housing." The bill also requires the department of health and human services to adopt rules relative to the voluntary registration and certification of recovery housing. This bill also establishes a committee to study state and municipal authority governing recovery housing.

Health and Human Services
June 10, 2020
2020-1430s
01/05

Amendment to HB 1246

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

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AN ACT relative to reporting of health care associated infections, establishing a COVID-19 nursing home and long-term care fund, relative to an independent COVID-19 nursing home and long-term care review, needs assessment, and recommendations, authorizing pharmacists to administer a COVID-19 vaccine, and relative to the reimbursement of costs of training nursing assistants.

Amend the bill by replacing all after section 2 with the following:

3 Health and Human Services Reports Required. The commissioner of the department of health and human services shall, beginning July 15, 2020, and monthly thereafter until July 15, 2021, report to the joint legislative fiscal committee any reductions to appropriations contained in the state operating budget for the biennium ending June 30, 2021. Such reports shall indicate reductions by class line and accounting unit.

4 New Subparagraph; State Treasurer; Application of Receipts; COVID-19 Nursing Home and Long-term Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys credited to the COVID-19 nursing home and long-term care fund established in RSA 151-E:22.

5 New Subdivision; COVID-19 Nursing Home and Long-Term Care. Amend RSA 151-E by inserting after section 21 the following new subdivision:

COVID-19 Nursing Home and Long-Term Care

151-E:22 COVID-19 Nursing Home and Long-Term Care Fund Established. There is established in the state treasury a COVID-19 nursing home and long-term care fund. The fund shall be administered by the commissioner of the department of health and human services and shall be nonlapsing and continually appropriated to the department of health and human services for the purposes of this section. The state treasurer shall transfer $25,000,000 from federal CARES Act moneys received by the state into the fund for the purpose of assisting nursing homes as defined in RSA 151-A:1, IV, nursing facilities as defined in RSA 151-E:2, V, residential care facilities as defined in RSA 151-E:2, VIII, long-term care facilities as defined in RSA 151-E:19, I(e), and the New Hampshire veterans' home, in meeting all applicable state and federal standards and guidances related to COVID-19, including for testing and personal protective equipment, for video conferencing technology of family members of residents, and for keeping open and avoiding layoffs at any such facilities that accept Medicaid, and to pay the qualified grantee pursuant to RSA 151-E:23 The fund may accept and expend additional funds for the purposes of this section as directed by the governor, or the general court through the fiscal committee of the general court.

151-E:23 Independent COVID-19 Nursing Home and Long-Term Care Review, Needs Assessment and Recommendations. The commissioner of the department of health and human services shall issue a request for proposals for a qualified grantee, with the approval of governor and council, to undertake an independent review of the COVID-19 situation in long-term care and nursing homes in New Hampshire and provide a needs assessment to provide recommendations for further COVID-19 related funding, safety and public health upgrades, standards and rules for nursing homes, nursing facilities, residential care facilities, long-term care facilities, and the New Hampshire veterans' home, and providing a preparedness plan in the event of a second COVID-19 wave for such facilities, to be submitted to the governor, the chairpersons of the house and senate finance committees, the chairpersons of the senate health and human services committee and the house health, human services and elderly affairs committee, and the committee to study the safety of residents and employees in long-term care facilities, no later than October 1, 2020. Neither the governor, the governor's office, nor the commissioner shall direct this independent review and needs assessment but each shall respond to any requests for information from the grantee. The grantee shall include in the final report all such requests for information and whether such requests were responded to or not responded to. The commissioner shall direct payment to the grantee conducting the independent review and needs assessment required in this section from the COVID-19 nursing home and long-term care fund established in RSA 151-E:22.

6 New Hampshire Child Care Scholarship for Working Families. The treasurer and the governor shall transfer $10,000,000 from federal CARES Act moneys received by the state to the department of health and human services, division for children, youth, and families, for the purposes of augmenting the child care schol-

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arship program. As a result of these additional funds, for the period of July 1, 2020 through June 30, 2021, the commissioner shall expand program eligibility to include families up to 275 percent of federal poverty guidelines and shall proportionally enhance program assistance across all tiers.

7 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

318:16-b Pharmacist Administration of Vaccines. A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer influenza vaccines to the general public and a pharmacist or pharmacy intern may administer pneumococcal and varicella zoster vaccines to individuals 18 years of age or older, provided all of the criteria in this section have been met. ***A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable criteria in this section have been met.*** The pharmacist and pharmacy intern shall:

I. Hold a current license to practice as a pharmacist or be registered as a pharmacy intern under RSA 318:15-b in New Hampshire.

II. Possess at least $1,000,000 of professional liability insurance coverage.

III. In order to administer influenza, pneumococcal, and varicella zoster vaccines, have completed training specific to the administering of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

V. Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal and varicella zoster vaccines.

VI. Maintain a record of administration of pneumococcal and varicella zoster vaccinations for each individual as required by state and federal law.

8 Online Access to Budget Information and Reports; CARES Act Funding; Report Required. Beginning July 1, 2020 through June 30, 2021, the commissioner of the department of administrative services and the governor's office for economic relief and recovery, shall separately report on the state's transparency website consistent with the requirements of RSA 9-F:1, the disbursement of all CARES Act funds, in a check register format, including the amount of the payment, the date of the payment, the person or entity to whom the payment was made, the title and number of the accounting unit and class code, the title and number of the expense account, and a brief description of the disbursement.

9 Purpose and Findings. The general court finds that:

I. Licensed nursing assistants are the front-line providers of direct care in many settings, including hospitals and nursing homes. New Hampshire has recently seen a net loss of licensed nursing assistants, to the detriment of the staffing necessary to ensure continuity and quality of care.

II. Under federal law, including 42 C.F.R. section 483.158, federal financial participation is allowed for the reimbursement of training expenses of those nursing assistants who go to work in nursing homes. While nursing assistants might incur those costs themselves, they are often incurred by a prospective employer.

III. It is the intent of the general court to remove any unreasonable barriers to the licensure and training of nursing assistants.

10 Health Facility Licensing; Costs of Training for Nurse Assistants; State Plan Amendment. The commissioner of the department of health and human services shall amend, as deemed necessary, the Title XIX Medicaid state amendment to the federal Centers for Medicare and Medicaid Services to implement the provisions of sections 9 and 11 of this act for the purpose of providing reimbursement, to the maximum extent possible, for the cost of training for assistants to nurses in facilities licensed under RSA 151:2 for approved programs under RSA 326-B.

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11 Health Facility Licensing; Costs of Training for Nurse Assistants. Amend RSA 151:9, I(k) to read as follows:

(k) Procedures for reviewing documentation of the mandatory completion of***, and reimbursement for,*** a state approved program under RSA 326-B for assistants to nurses in facilities licensed under RSA 151:2[~~, who may not assume the responsibility of the position of an assistant to nurses prior to completion of the appropriate course required by this chapter~~] ***in accordance with the Title XIX Medicaid state plan***.

12 Effective Date.

I. Sections 1, 2, and 9-11 of this act shall take effect 60 days after its passage.

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

2020-1430s

AMENDED ANALYSIS

This bill:

I. Clarifies the information that hospitals must report regarding infections.

II. Requires the department of health and human services to produce certain reports.

III. Establishes the COVID-19 nursing home and long-term care fund.

IV. Requires an independent review of long-term care needs.

V. Transfers money to the child care scholarship program.

VI. Authorizes pharmacists to administer a COVID-19 vaccine if one is available.

VII. Requires reporting of disbursements of federal CARES Act funds.

VIII. Requires the commissioner of health and human services to amend the state Medicaid plan amendment and adopt rules for reimbursement of the costs of training nursing assistants.

Senate Judiciary
June 12, 2020
2020-1494s
08/10

Amendment to HB 1247

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

AN ACT relative to notice of rent increases in certain residential rental property and relative to mortgage defaults and nonpayment of rent during the novel coronavirus disease (Covid-19) outbreak state of emergency.

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

1 New Section; Actions Against Tenants; Notice of Rent Increase. Amend RSA 540 by inserting after section 2 the following new section:

540:2-a Notice of Rent Increase.

I. This section shall apply to all residential rental property except:

(a) "Nonrestricted property" as defined in RSA 540:1-a, I.

(b) Rental units in properties in buildings or apartment complexes containing a total of 4 or fewer dwelling units, provided:

(1) The property is owned by a natural person; and

(2) The owner does not rent more than 4 dwelling units.

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(c) Occupancies described in RSA 540:1-a, IV.

(d) Shared facilities as defined in RSA 540-B:1.

(e) Vacation or recreational rental units as defined in RSA 540-C:1.

(f) A dwelling unit in which, due to a federal or state rent subsidy based on the tenant's household income, the increase in the contract rent does not affect the amount paid by the tenant as his or her share of the rent.

(g) Manufactured housing in a manufactured housing park governed by RSA 205-A.

II. Notwithstanding the provisions of RSA 540:2, IV, or any other provision of law:

(a) No increase in a tenant's rent which exceeds 5 percent of the tenant's current rent shall be effective and enforceable unless the tenant has been served with no less than 60 days prior written notice of the amount and effective date of the rent increase. Such notice shall be served in accordance with the provisions of RSA 540:5. If a landlord issues more than one notice of rent increase within a 60-day period, the combined total of which exceeds 5 percent of the rent that was in effect when the first notice was served, the amount of the rent increase which exceeds 5 percent of the rent that was in effect at the time of the first notice of rent increase shall not become effective until 60 days from the date of the most recent notice of rent increase.

(b) Nothing in this paragraph shall be construed to permit a landlord to increase a tenant's rent during the term of a lease for a fixed term, unless the lease expressly authorizes such an increase.

(c) This paragraph shall apply to any rent increase that becomes effective upon or after the expiration of the lease, provided however that the landlord may provide the notice of rent increase required by this paragraph during the term of the lease.

(d) This paragraph shall not be construed to limit, in any way, the amount of a rent increase that is implemented in accordance with the notice requirements set forth in this paragraph.

2 New Section; Aid to Assisted Persons. Amend RSA 165 by inserting after section 4-b the following new section:

165:4-c Eviction Notice Not Required. The governing body and overseers of public welfare shall not require the issuance of an eviction notice before providing rental assistance. An eviction notice may be required to assist the applicant in documenting emergency needs for emergency assistance, timely application and decision making and referrals to other agencies with eviction notice requirements for consideration of addition rent arrearage assistance.

3 New Section; Duty of Good Faith and Fair Dealing. Amend RSA 479 by inserting after section 5 the following new section:

479:5-a. Duty of Good Faith and Fair Dealing. A duty of good faith and fair dealing shall be implied in any loan secured by a mortgage of real estate, made by a bank, mortgage company, or any other financial institution. Such duty shall arise at the inception of the loan and continues until the borrower has fully performed all of his or her obligations under the note and mortgage, or the mortgagee has completed the foreclosure process pursuant to this chapter.

4 Rooms in Rooming and Boarding Houses. RSA 540:1-a, IV(a) is repealed and reenacted to read as follows:

(a) Rooms in rooming and boarding houses which are rented to guests who have a primary residence in a different location.

5 New Section; Provisions Related to the State of Emergency Concerning the Novel Coronavirus Disease (Covid-19). Amend RSA 540 by inserting after section 9-a the following new section:

540:9-b Provisions Related to the State of Emergency Concerning the Novel Coronavirus Disease (Covid-19).

I. In this section:

Important Notice

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(a) "Landlord" means a property owner who meets the definition of landlord in RSA 540-A:1, I.

(b) "State of emergency" means the State of Emergency Concerning the Novel Coronavirus Disease (Covid-19) Outbreak declared by the governor in executive order 2020-04 on March 13, 2020, and all extensions thereof.

II. No landlord shall collect or attempt to collect a fee for late payment of rent or other lawful charge under the lease or rental agreement that became due and payable, in whole or in part, during the state of emergency, unless it is a fee unrelated to the payment or nonpayment of rent, such as damages to the premises.

III. No landlord shall file a possessory action based on nonpayment of rent or other lawful charges set forth in the lease or rental agreement, which became due and payable, in whole or in part, during the state of emergency, unless he or she has made a written offer to permit the tenant to pay the entire arrearage in partial payments over a 6 month period beginning with the first rental period following the date of the offer. Nothing in this paragraph shall preclude a possessory action for any other basis under the law.

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

2020-1494s

AMENDED ANALYSIS

This bill requires notice by a landlord of at least 60 days of a proposed rent increase which exceeds 5 percent.

This bill also creates a duty of good faith and fair dealing for mortgage lenders.

This bill also prevents landlords from taking possessory actions for nonpayment of rent or charging fees for nonpayment of rent during the novel coronavirus disease (Covid-19) outbreak state of emergency.

Health and Human Services
June 10, 2020
2020-1432s
01/06

Amendment to HB 1264

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

AN ACT extending the commission on the seacoast cancer cluster investigation, setting the maximum contaminant levels for certain perfluorochemicals in drinking water, establishing a per and polyfluoroalkyl substances fund and programs and making an appropriation therefor, requiring insurance coverage for PFAS and PFC blood tests, and expanding the statute governing ambient groundwater quality standards.

Amend the bill by replacing all after section 2 with the following:

3 Perfluorochemicals; Drinking Water. RSA 485:16-e is repealed and reenacted to read as follows:

485:16-e Perfluorochemicals.

I. The maximum contaminant levels for the following shall be:

(a) Perfluorooctanoic acid (PFOA): 12 parts per trillion.

(b) Perfluoroctanesulfonic acid (PFOS): 15 parts per trillion.

(c) Perfluorohexanesulfonic acid (PFHxS): 18 parts per trillion.

(d) Perfluorononanoic acid (PFNA): 11 parts per trillion.

II. By November 1, 2020, and at least annually thereafter, the commissioner of the department of environmental services shall report to the speaker of the house of representatives and the president of the senate,

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the chairperson of the house committee on science, technology, and energy, the chairperson of the senate committee on energy and natural resources, the chairperson of the joint legislative committee on administrative rules, and the governor, with a recommendation regarding the adjustment of the maximum contaminant levels set in paragraph I.

III. The commissioner of the department of environmental services may adopt maximum contaminant levels different than those set forth in paragraph I if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines the maximum contaminant levels in paragraph I need adjustment for the protection of human health.

4 New Chapter; Per and Polyfluoroalkyl Substances (PFAS) Fund and Programs. Amend RSA by inserting after chapter 485-G the following new chapter:

CHAPTER 485-H

PER AND POLYFLUOROALKYL SUBSTANCES (PFAS)

FUND AND PROGRAMS

485-H:1 Purpose Statement. Communities across the state have been impacted by per and polyfluoroalkyl substances (PFAS) contamination, largely through no fault of their own. The cost of remediating this contamination for many communities would result in dramatically higher water and sewer rates for end users. The existence of these man-made chemicals, some of which are occurring at unhealthy levels in New Hampshire's drinking water, require a strategy to protect, preserve, and enhance the water that New Hampshire citizens and environment rely upon.

485-H:2 Definitions. In this chapter:

I. "Community water system" means "community water system" as defined in RSA 485:1-a.

II. "Department" means the department of environmental services.

III. "Drinking water standard" means the maximum contaminant levels in accordance with RSA 485:16-e.

IV. "Fund" means the PFAS remediation loan fund established in RSA 485-H:10.

V. "Non-transient non-community water system" means "non-transient non-community water system as defined in RSA 485:1-a.

VI. "Wastewater residuals" means septage, sludge, or biosolids.

485-H:3 Implementation of Drinking Water Protection Program. The department shall provide low interest loans to community water systems and non-profit, non-transient public water systems whose testing of untreated source water shows confirmed exceedance of the state maximum contaminant level for PFAS, for remediation efforts begun after September 30, 2019.

I. Projects shall only be financed after the applicant demonstrates that the proposed plan for remediation is the most cost-effective solution, as reviewed and approved by the department. The applicant shall provide evidence in the application for funding that there are no no-cost or low-cost efforts such as blending of source water or shutting down an impacted source that would result in the system meeting applicable state maximum contaminant level with no unreasonable adverse effects. The applicant shall also show that there is no responsible party identified by the department or that the responsible party, potentially including the applicant, has provided their appropriate share of the funding for the proposed project.

II. Loans may be made for up to the total cost of the project, after any responsible party's contribution, addressing the contamination.

485-H:4 Implementation of Groundwater, Surface Water and Aquatic Life Protection. The department shall provide low interest loans to publicly-owned and non-profit wastewater and/or wastewater residual treatment or storage facilities that are required to treat effluent and residuals to achieve PFAS standards prior to discharge or disposal.

Important Notice

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I. Projects shall only be financed after the applicant demonstrates that the proposed plan for remediation is the most cost-effective solution, as reviewed and approved by the department. The applicant shall provide evidence in the application for funding that there are no no-cost or low-cost efforts that would result in the system meeting standards with no unreasonable adverse effects. The applicant shall also show that there is no responsible party identified by department or that the responsible party, potentially including the applicant, has provided their appropriate share of the funding for the proposed project.

II. Loans may be made for up to the total cost of the project, after any responsible party's contribution, addressing the contamination.

485-H:5 Loan Principal Forgiveness Based Upon Need.

I. The department shall forgive up to 10 percent of the loan principal to community water systems and non-profit, non-transient non-community water systems using the same qualifying standards for forgiveness used in the drinking water state revolving loan program established under RSA 486:14.

II. The department shall forgive up to 10 percent of the loan principal for publicly-owned and non-profit wastewater treatment facilities using the same qualifying standards for forgiveness used in the clean water state revolving loan program established under RSA 486:14.

III. Total loan forgiveness under this section shall not exceed $5 million for both drinking water and clean water combined.

485-H:6 Contingent Reimbursement.

I. Following the reimbursement of the department of justice for legal expenses related to relevant litigation; the transfer of funds to the revenue stabilization reserve account pursuant to RSA 7:6-e; the redemption of bonds issued or debt incurred pursuant to RSA 6:13-e, III(a); and reimbursement of the general fund for any debt principal or interest payments made to support bonds issued or debt incurred pursuant to RSA 6:13-e, III(a), any remaining funds from judgments or settlements received by the state resulting from lawsuits against the manufacturers of PFAS shall be deposited into the drinking water and groundwater trust fund established in RSA 6-D:1.

II. In addition to the loan forgiveness described in RSA 485-H:5, the department, upon certification by the state treasurer that funds from judgments or settlements have been received and used to redeem the bonds issued under RSA 6:13-e in full and the general fund has been reimbursed for all interest and principal payments charged against it to support said bond, shall grant partial loan forgiveness to the loan recipients, up to 50 percent of the loan principal.

(a) If insufficient funds are received by the state to cover 50 percent of the principal, the reimbursements shall be prorated. In no instance shall the loan reimbursement exceed 50 percent of the total loan amount, unless it received loan forgiveness under RSA 485-H:5, in which case the combined maximum shall be 60 percent.

(b) In the event a loan recipient receives compensation from a responsible party, the department shall not grant partial loan forgiveness that in combination with any compensation would exceed 100 percent of the total cost of the remediation.

485-H:7 Drinking Water and Groundwater Trust Fund Exception. Notwithstanding any law to the contrary, any funds deposited into the drinking water and groundwater trust fund established in RSA 6-D:1 as a result of this chapter may be transferred to the department to be used for funding PFAS remediation projects, including those at wastewater treatment facilities, at the discretion of the fund's advisory commission.

485-H:8 Duties of the Department.

I. The department shall perform the following duties to the limit of available funding:

(a) Establishing and administrating the PFAS remediation loan program to assist municipalities; community and non-profit, non-transient non-community water systems; and publicly owned and non-profit wastewater treatment facilities with the cost of complying with state maximum contaminant level for PFAS.

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(b) Establishing and administering a loan forgiveness program to assist disadvantaged communities with loan repayment.

(c) Awarding loan funds to projects that meet the following criteria:

(1) The project is or was necessary to comply with a state mandated PFAS standard and the applicant for funding is a municipality, a community water system, or a non-profit, non-transient public water system, or a publicly-owned or non-profit wastewater and/or wastewater residual treatment or storage facility.

(2) The applicant has demonstrated, to the satisfaction of the department, that low or no-cost solutions are neither viable nor effective.

(d) Awarding reimbursements to projects from the fund in a manner consistent with this chapter.

II. Every year beginning December 1, 2020, the department shall prepare and file a report with the general court evaluating the progress made relative to PFAS contamination, the efficiency of the program established under this chapter, and whether it continues to provide the maximum benefit to New Hampshire citizens, and providing any recommendations on potential additional tasks for which the fund could be used to address PFAS contamination.

485-H:9 Rules. The department shall adopt rules, under RSA 541-A, relative to administering PFAS remediation loan programs for eligible projects necessary to meet state PFAS standards.

485-H:10 PFAS Remediation Loan Fund Established. There is hereby established in the department the PFAS remediation loan fund which shall be maintained by the state treasurer in distinct and separate custody from all other funds, notwithstanding RSA 6:12. The state treasurer may invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be non-lapsing and shall be continually appropriated to the department. The PFAS remediation loan fund shall be used to fund loans and reimbursements in accordance with this chapter. Funds from any bond proceeds, grants, loan repayments, legislative appropriations, donations, and other funds shall be credited to this fund.

5 New Subparagraph; PFAS Remediation Loan Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the PFAS remediation loan fund established in RSA 485-H:10.

6 Capital Appropriation; Department of Environmental Services. The sum of $50,000,000 is hereby appropriated to the department of environmental services for capital expenditures for the remediation of per- and polyfluoroalkyl substances in the state's drinking water sources and waste water residuals, which expenditures may include loans to public or private entities on such terms and conditions as the department of environmental services shall determine. To provide funds for the appropriation made in this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $50,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-13-e. Notwithstanding the provisions of RSA 9:18, the appropriation made in this section shall not lapse.

7 New Section; Authority to Issue Bonds; General Fund. Amend RSA 6 by inserting after section 13-d the following new section:

6:13-e Authority to Borrow; Certain Environmental Projects.

I. The state treasurer, as may be requested from time to time by the commissioner of the department of environmental services, is hereby authorized to borrow upon the credit of the state such sums as may be authorized by law from time to time to be borrowed under this section and may issue general obligation bonds in the name and on behalf of the state of New Hampshire for such authorized purposes and amounts in accordance with the provisions of RSA 6-A. The state treasurer is hereby further authorized to borrow all or any portion of amounts authorized to be borrowed under this section either as a loan from banks or other financial institutions, within or without the state, selected by the state treasurer or under the federal program established under the Water Infrastructure Finance and Innovation Act, 33 U.S.C. chapter 52, as

Important Notice

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amended, and to enter into agreements containing appropriate covenants and conditions as the state treasurer determines to be necessary or desirable to secure favorable credit terms from said banks or other financial institutions or under said program.

II. Notwithstanding the provisions of RSA 6-A:2, the maturity date of bonds issued pursuant to this section shall be not later than 30 years from the date of issue, as determined by the state treasurer; provided, that in determining the amount of bonds maturing later than 20 years from the date of issue, the state treasurer shall take into account the expected useful life of the projects being financed, as identified by the commissioner of the department of environmental services.

III. Payment of principal and interest on the borrowing authorized under paragraph I shall be paid when due from general fund revenue; provided, however, that pursuant to RSA 485-H:6, I, any borrowing under paragraph I shall be paid at or prior to maturity from any available funds derived from lawsuits against the manufacturers of PFAS, after reimbursement to the department of justice for legal expenses related to the litigation and the transfer of funds to the revenue stabilization reserve account pursuant to RSA 7:6-e.

IV. To the extent any borrowing under paragraph I cannot be immediately redeemed or prepaid when such funds are received by the state, the funds shall be held in a nonlapsing reserve to be established by the state treasurer for the future payment of the borrowing in accordance with its redemption or prepayment provisions.

8 Municipal Immunity for Compliance with Best Practices; Pollutant Liability Standard. Amend RSA 507-B:9, I to read as follows:

I. Notwithstanding any other provision of law, the liability of any governmental unit or public employee for any personal injury, bodily injury, or property damage caused by or resulting from pollutant incidents ***including, but not limited to, per and polyfluorochemical contamination,*** shall only be based upon a showing by a preponderance of the evidence that the acts or omissions of the governmental unit were unreasonable. The acts or omissions of a governmental unit or public employee shall be conclusively presumed to be reasonable if they are in accord with the generally prevailing state of the art, scientific knowledge, and technology available to the governmental unit at the time the acts or omissions were undertaken or made by the governmental unit or public employee.

9 New Section; Accident and Health Insurance; Coverage for Perfluoroalkyls (PFAS) and Perfluorinated Compound (PFC) Blood Testing; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Perfluoroalkyls (PFAS) and Perfluorinated Compound (PFC) Blood Testing. 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 perfluoroalkyls (PFAS) and perfluorinated compound (PFC) blood testing. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

10 New Section; Accident and Health Insurance; Coverage for Perfluoroalkyls (PFAS) and Perfluorinated Compounds (PFCS) Blood Testing; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Perfluoroalkyls (PFAS) and Perfluorinated Compounds (PFCS) Blood Testing. Each insurer that issues or renews any policy of group or blanket 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 coverage for perfluoroalkyls (PFAS) and perfluorinated compounds (PFCS) blood testing. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

11 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k,

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RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

12 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

13 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

14 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

15 Ambient Groundwater Quality Standards. Amend RSA 485-C:6, I to read as follows:

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. Where state maximum contaminant levels have been adopted under RSA 485:3, I(b), ***or established in law,*** ambient groundwater quality standards shall be equivalent to such standards. Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be no less stringent than such standards. The commissioner may adopt standards more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines federal standards are insufficient for protection of human health. Where such standards are established based upon health advisories that address cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal or state maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

Important Notice

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16 Effective Date.

I. Sections 12 and 14 of this act shall take effect January 1, 2021 at 12:04 p.m.

II. Sections 9, 10, 11, and 13 of this act shall take effect 60 days after its passage.

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

2020-1432s

AMENDED ANALYSIS

This bill:

I. Extends the commission on the seacoast cancer cluster investigation. Sets maximum contaminant limits for perfluorochemicals in drinking water.

II. Establishes the per and polyfluoroalkly substances (PFAS) fund.

III. Establishes a low interest loan program for certain water and waste water systems affected by PFAS contamination.

IV. Makes an appropriation to the department of environmental services for the remediation of PFAS contamination.

V. Allows the department of environmental services to borrow money.

VI. Requires insurance coverage for perfluoroalkyls (PFAS) and perfluorinated compound (PFC) blood testing.

VII. Expands the statute governing ambient groundwater quality standards to include state maximum contaminant levels established in law.

Commerce
June 11, 2020
2020-1470s
01/05

Amendment to HB 1280-FN

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

AN ACT relative to copayments for insulin, establishing a wholesale prescription drug importation program, establishing a New Hampshire prescription drug affordability board, establishing the prescription drug competitive marketplace, relative to the pricing of generic prescription drugs, relative to prior authorization for prescription drug coverage, and requiring insurance coverage for epinephrine auto-injectors.

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

1 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Individual. Amend RSA 415:6-e to read as follows:

415:6-e Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any individual policy, plan, or contract 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 medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered**,** or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents**,** and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for***

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each covered insulin drug prescription at an amount not to exceed $30 for each 30-day supply of each insulin prescription. The maximum $30 copayment for each 30-day supply of each covered insulin drug prescription shall apply when an original prescription is dispensed as well as when refills of the prescription are dispensed, including early refills. Coverage for prescription insulin drugs shall not be subject to any deductible. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

2 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Group. Amend RSA 415:18-f to read as follows:

415:18-f Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any policy, plan, or contract of group accident or health insurance providing benefits for medical or hospital expenses, shall provide each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for each covered insulin drug prescription at an amount not to exceed $30 for each 30-day supply of each insulin prescription. The maximum $30 copayment for each 30-day supply of each covered insulin drug prescription shall apply when an original prescription is dispensed as well as when refills of the prescription are dispensed, including early refills. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

3 Health Service Corporations; Coverage for Diabetes Services and Supplies. Amend RSA 420-A:17-a to read as follows:

420-A:17-a Coverage for Diabetes Services and Supplies. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health service corporation that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for each covered insulin drug prescription at an amount not to exceed $30 for each 30-day supply of each insulin prescription. The maximum $30 copayment for each 30-day supply of each covered insulin drug prescription shall apply when an original prescription is dispensed as well as when refills of the prescription are dispensed, including early refills. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health

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insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

4 Health Maintenance Organizations; Coverage for Diabetes Services and Supplies. Amend RSA 420-B:8-k to read as follows:

420-B:8-k Coverage for Diabetes Services and Supplies. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered**,** or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents**,** and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health maintenance organization that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for each covered insulin drug prescription at an amount not to exceed $30 for each 30-day supply of each insulin prescription. The maximum $30 copayment for each 30-day supply of each covered insulin drug prescription shall apply when an original prescription is dispensed as well as when refills of the prescription are dispensed, including early refills. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

5 New Chapter; Prescription Drug Affordability Board. Amend RSA by inserting after chapter 126-AA the following new chapter:

CHAPTER 126-BB
NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD

126-BB:1 Definitions. In this chapter:

I. “Board” means the New Hampshire prescription drug affordability board.

II. “Brand-name drug” means a prescription drug marketed under a proprietary name or registered trademark name, including a biological product.

III. “Generic drug” means a prescription drug, whether identified by its chemical, proprietary, or non-proprietary name, that is not a brand-name drug and is therapeutically equivalent to a brand-name drug in dosage, safety, strength, method of consumption, quality, performance, and intended use. “Generic drug” includes a biosimilar product.

IV. “Manufacturer” means a manufacturer of prescription drugs that are distributed in the state. A manufacturer excludes a packager, repackager, labeler, and relabeler.

V. “Pricing unit” means the smallest dispensable amount of a prescription drug that could be dispensed.

VI. “Public payor” means any division of state, county, or municipal government that administers a health plan for its employees or an association of state, county, or municipal employers that administers a health plan for its employees.

VII. “Wholesale acquisition cost” means a manufacturer’s listed price for sale to a wholesale drug distributor or other entity that purchases a prescription drug directly from the manufacturer, not including any price concessions.

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126-BB:2 New Hampshire Prescription Drug Affordability Board Established. There is established the New Hampshire prescription drug affordability board to carry out the purposes of this chapter.

I. The board shall consist of 5 members with expertise in health care economics or clinical

medicine, who shall not be, or be directly related to, anyone affiliated with, employed by, or representing the interests of a public payor, pharmaceutical or pharmacy company, pharmacy benefits management company, or health insurance provider and who have completed a conflict of interest statement. They shall be appointed as follows:

(a) Two members by the president of the senate. The president of the senate shall also appoint one alternate board member who will participate in deliberations of the board in the event a member appointed by the president of the senate elects to be recused as provided in RSA 126-BB:3.

(b) Two members by the speaker of the house of representatives. The speaker of the house of representatives shall also appoint one alternate board member who will participate in deliberations of the board in the event a member appointed by the speaker of the house of representatives elects to be recused as provided in RSA 126-BB:3.

(c) One member by the governor. The governor shall also appoint one alternate board member who shall participate in deliberations of the board in the event the member appointed by the governor elects to be recused as provided in RSA 126-BB:3.

II. Members shall be appointed to 5-year terms. Of the initial appointees, the member appointed by the governor shall serve an initial term of 5 years, one member appointed by the president of the senate and one member appointed by the speaker of the house of representatives shall serve an initial term of 4 years and one member appointed by the president of the senate and one member appointed by the speaker of the house of representatives shall serve an initial term of 3 years.

III. A majority of board members shall constitute a quorum.

IV. The chair of the board shall be elected by an affirmative vote of at least 4 of the 5 members of the board.

V. Beginning no later than March 1, 2021, the board shall meet in public session at least every 12 weeks to review prescription drug information and to make recommendations pursuant to RSA 126-BB:5. The first meeting shall be called by the first-named appointee of the senate president.

(a) Each public meeting shall be announced 2 weeks in advance, and materials for the meeting shall be made public at least one week in advance.

(b) Each public meeting shall provide opportunity for comment from the public in attendance at the meeting, and the board shall provide the opportunity for the public to submit written comments on pending decisions.

(c) The board may allow expert testimony at public meetings and any meeting conducted in executive session as permitted by subparagraph (d).

(d) Notwithstanding requirements of RSA 91-A, the board may meet in executive session, except that any decision of the board shall be made in public.

VI. The board shall be administratively attached to the department of health and human services. The board may employ an executive director who shall be a classified employee.

126-BB:3 Conflicts of Interest. The following provisions govern any conflict of interest for a member of the board, a member of the advisory council established in RSA 126-BB:4 or any staff member or contractor of the board.

I. When appointing a member of the board or the advisory council, the appointing authority shall consider any conflict of interest disclosed by the prospective member. A member shall elect to be recused from any board activity in the case in which the member or an immediate family member of the member has a

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conflict of interest. For the purposes of this paragraph, "conflict of interest" means an association, including a financial or personal association, that has the potential to bias or have the appearance of biasing an individual's decisions in matters related to the board or the conduct of the board's activities.

II. A board member or staff or contractor of the board with a conflict of interest shall elect to be recused. For purposes of this paragraph, "conflict of interest" means any instance in which a member of the board or an immediate family member of the member has received or could receive either of the following:

(a) A direct financial benefit of any amount deriving from the results or findings of a study or determination by or for the board; or

(b) A financial benefit from individuals or companies that own or manufacture prescription drugs, services, or items to be studied by the board that in the aggregate exceeds $5,000 per year. For purposes of this subparagraph, "financial benefit" includes honoraria, fees, stock, or other financial benefit and the current value of the member's or immediate family member's already existing stock holdings, in addition to any direct financial benefit deriving from the results or findings conducted under this section.

(c) A conflict of interest shall be disclosed in the following manner:

(1) By the board in the employment of board senior staff.

(2) By the governor, president of the senate, or speaker of the house of representatives when appointing members to the board and advisory council.

(3) By the board in describing any recusals as part of any final decision relating to a prescription drug.

(4) By the 5th day after a conflict is identified or, if a public meeting of the board will occur within that 5-day period, in advance of the public meeting.

(d) Conflicts of interest shall be publicly posted on the website of the board. The information disclosed shall include the type, nature, and magnitude of the interests of the individual involved, except to the extent that the individual elects to be recused from participation in any activity with respect to which the potential conflict exists.

(e) The board, the advisory council, a member of the board or staff, or a contractor of the board may not accept gifts, bequests, or donations of services or property that suggest a conflict of interest or have the appearance of creating bias in the work of the board or advisory council.

(f) A member of the advisory council who accepts a gift, bequest, or donation of services or property that suggests a conflict of interest or has the appearance of creating bias in the work of the advisory council shall disclose the gift, bequest, or donation publicly.

126-BB:4 Advisory Council. A 12-member advisory council is established to advise the board on establishing annual spending targets pursuant to RSA 126-BB:5, I and determining methods for meeting those spending targets pursuant to RSA 126-BB:5, III. The advisory council shall consist of the following members:

I. The governor, or designee.

II. The commissioner of the department of administrative services, or designee.

III. The commissioner of the department of corrections, or designee.

IV. The commissioner of department of health and human services, or designee.

V. The attorney general, or designee.

VI. The director of the division of risk and benefits, department of administrative services, or designee.

VII. The president of the New Hampshire State Employees Association, or designee.

VIII. The president of the New Hampshire Education Association, or designee.

IX. The executive director of the New Hampshire Municipal Association or designee.

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X. The chancellor of the university system of New Hampshire, or designee.

XI. The chancellor of the New Hampshire community college system, or designee.

XII. A representative of consumer interests, appointed by the governor, who shall serve a 3-year term.

126-BB:5 Powers and Duties of the Board. The board has the following powers and duties:

I.(a) Beginning with the year 2022 and in consultation with the advisory council, the board shall identify strategies that optimize spending by public payors for pharmaceutical products while reasonably ensuring subscriber access to needed pharmaceutical products. To achieve this goal, the board shall determine annual spending targets for prescription drugs purchased by public payors based upon a 10-year rolling average of the medical care services component of the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, medical care services index, plus a reasonable percentage for inflation and minus a spending target for pharmacy savings as determined by the board.

(b) The board shall determine spending targets on specific prescription drugs that may cause affordability challenges to enrollees in a public payor health plan. Such targets shall consider any medical cost offsets achieved by utilization of the drug.

(c) The board shall determine which public payors are likely to exceed the spending targets determined under subparagraph (a).

II. The board may consider the following data to accomplish its duties under this section:

(a) A public payor's prescription drug spending data, which the 3rd-party administrator or insurer for the public payor's health plan shall provide to the board on behalf of the public payor upon request notwithstanding any provision of law to the contrary, including:

(1) Expenditures and utilization data for prescription drugs for each plan offered by a public payor.

(2) The formulary for each plan offered by a public payor and prescription drugs common to each formulary.

(3) Pharmacy benefit management services and other administrative expenses of the prescription drug benefit for each plan offered by a public payor.

(4) Enrollee cost sharing for each plan offered by a public payor.

(5) Aggregate net spending on the prescription drug benefit.

(b) Data compiled by the department of health and human services. Prescription drug spending data provided to the board under this subparagraph is confidential to the same extent it is confidential while in the custody of the entity that provided the data to the board.

III. Based upon the prescription drug spending data received under paragraph II, the board, in consultation with a representative of each public payor shall determine methods for the public payor to meet the spending targets established under paragraph I. While continuing to ensure adequate access by subscribers to needed prescribed pharmaceutical products, the board shall determine whether the following methods reduce costs to individuals purchasing prescription drugs through a public payor and allow public payors to meet the spending targets established under paragraph I:

(a) Negotiating specific rebate amounts on the prescription drugs that contribute most to spending that exceeds the spending targets.

(b) Changing a formulary when sufficient rebates cannot be secured under subparagraph (a).

(c) Establishing a common prescription drug formulary for all public payors.

(d) Prohibiting health insurance carriers in the state administering benefits for a public payor from offering on their formularies prescription drugs when the method described in subparagraph (b) is implemented.

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(e) Purchasing prescription drugs in bulk or through a single purchasing agreement for use among public payors.

(f) Collaborating with other states and state prescription drug purchasing consortia to purchase prescription drugs in bulk or to jointly negotiate rebates.

(g) Allowing health insurance carriers providing coverage to small businesses and individuals in the state to participate in the public payor prescription drug benefit for a fee.

(h) Procuring common expert services for public payor, including but not limited to pharmacy benefit management services and actuarial services.

IV. By November 1, 2020 and annually thereafter, the board shall report its recommendations, including prescription drug spending targets, their strategies for optimization of affordability of prescription drugs for the state and all of its residents, the progress of implementing those recommendations, as well as the annual net spending by public payors on prescription pharmaceutical products as a measure of the efficacy of implementation of those recommendations to date, to the standing committees of the general court with jurisdiction over health coverage and insurance matters and to the governor. This report shall also contain the following information about prescription drugs, both brand name and generic:

(a) The 25 most frequently prescribed drugs in the state;

(b) The 25 costliest drugs as determined by the total amount spent on those drugs in the state; and

(c) The 25 drugs with the highest year-over-year cost increases as determined by the total amount spent on those drugs in the state.

V. The board may apply for and receive funds, grants, or contracts from public and private sources.

126-BB:6 Rulemaking. The board shall adopt rules under RSA 541-A for the following:

I. Procedures for drug price transparency as required under RSA 126-BB:7.

II. The adoption of all fees under RSA 126-BB:8.

III. Proceedings for assessing civil fines under RSA 126-BB:10.

IV. Any other matter required to implement this chapter.

126-BB:7 Drug Price Transparency; Non-disclosure Requirements.

I. The board shall develop and implement policies and procedures for its collection, processing, storage, and analysis of clinical, financial, quality restructuring and prescription drug price data for the following purposes:

(a) To use, build, and improve upon and coordinate existing data sources and measurement efforts through the integration of data systems and standardization of concepts.

(b) To coordinate the development of a linked public and private sector information system.

(c) To emphasize data that is useful, relevant, and not duplicative of existing data.

(d) To minimize the burden on those providing data.

(e) To preserve the reliability, accuracy, and integrity of collected data.

II. The board shall adopt rules to ensure that:

(a) Payors, providers, prescription drug manufacturers, wholesale drug distributors, and pharmacy benefits managers file data as required by RSA 126-BB:9.

(b) Users that obtain health data and information from the board safeguard the identification of patients and health care practitioners.

(c) Payors, providers, prescription drug manufacturers, wholesale drug distributors, and pharmacy benefits managers pay all assessments as required by RSA 126-BB:8.

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(d)(1) Only the board and employees assigned to the board may access the information received pursuant to this chapter and only for purpose of effectuating the powers and duties granted the board by this chapter. The board shall limit access to any information that it receives pursuant to this chapter to the smallest number of employees and other personnel possible; and all such individuals shall, as a condition of employment, be required to execute non-disclosure agreements under which they are restricted from disclosing any information they may receive in connection with this chapter during their employment term and in perpetuity post-employment.

(2) If the board, its members, employees, or personnel willfully shares or discloses for unauthorized purposes information that is trade secret information, confidential, commercial or proprietary information, or information designated as "confidential" by the owner of the information, the board or the individual who made the unauthorized disclosure may be subject to any penalties available under federal and state laws, including trade secret misappropriation laws, to the extent permitted by law.

126-BB:8 Funding; Assessment of Fees.

I. The expenses and cost of operation of the board shall be funded by reasonable user fees and assessments determined in rules adopted by the board.

(a) Fees may be charged for the reasonable costs of duplicating, mailing, publishing, and supplies.

(b) Reasonable user fees shall be charged on a sliding scale for the right to access and use the health data and information available from the board. Fees may be charged for services provided to the department on a contractual basis. Fees may be reduced or waived for users that demonstrate a plan to use the data or information in research of general value to the public health or inability to pay the scheduled fees, as provided by rules adopted by the board.

(c) Annual assessments of not less than $100 assessed against the following entities:

(1) Health insurance carriers and health maintenance organizations on the basis of the total annual health care premium.

(2) Third-party administrators.

(3) Health carriers that provide only administrative services for a plan sponsor.

(4) Pharmacy benefits managers that process and pay claims on the basis of claims processed or paid for each plan sponsor.

(d) Health care policies issued for specified disease, accident, injury, hospital indemnity, disability, long-term care or other limited benefit health insurance policies are not subject to assessment under subparagraph (c). For purposes of this paragraph, policies issued for dental services are not considered to be limited benefit health insurance policies.

(e) Annual assessments of not less than $500 assessed by the board against prescription drug manufacturers, wholesale drug distributors, and pharmacy benefits managers.

II. The aggregate level of annual assessments under subparagraphs (c) and (e) shall be an amount sufficient to meet the board's expenditures authorized. The board may waive assessments otherwise due under subparagraphs (c) and (e) when a waiver is determined to be in the interests of the board and the parties to be assessed.

126-BB:9 Drug Price Notifications and Disclosures; Confidentiality; Registration.

I. No later than January 30, 2021 and annually thereafter, a manufacturer shall notify the board when the manufacturer has during the prior calendar year:

(a) Increased the wholesale acquisition cost of a brand-name drug by more than 20 percent per pricing unit;

(b) Increased the wholesale acquisition cost of a generic drug that costs at least $10 per pricing unit by more than 20 percent per pricing unit; or

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(c) Introduced a new drug for distribution in this state when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program. For the purposes of this section, "Medicare Part D" means prescription drug benefit in accordance with the requirements of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.

II.(a) To develop the report under paragraph VIII, the board shall first assess public information that is readily available. To the extent there is no public information or not enough public information readily available to the board to produce its report, the board may request information from:

(1) The manufacturer that provided notice to the board pursuant to paragraph I;

(2) A pharmacy benefit manager or health insurance carrier providing services involving the drug that is the subject of the notification provided pursuant to paragraph I.

(b) Once the board requests information of a manufacturer, pharmacy benefit manager, or health insurance carrier, the entity shall have 60 days to produce the requested information regarding the prescription drug that is the subject of the request. If, after a complete review of all information and data available to the board or as received from the entities, the board makes a determination that additional data is required for a particular prescription drug to produce the report under paragraph VIII, the board may request that additional information from wholesale drug distributors that distribute the prescription drug that is the subject of the report. Once the board requests information of a wholesale drug distributer, it shall have 60 days to produce information regarding the prescription drug that is the subject of the request.

III.(a) Upon receipt of a request from the board relating to a specific prescription drug for which notice was provided pursuant to paragraphs I and II, a manufacturer shall provide to the board, in a form and manner specified by the board, (i) a written, narrative description, suitable for public release, of all factors that caused the increase in the wholesale acquisition cost of the listed outpatient prescription drug, and (ii) aggregate, company-level research and development costs and such other capital expenditures that the board, in its discretion, deems relevant for the most recent year for which final audited data are available.

(b) The data that a pharmaceutical manufacturer submits to the board under this section may be limited to the information and data that the pharmaceutical manufacturer includes in such pharmaceutical manufacturer's annual consolidated report on Securities and Exchange Commission Form 10-K, or any other public disclosure.

(c) The board shall establish a standardized form for reporting information and data pursuant to this section after consulting with pharmaceutical manufacturers. The form shall be designed to minimize the administrative burden and cost of reporting on the office and pharmaceutical manufacturers.

(d) Upon a request from the board relating to a specific prescription drug for which notice was provided pursuant to paragraphs I and II, a pharmacy benefit manager or wholesaler shall provide:

(1) The dollar amount of all rebates or fees concerning the drug collected from the manufacturer that were covered by such health carriers during such calendar year; and

(2) The dollar amount of all rebates and fees, excluding any portion of the rebates or fees received by health carriers, concerning the drug collected from the manufacturer.

(3) Fees referenced in subparagraphs (1) and (2) shall exclude those that are determined to be bona fide service fees as defined by the United States Department of Health and Human Services and codified in 42 C.F.R. 414.803.

(e) The board shall establish a standardized form for reporting information pursuant to subparagraph (d) after consultation with pharmacy benefits managers and wholesalers. The form shall be designed to minimize the administrative burden and cost of reporting on pharmacy benefits managers and wholesalers.

IV. Information provided to the board as required by this section by a manufacturer, wholesale drug distributor, or pharmacy benefits manager that has not been publicly reported is confidential and not a public record under RSA 91-A, except that the board may share information:

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(a) With the insurance department, to the extent necessary for the department to enforce insurance laws, as long as any information shared is kept confidential; and

(b) As long as it is not released in a manner that represents a breach of confidential information provided by a manufacturer, wholesale drug distributor, or pharmacy benefits manager.

V. Beginning January 1, 2021, a manufacturer, pharmacy benefits manager, and wholesale drug distributor subject to this section shall register annually with the board in a manner prescribed by the board.

VI. A manufacturer, wholesale drug distributor, or pharmacy benefits manager that submits a notification or report to the board pursuant to this section shall submit with the notification or report a signed written certification of the notification's or report's accuracy. Any confidential or proprietary information contained within such notification or report shall be clearly identified as such. Any breach of confidential information not so identified shall not be subject to RSA 126-BB:7, II(d).

VII.(a) The board may audit the data submitted by a manufacturer, wholesale drug distributor, or pharmacy benefits manager pursuant to this section. The audits shall only be conducted when the state has reasonable cause to believe information received is inaccurate. The board shall notify the entity to be audited with sufficient notice before conducting the audit. The costs of the audit shall be paid for by the manufacturer, wholesale drug distributor, or pharmacy benefits manager.

(b) The board may require a manufacturer, wholesale drug distributor, or pharmacy benefits manager subject to this section to develop a corrective action plan to correct any deficiencies the board finds with the manufacturer's, wholesale drug distributor's, or pharmacy benefits manager's compliance with this section.

VIII. Beginning November 1, 2021 and annually thereafter, the board shall produce and post on its publicly accessible website an annual report, including information developed from the notifications and disclosures received pursuant to this section on trends in the cost of prescription drugs, analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing, and any other information the board determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the state. The report may not disclose information attributable to any particular manufacturer, wholesale drug distributor, or pharmacy benefits manager subject to this section and may not make public any information that is confidential. The board shall submit the report required by this section to the standing committees of the general court with jurisdiction over health data reporting and prescription drug matters and the governor.

126-BB:10 Civil Penalties. When a person or entity that is a health care facility payor, prescription drug manufacturer, wholesale drug distributor, or pharmacy benefits manager violates any requirement of this chapter, that person or entity commits a civil violation for which a fine of not more than $1,000 per day may be imposed. A fine imposed under this paragraph may not exceed $25,000 for any one occurrence.

6 New Chapter; Wholesale Prescription Drug Importation Program. Amend RSA by inserting after chapter 126-BB the following new chapter:

CHAPTER 126-CC

WHOLESALE PRESCRIPTION DRUG IMPORTATION PROGRAM

126-CC: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. "Program" means the wholesale prescription drug importation program.

126-CC:2 Design of Program: Rulemaking.

I. There is hereby established the wholesale prescription drug importation program, referred to in this chapter as the "program," to provide for the wholesale importation of prescription drugs from Canada by or on behalf of the state.

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II. The department, in consultation with appropriate federal and other state agencies and interested parties, shall design the program to comply with the applicable requirements of 21 U.S.C. section 384, including requirements regarding safety and cost savings. The program design shall:

(a) Designate a state agency to become a licensed drug wholesaler or to contract with a licensed drug wholesaler in order to seek federal certification and approval, pursuant to RSA 126-CC:3, to import safe prescription drugs and provide cost savings to consumers in the state.

(b) Use prescription drug suppliers in Canada regulated under the laws of Canada or of one or more Canadian provinces, or both.

(c) Ensure that only prescription drugs that can meet the federal Food and Drug Administration's safety, effectiveness and other standards are imported by or on behalf of the state.

(d) Import only those prescription drugs expected to generate substantial cost savings for consumers in the state.

(e) Ensure that the program complies with the transaction and tracing requirements of 21 U.S.C. sections 360eee and 360eee-1 to the extent feasible and practical prior to imported prescription drugs coming into the possession of the licensed United States drug wholesaler and that the program complies fully with those federal requirements after imported prescription drugs are in the possession of the licensed drug wholesaler.

(f) Prohibit the distribution, dispensing or sale of imported prescription drugs outside of the state.

(g) Recommend a method to finance the program which will not jeopardize consumer cost savings.

(h) Include an audit function.

III. The commissioner shall adopt rules pursuant to RSA 541-A, to design the program in accordance with this chapter.

IV. The department shall submit a request for approval and certification of the program to the United States Department of Health and Human Services on or before February 1, 2021.

126-CC:3 Requirements of Program. Prior to operating the program, the state agency designated to oversee the program pursuant to this chapter shall:

I. Become a licensed drug wholesaler or enter into a contract with a licensed drug wholesaler in the state.

II. Contract with one or more distributors licensed in the state.

III. Contract with one or more licensed and regulated prescription drug suppliers in Canada.

IV. Seek the appropriate federal approvals, exemptions, or agreements, or a combination thereof, as needed to enable all covered entities enrolled in or eligible for the federal 340B Drug Pricing Program to participate in the program to the fullest extent possible without jeopardizing their eligibility for the 340B Program.

V. Consult with health insurance carriers, employers, pharmacies, pharmacists, health care providers and consumers.

VI. Develop a registration process for health insurance carriers, pharmacies and health care providers authorized to prescribe and administer prescription drugs that are willing to participate in the program.

VII. Create a publicly accessible website for listing the prices of prescription drugs to be imported under the program.

VIII. Create an outreach and marketing plan to work with health carriers, provider associations to generate public awareness of the program.

IX. Develop a 2-year audit work plan.

X. Conduct any other activity determined necessary to successfully implement and operate the program.

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126-CC:4 Annual Report. Beginning November 1, 2021, and each November 1 thereafter, the department or other designated state agency shall submit an annual report to the chairperson of the health, human services and elderly affairs committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library relative to:

I. The prescription drugs included in the program.

II. The number of participating pharmacies, health care providers, and health insurance carriers.

III. The number of prescription drugs dispensed through the program.

IV. The estimated cost savings to consumers, health insurance carriers, employers, and the state during the previous calendar year and to date.

V. Information regarding implementation of the audit work plan and audit findings.

VI. Any other information the department, or other state agency designated to oversee the program pursuant to this chapter, deems relevant.

7 Consumer Protection: Acts Unlawful. Amend RSA 358-A:2, XIV to read as follows:

XIV. Pricing of goods or services in a manner that tends to create or maintain a monopoly, or otherwise harm competition***, including the pricing of generic prescription drugs***.

8 New Paragraph; Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b by inserting after paragraph II-a the following new paragraph:

II-b. Every health benefit plan that provides prescription drug benefits and requires prior authorization for covered drugs in the formulary shall respond to a prior authorization request within 2 business days. The prior authorization process shall begin when the prescribing provider has submitted a request with a complete clinical rationale to the health carrier or pharmacy benefits manager. A prescription that requires a prior authorization for coverage shall be considered approved if the prior authorization process exceeds 2 business days.

9 New Section; Accident and Health Insurance; Coverage for Epinephrine Auto-Injectors; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Epinephrine Auto-Injectors. 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 the cost of epinephrine auto-injectors. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer and shall be subject to the terms and conditions of the policy. In this section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dosage of epinephrine into the human body.

10 New Section; Accident and Health Insurance; Coverage for Epinephrine Auto-Injectors; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Epinephrine Auto-Injectors. Each insurer that issues or renews any policy of group or blanket 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 the cost of epinephrine auto-injectors. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer and shall be subject to the terms and conditions of the policy. In this section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dosage of epinephrine into the human body.

11 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k,

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RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

12 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

13 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

14 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

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

16 New Subdivision; New Hampshire Prescription Drug Competitive Marketplace. Amend RSA 21-I by inserting after section 95 the following new subdivision:

New Hampshire Prescription Drug Competitive Marketplace

21-I:96 Purpose and Intent. The purpose and intent of this subdivision is to authorize the commissioner of the department of administrative services, with the approval of the governor and the executive council, to establish the New Hampshire prescription drug competitive marketplace in accordance with this subdivision. The objective of this subdivision is to optimize prescription drug savings by the state of New Hampshire through the following:

I. Adoption of a dynamically competitive reverse auction process for the state health plan selection of pharmacy benefit managers (PBM).

II. Ongoing, real-time electronic review and validation of PBM claims invoices as the foundation for reconciling pharmacy bills.

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III. Conduct of market checks using technology driven evaluation of the incumbent PBM's prescription drug pricing based on benchmark comparators.

21-I:97 Definitions. In this subdivision:

I. "Department" means the department of administrative services.

II. "Pharmacy benefits manager" means a person, business, or other entity, including a wholly or partially owned or controlled subsidiary of a pharmacy benefits manager, that, pursuant to a contract with the health carrier or self-funded health benefit plan, manages the prescription drug coverage provided by the health carrier or self-funded health benefit plan, including, but not limited to, providing claims processing services for prescription drugs, performing drug utilization review, processing drug prior authorization requests, adjudication of grievances or appeals related to prescription drug coverage, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

III. "PBM reverse auction" means an automated, transparent, and dynamically competitive bidding process conducted online that starts with an opening round of bids and allows qualified PBM bidders to counteroffer a lower price for as many rounds of bidding as determined by the department of administrative services or its authorized representative conducting the reverse auction for a multiple health plan prescription drug purchasing group.

IV. "Price" means the projected cost of a PBM proposal or "bid" for providing prescription drug benefits pursuant to this part, to enable "apples-to-apples" comparison of the costs of competing PBM proposals over the duration of the PBM services contract.

V. "Real-time" means within no more than 12 hours.

VI. "PBA" means a participant bidding agreement entered into by all participants in the PBM reverse auction prior to participation therein.

21-I:98 New Hampshire Prescription Drug Competitive Marketplace.

I. Notwithstanding any provision of law to the contrary, a contract for the services of a PBM for the administration of benefits under this subdivision may be procured by the department, at its sole discretion, in a transparent, online competitive process, or "PBM reverse auction" as set forth in this subdivision. If the department, acting in its discretion, opts to conduct such a process, it shall procure, through the solicitation of proposals from qualified professional services vendors, the following products and services based upon price, capabilities, and other factors as determined by the department:

(a) Technical assistance from a technology operator with respect to all of the following:

(1) Evaluating the qualifications of PBM bidders.

(2) Conducting online-automated reverse auction services to support the department or its authorized representatives in comparing the pricing for the PBM procurement.

(3) Providing related professional services.

(b) Technology platform with the required capabilities for conducting a PBM reverse auction, along with the related services of a technology operator, as described in subparagraph (a). The technology platform shall, at a minimum, possess the capacity to do the following:

(1) Conduct an automated, online, reverse auction of PBM services.

(2) Automate repricing of diverse and complex PBM prescription drug pricing proposals to enable "apples-to-apples" comparisons of the price of PBM bids utilizing 100 percent of annual prescription drug claims data available for state-funded health plans or a multiple health plan prescription drug purchasing group and using code-based classification of drugs from nationally accepted drug sources.

(3) Produce an automated report and analysis of PBM bids, including the ranking of PBM bids based on the comparative costs and qualitative aspects thereof within a 48-hour time period following the close of each round of reverse auction bidding.

Important Notice

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(4) Perform real-time, electronic, line-by-line, claim-by-claim review of 100 percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of the PBM services contract resulting from the reverse auction process.

(c) The contract for procurement of the technology platform and technology operator services shall not be awarded to any of the following:

(1) A vendor that is a PBM.

(2) A vendor that is a subsidiary or affiliate of a PBM.

(3) A vendor that is managed by a PBM or receives remuneration from a PBM for aggregating clients into a contractual relationship with a PBM.

(d) The vendor shall not outsource any part of the PBM reverse auction or the automated, real-time, electronic, line-by-line, claim-by-claim review of invoiced PBM prescription drug claims.

(e) With technical assistance and support provided by the technology operator, the department or its authorized representative shall specify the terms of the PBA. The terms of the PBA shall not be modified except by specific consent of the department of administrative services or its authorized representatives.

II. When and if procured, the technology platform used to conduct the reverse auction shall be repurposed over the duration of the PBM services contract as an automated pharmacy claims adjudication engine to perform real-time, electronic, line-by-line, claim-by-claim review of 100 percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of PBM services contracts.

III. An entity may request in writing and subject to the approval of the commissioner to participate in a joint purchasing group with the state employee and retiree group insurance program for procuring for PBM services through a PBM reverse auction or otherwise. All entities participating in a joint purchasing group shall share proportionally in the cost of procurement including all support services.

IV. If the department opts, at its discretion, to conduct a transparent, online competitive PBM selection process, as set forth in this subdivision, the processes and procedures set forth in this section shall apply to prescription drug coverage in connection with the state employee health plan for benefits under this part including for state employees, retirees, spouses, and eligible dependents in accordance with the provisions of RSA 21-I:30 and any applicable collective bargaining agreements. Any other state-funded health plan or self-funded municipal employee or other local government employee health plan, public school employee health plans, operating individually or collectively, and the health plans of the university system of New Hampshire and the community college system of New Hampshire may utilize the processes and procedures set forth in this section individually or collectively or as a joint purchasing group with the state employee health plan.

V. After completion of a first PBM reverse auction by the department for the administration of benefits under the state employee health plan, and at the discretion of the department, self-funded private sector employer or multi-employer health plans with substantial participation by New Hampshire employees and their dependents may be permitted to participate in a joint purchasing pool with state employees for conduct of subsequent PBM reverse auctions provided that such participation shall comply with and shall be consistent with all applicable state and federal law and requirements of ERISA.

VI. The state employee health plan and any self-funded public or private sector health plans that may be permitted to participate with the state in a joint PBM reverse auction purchasing pool shall retain full autonomy over determination of their respective prescription drug formularies and pharmacy benefit designs and shall not be required to adopt a common drug formulary or common prescription pharmacy benefit design. Any such entity or purchasing group shall agree, before participating in the PBM reverse auction, to accept the prescription drug pricing plan that is selected through the PBM reverse auction process.

VII. Any PBM providing services to the department or a self-funded health plan as described in paragraphs IV and V, shall provide the department and the plan the complete pharmacy claims data necessary to conduct the reverse auction and carry out their administrative and management duties.

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VIII. The department may adopt rules, pursuant to RSA 541-A, to implement the provisions of this subdivision.

17 Effective Date.

I. Section 5 of this act shall take effect July 1, 2020.

II. Sections 12 and 14 of this act shall take effect January 1, 2021, at 12:04 a.m.

III. Section 8 and 9-11 of this act shall take effect January 1, 2021.

IV. Sections 1-4, 6 and 13 of this act shall take effect 60 days after its passage.

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

2020-1470s

AMENDED ANALYSIS

This bill:

I. Requires insurers to cap the total amount for insulin for covered persons.

II. Establishes a wholesale importation program for prescription drugs from Canada by or on behalf of the state. This bill requires the department of health and human services to design the program and obtain federal approval for the program.

III. Establishes a prescription drug affordability board to determine annual public payor spending targets for prescription drugs, develop and implement policies and procedures for the collection of prescription drug price data, implement a register of drug manufacturers for drug pricing data, and establish funding for the board by reasonable user fees and assessments.

IV. Clarifies the pricing of generic prescription drugs under the law governing consumer protection.

V. Clarifies the procedure for prior authorization for prescription drugs on the formulary under the managed care law.

VI. Requires insurance coverage for epinephrine autoinjectors.

VII. Establishes the prescription drug competitive marketplace.

Education and Workforce Development
June 11, 2020
2020-1445s
06/11

Amendment to HB 1454

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

AN ACT relative to alternative learning credit rules of the state board of education.

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

1 Substantive Content of an Adequate Education. Amend RSA 193-E:2-a, V(b) to read as follows:

(b) The state board of education shall adopt rules, pursuant to RSA 541-A, [~~relative to the approval of alternative programs for granting credit leading to graduation~~] ***that establish a process for the application, vetting, and approval of vendors offering alternative, extended learning, and work-based programs which may be accepted by the local school board for credit leading to graduation in any school district in this state. Nothing in this subparagraph shall prevent a local school district from approving vendors offering credit for alternative, extended learning, or work-based programs which do not appear on the preapproved list maintained by the board.***

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

Important Notice

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2020-1445s

AMENDED ANALYSIS

This bill requires the state board of education to adopt rules establishing a process for the approval of vendors offering alternative, extended learning, and work-based programs which may be accepted for credit by a local school board.

Senate Executive Departments and Administration
June 10, 2020
2020-1423s
10/06

Amendment to HB 1491

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

AN ACT relative to occupational licensure and the office of professional licensure and certification.

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

1 New Subparagraph; Office of Professional Licensure and Certification; Health Professions; Veterinarians. Amend RSA 310-A:1-a, I by inserting after subparagraph (z) the following new subparagraph:

(aa) Veterinary medicine under RSA 332-B:3.

2 Administration of the Office. Amend RSA 310-A:1-d to read as follows:

310-A:1-d Administration of the Office of Professional Licensure and Certification.

I. The office of professional licensure and certification shall operate under the supervision of the executive director appointed under RSA 310-A:1-b. The office may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of its duties under this chapter. ***The office may contract for the services of investigators, hearing officers, and legal counsel after consulting with the boards, councils, and commissions within the office.***

II. The executive director of the office of professional licensure and certification shall be responsible for:

(a) Supervision of the division directors;

(b) The performance of the administrative, clerical, and business processing responsibilities of the boards, commissions, and councils;

(c) Employment of such personnel needed to carry out the functions of the boards;

(d) The issuance of a license or certification to any applicant who has met the requirements for licensure or certification and denying a license or certification to applicants who do not meet the minimum qualifications;

(e) Maintenance of the official record of all applicants and licensees ***in accordance with the retention policy established by the office of professional licensure and certification***;

(f) Supervision, coordination, and assistance to the boards, commissions, and councils in rulemaking, pursuant to RSA 541-A;

(g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A;

(h) Establishing by rule, pursuant to RSA 541-A:

(1) All fees authorized by statute for all boards, commissions, [~~and~~] councils***, and programs*** within the office of professional licensure and certification, in consultation with the affected boards, commissions, and councils on a biennial basis in conjunction with the preparation of the biennial budget;[~~and~~]

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(2) Such organizational and procedural rules necessary to administer the boards, commissions, [~~and~~] councils***, and programs*** in the office of professional licensure and certification, including rules governing the administration of complaints and investigations, payment processing procedures, and application procedures;

(3) The rate of per diem compensation and reimbursable expenses for all boards, commissions, councils, and programs within the office of professional licensure and certification; and

(4) Rules governing a healthcare professionals prescription drug monitoring program for the boards of medicine, pharmacy, dental examiners, nursing, and veterinary medicine; and

(i) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. Such report shall satisfy the requirements for any annual or biennial report imposed by statute on any board, commission, or council administered by the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

3 Fees; Estimated Revenues. Amend RSA 310-A:1-e, I(a) to read as follows:

I.(a) The executive director of the office of professional licensure and certification shall assess annual or biennial license, certification, and renewal fees, as well as any necessary administrative fees for each professional regulatory board, council, or commission administered by the office. ***Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years.***

4 Acupuncture; Quorum. Amend RSA 328-G:6 to read as follows:

328-G:6 Organization and Meetings. The board shall hold regular meetings at least semi-annually and shall give notice to its members of the time and place for holding all regular and special meetings. A quorum of the board shall consist of [~~not less than 3 members~~] ***a majority of the members of the board who have been approved by the governor and council***. The board shall biennially elect a chairperson, a vice-chairperson, and a secretary from among its members.

5 Acupuncture; Rulemaking. Amend RSA 328-G:7, I-III to read as follows:

I. [~~Procedures and forms for application~~] ***Eligibility requirements*** for an acupuncture license.

II. Scope of practice [~~and fees for applications~~].

III. [~~Procedures~~] ***Eligibility requirements*** for license renewal, including continuing education requirements, testing, peer review, [~~or other appropriate procedures,~~] and methods to ensure compliance with such requirements.

6 Acupuncture; Rulemaking. Amend RSA 328-G:7, XIV to read as follows:

XIV.(a) [~~Procedures and forms for application~~] ***Eligibility requirements*** for certification as an acupuncture detoxification specialist.

(b) Renewal, revocation, or suspension of certification of an acupuncture detoxification specialist.

[~~(c) Any fees required under subparagraphs (a) and (b).~~

~~(d) Maintaining a register of persons certified as acupuncture detoxification specialists.~~]

7 Acupuncture; Licensure. Amend RSA 328-G:9, II(d) to read as follows:

(d) Has paid the [~~$110~~] license fee ***established by the office of professional licensure and certification*** and filed the application [~~established by the board~~].

8 Acupuncture; License Renewal. Amend RSA 328-G:9, IX to read as follows:

IX. All licenses issued by the board shall be renewed biennially on or before June 30 or reissued pursuant to rules adopted, and upon payment of [~~a $110~~] ***the*** renewal fee ***established by the office of professional licensure and certification***.

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9 Acupuncture; Powers of the Board. Amend RSA 328-G:11, I to read as follows:

I. The board shall:

(a) [~~Insure~~] ***Ensure*** that licensed acupuncturists serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.

(b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

(c) Maintain an accurate account of all receipts, expenditures, and refunds granted under this chapter through the office of licensure and certification ***and in accordance with the retention policy established by the office of professional licensure and certification***.

(d) Maintain a record of its acts and proceedings, including the issuance, refusal, suspension, or revocation of licenses ***in accordance with the retention policy established by the office of professional licensure and certification***.

(e) [~~Maintain a roster of all acupuncturists licensed under this chapter which indicates:~~

~~(1) The name of the licensee.~~

~~(2) Current professional office address.~~

~~(3) The date of issuance and the number of the licensee's license.~~

~~(4) Whether the licensee is in good standing.~~

~~(f)~~] Keep all applications for licensure [~~as a permanent record~~] ***in accordance with the retention policy established by the office of professional licensure and certification***.

[~~(g)~~] ***(f)*** Maintain a [~~permanent~~] record of the results of all examinations it gives ***in accordance with the retention policy established by the office of professional licensure and certification***.

[~~(h)~~] ***(g)*** Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations ***in accordance with the retention policy established by the office of professional licensure and certification***.

[~~(i)~~] ***(h)*** Keep the records of the board open to public inspection at all reasonable times.

[~~(j)~~] ***(i)*** Adopt and use a seal, the imprint of which, together with the signatures of the chairperson or vice-chairperson and the secretary-treasurer of the board, shall evidence its official acts.

[~~(k) Annually compile and publish a directory.~~]

10 Acupuncture; Disciplinary Hearings; Rules. Amend RSA 328-G:12, III(b) to read as follows:

(b) Disciplinary action taken under this paragraph may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the [~~board~~] ***office of professional licensure and certification*** and reviewed in accordance with RSA 541.

11 Repeals; Acupuncture. The following are repealed:

I. RSA 328-G:5, relative to mileage for the board of acupuncture licensing.

II. RSA 328-G:7, IV and VII, relative to rulemaking on a register and hearings.

12 Alcohol and Other Drug Use Professionals; Board; Quorum. Amend RSA 330-C:3, IX to read as follows:

IX. The board shall elect a chairperson annually from among its membership. [~~Four members~~] ***A majority of the members*** of the board ***who have been approved by the governor and council*** shall constitute a quorum.

13 Alcohol and Other Drug Use Professionals; Board; Removal. Amend RSA 330-C:3, XIII to read as follows:

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XIII. The governor may remove any member from the board for neglect of any duty under RSA 330-C:5 or for incompetence, or unprofessional or dishonorable conduct. Any person may file a complaint against a board member or board members with the executive director of the office of professional licensure and certification. Upon receipt of a complaint, the [~~commissioner~~] ***executive director*** shall conduct an investigation and take any appropriate action and report his or her findings to the complainant. The provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in dismissing board members.

14 Alcohol and Other Drug Use Professionals; Board; Duties. Amend RSA 330-C:5, VIII to read as follows:

VIII. Maintain records of proceedings as required by the laws of New Hampshire ***and as set forth by the retention policy established by the office of professional licensure and certification***.

15 Alcohol and Other Drug Use Professionals; Records; Fees. RSA 330-C:7 and 330-C:8 are repealed and reenacted to read as follows:

330-C:7 Records. A true record of all of the board's official acts shall be made and preserved by the board through the office of professional licensure and certification in accordance with the retention policy established by the office. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

330-C:8 Fees; Charges.

I. The board shall charge licensees fees established by the office of professional licensure and certification for the issuance of an initial license or certificate and for the renewal of a license or certificate under this chapter.

II. The board may provide for:

(a) The administration of examinations required by this chapter.

(b) The approval of continuing education programs and program providers.

(c) The verification of license status or educational credentials.

III. The office of professional licensure and certification may establish administrative charges for services offered pursuant to paragraph II.

16 Alcohol and Other Drug Use Professionals; Rulemaking. Amend RSA 330-C:9, I - V-b to read as follows:

I. [~~Application procedures and~~] Eligibility requirements for the issuance of all initial and renewal licenses issued by the board, including without limitation:

(a) The ***eligibility requirements for the*** issuance of LADC licenses to applicants holding a currently valid license or other authorization to practice substance use counseling in another jurisdiction;

(b) The ***eligibility requirements for the*** issuance of MLADC licenses to applicants holding a currently valid license or other authorization to practice substance use counseling and co-occurring disorder counseling in another jurisdiction;

(c) The ***eligibility requirements for the*** issuance of such licenses to applicants holding a current license issued by the board of nursing or the board of medicine; and

(d) The ***eligibility requirements for the*** issuance of a MLADC license under RSA 330-C:16.

II. [~~Application procedures and~~] Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

III. [~~Application procedures~~] ***Eligibility requirements***, 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.

IV. [~~The establishment of license and certificate application, late renewal, and reinstatement fees required under this chapter.~~

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~~V.~~] The process standards for approval of education programs for the continuing education requirements of this chapter and providers of such programs, and the process for approval of providers engaged in clinical supervision.

[~~V-a.~~] ***V.*** The process standards for approval of individuals engaged in clinical supervision.

[~~V-b~~] ***V-a.*** The requirements for clinical supervision and the documentation of clinical supervision hours.

17 Alcohol and Other Drug Use Professionals; Applications. Amend RSA 330-C:15, I(a) to read as follows:

(a) Submit a completed application and pay fees established by the [~~board~~] ***office of professional licensure and certification***;

18 Alcohol and Other Drug Use Professionals; Applicants From Other States. Amend RSA 330-C:21, I-a to read as follows:

I-a. An applicant whose state licensure meets the requirements in paragraph I shall be deemed able to practice in this state not more than 60 days after the application is received by the board pending final approval or denial for other reason by the board. [~~The board shall adopt rules under RSA 541-A to ensure the timely review and approval of applications under this section.~~]

19 Alcohol and Other Drug Use Professionals; Renewals. Amend RSA 330-C:22, II and III to read as follows:

II. Licensees and certification holders shall have a grace period of 30 days after expiration in which to renew retroactively if they otherwise are entitled to have their licenses or certifications renewed and pay to the board the renewal fee and any late fee set by the [~~board~~] ***office of professional licensure and certification*** under rules adopted pursuant to RSA 541-A.

III. A suspended license or certification shall be subject to expiration and may be renewed as provided in this chapter, but such renewal shall not entitle the person, while the license or certification remains suspended and until it is reinstated, to engage in the activity, or in any other conduct or activity in violation of the order under which the license or certification was suspended. If a suspended license or certification is reinstated after its expiration, the person, as a condition of reinstatement, shall pay [~~a~~] ***any*** reinstatement fee [~~that shall equal the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, plus any~~] ***and*** late fee set by the [~~board~~] ***office of professional licensure and certification***.

20 Alcohol and Other Drug Use Professionals; Reinstatement. Amend RSA 330-C:23, II to read as follows:

II. Application for reinstatement of a license or certification which has lapsed shall include payment of a reinstatement fee ***established by the office of professional licensure and certification*** and be made, and granted or denied, in accordance with rules adopted by the board pursuant to RSA 541-A.

21 Alcohol and Other Drug Use Professionals; Hearings. Amend RSA 330-C:29, I to read as follows:

I. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board [~~other than the public members~~], or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

22 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

I. RSA 330-C:3, XI, relative to mileage for board members.

II. RSA 330-C:5, X, relative to establishing fees.

III. RSA 330-C:9, IX, relative to rules for the conduct of hearings.

IV. RSA 330-C:28, II, relative to retaining experts for investigations or hearings.

23 Allied Health Professionals; Legal Counsel. Amend RSA 328-F:3, II to read as follows:

II. The governing boards' chairpersons or their appointees shall make up the board of directors of the office of licensed allied health professionals. [~~The board of directors shall contract for the services of~~

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~~investigators and legal counsel retained through the office of professional licensure and certification~~]. The board of directors shall have the authority to delegate to the person in the supervisory position matters of administrative and personnel management.

24 Allied Health Professionals; Records. Amend RSA 328-F:9 to read as follows:

328-F:9 Records of the Boards. A true record of all of each board's official acts shall be made and preserved ***in accordance with the retention policy established by the office of professional licensure and certification***. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

25 Allied Health Professionals; Records. RSA 328-F:10 is repealed and reenacted to read as follows:

328-F:10 Records of Disciplinary History. Each governing board shall maintain a list of persons against whom the board has taken any disciplinary action in accordance with the retention policy established by the office of professional licensure and certification. This list shall include the name of the person, the reason for the disciplinary action, the date of the disciplinary action, and the nature of the disciplinary action.

26 Allied Health Professionals; Rulemaking. Amend RSA 328-F:11 to read as follows:

328-F:11 Rulemaking by the Governing Boards.

I. The governing boards shall adopt rules pursuant to RSA 541-A establishing:

(a) The eligibility requirements for initial licensure and for initial certification if certification of individuals is authorized by their practice acts.

(b) The eligibility requirements for license renewal, including any continuing competency requirements and any requirements for education, clinical experience, and training.

(c) The eligibility requirements for renewal of certification, including any continuing competency requirements and any requirements for education, clinical experience, and training.

(d) If the governing boards issue conditional licenses or certifications, conditional renewal of licenses or certifications, or conditional reinstatement after lapse or suspension of licenses or certifications, the circumstances under which these are issued and the standards for the imposition of the conditions.

(e) The [~~application procedures and~~] eligibility requirements, including any continuing competency requirements, for the reinstatement of licenses suspended for disciplinary reasons and for such reinstatement of certifications if authorized by their practice acts.

(f) The [~~application procedures and~~] eligibility requirements, including any continuing competency requirements, for the reinstatement of lapsed licenses and for such reinstatement of certifications if authorized by their practice acts.

(g) [~~The design and content of supplemental application forms requesting applicant information specific to the profession for which the applicant is applying, which forms may require a notarized affidavit that the information provided in the application is complete and accurate, and which do not request information already provided on forms adopted under RSA 328-F:13, IV.~~

~~(h) Application procedures.~~

~~(i)~~] The allocation of disciplinary sanctions in cases of misconduct by licensees and by certified individuals.

II. The governing boards may adopt rules pursuant to RSA 541-A that specify, for their respective professions:

(a) The scope of practice.

(b) The ethical standards.

(c) The eligibility requirements [~~and procedures~~] for the issuance of licenses to applicants currently licensed in foreign countries and territories and in the territories of the United States.

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(d) What constitutes, for disciplinary purposes, sexual relations with and sexual harassment of, a client or patient.

27 Allied Health Professionals; Licenses. Amend RSA 328-F:18, I through the introductory paragraph of RSA 328-F:18, III to read as follows:

I. Each governing board shall issue initial licenses and license renewals to applicants who have completed the [~~required~~] application procedures ***established by the office of professional licensure and certification*** and have met the eligibility requirements established by the practice act and the rules of the governing board. If a governing board is authorized by its practice act to issue provisional licenses, it shall issue such licenses to applicants who have completed the [~~required~~] application procedures ***established by the office of professional licensure and certification*** and have met the eligibility requirements for provisional licensure established by the practice act and the rules of the governing board.

II. The governing boards shall take no action on an application for any type of license, or reinstate any lapsed or suspended license, until the applicant has completed the application procedures [~~required by the practice acts and the rules of the governing boards~~] ***established by the office of professional licensure and certification***.

III. To [~~insure~~] ***ensure*** the competency of licensees, the governing boards are authorized to issue initial licenses, license renewals, and reinstatements of licensure after lapse or suspension for disciplinary reasons that are conditional in nature. Such conditional licenses may include the following conditions on the licensee's authorization to practice:

28 Allied Health Professionals; Renewals. Amend RSA 328-F:19, III to read as follows:

III. Applicants shall submit completed applications for renewal on or before December 1 of the renewal year. Completed renewal applications submitted between December 2 and December 31 of the renewal year shall be accompanied by a late filing fee ***established by the office of professional licensure and certification***. Licenses shall lapse when completed renewal applications have not been filed by December 31 of the renewal year, and their holders are not authorized to practice until the licenses have been reinstated.

29 Allied Health Professionals; Reinstatement. Amend RSA 328-F:20, III and IV to read as follows:

III. Complies with any application procedure established by the [~~governing board~~] ***office of professional licensure and certification***.

IV. Pays the reinstatement fee ***established by the office of professional licensure and certification***.

30 Allied Health Professionals; Reinstatement. Amend RSA 328-F:24, III to read as follows:

III. Governing boards are authorized to conduct disciplinary proceedings in accordance with procedural rules adopted by the [~~board of directors~~] ***office of professional licensure and certification***.

31 Repeals; Allied Health. The following are repealed:

I. RSA 328-F:6, relative to compensation for governing board members.

II. RSA 328-F:12, I and IV, relative to a report of funds.

III. RSA 328-F:13, II-V, relative rulemaking by the allied health board of directors.

IV. RSA 328-F:15, relative to establishment of fees.

32 Repeals; Genetic Counselors. The following are repealed:

I. RSA 326-K:7, relative to compensation of the genetic counselors governing board.

II. RSA 326-K:9, II, relative to application procedures.

33 Physical Therapists; Powers of the Board. Amend RSA 328-A:3, IV to read as follows:

IV. Employ or contract with any entity for the purpose of administering examinations authorized by this chapter ***through the office of professional licensure and certification***.

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34 Physical Therapists; Rules; Animal Physical Therapists. Amend RSA 328-A:4, VIII to read as follows:

VIII. Regarding the establishment, criteria, [~~fees,~~] and renewal of, [~~and disciplinary proceedings for~~] certified animal physical therapists under RSA 328-A:15-b.

35 Repeals; Physical Therapists. The following are repealed:

I. RSA 328-A:3, VIII-XI, relative to duties of the board.

II. RSA 328-A:15, I, relative to licensee information.

36 Respiratory Care; Rulemaking. Amend RSA 326-E:2, III to read as follows:

III. Specifying the [~~application procedures and~~] eligibility requirements to be met by persons or entities seeking approval as providers of continuing education programs.

37 Respiratory Care; Rulemaking. Amend RSA 326-E:11, III to read as follows:

III. The board shall establish, through rules adopted pursuant to RSA 541-A, [~~application procedures and~~] eligibility requirements for the approval of persons and entities as providers of continuing education programs.

38 Repeals; Respiratory Care. The following are repealed:

I. RSA 326-E:5, II(b) and (c), relative to duties of the governing board.

II. RSA 326-E:7, I, relative to licensee and governing board information.

39 Speech-language Pathology; Reinstatement. Amend RSA 326-F:7-a, III and IV to read as follows:

III. Complies with any reinstatement application procedures established by the [~~board~~] ***office of professional licensure and certification*** in rules adopted pursuant to RSA 541-A.

IV. Pays the reinstatement fee ***established by the office of professional licensure and certification***.

40 Repeal; Speech-language Pathology. RSA 326-F:5, II, relative to rules for applications, is repealed.

41 Barbering, Cosmetology, Esthetics; Board; Quorum. Amend RSA 313-A:2, V to read as follows:

V. The board shall hold at least 6 regular meetings each year. Special meetings may be called at such times as the rules of the board may provide. A quorum of the board shall consist of [~~no fewer than 4 members~~] ***a majority of the members of the board who have been approved by the governor and council***. All meetings of the board shall be open to the public, except when the board conducts a nonpublic session under RSA 91-A.

42 Barbering, Cosmetology, Esthetics; Records. Amend RSA 313-A:4 to read as follows:

313-A:4 Maintenance of Records. The board shall maintain a record containing the names and addresses of all licensees and of all salons, barbershops and schools licensed pursuant to this chapter [~~and~~] ***in accordance with the retention policy established by the office of professional licensure and certification. The board*** shall issue all notices, license and registration certificates. The record shall include the date of issuance, renewal, suspension or revocation of all licenses. This record shall be open to public inspection at all reasonable times.

43 Barbering, Cosmetology, Esthetics; Board Duties. Amend RSA 313-A:7, I(a)-(d) to read as follows:

(a) Prescribe the duties of its officers [~~and employees~~];

(b) Establish an office, within the office of professional licensure and certification at which all records and files of the board shall be kept ***in accordance with the retention policy established by the office of professional licensure and certification***;

(c) Maintain a telephone line or an electronic mail address for the purpose of accepting consumer complaints;

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(d) Keep a record of its proceedings ***in accordance with the retention policy established by the office of professional licensure and certification***;

44 Barbering, Cosmetology, Esthetics; Rulemaking. Amend the introductory paragraph of RSA 313-A:8, II to read as follows:

II. The qualifications [~~of applicants~~] ***and eligibility requirements for licensure***, including the qualifications for satisfactory evidence of:

45 Barbering, Cosmetology, Esthetics; Barber License. Amend RSA 313-A:10, I(e) to read as follows:

(e) Pay a fee established by the [~~board~~] ***office of professional licensure and certification***.

46 Barbering, Cosmetology, Esthetics; Master Barber License. Amend RSA 313-A:10, III(e) to read as follows:

(e) Pay a fee established by the [~~board~~] ***office of professional licensure and certification***.

47 Barbering, Cosmetology, Esthetics; Cosmetologists License. Amend RSA 313-A:11, I(e) to read as follows:

(e) Pay a fee established by the [~~board~~] ***office of professional licensure and certification***.

48 Barbering, Cosmetology, Esthetics; Applications. Amend RSA 313-A:16 to read as follows:

313-A:16 Applications. Applicants shall make written application to the [~~secretary of the~~] board on a form prescribed and supplied by the [~~board~~] ***office of professional licensure and certification*** which shall contain satisfactory evidence of the qualifications required of the applicant; and the applicant shall also pay the examination fee.

49 Barbering, Cosmetology, Esthetics; Temporary Permit. Amend RSA 313-A:18, I to read as follows:

I. Any person eligible to take an examination for a license under this chapter may apply to the board for a permit to professionally operate temporarily pending the holding of such examination. The application shall be accompanied by the payment of a fee established by the [~~board~~] ***office of professional licensure and certification*** which shall be credited as the required examination fee.

50 Barbering, Cosmetology, Esthetics; Renewals. Amend RSA 313-A:20 to read as follows:

313-A:20 Expiration and Renewal of Licenses. Each barber, master barber, barber instructor, apprentice, barbershop, barber school, esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, apprentice, beauty salon, or manicuring salon license issued under this chapter shall expire on the last day of the birth month of the licensee in the odd year next succeeding its date of issuance. Each cosmetologist, cosmetology instructor, or cosmetology school license issued under this chapter shall expire on the last day of the birth month of the licensee in the even year next succeeding its date of issuance. Any personal license which has expired may be renewed within 6 months by payment of the renewal fee and a late fee established by the [~~board~~] ***office of professional licensure and certification***. After 6 months and within 5 years, a personal license may be renewed by paying the renewal fee and a late fee established by the [~~board~~] ***office of professional licensure and certification***. Any school or shop license which has expired may be renewed upon payment of the renewal fee plus a late fee established by the [~~board~~] ***office of professional licensure and certification***.

51 Barbering, Cosmetology, Esthetics; Apprentices. Amend RSA 313-A:24, II(b) to read as follows:

(b) Paying a fee established by the [~~board~~] ***office of professional licensure and certification***; and

52 Barbering, Cosmetology, Esthetics; Tanning Facilities. Amend RSA 313-A:29 to read as follows:

313-A:29 Registration Fee Required. No person shall operate a tanning facility without paying an annual registration fee established by the [~~board~~] ***office of professional licensure and certification***. Registration fees received from each tanning facility shall be deposited into the office of professional licensure and certification fund.

53 Repeals; Barbering, Cosmetology, Esthetics. The following are repealed:

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I. RSA 313-A:6, relative to compensation of board members.

II. RSA 313-A:7, I(f) and (g), relative to reports and fees.

III. RSA 313-A:8, I, V, and VIII, relative to rules on applications, fees, and hearings.

54 Body Art; Fees. Amend RSA 314-A:2, II to read as follows:

II. The fee for an initial license and a renewal license shall be [~~$110~~] ***established in rules adopted by the office of professional licensure and certification***. The license shall be renewed biennially on the last day of the licensee's birth month in odd-numbered years upon payment of the [~~$110~~] renewal fee.

55 Body Art; Advisory Board; Compensation. Amend the introductory paragraph of RSA 314-A:14 to read as follows:

314-A:14 Advisory Board of Body Art Practitioners. The executive director shall establish the advisory board of body art practitioners. The board shall consist of 3 body art practitioners who are licensees in the state of New Hampshire. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. [~~Each member of the advisory board shall receive as compensation the sum of $45 for each day actually devoted to the work of the advisory board and shall be reimbursed for necessary traveling expenses incurred in the discharge of such duty.~~] The advisory board shall:

56 Chiropractic; Rulemaking. Amend RSA 316-A:3, IV to read as follows:

IV. Procedures for oral examinations and interviews, if appropriate. Such rules shall include a listing of permissible areas of inquiry and a statement of the means by which the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or commission [~~for a period of not less than 90 days~~] ***in accordance with the retention policy established by the office of professional licensure and certification***.

57 Chiropractic; Fees. Amend RSA 316-A:5 to read as follows:

316-A:5 Fees. The [~~board~~] ***office of professional licensure and certification*** shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice chiropractic, and for transcribing and transferring records and other services. [~~The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.~~]

58 Chiropractic; Board Meetings. Amend RSA 316-A:7 to read as follows:

316-A:7 Organization; Meetings. The board shall elect a chairperson [~~and a secretary-treasurer~~]. The board shall meet quarterly and at such other times as the business of the board shall require. ***A quorum shall constitute a majority of the members of the board who have been approved by the governor and council***.

59 Chiropractic; Fees. Amend RSA 316-A:11, I to read as follows:

I. Each applicant shall pay to the [~~secretary-treasurer~~] ***office of professional licensure and certification*** a fee, established by the [~~board~~] ***office of professional licensure and certification***, for which the applicant shall be entitled to an examination and to a reexamination, if necessary, within one year.

60 Chiropractic; License Fees. Amend RSA 316-A:14-a and 14-b to read as follows:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. The fee for an initial license and for a license renewal shall be [~~$300~~] ***as established in rules by the office of professional licensure and certification***. The initial license and renewal licenses shall be valid for the terms established under RSA 316-A:19.

316-A:14-b License Fees. Each applicant who qualifies under this chapter shall pay a fee for an initial license and for a license renewal [~~of $300~~] ***as established in rules by the office of professional licensure and certification***. The initial license and license renewals shall be valid for the terms established under RSA 316-A:19.

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61 Chiropractic; Renewals. Amend RSA 316-A:19 and 20 to read as follows:

316-A:19 Initial License and License Renewals. The fee for an initial license and license renewal issued under this chapter shall be [~~$300~~] ***as established in rules by the office of professional licensure and certification***. All licenses and renewals issued under the provisions of this chapter shall expire on July 1 in each odd numbered year.

316-A:20 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of the [~~$300~~] renewal fee ***established by the office of professional licensure and certification***. Each applicant shall submit satisfactory evidence that the applicant has completed at least 20 hours of continuing education approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why the license should not be suspended.

62 Repeals; Chiropractic. The following are repealed:

I. RSA 316-A:3, VIII-XII and XVII, relative to rules on licensee information, hearings and fees.

II. RSA 316-A:6, relative to board member successors.

III. RSA 316-A:9, relative to compensation of board members.

IV. RSA 316-A:10, relative to a report.

V. RSA 316-A:16, relative to licensure without exam of certain persons.

63 Dentistry; Board Meetings. Amend RSA 317-A:4, II to read as follows:

II. The board shall choose one of its members as its president and one of its members as vice-president. [~~Five members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum. No board action shall be taken without an affirmative vote of the majority of board members present and eligible to participate in the matter in question. Board members shall not be eligible to participate in a vote when the board member has recused himself or herself from participation due to a conflict of interest. The board shall meet once a year and at such other times and places as it may deem proper. A true record of all their official acts shall be made and preserved by the [~~board's executive director~~] ***office of professional licensure and certification in accordance with the retention policy established by the office***. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings, which are subject to RSA 317-A:18.

64 Dentistry; Applications. Amend RSA 317-A:8, I to read as follows:

I. Applications for licensure shall be made to the board in writing or online and shall be accompanied by a fee established in rules adopted under RSA 541-A by the [~~board~~] ***office of professional licensure and certification*** and by satisfactory proof that the applicant is a graduate of a school that is recognized by the Commission on Dental Accreditation (CODA). The applicant shall be of good professional character and 18 years of age or older.

65 Dentistry; Renewals. Amend RSA 317-A:13, II to read as follows:

II. Except as provided in RSA 317-A:16, before April 1 in the year of renewal under paragraph I a person licensed to practice dentistry or dental hygiene in this state shall register with the board, apply for license renewal, and pay the fee established in rules adopted by the [~~board~~] ***office of professional licensure and certification***. The timelines of submission of renewal applications shall be evidenced by date stamp made at the time of receipt at the board's office if hand delivered, or by postmark if mailed.

66 Dentistry; Penalties. Amend RSA 317-A:15 to read as follows:

317-A:15 Failure to Register; Penalties. Any person licensed by the board under this chapter who fails, neglects, or refuses to register pursuant to RSA 317-A:13 shall be assessed a late biennial registration fee as

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determined in rules adopted by the [~~board~~] ***office of professional licensure and certification***, provided the licensee submits a completed renewal application between April 1 and April 30 of the renewal year. [~~The payment of the fee may be waived by the board if the board determines that good cause has been shown for the failure to register.~~] Licenses shall lapse when complete renewal applications have not been received by the board by April 30 of the renewal year. Holders of lapsed active licenses are not authorized to practice until they receive written notification from the board that their licenses have been reinstated.

67 Dentistry; Reinstatement. Amend RSA 317-A:15-a, III to read as follows:

III. Pays the registration fee, late fee, and reinstatement fee ***established in rules by the office of professional licensure and certification***.

68 New Paragraph; Dentistry; Professional Health Program. Amend RSA 317-A:16-a by inserting after paragraph VI the following new paragraph:

VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4).

69 Dentistry; Licensure of Hygienists. Amend RSA 317-A:21, II to read as follows:

II. Applications for licensure as a dental hygienist shall be made to the board in writing and shall be accompanied by a fee established by the [~~board~~] ***office of professional licensure and certification*** and by satisfactory proof that the applicant is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the Commission on Dental Accreditation.

70 Repeals; Dentistry. The following are repealed:

I. RSA 317-A:2, III, relative to compensation of board members.

II. RSA 317-A:2-a, I(d), relative to compensation of hygienists committee members.

III. RSA 317-A:4, I(d)-(f), relative to duties of the board.

IV. RSA 317-A:5, relative to reports and receipts.

V. RSA 317-A:10, relative to attested licenses.

VI. RSA 317-A:12, I, II, V, and VII-X, relative to rules on applications, fees, and hearings.

VII. RSA 317-A:18, II, relative to retaining experts for investigations.

71 Dieticians; Board Records. Amend RSA 326-H:9, III to read as follows:

III. Maintain a true record of the board's official acts ***through the office of professional licensure and certification and in accordance with the retention policy established by the office,*** which shall be public and open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings.

72 Dieticians; Rules. Amend RSA 326-H:10, I to read as follows:

I. The [~~application procedures~~] ***eligibility requirements*** for licensure or temporary licensure to practice as a licensed dietitian in this state.

73 Dieticians; License Fees. Amend RSA 326-H:12, V to read as follows:

V. Pay the [~~$110~~] license fee ***established by the office of professional licensure and certification***.

74 Dieticians; License Renewals. Amend RSA 326-H:14, II to read as follows:

II. All licenses issued by the board shall be renewed biennially or reissued pursuant to rules adopted and upon payment of a [~~$110~~] license renewal fee ***established by the office of professional licensure and certification***. The board shall cause notification of impending license expiration to be sent to each licensed

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person at least 60 days prior to the expiration of the license. Licenses shall continue as valid until final action is exercised by the board on an application for renewal, provided that the application is filed before the expiration date of the license.

75 Repeal; Dieticians. The following are repealed:

I. RSA 326-H:7, IV, relative to travel expenses for board members.

II. RSA 326-H:10, III, V, VII, and VIII, relative to rules on fees and hearings.

76 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

I. The fee for an initial biennial license and for renewal of the biennial license issued under this chapter shall be [~~$110~~] ***established in rules by the office of professional licensure and certification***. The executive director shall establish by rule a schedule of fees for applications, examinations, and license replacement.

77 Repeal; Electrologists. RSA 314:2-a, IV, relative to compensation for the electrology advisory committee, is repealed.

78 Funeral Directors; Board. Amend RSA 325:2, I to read as follows:

I. There shall be a board of registration of funeral directors and embalmers consisting of 5 members, including 4 funeral directors or embalmers and one public member, appointed by the governor, with the approval of the council, to serve terms of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. [~~The commissioner of the department of health and human services, or his designee, shall serve as a non-voting secretary of the board.~~]

79 Funeral Directors; Quorum. Amend RSA 325:8 to read as follows:

325:8 Organization; Quorum. Within 30 days after appointment and qualification of a member, the board shall meet and elect from among its members a chairperson and such other officers as the board may provide for by rule. This organization shall continue until the appointment of a new member or upon the resignation of an existing board officer. The office of secretary and treasurer may be held by one member. [~~Three members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum for the transaction of business.

80 Funeral Directors; Rules. Amend RSA 325:9, IV to read as follows:

IV. [~~How a license to practice under this chapter shall be renewed~~] ***Eligibility requirements for renewal of license***, including the requirements for continuing education;

81 Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

325:12-a Fees. The fee for an initial 2-year license and for renewal of a license issued under this chapter shall be[~~: $110 for embalmers and $300 for funeral directors~~] ***established by the office of professional licensure and certification***. The [~~board~~] ***office of professional licensure and certification*** shall establish fees for examination of applicants, for apprentices, for funeral home inspections, and for transcribing and transferring records and other services.

82 Funeral Directors; Examinations. Amend RSA 325:18 to read as follows:

325:18 Examinations. Examinations of applicants for licensure shall be held at least annually. Any person who desires to engage in funeral directing or embalming shall submit in writing to the board on forms provided by it an application for licensure accompanied by a fee established by the [~~board~~] ***office of professional licensure and certification***. The board shall require the applicant to submit to such examinations as it may deem proper.

83 Funeral Directors; Licensure. Amend RSA 325:20 to read as follows:

325:20 Licensure. The board shall issue to each applicant successfully passing the examination, where an examination is required, and who otherwise satisfies the board of ***her or*** his qualifications, a license, [~~signed by all the members of the board,~~] entitling ***her or*** him to practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may be.

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84 Funeral Directors; Interstate Agreements. Amend RSA 325:22-a to read as follows:

325:22-a Interstate Agreements. The board may enter into an agreement with the corresponding licensing authority of any other state competent to enter into such agreement which shall permit a nonresident person duly registered and licensed as a funeral director or embalmer in any state signing the agreement with the board to go into the other state for the purpose of handling, embalming, transporting***,*** and burying dead human bodies and directing funerals as though he ***or she*** were licensed under the laws of New Hampshire, except that he ***or she*** shall not maintain an establishment, advertise, have any agent or agency, or otherwise hold himself ***or herself*** out as a funeral director or embalmer other than in his ***or her*** native state; provided that the agreement will set forth that the licensing authority of the state in which the funeral director or embalmer is licensed will assume the responsibility for instituting disciplinary action against any licensed funeral directors or embalmers who may be guilty of unprofessional conduct in the practice of their business in New Hampshire when such is reported by this board and the same to apply to New Hampshire ***individuals*** licensed [~~men~~] ***under this chapter***.

85 Funeral Directors; Notification. Amend RSA 325:24 to read as follows:

325:24 Notices of Expiration. On or before May 15 of each odd-numbered year, the board shall [~~mail to~~] ***notify*** each holder of a license [~~a notice~~] of the expiration of ***her or*** his license and an application for the renewal thereof.

86 Funeral Directors; Renewals. Amend RSA 325:25, I to read as follows:

I. Every person licensed to practice under this chapter, except as provided in RSA 325:29, shall apply to the board every 2 years for license renewal. The board shall require each licensee to show proof of meeting the continuing education requirement of RSA 325:28-a. Payment shall be made to the [~~board secretary~~] ***office of professional licensure and certification*** of the renewal fee established in RSA 325:12-a.

87 Funeral Directors; Apprentices; Term. Amend RSA 325:30 to read as follows:

325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period of one year and shall terminate one year from the date of issuance unless sooner ended by death, resignation, revocation or by ruling or decision of the board. Such licenses may be renewed in the discretion of the board. The fees for an original apprentice license shall be established by the [~~board~~] ***office of professional licensure and certification***.

88 Repeal; Funeral Directors. The following are repealed:

I. RSA 325:6, relative compensation of board members.

II. RSA 325:9, I, V, and VIII, relative to rules on applications, fees, and hearings.

III. RSA 325:11, relative to a register of licensees.

IV. RSA 325:12, relative to a board treasurer.

V. RSA 325:33, II, relative to investigations.

VI. RSA 325:39, relative to an account.

VII. RSA 325:42, relative to a special fund.

89 Hearing Care Providers; Board of Hearing Care Providers. Amend RSA 137-F:3, VII to read as follows:

VII. A quorum of the board shall be [~~4 members~~] ***a majority of the members of the board who have been approved by the governor and council***.

90 Hearing Care Providers; Rulemaking. Amend RSA 137-F:6, I and II to read as follows:

I. The [~~form and~~] content of audiologist license applications and examinations.

II. The [~~form and~~] content of hearing aid dealer registration applications and examinations.

91 Hearing Care Providers; Registration of Hearing Aid Dealers. Amend RSA 137-F:8 to read as follows:

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137-F:8 Registration of Hearing Aid Dealers Required. No person shall engage in the business of selling or offering for rent hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. The fee for an initial registration under this section [~~is $300~~] ***shall be established by the office of professional licensure and certification***. This section includes the selling or renting of hearing aids by mail in this state by a person outside the state. Registration certificates shall be renewed biennially on or before June 30 upon payment of a [~~$300~~] renewal fee ***established by the office of professional licensure and certification***.

92 Hearing Care Providers; Application for Registration; Fees. RSA 137-F:9 is repealed and reenacted to read as follows:

137-F:9 Application for Registration. An application for a certificate of registration under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A.

93 Hearing Care Providers; Audiology Licensure Required. Amend RSA 137-F:11, II to read as follows:

II. The board shall license each applicant who satisfies the requirements of this chapter. Upon payment of a [~~$300~~] license fee ***established by the office of professional licensure and certification***, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice as an audiologist. The initial license shall be valid for at least 2 years and expire on June 30. Renewals shall be valid for 2 years from the date of renewal.

94 Hearing Care Providers; License Requirements; Fees. Amend RSA 137-F:13, I(a)-(b) to read as follows:

(a) Make application to the board, upon a form prescribed by the [~~audiology subcommittee~~] ***office of professional licensure and certification***.

(b) Pay to the [~~board~~] ***office of professional licensure and certification*** the appropriate license fee.

95 Hearing Care Providers; License Renewal. Amend RSA 137-F:20 to read as follows:

137-F:20 License Renewal. A license issued under RSA 137-F:13 shall expire at 12:01 a.m. on July 1 of the odd year next succeeding its date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a [~~$300~~] renewal fee ***established by the office of professional licensure and certification*** to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in advance of the expiration of such license. Renewals are contingent upon evidence of 20 hours or the equivalent in continuing education units, including, but not limited to, attending professional meetings or completing approved independent studies and regional in-service programs, as determined by the board.

96 Hearing Care Providers; Record. RSA 137-F:29 is repealed and reenacted to read as follows:

137-F:29 Record. The board shall maintain a record of its proceedings in accordance with the retention policy established by the office of professional licensure and certification.

97 Hearing Care Providers; Out-of-State Sales Regulated. Amend RSA 137-F:30, III to read as follows:

III. The [~~board~~] ***office of professional licensure and certification*** shall assess fees as established by rules adopted by the [~~board~~] ***office*** pursuant to RSA 541-A for out-of-state hearing aid sales companies.

98 Repeal; Hearing Care Providers. The following are repealed:

I. RSA 137-F:3, V, relative to mileage for members of board of hearing care providers.

II. RSA 137-F:4, relative to board subcommittees.

III. RSA 137-F:5, VIII and IX, relative to certain powers and duties of the board.

IV. RSA 137-F:6, V, XII, and XIII, relative to the board's rulemaking authority.

V. RSA 137-F:21, III, relative to the board's authority to appoint legal counsel and investigatory experts.

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99 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6, I(a) to read as follows:

(a) Submits the required application form and [~~$110~~] licensing fee ***established by the office of professional licensure and certification***.

100 Massage Therapists and Massage Establishments; License Renewal. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee in the even-numbered year, upon approval of the executive director of the renewal application and submission of the required [~~$110~~] renewal fee ***established by the office of professional licensure and certification***.

101 Medical Imaging and Radiation Therapy; Organization and Meeting. Amend RSA 328-J:6 to read as follows:

328-J:6 Organization and Meetings. The board shall hold meetings at least 2 times per year. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. [~~Four members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

102 Medical Imaging and Radiation Therapy; Board Responsibilities. Amend RSA 328-J:7 to read as follows:

328-J:7 Board Responsibilities; Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. [~~The application procedure for any license issued under this chapter.~~

~~II.~~] The qualifications of applicants in addition to those required by statute.

[~~III.~~] ***II.*** The [~~design and~~] content of all forms required under this chapter.

[~~IV. The establishment of all fees required under this chapter.~~

~~V.~~] ***III.*** How an applicant shall be examined, including:

(a) Time and place of examination.

(b) The subjects to be tested.

(c) Passing grade.

(d) Disposition of examination papers.

[~~VI. How a license shall be renewed, reinstated, or placed on inactive status.~~

~~VII.~~] ***IV.*** Ethical standards, required to be met by each limited x-ray machine operator, medical imaging professional, and radiation therapist licensed under this chapter, and how a license may be revoked for violation of these standards.

[~~VIII.~~] ***V.*** Establishment of the scope of practice for limited x-ray machine operators, medical imaging professionals, and radiation therapists.

[~~IX.~~] ***VI.*** Procedures for assuring the continuing competence of limited x-ray machine operators, medical imaging professionals, and radiation therapists licensed under this chapter including, but not limited to, continuing education requirements and the professional's health program.

[~~X.~~] ***VII.*** How licensees shall provide evidence of good professional character and reliability to satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

[~~XI. Procedures for accepting and responding to written complaints, publicizing the complaint procedure, standards of and procedures for conducting investigations, investigator training requirements, and procedures for conducting disciplinary hearings and alternative dispute resolution under this chapter.~~

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~~XII. Procedures relative to the disclosure to the public of final disciplinary actions by the board, including those actions that occur without holding a public hearing. Dismissed complaints shall not be made public.~~

~~XIII.~~] ***VIII.*** Standards of care for the practice of telemedicine or telehealth.

[~~XIV.~~] ***IX.*** Interstate licensure and temporary permits under RSA 328-J:20.

[~~XV.~~] ***X.*** [~~Procedures for an educational program review and approval to follow in making application for~~] ***Standards for educational program*** approval by the board.

[~~XVI.~~] ***XI.*** A process for reviewing the accreditation status of an educational program which is currently accredited by a recognized national educational accreditation organization.

103 Medical Imaging and Radiation Therapy; Applications. Amend RSA 328-J:13, I to read as follows:

I. Applications for licensure or for a temporary license shall be on forms prescribed and furnished by the [~~board~~] ***office of professional licensure and certification***, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work. The [~~board~~] ***office of professional licensure and certification*** shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

104 Medical Imaging and Radiation Therapy; License Renewal. Amend RSA 328-J:15, II to read as follows:

II. All licenses issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a [~~20 percent~~] late fee ***established by the office of professional licensure and certification*** for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. Licensees shall complete at least 24 hours of board-approved continuing education during each license period in order to maintain his or her license. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.

105 Medical Imaging and Radiation Therapy; Hearings. Amend RSA 328-J:18, V to read as follows:

V. Any disciplinary action by the board shall be [~~published in the report of the board and shall be~~] a public record in accordance with RSA 91-A.

106 Medical Imaging and Radiation Therapy; Investigative Costs. Amend RSA 328-J:23 to read as follows:

328-J:23 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed $5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. [~~The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.~~]

107 Repeal; Medical Imaging and Radiation Therapy. RSA 328-J:3, IV, relative to compensation for members of the board of medical imaging and radiation therapy, is repealed.

108 Board of Registration of Medical Technicians; Rulemaking. RSA 328-I:4 is repealed and reenacted to read as follows:

328-I:4 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

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I. Registration eligibility requirements.

II. Eligibility requirements for renewal or reinstatement of a registration to work as a medical technician.

III. The imposition of administrative fines.

IV. Procedures for the approval or denial of an application.

V. Procedures for sharing information with other in-state boards, the office of inspector general, department of health and human services, out-of-state boards and law enforcement entities.

109 Board of Registration of Medical Technicians; Initial Registration. Amend RSA 328-I:6, I to read as follows:

I. The board may register any person who submits a completed application. The fee for registration under this chapter shall be [~~$110~~] ***established by the office of professional licensure and certification***.

110 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as follows:

328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. The fee for renewal of certificates of registration shall be [~~$110~~] ***established by the office of professional licensure and certification***. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

111 Board of Registration of Medical Technicians; Disciplinary Action. Amend RSA 328-I:10, XIII to read as follows:

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The board shall destroy all information collected during the course of the investigation [~~after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded~~] ***in accordance with the retention policy established by the office of professional licensure and certification***. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the registrant, or is determined by the board to be frivolous.

112 Board of Registration of Medical Technicians; Investigative Costs. Amend RSA 328-I:14 to read as follows:

328-I:14 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed $5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. [~~The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.~~]

113 Repeals; Board of Registration of Medical Technicians. The following are repealed:

I. RSA 328-I:2, III, relative to compensation for members of the board of registration of medical technicians.

II. RSA 328-I:3, V, VII, VIII, IX, and X, relative to certain duties of the board.

III. RSA 328-I:10, XI, relative to notice of disciplinary actions by the board.

IV. RSA 328-I:15, relative to the board's annual report.

114 Physician Assistants; Conditions for Licensure. Amend the introductory paragraph of RSA 328-D:3, I to read as follows:

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I. To apply for licensure by the board as a physician assistant, an applicant shall file a written application on forms provided by the [~~board~~] ***office of professional licensure and certification*** and pay an application fee. The applicant to be licensed shall:

115 Physician Assistants; Renewal of Licenses. Amend RSA 328-D:5 to read as follows:

328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply to the board for annual renewal of license on forms provided by the [~~board~~] ***office of professional licensure and certification*** and shall pay a renewal fee as established by the [~~board~~] ***office of professional licensure and certification***. Applications for renewal shall be filed no later than December 31 of each year and shall include a photocopy of the applicant's current national certification card. A license issued under this chapter shall not expire until the board has taken final action upon the application for renewal.

116 Physician Assistants; Failure to Renew. Amend RSA 328-D:5-a, I to read as follows:

I. Any licensee who fails to apply for renewal under RSA 328-D:5 shall pay double the renewal fee, provided the licensee applies and pays the renewal fee no later than 90 days after the expiration date. Any licensee who fails to apply for renewal of his or her license within the 90-day period after expiration, shall have his or her license lapse. A lapsed license shall be reinstated only upon payment of a reinstatement fee as established by the [~~board~~] ***office of professional licensure and certification***, and upon showing evidence of professional competence as the board may reasonably require.

117 Physician Assistants; Rulemaking. Amend RSA 328-D:10, I,(b) to read as follows:

(b) [~~Form and~~] Content of the application for licensure.

118 Physician Assistants; Recordkeeping. RSA 328-D:11 is repealed and reenacted to read as follows:

328-D:11 Recordkeeping. The board shall keep a record of its proceedings under this chapter in accordance with the retention policy established by the office of professional licensure and certification.

119 Repeal; Physician Assistants. RSA 328-D:10, I(c) and (d), relative to the board of medicine's rulemaking authority regarding application procedures and the conduct of hearings for physician assistants, are repealed.

120 Physicians and Surgeons; Records. Amend RSA 329:8 to read as follows:

329:8 Records. A true record of all of the board's official acts shall be made and preserved [~~by the administrator~~] ***in accordance with the retention policy established by the office of professional licensure and certification***. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A, RSA 329:18, or other applicable statutes.

121 Physicians and Surgeons; Qualifications of Licensees. Amend RSA 329:12, I(a) and (b) to read as follows:

(a) Pay a fee established by the [~~board~~] ***office of professional licensure and certification***.

(b) Submit an application [~~in a form prescribed by the board~~] which shall be verified by oath.

122 Physicians and Surgeons; Professionals' Health Program. Amend RSA 329:13-b, V(a) to read as follows:

V.(a) The [~~board~~] ***office of professional licensure and certification*** may contract with other organizations to operate the professionals' health program for physicians and physician assistants who are impaired or potentially impaired because of mental or physical illness including substance abuse or disruptive behavior. This program shall be available to all physicians and physician assistants licensed in this state, all physicians and physician assistants seeking licensure in this state, and all resident physicians in training, and shall include, but shall not be limited to, education, intervention, ongoing care or treatment, and post-treatment monitoring.

123 New Paragraph; Physicians and Surgeons; Professionals' Health Program. Amend RSA 329:13-b by inserting after paragraph VI the following new paragraph:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4).

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124 Physicians and Surgeons; Renewal. Amend RSA 329:16-a to read as follows:

329:16-a Renewal. Every person licensed to practice under this chapter, except as provided in RSA 329:16-c, shall apply to the board on a biennial basis for renewal of license on forms provided by the [~~board~~] ***office of professional licensure and certification*** and shall pay a renewal fee as established by the [~~board~~] ***office of professional licensure and certification***. If a person applies to the board for a renewal of license by June 30 of the year in which the licensee's renewal is set to occur, the person's license shall not expire until the board has taken final action upon the application for renewal.

125 Physicians and Surgeons; Notice of Renewal. Amend RSA 329:16-d to read as follows:

329:16-d Notice of Renewal. On or before March 1 of each licensee's renewal year, the board shall [~~mail~~] ***notify*** each licensee, except those on the inactive list, an application for renewal of license.

126 Physicians and Surgeons; Neglect to Renew. Amend RSA 329:16-e to read as follows:

329:16-e Neglect to Renew. Any licensee who fails to renew his or her license by June 30 of the year in which the licensee's renewal is set to occur shall be required to pay double the renewal fee if paid within 90 days of the expiration date. Any failure, neglect, or refusal on the part of any person licensed by the board to renew the license as provided in RSA 329:16-a or this section shall automatically lapse such license. Licenses lapsed under this section for nonpayment within 90 days shall not be reinstated except upon payment of a reinstatement fee as established by the [~~board~~] ***office of professional licensure and certification***, and a showing of such evidence of professional competence as the board may reasonably require.

127 Physicians and Surgeons; Reinstatement. Amend RSA 329:16-h to read as follows:

329:16-h Reinstatement. Any person whose name has been placed on the inactive list may be restored to active status upon the filing of a written request for reinstatement of license, accompanied by the reinstatement fee as established by the [~~board~~] ***office of professional licensure and certification***, proof of satisfaction of continuing medical education requirements established by RSA 329:16-g, and such other evidence of professional competence as the board may reasonably require.

128 Physicians and Surgeons; Disciplinary Action. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 13 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of 13 persons, 9 of whom shall be physicians, one of whom shall be a physician assistant, and 3 of whom shall be public members. One of the physician members shall practice in the area of pain medicine and anesthesiology. No public member of the subcommittee shall be or ever have been a member of the medical profession or the spouse of a member of the medical profession. No public member shall have or ever have had a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee. The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. [~~Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section.~~] The state of New Hampshire, by the board and the office of professional licensure and certification, and with the approval of governor and council, shall contract with a qualified physician to serve as a medical review subcommittee investigator.

129 Physicians and Surgeons; Disciplinary Action. Amend RSA 329:17, XIII to read as follows:

XIII. When an investigation of a complaint against a licensee is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant its reason for dismissing the complaint. The board may destroy all information collected during the course of the investigation [~~after 3 years~~] ***in accordance with the retention policy established by the office of professional licensure and certifica-***

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tion. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the licensee, or is determined by the board to be frivolous.

130 Physicians and Surgeons; Denial or Revocation of License. Amend RSA 329:17-c to read as follows:

329:17-c Denial or Revocation of License. Upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee of the board, or a person applying for such license, the board may issue an order directing the licensee or applicant to appear and show cause why similar disciplinary sanctions or, in the case of an applicant, license denial or restriction, should not be imposed in the state. In any such proceeding, the decision of the foreign licensing authority may not be collaterally attacked, but the licensee or applicant shall be given the opportunity to demonstrate why a lesser sanction should be imposed. The board may issue any disciplinary sanction or take any action with regard to a license application pursuant to this section otherwise permitted by this chapter, including sanctions or actions which are more stringent then those imposed by the foreign jurisdiction. [~~The board may adopt summary procedures for handling proceedings brought under this chapter, but shall furnish the respondent at least 10 days' written notice and a reasonable opportunity to be heard.~~] The board may require a licensee to suspend practice in this state as a condition of postponing a hearing date established for allegations brought under this section.

131 Physicians and Surgeons; Denial or Revocation of License. Amend RSA 329:18, II to read as follows:

II. The board through the office of professional licensure and certification may retain expert witnesses or other qualified persons to assist with any investigation or adjudicatory proceeding. Members of the board are not eligible for retainment. [~~The board may also retain special legal counsel in instances when recommended by the attorney general. To the extent the board's existing appropriation does not include funds covering such expenditures, the board through the office of professional licensure and certification may request the governor and council to expend funds not otherwise appropriated on the condition that such funds be recovered in the board's next budget at the rate of 125 percent.~~]

132 Repeal; Physicians and Surgeons. The following are repealed:

I. RSA 329:2, II(e), III, and IV, relative to duties of the board of medicine regarding physicians and surgeons.

II. RSA 329:5, relative to compensation for members of the board and the medical review subcommittee.

III. RSA 329:9, I, VI, and VII, relative to rulemaking authority regarding applications, hearings, and fees.

IV. RSA 329:14, IV, relative to license format.

V. RSA 329:19, relative to record of accounts.

133 Mental Health Practice; Committees Established; Duties. Amend RSA 330-A:4, I and I-a to read as follows:

I. The board [~~shall~~] ***may*** create an advisory committee for each mental health discipline it licenses for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-A:10, VII-XV. The board member of each mental health discipline shall serve as the chair of that advisory committee. The balance of the membership of each of the advisory committees shall be composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of that committee.

I-a. The board [~~shall~~] ***may*** create a professional conduct investigation committee for the purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29. A board investigator, appointed by the chairperson of the board with the advice of the board, shall serve as the chair of the professional conduct investigation committee. The balance of the membership of the professional conduct investigation committee shall be composed of one licensed clinical social worker, one licensed clinical mental health counselor, and additional members from the professions licensed by the board to a maximum of 12 members.

134 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, I to read as follows:

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I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. [~~Five members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

135 Mental Health Practice; Board; Responsibilities and Rulemaking Authority. RSA 330-A:10 is repealed and reenacted to read as follows:

330-A:10 Board; Responsibilities and Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for expedited licensure for applicants from other states who qualify under RSA 330-A:26.

II. The qualifications of applicants in addition to those requirements set by statute.

III. How an applicant shall be examined, including:

(a) Time and place of examination.

(b) The subjects to be tested.

(c) Passing grade.

(d) Disposition of examination papers.

IV. Ethical standards, as promulgated by the American Association of Pastoral Counselors, required to be met by each pastoral psychotherapist licensed under this chapter, and how a license may be revoked for violation of these standards.

V. Ethical standards, as promulgated by the National Association of Social Workers, required to be met by each licensed clinical social worker, and how a license may be revoked for violation of these standards.

VI. Ethical standards, including those promulgated by the American Clinical Mental Health Counselors Association, required to be met by each licensed clinical mental health counselor, and how a license may be revoked for violations of these standards.

VII. Ethical standards, including those promulgated by the American Association of Marriage and Family Therapy, required to be met by each licensed marriage and family therapist, and how a license may be revoked for violations of these standards.

VIII. Compliance with the mental health client bill of rights as authorized under RSA 330-A:15.

IX. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines. All candidates for licensure shall be documented with the board. The supervision shall be at a location mutually convenient to both the supervisor and the candidate for licensure.

X. Establishment of the scope of practice for each mental health discipline licensed under this chapter, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines.

XI. Procedures for assuring the continuing competence of persons licensed under this chapter including, but not limited to, continuing education requirements, provided that at least 3 hours of the required continuing education units for biennial renewal shall be from a nationally recognized, evidence-based or best practices training organization in the area of suicide prevention, intervention, or postvention and how mental illness, substance use disorders, trauma, or interpersonal violence directly impacts risk for suicide.

XII. How licensees shall provide evidence of good professional character and reliability to satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

XIII. The content of the materials and information to be distributed under RSA 330-A:14.

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XIV. Requirements to be met by licensees relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients in RSA 330-A:15.

XV. Procedures and mechanisms for providing interdisciplinary collaboration among the mental health disciplines.

136 Mental Health Practice; Applicants From Other States. Amend RSA 330-A:26, II to read as follows:

II. An applicant whose state licensure meets the requirements in paragraph I shall be allowed to practice in this state not more than 30 days after the application is received by the board, pending final approval or denial of the license for other reason by the board. The board shall adopt rules under RSA 330-A:10, I [~~and I-a~~] ***relative*** to [~~ensure the timely review and approval of applications under this section~~] ***procedures for expedited licensure for applicants from other states***.

137 Mental Health Practice; Hearings. Amend RSA 330-A:29, IV to read as follows:

IV. The respondent shall be heard in his or her defense either in person or by counsel and may produce witnesses and testify in his or her behalf. A [~~stenographic~~] record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

138 Mental Health Practice; Expirations, Renewals, Reinstatements, and Inactive Status. Amend RSA 330-A:31, I and II to read as follows:

I. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least 2 months in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the fee as set by the [~~board~~] ***office of professional licensure and certification***.

II. If a license is not renewed it may be reinstated not later than 6 months after the date of license expiration upon payment of the fee ***established by the office of professional licensure and certification*** and compliance with rules adopted by the board. A license may be placed on inactive status pursuant to rules adopted by the board.

139 Repeal; Mental Health Practice. The following are repealed:

I. RSA 330-A:7, relative to compensation and expenses.

II. RSA 330-A:12, relative to fees.

III. RSA 330-A:13, relative to records and reports.

140 Midwifery; Council Established. Amend RSA 326-D:3, IV to read as follows:

IV. Members of the council shall elect a chairperson annually from among their members. The council shall meet at least quarterly and may hold additional meetings at such times as it may deem necessary. A quorum of the council shall consist of [~~no fewer than 4 members~~] ***a majority of the members of the council who have been approved by the governor and council***.

141 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, I to read as follows:

I. The powers and duties of the council shall include:

(a) Certifying eligible applicants for certification under this chapter.

(b) [~~Establishing fees for examination of applicants.~~

~~(c)~~] Investigating complaints against persons certified under this chapter.

[~~(d)~~] ***(c)*** Undertaking, when appropriate, disciplinary proceedings and disciplinary action against persons certified under this chapter.

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[~~(e) Reporting to the commissioner immediately on all complaints received and disciplinary action taken.~~]

142 Midwifery; Rulemaking. Amend RSA 326-D:5 to read as follows:

326-D:5 Rulemaking.

I. The council shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Qualifications for the practice of midwifery.

(b) The teaching of midwifery.

(c) The scope of practice and procedures in the practice of midwifery, including policies for professional direction and supervision.

(d) [~~Procedures~~] ***Eligibility requirements*** for the certification of midwives and the issuance of certificates of midwifery, including procedures for provisional certification and recertification after certification has lapsed.

(e) Renewal [~~procedures~~] ***eligibility requirements***, including requirements for continuing education and peer review.

(f) Diagnostic and laboratory tests midwives may administer and perform and the proper administration of RSA 326-D:12.

(g) Standards for reciprocity.

(h) [~~Establishing examination fees authorized under RSA 326-D:4, I(b).~~

~~(i)~~] Establishing all administrative fines authorized under RSA 326-D:8, III(a)(4).

[~~(j)~~] ***(i)*** Reporting requirements relative to client information and notification of transfers.

II. No rule relative to the scope of midwifery practice shall exceed the parameters of the definition of "midwifery" under RSA 326-D:2, V.

[~~III. Notwithstanding RSA 541-A:16, I(b)(2), the council shall adopt the model rules for adjudicative hearings adopted by the attorney general under RSA 541-A:30-a. The council may adopt supplements or modifications to the model rules pursuant to RSA 541-A:30-a, IV. Rehearings and appeals to the council shall be conducted pursuant to the provisions of RSA 541.~~]

143 Midwifery; Certification. Amend RSA 326-D:6, I and II to read as follows:

I. No person shall practice midwifery in this state without first obtaining certification from the council. The council shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits a [~~$110~~] certification fee ***established by the office of professional licensure and certification***.

II. Certification issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the council and upon payment of a [~~$110~~] renewal fee ***established by the office of professional licensure and certification***.

144 Midwifery; Certificate of Renewal; Continuing Education. Amend RSA 326-D:11 to read as follows:

326-D:11 Certificate Renewal; Continuing Education. Every person certified under this chapter shall apply to the council for certificate renewal every 2 years. Renewals of certificates shall be contingent upon presentation of satisfactory evidence to the council of having met the continuing education requirements established by the council pursuant to RSA 326-D:5, I(e) and shall be accompanied by the renewal fee established [~~pursuant to RSA 326-D:4, I(b)~~] ***by the office of professional licensure and certification***. All certificates shall automatically lapse 2 years after the date of issuance unless a timely and complete renewal application has been filed with the council. In no event shall a certificate, for which a timely and complete application for renewal has been submitted, expire before the council has taken final action upon the application.

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145 Repeals; Midwifery. The following are repealed:

I. RSA 326-D:2, III relative to a definition of commissioner.

II. RSA 326-D:9, relative to a report.

III. RSA 326-D:10, relative to powers and duties of commissioner.

146 Naturopathic Health Care Practice; Naturopathic Board of Examiners. Amend RSA 328-E:7, V to read as follows:

V. Members of the board shall elect a chairperson annually from among the members. [~~Three~~] ***A majority of the*** members of the board ***who have been approved by the governor and council*** constitute a quorum for the transaction of business.

147 Naturopathic Health Care Practice; Powers and Duties of the Board. RSA 328-E:8 is repealed and reenacted to read as follows:

328-E:8 Powers and Duties of the Board.

I. The board shall:

(a) Insure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public.

(b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

(c) Maintain a record of its acts and proceedings, including the issuance, refusal, renewal, suspension or revocation of licenses in accordance with the retention schedule established by the office of professional licensure and certification.

(d) Keep all applications for licensure in accordance with the retention policy established by the office of professional licensure and certification.

(e) Maintain a record of the results of all examinations it gives in accordance with the office of professional licensure and certification.

(f) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations in accordance with the retention policy established by the office of professional licensure and certification.

(g) Keep the records of the board open to public inspection at all reasonable times.

(h) Adopt and use a seal, the imprint of which, together with the signatures of the chairman or vice-chairman and the secretary-treasurer of the board, shall evidence its official acts.

(i) Annually compile and publish a directory.

II. The board shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

III. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

IV. The board shall accept written complaints from the public against licensees and conduct necessary investigations of such complaints.

148 Naturopathic Health Care Practice; Qualification for Licensure. Amend RSA 328-E:9, I (g) to read as follows:

(g) File an application and pay the [~~$300~~] license fee ***established by the office of professional licensure and certification***.

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149 Naturopathic Health Care Practice; License Renewal and Continuing Education. Amend RSA 328-E:13, I to read as follows:

I. The license to practice naturopathic medicine shall be renewed biennially. A fee in the amount [~~of $300~~] ***established by the office of professional licensure and certification*** shall accompany the application for renewal.

150 Repeals; Naturopathic Health Care. The following are repealed:

I. RSA 328-E:7, VI, relative to the board serving without pay.

II. RSA 328-E:15, relative to administration.

151 Nurse Practice Act; Fees; Charges. Amend RSA 326-B:8 to read as follows:

326-B:8 Fees; Charges.

I. The board shall charge fees ***established by the office of professional licensure and certification*** or the issuance, renewal, and reinstatement of all licenses, specialty licenses, and specialty certificates authorized by this chapter.

II. The board may provide the following services and make administrative charges ***established by the office of professional licensure and certification*** for:

(a) The administration of examinations required by this chapter.

(b) Verification of licensure status.

(c) [~~The sale of lists of licensees who have given their written authorization to have their names included on such lists.~~

~~(d)~~] The actual costs of a criminal conviction record check required pursuant RSA 326-B:15.

[~~(e)~~] ***(d)*** The actual cost of collection of statistical data provided to private entities.

[~~(f)~~] ***(e)*** Site visits associated with nursing education programs under RSA 326-B:32.

152 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9, I and II to read as follows:

I. [~~Application procedures and~~] Eligibility requirements for the issuance of all initial, temporary, and renewal licenses, specialty licenses, and certificates issued by the board, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

II. [~~Application procedures and~~] Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

153 Nurse Practice Act; Fees; Licensure; All Applicants. Amend RSA 326-B:16, I to read as follows:

I. Submit a completed application and fees as established by the [~~board~~] ***office of professional licensure and certification***.

154 Nurse Practice Act; Fees; License Renewal; All Licensees. Amend RSA 326-B:22, II(a) to read as follows:

(a) By midnight on his or her date of birth in the renewal year submit a completed application and fees as established by the [~~board~~] ***office of professional licensure and certification***;

155 Nurse Practice Act; License Reinstatement. Amend RSA 326-B:23, III to read as follows:

III. Application for reinstatement of a license which has lapsed under this section shall include payment of a reinstatement fee ***established by the office of professional licensure and certification*** and be made, and granted or denied, in accordance with rules adopted by the board pursuant to RSA 541-A.

156 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend RSA 326-B:27, I(c) to read as follows:

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(c) Has paid the certification fee ***established by the office of professional licensure and certification***.

157 Nurse Practice Act; Alternative Recovery Monitoring Program. Amend RSA 326-B:36-a, VI to read as follows:

VI.(a) The [~~board~~] ***office of professional licensure and certification*** shall contract with other organizations to operate the alternative recovery monitoring program for licensees who are impaired by substance use disorder or mental or physical illness. This program may include, but shall not be limited to, assessment, education, intervention, drug and alcohol testing, temporary suspension or limitation of clinical privileges, drug addiction counseling, participation in peer support groups, record keeping with respect to success and failure rates, post-treatment assessment and monitoring, and other alternatives approved by the board.

(b) The [~~board~~] ***office of professional licensure and certification*** may allocate amounts determined by the board from the annual license renewal fees it collects from licensees in each class of nurses licensed by the board, to provide funding for the alternative recovery monitoring program as set forth in subparagraph (a).

(c) [~~No later than July 1, 2019, the board shall adopt rules under RSA 541-A for the procedures and other matters required to implement this section~~] ***Rules governing this program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4)***.

158 Repeals; Nurse Practice Act. The following are repealed:

I. RSA 326-B:3, VII, relative to compensation of members of the board of nursing.

II. RSA 326-B:4, XIII, relative to establishing and collecting fees by the board of nursing.

III. RSA 326-B:6, relative to collection and expenditure of funds.

159 Nursing Home Administrators; Rulemaking. RSA 151-A:4-a, II-VII are repealed and reenacted to read as follows:

II. To establish a schedule of fines.

III. To establish requirements for disciplinary proceedings and criteria for disciplinary actions, including suspending, revoking or placing conditions on a license.

IV. To establish standards and criteria for licensing, application and examination of applicants, and criteria for granting waivers of experience pursuant to RSA 151-A:5, II.

V. To establish criteria for review and approval of educational requirements, including formal educational requirements for licensure or renewal and practical training requirements.

160 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the introductory paragraph of RSA 151-A:5 to read as follows:

151-A:5 Qualifications for Admission to Examination. The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a [~~$300~~] licensing fee ***established by the office of professional licensure and certification*** and submits evidence of good moral character and suitability prescribed by the board and evidence that the candidate is at least 21 years old and has completed preliminary education satisfactory to the board; provided:

161 Nursing Home Administrators; Licenses. Amend RSA 151-A:7, III and IV to read as follows:

III. [~~Any license issued by the board under or pursuant to the provisions of this section shall be under the hand and seal of the secretary of the board.~~

~~IV.~~] If the board finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable nursing home administrators to meet requirements established pursuant to this chapter, the board may request the department of health and human services to institute and conduct or arrange with others to conduct one or more such programs, and shall make provision for their accessibility to residents of this state. The department of health and human services may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant

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to this chapter. For purposes of this paragraph, the department of health and human services shall have the authority to receive and disburse state funds allocated for this purpose and federal funds received pursuant to section 1908(e)(1) of the Social Security Act.

162 Nursing Home Administrators; Registration. Amend RSA 151-A:8, II-IV to read as follows:

II. Upon making an application for a new certificate of registration such individual shall pay a [~~$300~~] biennial registration renewal fee ***established by the office of professional licensure and certification***.

III. Upon receipt of such application for registration, the registration fee and the evidence required with respect to the rules and regulations of the board, the board shall issue a certificate of registration to such nursing home administrator.

IV. Upon complaint or other knowledge of a nursing home administrator's violation of any provision of this chapter and for the health, safety, and protection of the public, the board is granted emergency license suspension authority. The [~~secretary of the~~] board may[~~, upon recommendation of the board,~~] immediately suspend an administrator's license to practice, pending notice and hearing as provided under RSA 541-A. For any license so suspended, the [~~secretary~~] ***board*** shall also notify the bureau of health facilities administration.

163 Nursing Home Administrators; Reciprocity. Amend the introductory paragraph of RSA 151-A:9 to read as follows:

151-A:9 Reciprocity. The board, subject to the provisions of this chapter and the rules and regulations of the board promulgated thereunder prescribing the qualifications for nursing home administrator license, may endorse a nursing home administrator license issued by the proper authorities of any other state upon payment of a reasonable fee as established by the [~~board~~] ***office of professional licensure and certification*** and upon submission of evidence satisfactory to the board that:

164 Repeal; Nursing Home Administrators. The following are repealed:

I. RSA 151-A:3, III(d), relative to compensation for members of the board of examiners of nursing home administrators.

II. RSA 151-A:3, V and VI, relative to the secretary of the board and administrative attachment.

III. RSA 151-A:8, VII, relative to maintaining a register of applications for licensing and registration of nursing home administrators.

165 Opthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee [~~of $110~~] ***established by the office of professional licensure and certification***. Upon approval of the application by the executive director, the applicant shall be issued a certificate of registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon payment of the renewal fee. The fee for renewal of any certificate of registration shall be [~~$110~~] ***established by the office of professional licensure and certification***.

166 Ophthalmic Dispensing; Rulemaking. Amend RSA 327-A:12, I and II to read as follows:

I. [~~The~~] ***Eligibility requirements for*** registration [~~application form and content, and the license application procedures~~].

II. [~~The application form, content, and procedure~~] ***Eligibility requirements*** for a renewal or reinstatement of a registration to practice ophthalmic dispensing, in accordance with RSA 327-A:3.

167 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The board shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of

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2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, and pay the [~~$300~~] licensing fee ***established by the office of professional licensure and certification***, shall be licensed by the board.

168 Optometry; Renewal of Licenses. Amend RSA 327:13, I to read as follows:

I. All licenses issued under this chapter shall be renewed biennially on or before June 30 upon payment of a [~~$300~~] license renewal fee ***established by the office of professional licensure and certification***.

169 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV(c) to read as follows:

(c) The board of pharmacy or the board of registration in optometry shall assess [~~the following~~] ***the*** registration fees for out-of-state contact lens sale companies[~~:~~

~~(1) $300 for the initial registration.~~

~~(2) $150 for an annual registration renewal~~] ***established by the office of professional licensure and certification***.

170 Optometry; Rulemaking Authority. RSA 327:31, I-X are repealed and reenacted to read as follows:

I. The qualifications of applicants in addition to those requirements set by RSA 327:6 and RSA 327:6-a;

II. How an applicant shall be examined including:

(a) Time and place of examination, and

(b) Passing grade;

III. How a license to practice optometry shall be renewed or reinstated;

IV. Ethical and professional standards, in addition to those specified by RSA 327:20, required to be met by each holder of a license to practice optometry and how disciplinary actions by the board shall be implemented pursuant to RSA 327:21, RSA 327:22, and RSA 327:27 for violations of these standards;

V. Requirements for continuing education in addition to those requirements set by RSA 327:33 and RSA 327:33-a;

VI. Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA 327:1, III;

VII. Procedural and substantive requirements for assessing, compromising, and collecting administrative fines as authorized by RSA 327:20, III(e); and

VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

171 Repeal; Optometry. The following are repealed.

I. RSA 327:4, relative to organization and reports.

II. RSA 327:5, relative to compensation.

III. RSA 327:5-a, relative to fees.

IV. RSA 327:33-b, relative to consumer publication.

172 Pharmacy Board; Fees. Amend RSA 318:6-a to read as follows:

318:6-a Fees***; Restoration***.

[~~I. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice pharmacy, for licensed advanced pharmacy technicians, for registration and certification of pharmacy technicians, and for transcribing and transferring records and other services.~~

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~~II.~~] The fee for restoration of a suspended, revoked, or voluntarily surrendered license, registration, or certification under this chapter shall not include the assessment of charges or renewal fees for the period in which the licensee, registrant, or certificate holder was not permitted to practice in this state.

173 Pharmacy Board; Inspectional Services. Amend RSA 318:9-a to read as follows:

318:9-a Inspectional Services. The pharmacy board ***through the office of professional licensure and certification*** shall provide inspectional services under this chapter and RSA 318-B:25 to the board of medicine, the board of veterinary medicine, the board of podiatry, the board of registration in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of examiners.

174 Pharmacy Board; Application Fee for Pharmacist License. Amend RSA 318:23 to read as follows:

318:23 Application Fee for Pharmacist License. Each person applying for a license to practice the profession of pharmacy in this state by way of examination shall pay a reasonable application fee to be established by the [~~pharmacy board~~] ***office of professional licensure and certification***. This fee shall include the cost of investigating the applicant's qualifications to become a pharmacist in this state.

175 Pharmacy Board; Renewal Of License. Amend RSA 318:25, II to read as follows:

II. Pay a reasonable fee established by the [~~board~~] ***office of professional licensure and certification***;

176 Pharmacy Board; Neglect to Renew. Amend RSA 318:26 to read as follows:

318:26 Neglect to Renew. Any failure, neglect or refusal on the part of any person licensed by the board to renew his license as provided in RSA 318:25 shall cause the license to lapse. Licenses lapsed under this section shall not be restored except upon payment of a restoration fee as established by the [~~board~~] ***office of professional licensure and certification***, and a showing of evidence, as the board may require, demonstrating professional competence.

177 Pharmacy Board; Change in Name, Employment or Residence. Amend RSA 318:26-a to read as follows:

318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced pharmacy technician, or pharmacy technician who changes his or her name, place or status of employment, or residence shall notify the board in writing within 15 days. For failure to report such a change within 15 days, the board may suspend the pharmacist's license, the advanced pharmacy technician's license, or the pharmacy technician's registration. Reinstatement shall be made only upon payment of a reasonable fee as established by the [~~board~~] ***office of professional licensure and certification***.

178 Pharmacy Board; Impaired Pharmacist Program. Amend RSA 318:29-a, VI to read as follows:

VI.(a) The [~~board~~] ***office of professional licensure and certification*** may contract with other organizations to operate the impaired pharmacist program for pharmacists who are impaired by drug or alcohol abuse or mental or physical illness. This program shall include, but is not limited to, education, intervention and post-treatment monitoring.

(b) The [~~board~~] ***office of professional licensure and certification*** may allocate an amount determined by the [~~board~~] ***office of professional licensure and certification*** from each pharmacist biennial license renewal fee it collects to provide funding for the impaired pharmacist program as set forth in subparagraph VI(a).

VII. Rules governing the impaired pharmacist program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4).

179 Pharmacy Board; Required; Compliance. Amend RSA 318:37, II(b)(2) to read as follows:

(2) Submit to the New Hampshire pharmacy board an application for registration as provided by the [~~New Hampshire pharmacy board~~] ***office of professional licensure and certification***;

180 Pharmacy Board; Permit; Fees. Amend RSA 318:38, II and III to read as follows:

II. All pharmacy permits shall expire when there is a change of ownership of the pharmacy or at midnight on December 31 biennially in each odd-numbered year ***for odd-numbered licenses or on December***

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31 of each even-numbered year for even-numbered licenses. Every pharmacy that wishes to continue to operate as such shall renew its permit no later than December [~~15 biennially in odd-numbered years~~] ***31 of the renewal year according to license number*** or immediately when the permit expires for any other reason. It shall be deemed a violation of the provisions of this chapter for any pharmacy to be open or operated beyond the expiration date of its permit.

III. All applicants for a pharmacy permit shall pay a reasonable fee as established by the [~~board~~] ***office of professional licensure and certification*** for each original pharmacy permit and for each renewal thereof.

181 Pharmacy Board; Possession and Sale of Drugs and Devices for Administration; Wholesalers. Amend RSA 318:51-a, I to read as follows:

I. No person shall manufacture legend drugs or controlled drugs as that term is defined in RSA 318-B:1, VI and no person as a wholesaler, distributor, or reverse distributor shall supply the same without first having obtained a license to do so from the [~~board~~] ***office of professional licensure and certification***. Such license shall expire biennially on June 30 of every even-numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by midnight on June 30 of every even-numbered year.

182 Pharmacy Board; Possession and Sale of Drugs and Devices for Administration; Licensing of Limited Retail Drug Distributors. Amend RSA 318:51-b, I to read as follows:

I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-a, without first having obtained a license to do so from the board. Such license shall expire biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as established by the [~~board~~] ***office of professional licensure and certification*** shall be filed biennially by midnight June 15 of every odd-numbered year.

183 Pharmacy Board; Possession and Sale of Drugs and Devices for Administration; Outsourcing. Amend RSA 318:51-c, I to read as follows:

I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1, VI, and no person acting as or employed by an outsourcing facility shall supply such drugs, without first having obtained a license from the board. Such license shall expire biennially on June 30 of each odd-numbered year. An application together with a fee established by the [~~board~~] ***office of professional licensure and certification*** shall be filed biennially by June 15 of every odd-numbered year.

184 Pharmacy Board; Possession and Sale of Drugs and Devices for Administration; Licensure of Research Organizations. Amend RSA 318:51-f, I to read as follows:

I. No research organization shall procure or conduct research operations with prescription drugs by researchers without first having obtained a license from the board. Such license shall expire biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as established by the [~~board~~] ***office of professional licensure and certification*** shall be filed biennially by June 15 of every odd-numbered year.

185 Pharmacy Board; Penalties. Amend RSA 318:55, III to read as follows:

III. For any order issued in resolution of a disciplinary proceeding before the board, the board may require that any licensee, permittee, registrant, or certificate holder found guilty of a charge involving any drug law or rule to pay to the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. The sum shall not exceed $5,000. The costs to be assessed shall be fixed by the board and any sums recovered shall be paid to the state treasurer for deposit in the [~~general fund~~] ***office of professional licensure and certification fund***.

186 Repeal; Pharmacy Board. The following are repealed:

I. RSA 318:4, relative to the compensation of pharmacy board members.

II. RSA 318:5-a, I, III, V, VII, VIII, XI, and XI-b, relative to rulemaking on applications, forms and fees.

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III. RSA 318:6, relative to the pharmacy board secretary.

IV. RSA 318:11, relative to pharmacy board reports.

V. RSA 318:51-e, I and IV, relative to rules for outsourcing facilities.

187 Podiatry; Requirements; Cross Reference Change. Amend RSA 315:2, II to read as follows:

II. Any person applying for licensure under this chapter, including any person seeking to restore or renew, shall provide the board with information relating to podiatric competence and professional conduct, in accordance with rules adopted under [~~RSA 315:4, X~~] ***RSA 315:4, V***.

188 Podiatry; Peer Review Committee. Amend RSA 315:2-a to read as follows:

315:2-a Peer Review Committee. The board [~~shall~~] ***may*** establish a peer review committee consisting of 2 podiatrists appointed by the board and one medical practitioner, appointed by the board subject to the approval of the board of medicine. Each appointee shall serve for a 2-year term.

189 Podiatry; Rulemaking Authority. RSA 315:4 is repealed and reenacted to read as follows:

315:4 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants in addition to those requirements set by statute.

II. Eligibility requirements for renewal of licensure, including the requirements for continuing education.

III. Ethical standards required to be met by each holder of any license issued under this chapter and how such license may be revoked for violation of these standards.

IV. The imposition of administrative fines authorized under RSA 315:9, III(f); and

V. Information required by the board in its application relative to the applicant's podiatric competence and professional conduct.

VI. Prescribing controlled drugs pursuant to RSA 318-B:41.

190 Podiatry; Records and Reports. Amend RSA 315:5 to read as follows:

315:5 Records and Reports.

[~~I.~~] The board shall keep a true record of its official acts ***in accordance with the retention policy established by the office of professional licensure and certification***. With the exception of records compiled in connection with investigatory and deliberative aspects of disciplinary investigations and material otherwise exempt from disclosure under RSA 91-A or other applicable statutes, the board's records shall be subject to inspection at the board's office upon reasonable notice during ordinary business hours.

[~~II. The board shall keep a record of the names and residences of all persons holding licenses or privileges under this chapter and a record of all money received and disbursed by the board.~~

~~III. The board shall report to the governor and council biennially in September. This report shall contain a full and complete account of all official actions taken during the preceding 2-year period, together with a statement of the receipts and disbursements of the board and such comments as the board in its discretion deems necessary.~~]

191 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

I. The board shall issue a license to applicants who have submitted a complete application, paid a [~~$300~~] license fee ***established by the office of professional licensure and certification***, achieved a satisfactory examination score, and satisfied all other criteria of competence and professional character required by this chapter.

192 Podiatry; License Renewal; Inactive Status. Amend RSA 315:11, I to read as follows:

I. Every person licensed to practice under this chapter shall apply to the board biennially on or before June 30 for renewal of license on forms provided by the board and shall pay a [~~$300~~] renewal fee ***established by the office of professional licensure and certification***. As a condition of renewal of license, each licensee shall show proof of having completed the continuing education units as required in rules adopted by the board.

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193 Podiatry; Neglect to Renew. Amend RSA 315:12 to read as follows:

315:12 Neglect to Renew. Any licensee who fails to renew his or her license by June 30 of the year in which the licensee's renewal is set to occur, shall be required to pay double the renewal fee if paid within 90 days of the expiration date. Any failure, neglect, or refusal on the part of any person licensed by the board to renew the license as provided in RSA 315:11 or this section shall automatically result in the lapse of the license. Licenses lapsed under this section for nonpayment within 90 days shall not be reinstated except upon payment of a reinstatement fee as established in rules adopted by the [~~board~~] ***office of professional licensure and certification***, and a showing of such evidence of professional competence as the board may reasonably require.

194 Podiatry; Notice of Expiration. Amend RSA 315:13 to read as follows:

315:13 Notice of Expiration. The secretary shall [~~mail a~~] ***provide*** notice to each holder of a license that has not been renewed within 90 days of the expiration date, advising him or her of the expiration of the license and the penalty of practicing podiatry without holding a license and the condition and terms upon which his or her license may be reinstated.

195 Podiatry; Reinstatement. Amend RSA 315:13-a to read as follows:

315:13-a Reinstatement. Any person who has not renewed his or her license within 90 days of the expiration date shall only have his or her license restored upon the filing of a reinstatement application, accompanied by the reinstatement fee as established by the [~~board~~] ***office of professional licensure and certification***, proof of satisfaction of continuing podiatric education requirements established by [~~RSA 315:4, V~~] ***RSA 315:4, II***, and such other evidence of professional competence as the board may reasonably require.

196 Repeals; Podiatry. The following are repealed:

I. RSA 315:3, relative to compensation of members of the board of podiatry.

II. RSA 315:15, relative to reports of the board of podiatry.

197 Controlled Drug Prescription Health and Safety Program; Operation. Amend RSA 318-B:33, VI-VII to read as follows:

VI. The [~~program administrator~~] ***executive director*** may issue a waiver to a dispenser that is unable to submit prescription information by electronic means. Such waiver may permit the dispenser to submit prescription information by paper form or other means, provided all information required by paragraph IV is submitted in this alternative format and within the established time limit.

VII. The [~~program administrator~~] ***executive director*** may grant a reasonable extension to a dispenser that is unable, for good cause, to submit all the information required by paragraph IV within the established time limits.

198 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-B:35 to read as follows:

318-B:35 Providing Controlled Drug Prescription Health and Safety Information.

I. The [~~program administrator~~] ***executive director*** may provide information in the prescription health and safety program upon request only to the following persons:

(a) By electronic or written request to prescribers, dispensers, and the chief medical examiner and delegates within the state who are registered with the program:

(1) For the purpose of providing medical or pharmaceutical care to a specific patient;

(2) For reviewing information regarding prescriptions issued or dispensed by the requester; or

(3) For the purpose of investigating the death of an individual.

(b) By written request, to:

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(1) A patient who requests his or her own prescription monitoring information.

(2) The board of dentistry, the board of medicine, the board of nursing, the board of registration in optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy board; provided, however, that the request is pursuant to the boards' official duties and responsibilities and the disclosures to each board relate only to its licensees and only with respect to those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to query program information.

(4) [Repealed.]

(5) A practitioner or consultant retained by the office to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

(c) By electronic or written request on a case-by-case basis to:

(1) A controlled prescription drug health and safety program from another state; provided, that there is an agreement in place with the other state to ensure that the information is used or disseminated pursuant to the requirements of this state.

(2) An entity that operates a secure interstate prescription drug data exchange system for the purpose of interoperability and the mutual secure exchange of information among prescription drug monitoring programs, provided that there is an agreement in place with the entity to ensure that the information is used or disseminated pursuant to the requirements of this state.

(3) [Repealed.]

II. The [~~program administrator~~] ***executive director*** shall notify the appropriate regulatory board listed in subparagraph I(b)(2) and the prescriber or dispenser at such regular intervals as may be established by the office if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred. The program administrator shall provide prescription information required or necessary for an investigation.

III. The [~~program administrator~~] ***executive director*** shall review the information to identify information that appears to indicate whether a person may be obtaining prescriptions in a manner that may represent misuse or abuse of schedule II-IV controlled substances. When such information is identified, the program administrator shall notify the practitioner who prescribed the prescription.

IV. The [~~program administrator~~] ***executive director*** shall make a report, at least annually, commencing on November 1, 2019, to the senate president, the speaker of the house of representatives, the oversight committee on health and human services, established in RSA 126-A:13, the advisory council established in RSA 318-B:38 and the licensing boards of all professions required to use the program relative to the effectiveness of the program.

199 Controlled Drug Prescription Health and Safety Program; Advisory Council Established. Amend the introductory paragraph of RSA 318-B:38, I to read as follows:

I. There is hereby established an advisory council to carry out the duties under this subdivision. Members of the council shall not [~~be compensated for serving on the council, or~~] serve on the council for more than [~~one 5-year term except for the attorney general, or designee, or the commissioner of the department of health and human services, or designee~~] ***3 consecutive 3-year terms***. The members of the council shall be as follows:

200 Psychologists; Committees Established; Duties. Amend RSA 329-B:4, I-III to read as follows:

I. The board [~~shall~~] ***may*** create an advisory committee for the purpose of assisting the board in its responsibilities under RSA 329-B:10. A board member shall be appointed by the board to chair the advisory committee. The balance of the membership of the advisory committee shall be composed of psychologists licensed by the board to a maximum of 4 members.

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II. The board [~~shall~~] ***may*** create a committee for professional conduct investigations for the purpose of assisting the board in its responsibilities under RSA 329-B:22 and RSA 329-B:23. A board investigator, appointed by the chairperson of the board with the advice and consent of the board, shall chair the professional conduct investigation committee. The balance of the membership of the professional conduct investigation committee shall be composed of psychologists licensed by the board to a maximum of 12 members.

III. The board [~~shall~~] ***may*** create a professional's health committee to administer the professional's health program which shall address issues that may impinge on a practitioner's ability to practice. A board member, appointed by the chairperson of the board with the advice and consent of the board, shall chair the professional's health committee. The balance of the membership of the professional's health committee shall be composed of psychologists licensed by the board to a maximum of 12 members.

201 Psychologists; Organization and Meetings. Amend RSA 329-B:9, I to read as follows:

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. [~~Five members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

202 Psychologists; Establishment of Fees. Amend RSA 329-B:12 to read as follows:

329-B:12 Establishment of Fees.

[~~I.~~] The fee for an initial license shall be [~~$300~~] ***established by the office of professional licensure and certification***. The license shall be renewed biennially on or before June 30 upon payment of a [~~$300~~] renewal fee ***established by the office of professional licensure and certification***.

[~~II. The board shall establish fees applicable to psychologists for review of applicants; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.~~]

203 Psychologist; Psychologist License. Amend RSA 329-B:15 to read as follows:

329-B:15 Psychologist License.

I. The board shall issue a psychologist license to any person who:

(a) Has passed a satisfactory examination in psychology.

(b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training.

(c) Has had at least 2 years of satisfactory, supervised experience in the field of psychology.

(d) Is of good professional character.

(e) Has paid all fees established and collected by the [~~board~~] ***office of licensure and certification***.

(f) Has submitted a complete set of fingerprints and a criminal history records release form in accordance with RSA 329-B:14-a.

II. Examinations for applicants under this chapter shall be held by the board at least once each year. The board shall determine the subject and scope of the examination, which may be written, oral, or both. If an applicant fails the first examination, the applicant may be admitted to a subsequent examination upon the payment of an additional fee in the amount established by the [~~board~~] ***office of licensure and certification***.

204 Psychologists; Complaints. Amend RSA 329-B:23, I to read as follows:

I. Any complaint not dismissed or settled informally shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses. ***Dismissed complaints shall not be made public.***

205 Psychologists; Hearings. Amend RSA 329-B:23, IV to read as follows:

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IV. The respondent shall be heard in his or her defense either in person or by counsel and may produce witnesses and testify in his or her behalf. A [~~stenographic record~~] ***recording*** of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

206 Repeals; Psychologists. The following are repealed:

I. RSA 329-B:7, relative to compensation of members of the board of psychology and related committees.

II. RSA 329-B:10, I, IV, VI, XII, and XVI.

III. RSA 329-B:11, relative to receipts and disbursements from the board of psychology.

IV. RSA 329-B:27, IV, relative to certain administrative rules relative to psychologists.

207 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Practitioner license Issuance. Amend RSA 328-H:8, I(c) to read as follows:

(c) Makes payment of the [~~$110~~] license fee ***established by the office of professional licensure and certification***;

208 Reflexologists, Structural Integrators, and Asian Bodywork Therapists. Amend RSA 328-H:9, II to read as follows:

II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June 30 upon approval by the executive director of the renewal application and submission of the required [~~$110~~] renewal fee ***established by the office of professional licensure and certification***.

209 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Fund. Amend RSA 328-H:15 to read as follows:

328-H:15 Administrative Fines. The executive director, after notice and an opportunity for a hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the executive director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The executive director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the [~~general fund~~] ***office of professional licensure and certification fund***.

210 Repeal; Reflexologists, Structural Integrators, and Asian Bodywork Therapists. RSA 328-H:6, II, relative to the compensation of members of the advisory board, is repealed.

211 New Hampshire Veterinary Practice Act; Meetings and Duties. Amend RSA 332-B:5 to read as follows:

332-B:5 Meetings and Duties. The board shall meet at least 6 times a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. The quorum and the actions of the board shall be in accordance with RSA 91-A. At its annual meeting, the board shall organize by electing a president and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall preside at board meetings and serve as administrative head of the board. [~~The board shall submit annually to the governor a report on the transactions of the board, including an account of monies received and disbursed as shall be required by the state auditors.~~] Records shall be kept [~~by the administrative assistant~~] pursuant to RSA 91-A:3 ***and in accordance with the retention policy established by the office of professional licensure and certification***.

212 New Hampshire Veterinary Practice Act; Revenues. Amend RSA 332-B:6 to read as follows:

332-B:6 Revenues. All revenues received by the board shall be deposited in the [~~general~~] ***office of professional licensure and certification*** fund.

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213 New Hampshire Veterinary Practice Act; Application for Licensure. Amend RSA 332-B:9 to read as follows:

332-B:9 Application for License; Qualifications. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is 18 years of age or more, a graduate of an AVMA accredited school of veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG certificate or a PAVE certificate, a person of good professional character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the [~~board~~] ***office of professional licensure and certification***.

214 New Hampshire Veterinary Practice Act; License Expiration and Renewal. Amend RSA 332-B:13, I to read as follows:

I. All licenses shall expire biennially on December 31 of each even-numbered year for even-numbered licenses and on December 31 of each odd-numbered year for odd-numbered licenses but may automatically be renewed by filing a renewal application and paying a renewal fee established in rules adopted by the [~~board~~] ***office of professional licensure and certification***, subject to paragraph II; except that for licenses which expire December 31, 2011, odd numbered licenses shall be issued for 2 years and even numbered licenses shall be issued for one year, and the board shall charge fees accordingly. Not later than one month prior to the expiration date, the board shall mail a notice to licensed veterinarians that their license will expire on December 31 and provide them with a license renewal application. Persons previously licensed who allow their license to lapse shall be required to file a reinstatement application containing such information as required by the board. Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17.

215 New Hampshire Veterinary Practice Act; Hearing, Decisions, and Appeals. Amend RSA 332-B:16, I to read as follows:

I. Adjudicatory proceedings shall be open to the public. The board's public docket file for each such proceeding shall include a taped or written account of all oral hearings and shall be retained by the board [~~for 6 years from the issuance of the final decision~~] ***in accordance with the retention policy established by the office of professional licensure and certification***.

216 Repeal; Veterinary Practice Act. The following are repealed:

I. RSA 332-B:3, III, relative to compensation of members of the veterinary medicine board.

II. RSA 332-B:7, III, relative to the power of the board of veterinary medicine to set certain fees.

III. RSA 332-B:7, V-a, relative to the power of the board of veterinary medicine to compensate board counsel, assistants, and investigators.

IV. RSA 332-B:7-a, I, III, and VII-IX, relative to certain rulemaking authority of the board of veterinary medicine.

217 General Administration of Regulatory Boards and Commissions; Reciprocity Information. Amend the introductory paragraph of RSA 332-G:12, I to read as follows:

I. All boards or commissions, including the board of hearing care providers established in RSA 137-F:3, ***shall grant a license to an individual certified or licensed in another state if it determines that the requirements or standards for certification or licensure in that state are equivalent to, or greater than, those established in New Hampshire. All boards and commissions*** shall post information on their website relative to reciprocal licensure or certification for persons holding a current and valid license or certification for the practice of the regulated profession in another state. Such information shall include a list of the states which the board or commission has determined to have license or certification requirements equal to, or greater than, the requirements of this state. The posting shall also list states with which the board or commission has:

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218 General Administration of Regulatory Boards and Commissions; Petition for Review of a Criminal Record. Amend RSA 332-G:13, XIII to read as follows:

XIII. The office of professional licensure and certification shall establish an annual reporting requirement ***for the boards and commissions within the office*** 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.

219 General Administration of Regulatory Boards and Commissions; Reciprocal and Temporary Licenses. Amend RSA 332-G:14, III to read as follows:

III. A person applying for a temporary license ***from a board or commission within the office of professional licensure and certification*** 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~~] ***established by the office of professional licensure and certification***.

220 Board of Engineers; Establishment. Amend RSA 310-A:3, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. [~~Three members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings [~~and a register of all applications for licensure, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

[~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~]

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

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221 Board of Engineers; Rulemaking Authority. Amend RSA 310-A:6, I(d) to read as follows:

(d) [~~How a license to practice under this subdivision shall be renewed~~] ***The requirements for renewal of a license***, including the requirements for continuing education;

222 Professional Engineers; Applications. Amend RSA 310-A:16 to read as follows:

310-A:16 Applications. Applications for licensure or for a temporary permit shall be [~~on forms prescribed and furnished by the board~~] ***made using the format prescribed by the office of professional licensure and certification***, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed professional engineers having personal knowledge of the applicant's professional experience. The [~~board~~] ***office of professional licensure and certification*** shall establish fees for application and any examination required under this subdivision. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

223 Professional Engineers; Certificates; Seals. Amend RSA 310-A:18 to read as follows:

310-A:18 Certificates; Seals. The board shall issue a license, upon payment of the registration fee established by the [~~board~~] ***office of professional licensure and certification***, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Engineer." All papers or documents involving the practice of engineering under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional engineer who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

224 Professional Engineers. Amend RSA 310-A:21 to read as follows:

310-A:21 License Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The [~~board~~] ***office of professional licensure and certification*** shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. If a professional engineer is 70 years or older at time of renewal, and the professional engineer has held an engineering license continuously for the 10-year period immediately preceding the renewal, the [~~board~~] ***office of professional licensure and certification*** may waive the renewal fee in accordance with rules adopted by the [~~board~~] ***office of professional licensure and certification***.

225 Repeal; Professional Engineers. The following are repealed:

I. RSA 310-A:3, IV, relative to compensation for members of the board of engineers.

II. RSA 310-A:3, VII, relative to the roster of professional engineers published by the secretary of state.

III. RSA 310-A:6, I(a), (e), (h), (j), and (k), relative to certain rulemaking authority of the board of engineers.

IV. RSA 310-A:7, relative to fees adopted by the board of engineers.

226 Board of Architects; Establishment. Amend RSA 310-A:29, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board

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may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. [~~Three members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings [~~and a register of all applications for licensure, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

[~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~]

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

227 Board of Architects; Rulemaking Authority. Amend RSA 310-A:32, I(d) to read as follows:

(d) [~~How a license to practice under this subdivision shall~~] ***The criteria for a license to*** be renewed or reinstated, including [~~late fees and~~] any requirements for continuing education;

228 Board of Architects; Applications. Amend RSA 310-A:42 to read as follows:

310-A:42 Applications. Applications for licensure shall be [~~on forms prescribed and furnished by the board~~] ***made using the method prescribed by the office of professional licensure and certification***, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects having personal knowledge of the applicant's professional experience. The [~~board~~] ***office of professional licensure and certification*** shall establish fees for application and any examination required under this subdivision. Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

229 Board of Architects; Certificates; Seals. Amend RSA 310-A:44 to read as follows:

310-A:44 Certificates; Seals. The board shall issue a license upon payment of the registration fee established by the [~~board~~] ***office of professional licensure and certification***, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of a profession under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

Important Notice

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230 Board of Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:

310-A:46 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration date of the license. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list [~~and roster~~]. An application for reinstatement shall be required to return to active status. The [~~board, pursuant to rules adopted under RSA 310-A:32,~~] ***office of professional licensure and certification*** shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

231 Repeal; Board of Architects. The following are repealed:

I. RSA 310-A:29, IV, relative to compensation for members of the board of architects.

II. RSA 310-A:29, VII, relative to the roster of architects published by the secretary of state.

III. RSA 310-A:32, I(a), (e), (h), (j), and (k), relative to certain rulemaking authority of the board of architects.

IV. RSA 310-A:33, relative to the authority of the board of architects to set fees.

232 Board of Land Surveyors; Establishment. Amend RSA 310-A:55, V and VI to read as follows:

V. The board shall hold at least 4 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall elect or appoint a chairperson, vice-chairperson, and secretary. The secretary may or may not be a member of the board. [~~Three members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings and a register of all applications for licensure[~~, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

[~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~]

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of July 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

233 Land Surveyors; Rulemaking Authority. Amend RSA 310-A:58, IV to read as follows:

IV. [~~How a license to practice under this subdivision shall~~] ***The requirements for a license to*** be renewed, including the requirements for continuing education;

234 Land Surveyors; Rulemaking Authority. Amend RSA 310-A:58, VI-a to read as follows:

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VI-a. [~~Application procedures for and~~] ***The criteria for*** issuance of land surveying certificates for proprietorships, corporations and partnerships, including the qualifications of applicants in addition to those requirements set forth under this subdivision, and for satisfactory evidence of good professional character;

235 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

310-A:65 Application. Applications for licensure shall be [~~on forms~~] ***made on the format*** prescribed and furnished by the [~~board~~] ***office of licensure and certification***, shall contain statements made under oath, showing the applicant's education and detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying experience. All applications shall be accompanied by a fee established by the [~~board~~] ***office of professional licensure and certification***.

236 Land Surveyors; Examinations. Amend RSA 310-A:66, II to read as follows:

II. Examinations shall be held as the board shall determine. The scope of the examination and the method of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination at the expiration of 6 months. Subsequent examination will be granted upon payment of the fee to be determined by the [~~board~~] ***office of professional licensure and certification***. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to take the examination again.

237 Land Surveyors; Expiration and Renewals. Amend RSA 310-A:68 to read as follows:

310-A:68 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the [~~board~~] ***office of professional licensure and certification*** and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. The failure on the part of any licensee to renew the license in the month of expiration as required above shall not deprive such person of the right of renewal, provided that the [~~board~~] ***office of professional licensure and certification*** shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be reexamined for licensure as required in this section.

238 Repeal; Land Surveyors. The following are repealed:

I. RSA 310-A:55, IV, relative to compensation of members of the board of land surveyors.

II. RSA 310-A:55, VII, relative to the roster of land surveyors published by the secretary of state.

III. RSA 310-A:58, I, V, and VIII, relative to certain rulemaking authority of the board of land surveyors.

IV. RSA 310-A:60, relative to the authority of the board of land surveyors to set certain fees.

239 Board of Natural Scientists; Establishment. Amend RSA 310-A:81, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. A quorum of the board shall consist of [~~at least 4 members~~] ***a majority of the members of the board who have been approved by the governor and council***.

VI.(a) The board shall keep a record of its proceedings [~~and a register of all applications for registration, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

[~~(1) The name and residence of each applicant.~~

Important Notice

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~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a certificate of registration was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~]

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

240 Board of Natural Scientists; Rulemaking Authority. Amend RSA 310-A:82, IV to read as follows:

IV. [~~How a certificate to practice under this subdivision shall~~] ***The criteria required for a license to*** be renewed, including the requirement for continuing education.

241 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I to read as follows:

I. Application for certification shall be [~~on forms prescribed and furnished by the board~~] ***made using the method prescribed and furnished by the office of professional licensure and certification***. [~~Such forms~~] ***Applications*** shall include the applicant's educational background, including transcripts from educational institutions attended, a detailed work experience history, and such other information as the board may by rule require. All applications shall be signed under oath by the applicant.

242 Natural Scientists; Failure to Renew. Amend RSA 310-A:90 to read as follows:

310-A:90 Failure to Renew. Failure to remit the biennial renewal fee when due shall automatically cancel the certification. If properly renewed, a certification shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose certification is cancelled for such failure may reinstate such certification by paying, within one year of cancellation, all fees due, plus a late fee as established by the [~~board~~] ***office of professional licensure and certification***.

243 Repeals; Natural Scientists. The following are repealed:

I. RSA 310-A:81, VII, relative to the roster of natural scientists published by the secretary of state.

II. RSA 310-A:82, I and V, relative to certain rulemaking authority of the board of natural scientists.

III. RSA 310-A:92, relative to the authority of the board of natural scientists to set fees.

244 Board of Foresters; Establishment. Amend RSA 310-A:100, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. [~~Four members~~] ***A majority of the members of the board have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall adopt an official seal.

(b) The board shall keep a true record of its proceedings [~~and a register of all applications for licensure, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

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[~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~]

(c) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

245 Board of Foresters; Rulemaking. Amend RSA 310-A:102, IV to read as follows:

IV. Renewal [~~procedures~~] ***criteria***, including requirements for continuing education.

246 Board of Foresters; Applications; Fees. Amend RSA 310-A:105 to read as follows:

310-A:105 Applications; Fees. Applications for licensing shall be made [~~on forms prescribed and furnished by the board,~~] ***using the method prescribed by the office of professional licensure and certification*** and shall contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of the applicant's technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be individuals having personal or professional knowledge of the applicant's forestry experience. The fee for a license as a forester shall be fixed by the [~~board~~] ***office of professional licensure and certification***. One-half of the fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by certified mail, return receipt requested, that the application has been accepted, the applicant shall forfeit the right to have the license issued and the applicant may be required to again submit an original application and pay an original fee on such application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the [~~board~~] ***office of professional licensure and certification*** as an application fee.

247 Board of Foresters; Examination; Re-Examination; Fee. Amend RSA 310-A:106 to read as follows:

310-A:106 Examination; Re-Examination; Fee. The methods and procedure for written and oral examinations shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of 6 months and shall be entitled to one re-examination without payment of an additional fee. Subsequent re-examinations may be granted upon payment of a fee to be fixed by the [~~board~~] ***office of professional licensure and certification***.

248 Board of Foresters; Failure to Renew. Amend RSA 310-A:110 to read as follows:

310-A:110 Failure to Renew. Failure to remit the biennial renewal fee when due or failure to submit proof of required continuing education shall automatically cancel the license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose license is cancelled for such failure may reinstate such license by paying, within one year of cancellation, all fees due, plus a late fee as established by the [~~board~~] ***office of professional licensure and certification***, provided continuing education requirements have been met.

249 Repeal; Board of Foresters. The following are repealed:

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I. RSA 310-A:100, VII, relative to the roster of licensed foresters published by the secretary of state.

II. RSA 310-A:102, I and V, relative to certain rulemaking authority of the board of foresters.

III. RSA 310-A:116, relative to fees established by the board of foresters.

250 Board of Professional Geologists. Amend RSA 310-A:120, V-VII to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. [~~Three members~~] ***A majority of members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI. The board shall keep a record of its proceedings [~~and a register of all applications for licensure, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

[~~(a) The name, age, and residence of each applicant.~~

~~(b) The date of application.~~

~~(c) The place of business of such applicant.~~

~~(d) The applicant's educational and other qualifications.~~

~~(e) Whether or not an examination was required.~~

~~(f) Whether the applicant was rejected and the reasons for such rejection.~~

~~(g) Whether a license or permit was granted.~~

~~(h) The date of the action of the board.~~

~~(i) Such other information as may be deemed necessary by the board.~~]

VII. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

251 Board of Professional Geologists; Continuing Education. Amend RSA 310-A:127, I to read as follows:

I. Applications for licensure shall be [~~on forms prescribed and furnished by the board,~~] ***made using the method prescribed and furnished by the office of professional licensure and certification. Applications*** shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.

252 Board of Professional Geologists; Examinations. Amend RSA 310-A:129 to read as follows:

310-A:129 Examinations. Written technical examinations in geology shall be held at least annually as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the [~~board~~] ***office of professional licensure and certification*** and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

253 Board of Professional Geologists; Certificates; Seals. Amend RSA 310-A:130 to read as follows:

310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the [~~board~~] ***office of professional licensure and certification***, to any applicant who has satisfactorily met

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all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

254 Board of Professional Geologists; License Expiration and Renewals. Amend RSA 310-A:132, II to read as follows:

II. Failure to remit the renewal fee when due shall automatically suspend the license. A person whose license is canceled for such failure may reinstate the license by paying, within one year of suspension, all fees due, plus a late fee as established by the [~~board~~] ***office of professional licensure and certification***.

255 Repeal; Board of Professional Geologists. The following are repealed:

I. RSA 310-A:120, VIII, relative to the roster of professional geologists published by the secretary of state.

II. RSA 310-A:121, I(a) and (f), II, and III, relative to certain rulemaking of the board of professional geologists.

III. RSA 310-A:123, relative to receipts and disbursements of the board of professional geologists.

256 Board of Landscape Architects; Establishment. Amend RSA 310-A:142, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. [~~Three members~~] ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings [~~and a register of all applications for licensure, which shall show:~~] ***in accordance with the retention policy established by the office of professional licensure and certification.***

[~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~]

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~]

257 Board of Landscape Architects; Rulemaking Authority. Amend RSA 310-A:143, I(d) to read as follows:

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(d) [~~How a license to practice under this subdivision shall be~~] ***The criteria for a license to be*** renewed or reinstated, including late fees and any requirements for continuing education;

258 Board of Landscape Architects; Rulemaking. Amend RSA 310-A:143, I(j) to read as follows:

(j) [~~Application procedures for and~~] ***The*** issuance of corporate practice certificates.

259 Board of Landscape Architects; Applications. Amend RSA 310-A:149, I to read as follows:

I. Applications for licensure shall be [~~on forms prescribed and furnished by the board,~~] ***made using the method prescribed and furnished by the office of professional licensure and certification. Applications*** shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed landscape architects having personal knowledge of the applicant's professional experience. The [~~board~~] ***office of professional licensure and certification*** shall establish fees for application and any examination required under this subdivision. Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

260 Board of Landscape Architects; Examinations. Amend RSA 310-A:151 to read as follows:

310-A:151 Examinations. Written technical examination in landscape architecture shall be held at least annually as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination upon payment of an additional fee determined by the [~~board~~] ***office of professional licensure and certification*** and shall be reexamined on the next regularly scheduled examination date.

261 Board of Landscape Architects; Certificates; Seals. Amend RSA 310-A:152 to read as follows:

310-A:152 Certificates; Seals. The board shall issue a license upon payment of the license fee established by the [~~board~~] ***office of professional licensure and certification***, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "licensed landscape architect." All papers or documents involving the practice of landscape architecture under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

262 Board of Landscape Architects; Expiration and Renewals. Amend RSA 310-A:154, II to read as follows:

II. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list [~~and roster~~]. The board, pursuant to rules adopted under RSA 310-A:143, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

263 Repeal; Landscape Architects. The following are repealed:

I. RSA 310-A:142, IV, relative to compensation of members of the board of landscape architects.

II. RSA 310-A:142, VII, relative to the roster of landscape architects published by the secretary of state.

III. RSA 310-A:143, I(a), (e), and (h), relative to certain rulemaking authority of the board of landscape architects.

IV. RSA 310-A:144, relative to the authority of the board of landscape architects to establish fees.

264 Court Reporters; Board; Rulemaking. Amend RSA 310-A:163 and 310-A:164 to read as follows:

Due to the COVID-19 pandemic, the General Court is conducting legislative activities remotely with the exception of publicly noticed sessions in the House or Senate Calendar. During this time, the State House and Legislative Office Building remain closed to visitors.

310-A:163 Board.

I. There is hereby established a board of court reporters. The board shall consist of 5 members who shall be citizens of the United States and residents of this state appointed by the governor and council, 3 of whom shall be court reporters, one of whom shall be a public member and one of whom shall be admitted to practice law in the state of New Hampshire. The public member of the board shall be a person who is not, and never was, a member of the court reporting profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of court reporting services or an activity directly related to court reporting, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. Each court reporter member shall have actively practiced court reporting for the chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of court reporting. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that, for this purpose only, a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. The governor and council may remove a board member for cause. [~~Members of the board shall receive $25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.~~]

II. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. [~~Three members~~] ***A majority of the members of the board appointed by the governor and council*** shall constitute a quorum.

III. The board shall keep a record of its proceedings [~~and a register of all applications for licensure, which shall show:~~

~~(a) The name, age, and residence of each applicant.~~

~~(b) The date of application.~~

~~(c) The place of business of such applicant.~~

~~(d) The applicant's educational and other qualifications.~~

~~(e) Whether or not an examination was required.~~

~~(f) Whether the applicant was rejected and the reasons for such rejection.~~

~~(g) Whether a license was granted.~~

~~(h) The date of the action of the board.~~

~~(i) Such other information as may be deemed necessary by the board~~] ***in accordance with the retention policy established by the office of professional licensure and certification***.

IV. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced.

[~~V. Biennially, on or before December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board. The secretary of the board shall publish a roster listing the names and places of business of all court reporters licensed under the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.~~]

Important Notice

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310-A:164 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. [~~The application procedure for a license to practice under this subdivision.~~

~~II.~~] The qualifications of applicants in addition to those requirements set by statute, including the qualifications for satisfactory evidence of good professional character.

[~~III.~~] ***II.*** How an applicant shall be examined.

[~~IV.~~] ***III.*** [~~How a license to practice under this subdivision shall~~] ***The criteria for a license to*** be renewed or reinstated, including [~~late fees and~~] any requirements for continuing education.

[~~V.~~] ***IV.*** Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

[~~VI. Fees under RSA 310-A:171.~~

~~VII.~~] ***V.*** Matters related to the proper administration of this subdivision.

[~~VIII. Procedures for the conduct of hearings consistent with the requirements of due process.~~

~~IX.~~] ***VI.*** The design of an official seal.

265 Court Reporters; Qualifications. Amend RSA 310-A:170, II to read as follows:

II. Paid the fee required [~~by this subdivision~~]; and

266 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be every 2 years. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years, such amount to be not less than $200. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the [~~board~~] ***office of professional licensure and certification*** and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply for licensure. [~~The board, pursuant to rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.~~]

267 Repeal; Court Reporters. RSA 310-A:171, relative to fees for court reporters, is repealed.

268 Home Inspectors; Board of Home Inspectors. Amend RSA 310-A:186, V-IX to read as follows:

V. [~~Members of the board shall receive $25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.~~

~~VI.~~] The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. [~~Four members~~] ***A majority of the members of the board appointed by the governor and council*** shall constitute a quorum.

[~~VII.(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:~~

~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

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~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Proof of passing home inspection exam.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~

~~(b)~~] ***VI.*** The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board~~

~~VIII. The secretary of the board shall publish a roster listing the names and addresses of all home inspectors licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be sent to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.~~

~~IX.~~] ***VII.*** The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

269 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) [~~The application procedure for a license to practice under this subdivision.~~

~~(b)~~] The qualifications of applicants in addition to requirements of this subdivision, and including the qualifications for satisfactory evidence of good professional character.

[~~(c)~~] ***(b)*** [~~Procedures for auditing applicants and licensees.~~

~~(d) How a license to practice under this subdivision shall be~~] ***The criteria for a license to be*** renewed or reinstated, including [~~late fees and~~] any requirements for continuing education.

[~~(e) The establishment of all fees required under this subdivision.~~

~~(f)~~] ***(c)*** Disciplinary actions by the board that shall be implemented for violations of the standards of practice, code of ethics, and rules adopted by the board.

[~~(g) Procedures for the conduct of hearings consistent with the requirements of due process.~~

~~(h)~~] ***(d)*** Procedures for approving education courses for eligibility for licensure and for a continuing education program

[~~(i)~~] ***(e)*** How an applicant shall be examined, including the form of the examination.

[~~(j)~~] ***(f)*** The design of an official seal.

[~~(k)~~] ***(g)*** The establishment of administrative fines which may be levied in the administration of this subdivision.

270 Home Inspectors; License Applications. Amend RSA 310-A:191, I to read as follows:

I. Applications for licensure [~~on forms prescribed and furnished by the board~~] ***made using the method prescribed and furnished by the office of professional licensure and certification***.

Important Notice

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271 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

310-A:193 Issuance of Licenses. The board shall issue a license upon payment of the license fee established by the [~~board~~] ***office of professional licensure and certification***, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson or the secretary of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed home inspector while the license remains valid. It shall be a class B misdemeanor for the licensee to perform home inspections after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

272 Repeal; Home Inspectors. RSA 310-A:188, relative to rules and fees for the licensing of home inspectors, is repealed.

273 Septic System Evaluators; Board. Amend RSA 310-A:206, VII-X to read as follows:

VII. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. [~~Three members~~] ***A majority of the members appointed by the governor and council*** shall constitute a quorum.

VIII.(a) The board shall keep a record of its proceedings [~~and a register of all applications for licensure, which shall show:~~

~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Proof of passing the septic system evaluator exam.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board~~] ***in accordance with the retention policy established by the office of professional licensure and certification***.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. [~~Biennially, as of December 31, the board shall submit to the executive director of the office of professional licensing and certification a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.~~

~~IX. The secretary of the board shall maintain and regularly update a roster listing the names and addresses of all septic system evaluators certified under this subdivision by the board on the board's website. The board may include in such roster any other information it deems appropriate.~~

~~X.~~] ***IX.*** The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

274 Septic System Evaluators; Rulemaking. Amend RSA 310-A:207, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) [~~The application procedure for a license to practice under this subdivision.~~

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~~(b)~~] The qualifications of applicants in addition to the requirements of this subdivision, including the qualifications for satisfactory evidence of good professional character.

[~~(c)~~] ***(b)*** Procedures for auditing applicants and license holders.

[~~(d)~~] ***(c)*** [~~How a license to practice under this subdivision shall be~~] ***The criteria for a license to be*** renewed or reinstated, including late fees and any requirements for continuing education.

[~~(e) The establishment of all fees required under this subdivision.~~

~~(f)~~] ***(d)*** Professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

[~~(g) Procedures for the conduct of hearings consistent with the requirements of due process.~~

~~(h)~~] ***(e)*** Procedures for approving education courses for eligibility for licensure and for a continuing education program.

[~~(i)~~] ***(f)*** How an applicant shall be examined, including the time, place, type, and form of the examination.

[~~(j)~~] ***(g)*** The design of an official seal.

[~~(k)~~] ***(h)*** The establishment of administrative fines which may be levied in the administration of this subdivision.

275 Septic System Evaluators; License Applications. Amend RSA 310-A:211, I to read as follows:

I. Applications for licensure [~~shall be on forms prescribed and furnished by the board~~] ***made using the method prescribed and furnished by the office of professional licensure and certification***.

276 Septic System Evaluators; Issuance of Licenses. Amend RSA 310-A:213 to read as follows:

310-A:213 Issuance of Licenses. The board shall issue a license upon payment of the license fee established by the [~~board~~] ***office of professional licensure and certification***, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the license holder, have a serial number, and be signed by the chairperson or the secretary of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a certified septic system evaluator while the license remains valid. It shall be a class B misdemeanor for the license holder to perform septic system evaluations after the license of the evaluator has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

277 Repeal; Septic System Evaluators. RSA 310-A:208, relative to licensing and fees for septic system evaluators, is repealed.

278 Board of Accountancy. Amend RSA 309-B:4, III-VIII to read as follows:

III. [~~Each member of the board shall be paid $100 for each day or portion of a day spent in the discharge of official duties and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties.~~

~~IV.~~] The [~~board~~] ***office of professional licensure and certification*** shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services. All moneys collected by the [~~board~~] ***office of professional licensure and certification*** from fees authorized under this chapter shall be received and accounted for by the [~~board~~] ***office of professional licensure and certification***, shall be deposited in the [~~state treasury~~] ***office of professional licensure and certification fund established in RSA 310-A:1-e***. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees.

Important Notice

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[~~V. The board shall file an annual report of its activities with the governor, the president of the senate, and the speaker of the house of representatives. The report shall include a statement of all receipts and disbursements and a listing of all current licensees under this chapter. The board shall mail a copy of the annual report to any person requesting it, upon payment of a reasonable charge.~~

~~VI.~~] ***IV.*** The board may employ investigators and such other personnel as it deems necessary through the office of professional licensure and certification for enforcement under this chapter. It may appoint such committees or persons to advise or assist it in such enforcement, as it may see fit. It may retain its own counsel retained through the office of professional licensure and certification to advise and assist it, in addition to such advice and assistance as is provided by the department of justice.

[~~VII.~~] ***V.*** The board shall have the power to take any action necessary and proper to carry out the purposes of this chapter, including the power to sue and be sued in its official name as an agency of this state; to issue subpoenas to compel the attendance of witnesses and the production of documents; and to administer oaths, to take testimony, to cooperate with the appropriate authorities in other states in investigations and enforcement concerning violations of this chapter and comparable laws of other states, and to receive evidence concerning all matters within its jurisdiction. In case of disobedience of a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

[~~VIII.~~] ***VI.*** The board shall adopt rules, pursuant to RSA 541-A, governing its administration, the enforcement of this chapter and the conduct of licensees. Such rules shall include, but not be limited to:

(a) Rules governing the board's meetings and conduct of its business.

(b) [~~Rules of procedure governing the conduct of investigations and hearings by the board.~~

~~(c)~~] Rules specifying the educational and experience qualifications required for all licensees, and the continuing professional education required for renewal of certificates or registrations.

[~~(d)~~] ***(c)*** Rules of professional conduct directed to controlling the quality and integrity of the practice of public accountancy by licensees, including, but not limited to, matters relating to independence, integrity, objectivity, competence, technical standards, responsibilities to the public, and responsibilities to clients.

[~~(e)~~] ***(d)*** Rules on substantial equivalency for implementation of RSA 309-B:6.

[~~(f)~~] ***(e)*** Rules governing the manner and circumstances of use of the titles "certified public accountant", "CPA," "public accountant" and "PA."

[~~(g)~~] ***(f)*** Rules regarding peer review as required under this chapter. Such rules shall include conduct and cost parameters to ensure that charges for the off-site peer review process are not excessive.

[~~(h) The establishment of all fees required under this chapter.~~

~~(i)~~] ***(g)*** The establishment of administrative fines for violations of this chapter.

[~~(j)~~] ***(h)*** Rules on how an applicant for certificate demonstrates good character.

[~~(k)~~] ***(i)*** Rules for records retention, outsourcing disclosures, and the severance of connections.

279 Board of Accountancy; Qualifications for a Certificate as a Certified Public Accountant. Amend RSA 309-B:5, I to read as follows:

I. The certificate of "certified public accountant" shall be granted to persons of good character who meet the education, experience, and examination requirements of this section, who make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the [~~board~~] ***office of professional licensure***.

280 Board of Accountancy; Qualifications for a Certificate as a Certified Public Accountant. Amend RSA

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309-B:5, VIII to read as follows:

VIII. The board may charge, or provide for a third party administering the examination to charge, each applicant a fee in an amount prescribed by the [~~board~~] ***office of professional licensure and certification*** by rule, for each section of the examination or reexamination taken by the applicant.

281 Board of Accountancy; Issuance and Renewal of Certificates. Amend RSA 309-B:7, III-a and IV to read as follows:

III-a. [~~(a)~~] As an alternative to the requirements of paragraph III, a certificate holder licensed by another state who establishes his or her principal place of business in this state shall request the issuance of a certificate from the board prior to establishing such principal place of business. The board shall issue a certificate to such person who obtains from the NASBA National Qualification Appraisal Service verification that such individual's CPA qualifications are substantially equivalent to the CPA licensure requirements of the AICPA/NASBA Uniform Accountancy Act.

[~~(b) An application under this paragraph may be made through the NASBA Qualification Appraisal Service.~~]

IV. The board***, through the office of professional licensure and certification,*** may charge a fee to any licensee of another state receiving a reciprocal certificate under this section, in accordance with rules adopted by the [~~board~~] ***office of professional licensure and certification***.

282 Board of Accountancy; Issuance and Renewal of Certificates. Amend RSA 309-B:7, VIII to read as follows:

VIII. The board shall charge a fee for each application for initial issuance or renewal of a certificate under this section in an amount prescribed by the [~~board~~] ***office of professional licensure and certification*** by rule.

283 New Paragraph; Board of Accountancy; Issuance and Renewal of Certificates. Amend RSA 309-B:7 by inserting after paragraph XIV the following new paragraph:

XV. The board may contract with the NASBA Qualification Appraisal Service to assess any applications made under this section.

284 Board of Accountancy; Firm Permits to Practice. Amend RSA 309-B:8, V to read as follows:

V. The board shall charge a fee for each application for initial issuance or renewal of a permit under this section in an amount prescribed by the [~~board~~] ***office of professional licensure and certification*** by rule.

285 Electricians; Board. Amend RSA 319-C:4, III-IV to read as follows:

III. [~~The members of the board, other than state employees, shall each be allowed the sum of $30 per day and their necessary traveling expenses incurred in carrying out their official duties.~~

~~IV.~~] All administrative, clerical, and business processing functions of the board shall be transferred to the office of professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

286 Electricians; Organizations and Meetings; Rulemaking. Amend RSA 319-C:6 and 6-a to read as follows:

319-C:6 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairman, a vice-chairman, and a secretary, who shall be one of the appointed members. A quorum of the board shall consist of [~~not less than 3 members, not including the ex officio member~~] ***a majority of the members of the board appointed by the governor and council***, and at least one of whom shall be a public member.

319-C:6-a Rulemaking Authority. The board, with an affirmative vote of at least 3 of the 5 appointed board members, shall adopt rules, pursuant to RSA 541-A, relative to:

I. [~~The application procedure for a license to practice under this chapter;~~

~~II.~~] The qualifications of applicants in addition to those requirements established under this chapter, and including the qualifications for satisfactory evidence of:

Important Notice

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(a) [~~A high school education~~] ***Either completion of high school or a high school equivalent***, and

(b) Good professional character;

[~~III.~~] ***II.*** How an applicant shall be examined, and procedures for computerized examinations;

[~~IV.~~] ***III.*** [~~How~~] ***The criteria for*** a license to practice under this chapter [~~shall~~] ***to*** be renewed, including the requirements for continuing education;

[~~V. The establishment of all fees required under this chapter;~~

~~V-a.~~] ***IV.*** The applicable version of the National Electrical Code with any discretionary changes, provided that any such changes are no less stringent than provided in the state building code administered and approved by the state building code review board under RSA 155-A;

[~~VI.~~] ***V.*** Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards; ***and***

[~~VII. Procedures and policy for the investigation of complaints against licensees or registrants;~~

~~VIII. Procedures for the conduct of hearings consistent with the requirements of due process; and~~]

[~~IX.~~] ***VI.*** Matters related to the proper administration of this chapter.

287 Electricians; Examination for License. Amend RSA 319-C:8 to read as follows:

319-C:8 Examinations for License. Each applicant for licensure shall present to the board[~~, on forms furnished by the board, a written~~] ***an*** application for examination and license, containing such information as the board may require, accompanied by the required application fee established by the [~~board~~] ***office of professional licensure and certification***. Proctored examinations shall be written, written and oral, oral, or computerized as approved by the board, and shall be of a thorough and practical character. They shall include such provisions of the National Electrical Code as the board may deem appropriate. Any person failing to pass his or her first examination may be reexamined at any subsequent examination meeting of the board or by an examination entity approved by the board, and thereafter may be examined as often as he or she may desire upon submitting the written application for examination and license and payment of the required application fee as set forth in this chapter.

288 Electricians; Renewal of Licenses. Amend RSA 319-C:9, I to read as follows:

I. Notwithstanding any outstanding license to the contrary, all licenses issued by the board shall be valid for 3 years and expire on the last day of the month of the licensee's birth, but may be renewed without additional fees during the following month, retroactive to the first day of the month. Upon payment of the normal renewal fee and a late fee, licenses which have been expired for at least one month shall be permitted to be renewed within one year after the date of expiration. The fees for renewal and late renewal of a license issued under this chapter shall be established by the [~~board~~] ***office of professional licensure and certification***.

289 Electricians; Records. Amend RSA 319-C:13 to read as follows:

319-C:13 Records. The board shall keep a record of the name and residence of all persons licensed under this chapter ***in accordance with the retention policy established by the office of professional licensure and certification***, and said record or duplicate thereof shall be open for inspection during office hours.

290 Repeal; Electricians. RSA 319-C:6-b, relative to fees for licensure as an electrician, is repealed.

291 Family Mediators; Board. Amend RSA 328-C:4, II(a) to read as follows:

II.(a) Appointments and reappointments to the board shall be for 3-year terms. Vacancies shall be filled by appointment for the unexpired term. ***No member shall be appointed to more than 2 consecutive terms.***

292 Family Mediators; Rulemaking. Amend RSA 328-C:8 to read as follows:

328-C:8 Rulemaking Authority.

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I. The board shall adopt rules for family mediators and family mediator training programs pursuant to RSA 541-A, relative to the following:

(a) The eligibility requirements [~~and application procedures~~] for certification, renewal of certification, recertification, and reinstatement of certification.

(b) [~~The content of all application forms, which forms may require a notarized affidavit stating that the information provided in the application is complete and accurate.~~

~~(c)~~] Content of training programs and training equivalents allowed under RSA 328-C:5, III.

[~~(d)~~] ***(c)*** Content of internships and duration and content of internship equivalents allowed under RSA 328-C:5, III.

[~~(e)~~] ***(d)*** The ethical standards and standards of practice for family mediators certified in New Hampshire.

[~~(f)~~] ***(e)*** Procedures for the reporting of activities conducted by certified family mediators and certified family mediator training programs.

[~~(g) Procedures for processing complaints.~~

~~(h)~~] ***(f)*** Disciplinary [~~procedures,~~] penalties[~~,~~] and sanctions for certified family mediators and martial mediator training programs, as provided under RSA 328-C:7

[~~(i) Fees for applications, certification, renewal of certification, and reinstatement of certification.~~

~~(j)~~] ***(g)*** Reporting requirements for certified training programs.

II. The board may adopt rules for family mediators and family mediator training programs, pursuant to RSA 541-A, relative to the [~~following:~~

~~(a) the~~] application [~~process,~~] requirements[~~,~~] and criteria for temporary renewal of certification and conditional certification.

[~~(b) Fees for temporary renewal of certification and conditional certification and for the filing of requests for information not governed by RSA 91-A, the filing of complaints and petitions, and the processing of changes to information of record.~~

~~(c) Procedures for informal resolution or referral of complaints.~~]

293 Repeal; Family Mediators. The following are repealed:

I. RSA 328-C:4-a, II, relative to application fees for certification of family mediators.

II. RSA 328-C:11, relative to fees established by the family mediator board.

294 Guardians ad Litem Board; Duties. Amend RSA 490-C:4, I(c) to read as follows:

(c) Establish requirements[~~,~~] ***and*** criteria[~~, and fees~~] for the certification, recertification, reinstatement, and renewal of certification of guardians ad litem.

295 Guardians ad Litem Board; Duties. Amend RSA 490-C:4, I(f) to read as follows:

(f) Establish disciplinary [~~procedures,~~] penalties[~~,~~] and sanctions for certified guardians ad litem, which penalties[~~,~~] ***and*** sanctions[~~, and procedures~~] may include revocation of certification, suspension of certification, the imposition of supplemental training requirements or supervised training requirements, supplemental education, fines, written reprimand, and treatment and counseling, including but not limited to treatment and counseling for alcohol and substance abuse. Disciplinary [~~procedures,~~] penalties[~~,~~] and sanctions may be established for and applied to formerly certified guardians ad litem claimed to have engaged in acts or omissions prohibited when certified.

296 Guardians ad Litem Board; Duties. Amend RSA 490-C:4, II(c) to read as follows:

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(c) Establish requirements[~~,~~] ***and*** criteria[~~, and fees~~] for the conditional certification or temporary certification of guardians ad litem or both, including procedures and requirements regarding the circumstances and manner in which individuals may be temporarily or conditionally certified, the term and duration of conditional or temporary certification, and the ethical standards and standards of practice applicable to persons so certified.

297 Guardians ad Litem Board; Rulemaking. Amend RSA 490-C:5 to read as follows:

490-C:5 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The application [~~process~~] ***criteria*** for certification, renewal of certification, recertification, and reinstatement of certification.

(b) [~~The content of all application forms, which forms may require a notarized affidavit stating that the information provided in the application is complete and accurate and which may gather, in addition to other information, information that will assist the court in making an informed decision on whether or not to appoint an individual as a guardian ad litem in a particular case.~~

~~(c)~~] Eligibility requirements and criteria for certification, recertification, reinstatement, and renewal of certification.

[~~(d)~~] ***(c)*** Training requirements.

[~~(e)~~] ***(d)*** Educational and continuing educational requirements.

[~~(f) Fees for certification, recertification, reinstatement, and renewal of certification.~~

~~(g)~~] ***(e)*** The ethical standards and standards of practice for guardians ad litem certified in New Hampshire.

[~~(h) Procedures for conducting investigations and hearings conducted by the board under this chapter.~~

~~(i) Procedures for processing complaints and addressing disciplinary issues handled by the board under this chapter.~~

~~(j)~~] ***(f)*** Disciplinary [~~procedures,~~] penalties[~~,~~] and sanctions for certified guardians ad litem, which penalties[~~,~~] ***and*** sanctions[~~, and procedures~~] may include revocation of certification, suspension of certification, the imposition of supplemental training requirements or supervised training requirements, supplemental education, fines, written reprimand, and treatment and counseling, including but not limited to treatment or counseling for alcohol or substance abuse. Disciplinary [~~procedures,~~] penalties[~~,~~] and sanctions may be established for and applied to formerly certified guardians ad litem who engaged in acts or omissions prohibited when certified.

II. The board may adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The application or certification [~~process,~~] requirements[~~,~~] and criteria for temporary or conditional certification or both, including but not limited to procedures and requirements regarding the circumstances and manner in which individuals may be temporarily or conditionally certified or both, the term and duration of conditional or temporary certification or both, and the ethical standards and standards of practice applicable to persons so certified.

(b) [~~Fees for temporary or conditional certification or both, and for the filing of requests for information, the filing of complaints or petitions, the processing of changes to information of record, the provision of training, and the provision of course material.~~

~~(c)~~] Procedures for the reporting of activities conducted by guardians ad litem appointed in New Hampshire.

[~~(d)~~] ***(c)*** The administration of oaths or affirmations, the preservation of testimony, and the issuance of subpoenas for witnesses and for documents, on the approval of the attorney general, relative to investigations, adjudicatory hearings, or other proceedings held by the board.

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[~~(e) Procedures for informal resolution or referral of complaints.~~

~~(f)~~] ***(d)*** Procedures and requirements relating to the resignation or surrender of certification, including but not limited to the circumstances or conditions under which a certified guardian ad litem may resign or surrender his or her certification.

[~~(g)~~] ***(e)*** Disciplinary [~~procedures,~~] penalties[~~,~~] and sanctions for conditionally or temporarily certified guardians ad litem or both and persons formerly certified by the board, which penalties[~~,~~] ***and*** sanctions[~~, and procedures~~] may include, but need not be limited to, those listed in RSA 490-C:4, I(f).

[~~(h)~~] ***(f)*** Procedures and requirements relative to maintenance or disclosure of confidential information received by, or used in investigations or in hearings, proceedings, or other activities or matters before the board.

298 Board of Manufactured Housing; Quorum. Amend RSA 205-A:26, I to read as follows:

I. A majority of the ***members of the*** board ***who have been appointed by the governor and council*** shall constitute a quorum [~~to conduct hearings, and a vote of at least 4 members present and voting in favor shall be required to adopt and approve any matter under consideration~~].

299 Board of Manufactured Housing; Meetings and Records. Amend RSA 205-A:29 to read as follows:

205-A:29 Meetings and Records. The board shall hold meetings in Concord, New Hampshire or in any other location deemed appropriate by the board. The records of the board shall be maintained at the office of the board of manufactured housing ***consistent with the retention policy established by the office of professional licensure and certification***.

300 Real Estate Appraisers; Licensure or Certification Process. Amend RSA 310-B:5, I and II to read as follows:

I. Applications for original license or certification, renewal license or certification and examinations shall be made [~~in writing to the board on forms approved by the board~~] ***using the method prescribed and furnished by the office of professional licensure and certification***.

II. Appropriate fees, as fixed by the [~~board~~] ***office of professional licensure and certification*** under rules established pursuant to RSA 541-A, shall accompany all applications for original license, certification, renewal license, renewal certification, reciprocal license, and reciprocal certification. An annual federal registration fee shall be collected by the board for transmittal to the federal government under Title XI.

301 Real Estate Appraisers; Registration of Appraisal Management Companies. Amend RSA 310-B:12-b, I(a) to read as follows:

(a) An applicant for registration as an appraisal management company in this state shall submit to the board an application [~~on a form or forms prescribed by the board~~] ***using the method prescribed and furnished by the office of professional licensure and certification***.

302 Real Estate Appraisers; Appraisal Management Company Fee. Amend RSA 310-B:12-e to read as follows:

310-B:12-e Appraisal Management Company Fee.

I. The [~~board~~] ***office of professional licensure and certification*** shall establish by rule or regulation a processing fee to be paid by each appraisal management company seeking registration under this chapter that is sufficient for the administration of the registration process.

II. A similar processing fee may be charged by the [~~board~~] ***office of professional licensure and certification*** in connection with the renewal of any registrations.

303 Real Estate Appraisers; License or Certificate. Amend RSA 310-B:16 to read as follows:

310-B:16 License or Certificate.

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[~~I. A license or certificate issued under authority of this chapter shall bear the signature of the board chairperson or a designee who is a member of the board and a license or certificate number assigned by the board.~~

~~II.~~] Each licensed or certified real estate appraiser shall place such appraiser's license or certificate number adjacent to or immediately below the appraiser's signature whenever the appraiser's signature is used in an appraisal report or in a contract or other instrument used by the license or certificate holder in conducting real estate appraisal activities.

304 Real Estate Appraisers; Receipts and Disbursements. Amend RSA 310-B:21 to read as follows:

310-B:21 Receipts and Disbursements.

I. The [~~board~~] ***office of professional licensure and certification*** shall receive and account for all moneys derived under the provisions of this chapter. Under no circumstances shall the total amount of payments exceed the fees collected under this chapter.

I-a. All moneys collected as administrative penalties through enforcement actions or settlements under this chapter shall be credited to the real estate appraisers fund and disbursed by the board for the investigation of complaints and activities [~~that violate this chapter or rules adopted by the board.~~

~~II. The board shall reimburse the general fund for moneys appropriated for the purposes of this chapter as soon as such funds are available.~~

~~III.~~] ***II.*** Revenues in excess of budget estimates may be expended with the prior approval of the legislative fiscal committee and the governor and council.

305 Real Estate Appraisers; Rulemaking. Amend RSA 310-B:24 to read as follows:

310-B:24 Rulemaking Authority. The board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application [~~procedure and~~] eligibility requirements for the issuance of any initial license or certificate issued under this chapter, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

I-a. The application [~~procedure and~~] eligibility requirements for the issuance of any temporary practice permit issued under this chapter.

II. [~~Design and content of all forms required under this chapter.~~

~~III.~~] How an applicant shall be examined.

[~~IV.~~] ***III.*** [~~How a~~] ***The criteria for renewal of a*** license or certificate [~~shall be renewed~~].

[~~V.~~] ***IV.*** Ethical standards required to be met by each holder of a license or certificate issued under this chapter and how such license or certificate may be revoked for violation of these standards.

[~~VI. Establishing all fees required under this chapter, subject to RSA 332-G.~~

~~VII.~~] ***V.*** Standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.

[~~VII-a.~~] ***VI.*** The registration and supervision of appraisal management companies under RSA 310-B:16-a[~~, including the establishment of fees for annual registration and for renewal of registration~~].

[~~VIII. The conduct of investigations and procedures for the conduct of hearings consistent with the requirements of RSA 541-A.~~

~~VIII-a.~~] ***VII.*** Establishing continuing education and experience requirements which comport with criteria set forth by the board.

[~~IX.~~] ***VIII.*** The requirements for public requests for information.

[~~X.~~] ***IX.*** The conditions and requirements for granting a waiver to any rule adopted by the board.

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306 Repeal; Real Estate Appraisers. The following are repealed:

I. RSA 310-B:20, relative to fees for licensure or certification of appraisal management companies.

II. RSA 310-B:22, relative to a roster of licensed or certified real estate appraisers.

307 Repeal; Distribution of Publications. RSA 332-H, relative to the distribution of publications by licensing commissions and boards, is repealed.

308 Findings; Temporary Licensing. On March 23, 2020, Governor Sununu required the office of professional licensure and certification to establish a system to process a provisional license for an out-of-state medical provider who presents to the office of professional licensure and certification evidence that they are licensed in good standing in another jurisdiction.

309 New Section; Office of Professional Licensure and Certification. Temporary Licensing Process. Amend RSA 310-A by inserting after section 1-e the following new section:

310-A:1-f Temporary Licensing Process; Rulemaking. Notwithstanding any other state law to the contrary, the office of professional licensure and certification shall be authorized to issue temporary licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A. The rules shall contain the following provisions:

I. Health care professionals shall be defined as those individuals licensed by the boards, councils, and commissions within the division of health professions as set forth in RSA 310-A:1-a, II, with the exception of those licensed pursuant to RSA 314, RSA 314-A, RSA 313, RSA 328-B, and RSA 328-H.

II. The temporary licenses shall be valid for 120 days, or until the board, council, or commission takes action on an application for full licensure, whichever happens first.

III. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

310 Findings; Electronic Signatures. On May 19, 2020, in response to the COVID-19 State of Emergency, Governor Sununu issued Exhibit H to Emergency Order #29. Exhibit H requires all boards, councils, or commissions administered by the office of professional licensure and certification to accept electronic signatures or scans of signed documents in addition to original signatures.

311 New Paragraph; Electronic Signatures. Amend RSA 310-A:1-d by inserting after paragraph II the following new paragraph:

III. Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), all boards, councils, or commissions shall accept electronic signatures and scans of signed documents in addition to original signatures.

312 Allied Health Professionals; Temporary Licensure. Amend the introductory paragraph of RSA 328-F:18, VI to read as follows:

VI. Occupational therapists, occupational therapist assistants, recreational therapists, speech pathologists, respiratory care practitioners, ***athletic trainers, genetic counselors,*** 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. ***Temporary licensure shall not apply to an allied health governing board that is a member of an interstate licensure compact.*** An applicant for temporary licensure to practice, who is currently licensed or certified in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

313 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, IV to read as follows:

IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-IV controlled substance, ***and conduct medication reconciliation,*** but does not include:

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(a) A licensed hospital pharmacy ***under RSA 318*** that dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department or that dispenses for administration in the hospital;

(b) A practitioner, or other authorized person who administers such a substance;

(c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

(d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department to a patient; [~~or~~]

(e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV controlled substance to a patient***; or***

(f) A practitioner who neither prescribes nor dispenses and who is not actively working as a pharmacist within a New Hampshire licensed pharmacy licensed under RSA 318 or New Hampshire health care facility licensed under RSA 151.

314 New Paragraph; Controlled Drug Prescription Health and Safety Program Established. Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by practitioners within the state and to establish secure connections between the program and a practitioner's electronic health record keeping system. The electronic health record keeping system may allow for the query and retrieval of program information for display and retention in the patient's medical information; provided that nothing in this section shall allow the electronic health record keeping system owner or license holder to perform data queries unrelated to individuals under the practitioner's care. The electronic health record keeping system owner or license holder shall be responsible for ensuring that only authorized individuals have access to program information.

315 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

II-a. A practitioner who intends to request and use information from the program about a patient shall post a sign that can be easily viewed by the public that discloses to the public that the practitioner may access and use information contained in the program. In lieu of posting a sign, the practitioner may provide such notice in written material provided to the patient.

316 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(a)(2) and (3) to read as follows:

(2) For reviewing information regarding prescriptions issued or dispensed by the requester; [~~or~~]

(3) For the purpose of investigating the death of an individual***; or***

(***4) For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA 329:13-b, and other participating health professional boards***.

317 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of professional licensure and certification to review certain information, is repealed.

318 Repeal. RSA 328-F:18-a, V, relative to conditional licensure as an allied health professional pending results of a criminal history records check, is repealed.

319 Places of Assembly; Definition of Licensing Agency. Amend RSA 155:17, II to read as follows:

II. "Licensing agency" shall mean the chief of the fire department, the firewards or engineers, if any, otherwise the selectmen of the town or the commissioners of village district as the case may be***, or the state fire marshal, as he or she deems necessary, in consultation with the local licensing agency, if any***.

320 Places of Assembly; License Required. Amend RSA 155:18 to read as follows:

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155:18 License Required. No person shall own or operate a place of assembly within this state unless licensed so to do by the licensing agency of the ***state,*** city, town, or village district where said place of assembly is located, including assemblies occurring on state waters or ice formed on state waters, in accordance with the regulations herein promulgated. In the application of this act to existing places of assembly the licensing agency may modify such of its provisions as would require structural changes if in his or her opinion adequate safety may be obtained otherwise and provided that a permanent record is kept of such modifications and the reasons therefor.

321 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA 457 by inserting after section 32-a the following new section:

457:32-b Special Marriage Officiant License.

I. The secretary of state may issue a special marriage officiant license, which shall temporarily authorize an individual to solemnize a marriage in this state. Any individual who applies for the special marriage officiant license shall register with the secretary of state, complete the registration form prescribed by the secretary of state, and submit an $85 fee to the department of state. The secretary of state shall forward $80 of the fee to the department of health and human services for deposit in the fund for domestic violence programs, established in RSA 173-B:15, and shall retain the remainder of the fee for administrative costs associated with issuance of the license.

II. Upon registration as a special marriage officiant, the individual shall be authorized to solemnize only the civil marriage designated on the registration form and shall receive proof of such authority from the secretary of state. The individual's authority to solemnize the marriage shall expire at the same time as the corresponding license.

322 Effective Date.

I. Sections 2, 180, 308-311, and 314-317 of this act shall take effect upon its passage.

II. Sections 312, 313, and 318-321 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect September 1, 2020.

2020-1423s

AMENDED ANALYSIS

This bill:

I. Makes changes to the statutory provisions governing the regulatory boards and commissions for technical professions and health professions in order to conform to oversight and administration by the office of professional licensure and regulation.

II. Expands the professions in the allied health governing boards which grant temporary licensure to licensees from other states.

III. Authorizes the department of health and human services to access certain data and information from the controlled drug prescription health and safety program under certain circumstances.

IV. Repeals the provision allowing certain applicants for licensure as allied health professionals to practice on a conditional basis pending the results of a criminal history record check.

V. Amends the definition of licensing agency to include the state fire marshal for purposes of licensing places of assembly under RSA 155:18.

VI. Establishes a special marriage officiant license to temporarily authorize an individual to solemnize a marriage. A portion of the license fee shall be deposited in the fund for domestic violence programs.

Commerce
June 11, 2020
2020-1465s
10/04

Amendment to HB 1494-FN

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

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AN ACT adopting omnibus legislation concerning workers.

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

1 Repeal. RSA 281-A:17, I(c), relative to the length of time the presumption of heart or lung disease in members of fire departments is occupationally related, is repealed.

2 New Subdivision; Safety and Health of Employees; Occupational Safety and Health Standards Advisory Board Established. Amend RSA 277 by inserting after section 38 the following new subdivision:

Occupational Safety and Health Standards

277:39 Occupational Safety and Health Standards Advisory Board Established.

I. There is established an occupational safety and health standards advisory board to consult with and advise the labor commissioner on the adoption and enforcement of occupational safety and health standards for public employees.

II.(a) The advisory board shall consist of the following members:

(1) Three representatives of public employers, appointed by the governor, one of whom shall represent state agencies, one of whom shall represent counties, and one of whom shall represent municipalities.

(2) Three representatives of public employees, appointed by the governor, one of whom shall represent state employees, one of whom shall represent school employees, and one of whom shall represent municipal employees.

(3) One representative of an insurance company licensed to insure workers' compensation within the state, appointed by the governor.

(4) One representative of Keene State WorkWISE NH, appointed by that organization.

(5) Two members of the public, appointed by the governor.

(6) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) The legislative member shall receive mileage at the legislative rate when attending to the duties of the advisory board. The legislative member shall serve a term coterminous with his or her term in office. The remaining members shall serve 4-year terms, except that the initial appointments shall be staggered in the following manner. Three members shall be appointed for an initial term of 2 years, 3 members shall be appointed for an initial term of 3 years, and 3 members shall be appointed for an initial term of 4 years. Each member shall hold office until a successor is duly appointed and qualified. Any vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(c) The members of the advisory board shall biennially elect a chairperson from among the members. The first meeting of the advisory board shall be called by the member appointed to represent state agencies. The first meeting of the advisory board shall be held within 45 days of the effective date of this section. Six members of the advisory board shall constitute a quorum.

III. The advisory board shall:

(a) Consult with the labor commissioner and the Region 1 Office for the Occupational Safety and Health Administration on the development and submission of a state plan for occupational safety and health standards to the United States Secretary of Labor pursuant to 29 U.S.C. section 667 and 29 C.F.R. section 1902.3.

(b) Review state and local government employee plans from other states, including Maine, Illinois, New Jersey, Connecticut, and New York, and consult with the Occupational Safety and Health State Plan Association regarding the process for establishing and administering a state plan for New Hampshire's public employees.

(c) Evaluate injury and illness data, recommend training and implementation of safety and health measures, monitor the effectiveness of safety and health programs, and determine where additional resources are needed to protect the safety and health of public employees.

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IV. Beginning November 1, 2020, and each November 1 thereafter, the advisory board 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.

277:40 Adoption of Occupational Safety and Health Standards.

I. Each employer, as defined in RSA 277:1-b, II, shall provide employees, as defined in RSA 277:1-b, I, at least the level of protection provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. section 651, et seq., including standards and the provision of the general duty clause in 29 U.S.C. section 654.

II. The labor commissioner, in consultation with the advisory board established in RSA 277:39, shall adopt rules under RSA 541-A relative to the protections required under this section.

3 Contingency. RSA 277:40, as inserted by section 2 of this act, shall take effect on the date the labor commissioner certifies to the director of legislative services that the Occupational Safety and Health Administration has approved a state plan for the protection of public employees pursuant to the Occupational Safety and Health Act of 1970.

4 Death Benefit; Employees Killed in the Line of Duty; Public Works Employee Added. Amend the section heading and paragraphs I through the introductory paragraph of III of RSA 21-I:29-a to read as follows:

21-I:29-a Death Benefit for [~~Police Officer or Firefighter~~] ***Employees*** Killed in Line of Duty.

I. In this section:

(a) "Adult child" means a child, whether by blood or adoption, of the police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member, ***or public works employee*** age 18 or older at the time of death of such police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member, ***or public works employee*** and who does not meet the definition of a dependent child.

(b) "Dependent child" means a child, whether by blood or adoption, of the police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** who:

(1) Is under the age of 25 and was dependent on the earnings of the police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** at the time of death. For the purposes of this subparagraph, a child is not considered dependent if the child provides more than half of his or her own support, is married, or is legally adopted by another; or

(2) Is any age and is physically or mentally incapacitated and was dependent on the earnings of the police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** at the time of death.

(c) "Family" means the surviving spouse of the police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** who was wholly or partially dependent, in fact, upon the earnings of the police officer***,*** firefighter, emergency medical technician, rescue squad member***, or public works employee*** or, if there is no surviving spouse, the surviving dependent child or dependent children, of such police officer [~~or~~]***,*** firefighter***, emergency medical technician, rescue squad member, or public works employee*** or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee***.

(d) "Emergency medical technician" means all levels of emergency medical technician, including emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics, whether auxiliary, intermittent, special, part-time, volunteer, call, or reserve, who is employed by a city, town, village district, or precinct within the state of New Hampshire, or any emergency medical technician who is a volunteer for or employed by a nonprofit corporation in New Hampshire, or any emergency medical technician employed by a New Hampshire licensed private ambulance service while in the performance of emergency medical services pursuant to RSA 153-A:2, VI either under contract or agreement with a city, town, village, or precinct.

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(e) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or precinct within the state of New Hampshire, any firefighter employed by the state of New Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation which is the primary provider of fire protection for all or part of a New Hampshire municipality.

(f) "Killed in the line of duty" means a death of a police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. "Incident" shall include any death that is determined to be occupationally related by the worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

(g) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire, police officers employed by the university system of New Hampshire, court security officers and bailiffs, and any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

(h) ***"Public works employee" means any municipal or state public works or highway employee who has the responsibility to work in hazardous locations, or as a first responder, or in conjunction with emergency first responders in construction zones, highway traffic areas, and other locations where the public works or highway employee is exposed to risk of injury or fatality from construction hazards, highway traffic volume and speed, nighttime responses, environmental issues, weather, or other hazardous conditions.***

(i) "Rescue squad member" means any member of a rescue squad formed for the purposes of responding to a state of emergency as declared by the governor or as part of a search and rescue effort under the supervision of the fish and game department to recover a lost person.

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a $100,000 death benefit to the family of a police officer, firefighter, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** killed in the line of duty. Payment to a dependent child under the age of 18 shall be made to the child's trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The commissioner of safety, upon notice from the family or chief of department of any firefighter, police officer, emergency medical technician, [~~or~~] rescue squad member***, or public works employee*** who may be entitled to a line-of-duty death benefit or upon the commissioner's own initiative, shall obtain the available records related to the circumstances, cause, and manner of such death and the decedent's status as a firefighter, police officer, emergency medical technician, [~~or~~] rescue squad member, ***or public works employee*** may cause further inquiry to be made, and shall make a determination of whether the death qualifies as a line-of-duty death and who is entitled to the death benefit. The determination shall be made within 180 days of the determination of the cause and manner of death by the office of the chief medical examiner, or within 180 days from the date the commissioner received notice from the family or chief of department of the firefighter, police officer, emergency medical technician, [~~or~~] rescue squad member, ***or public works employee*** whichever is later. For deaths that are not reviewed by the office of the chief medical examiner, the determination shall be made within 180 days of a determination that the decedent qualifies for a workers' compensation death benefit by a worker's compensation carrier, self-insured worker's compensation plan, or the labor commissioner pursuant to RSA 281-A, or within 180 days from the date the commissioner received notice from the family or chief of department of the firefighter, police officer, emergency medical technician, [~~or~~] rescue squad member, ***or public works employee*** whichever is later.

5 Retirement System; Accidental Death Benefits; Workers' Compensation Offset. Amend RSA 100-A:8, III and IV to read as follows:

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III. Workers' Compensation. [~~Notwithstanding the foregoing provisions of this section and except for payments made under RSA 281-A:37, any amounts which may be paid or payable under the provisions of any workers' compensation or similar law on account of the death of any member shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu of any state annuity payable under the provisions of this section on account of the same death. Any amounts offset above shall not include compensation received to pay hospital or medical bills under any private annuity or disability insurance plan.~~

~~IV. The offset provisions of paragraph III shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty. In this case~~] Any amounts paid or payable under the provisions of any workers' compensation or similar law on account of the death of the member shall not be offset against or payable in lieu of any state annuity payable under the provisions of this section on account of the same death.

6 New Paragraph; Public Employer Labor Relations; Elections. Amend RSA 273-A:10 by inserting after paragraph IX the following new paragraph:

X. The board shall certify, and the public employer shall recognize as the exclusive representative, an employee organization which has received a written majority authorization for the purpose of collective bargaining for all of the employees in the bargaining unit.

7 Bargaining by State Employees. Amend RSA 273-A:9, I to read as follows:

I. All cost items and terms and conditions of employment affecting state employees in the classified system generally shall be negotiated by the state, represented by the governor as chief executive, with a single employee bargaining committee comprised of exclusive representatives of all interested bargaining units. Negotiations regarding terms and conditions of employment unique to individual bargaining units shall be negotiated individually with the representatives of those units by the governor. ***Nothing in this chapter shall be construed to limit an individual bargaining unit from negotiating wages, terms, and conditions specific to that bargaining unit, nor shall any bargaining unit be forced into impasse proceedings due to the declaration of impasse by another bargaining unit.***

8 Effective Date.

I. RSA 277:40, as inserted by section 2 of this act, shall take effect as provided in section 3 of this act.

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

2020-1465s

AMENDED ANALYSIS

This bill:

I. Repeals the length of time the presumption of heart or lung disease is occupationally related for firefighters.

II. Establishes an occupational safety and health advisory board to advise the labor commissioner on the adoption and enforcement of occupational safety and health standards for public employees. The bill also requires public employers to provide employees with at least the level of protection provided under the federal Occupational Safety and Health Act, contingent upon federal approval of a state plan.

III. Establishes a state death benefit for a municipal or state public works employee killed in the line of duty. The bill also eliminates the offset for workers' compensation benefits applicable to group I accidental death benefit annuities in state retirement system.

IV. Requires the public employee labor relations board to certify an employee organization which receives a majority written authorization for the purpose of collective bargaining. The bill also requires a public employer to recognize such employee organization as the exclusive representative for collective bargaining.

V. Provides that an individual bargaining unit may negotiate wages, terms, and conditions specific to that bargaining unit and that an individual bargaining unit shall not be forced into impasse proceedings by the declaration of impasse by another bargaining unit.

Important Notice

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Education and Workforce Development
June 11, 2020
2020-1447s
06/08

Amendment to HB 1558-FN

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

AN ACT relative to the provision of special education services for older students, discipline of students, addressing students' behavioral needs, and making an appropriation therefor; kindergarten funding; violence in schools; policies for students with head injuries; child sexual abuse prevention education and training; authorizing the issuance of bonds or notes by a municipality; adding the chancellor of the university system of New Hampshire to the department of business and economic affairs council of partner agencies; change of school or assignment due to manifest educational hardship; school board expenditure of year-end fund balances; a children's system of care; student wellness; and criminal background checks for bus drivers.

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

1 Special Education; Definition; Child with a Disability. Amend RSA 186-C:2, I to read as follows:

I. "Child with a disability" means any person [~~3 years of age or older but less than 21 years of age~~] ***between the ages of 3 and 21, inclusive,*** who has been identified and evaluated by a school district according to rules adopted by the state board of education and determined to have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services. "Child with a disability" shall include a [~~child~~] ***person between the*** ages ***of*** 18 [~~to~~] ***and*** 21 ***inclusive***, who was identified as a child with a disability and received services in accordance with an individualized education program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education program in his or her last educational institution.

2 Suspension and Expulsion of Pupils. Amend RSA 193:13 to read as follows:

193:13 Suspension and Expulsion of Pupils.

I.(a) [~~The~~] ***A*** superintendent or [~~chief administering officer~~] ***chartered public school director***, or a representative designated in writing by the superintendent ***or chartered public school director***, [~~is authorized to~~] ***may*** suspend pupils from school for a period not to exceed 10 ***consecutive*** school days for***:*** [~~gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and shall make educational assignments available to the suspended pupil during the period of suspension~~]

(1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or

(2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.

(b) The school board or ***chartered public school board of trustees, or*** a representative designated in writing [~~of the school board is authorized~~] ***may***, following a hearing, [~~to continue~~] ***extend*** the suspension of a pupil [~~for a period in excess of~~] ***up to*** 10 ***additional consecutive*** school days ***for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun.*** The school board's ***or board of trustee's*** designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district ***or chartered public school*** in which the pupil seeks to enroll.

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(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board ***or board of trustees*** is appealable to the school board ***or board of trustees***, provided that the superintendent***, school board, or board of trustees*** received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board ***or board of trustees*** shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board ***or board of trustees*** stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board ***or board of trustees*** for ***an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:*** [~~gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun,~~]

(a) A repeated act under subparagraph I(b);

(b) Any act of physical or sexual assault that would be a felony if committed by an adult;

(c) Any act of violence pursuant to RSA 651:5, XIII; or

(d) Criminal threatening pursuant to RSA 631:4, II(a).

III. A pupil who has been expelled [~~and the pupil~~] shall not attend school until [~~restored~~] ***reinstated*** by the local board ***or chartered public school board of trustees.***

III-a. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:

(a) The pupil's age.

(b) The pupil's disciplinary history.

(c) Whether the pupil is a student with a disability.

(d) The seriousness of the violation or behavior committed by the pupil.

(e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.

(f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

III-b. Any expulsion shall be subject to review ***by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion*** if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board ***or board of trustees*** to the state board of education ***at any time while the expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.***

III-c. Any expulsion shall be valid throughout the school districts of the state***. However, upon application by the pupil, any school district or chartered public school may choose to admit an expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.***

[~~III.~~] ***IV.*** Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. ***Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.***

Important Notice

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[~~IV~~] ***V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a pupil to advance from grade to grade. Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of missing class due to suspension.*** ~~[The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.]~~

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. ***If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.***

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs V and VI on a case by case basis.

[~~VII~~] ***VIII***. For purposes of paragraphs I, II, [~~and~~] III, ***and IV*** school board may be either the school board or a subcommittee of the board duly authorized by the school board.

IX. Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.

X. The provisions of this section shall be construed in a manner consistent with RSA 186-C.

XI. School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

(a) Include a graduated set of age appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extra curricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.

(b) Set forth standards for short term suspensions up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and expulsion. Such standards shall make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

XII. Each school district and chartered public school shall make its policy on school discipline:

(a) Available to parents at the beginning of each school year;

(b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and

(c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.

3 Adequate Education Grants for Kindergarten. Amend RSA 198:48-b to read as follows:

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198:48-b Kindergarten Adequate Education Grants. Notwithstanding any provision of law to the contrary:

I. A school district which operates ***a full-day*** kindergarten ***program*** in any school year in which the adequate education grant provided pursuant to RSA 198:42 does not include a count of ***the full-day*** kindergarten students, shall receive an additional adequate education grant based on the number of pupils attending kindergarten in the district as of the beginning of the school year.

II. The per pupil amount of the additional education grant provided in this section shall be [~~$1,200 for the 2008 school year~~] ***50 percent of the amount distributed under RSA 198:40-a, II(a)*** [~~. Starting in the school year that commences in the fall of 2009, a school district which operates kindergarten in any school year in which the adequate education grant provided pursuant to RSA 198:42 does not include a count of kindergarten students, shall receive an additional adequate education grant calculated pursuant to the adequate education grant formula provided in RSA 198~~]**,** based on the number of pupils [~~attending~~] ***enrolled and present on the first day of school in the current year in a full-day*** kindergarten ***program*** in the district [~~as of the beginning of the school year~~]. Once pupils enrolled in an approved kindergarten program have been counted in the average daily membership, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with [~~RSA 198:41 and RSA 198:42. School districts that receive kindergarten adequate education grants under this section shall not be eligible to receive any other per pupil adequate education grant~~] ***RSA 198:40-a, II***.

4 Eligibility Requirements for Business Tax Credits. Amend RSA 162-N:3 to read as follows:

162-N:3 Eligibility Requirements for Business Tax Credits. No economic revitalization zone tax credits shall be allowed to any taxpayer unless the taxpayer's project receives written certification in accordance with RSA 162-N:4, I from the commissioner of business and economic affairs that it [~~will expand~~] ***has expanded*** the commercial or industrial base in a designated economic revitalization zone and [~~will create~~] ***created*** new jobs in the state.

5 Economic Revitalization Zone Tax Credit Letter of Certification. Amend RSA 162-N:4 to read as follows:

I. The commissioner of business and economic affairs shall [~~enter into a written~~] ***certify each application for an*** economic revitalization zone tax credit [~~agreement~~] with each taxpayer[~~; such agreement to be certified by the commissioner of business and economic affairs under this section~~].

II. The [~~agreement~~] ***commissioner, upon satisfaction of the requirements in RSA 162-N:3,*** shall [~~contain~~] ***issue a letter of certification containing*** such provisions as the commissioner of business and economic affairs determines to be in the public interest, which shall include, but not be limited to:

(a) Quality and quantity of full-time jobs [~~to be~~] created.

(b) Duration of the taxpayer's commitments with respect to the economic revitalization zone.

(c) The amount of the taxpayer's investment in the project.

(d) A precise definition of the location of the facility eligible for the credit.

[~~(e) The maximum amount of the economic revitalization zone tax credit that will be allowed to the business under this agreement for jobs created and for construction or reconstruction expenses.~~

~~II.~~] ***III.*** The [~~agreement~~] ***letter of certification*** shall contain a determination of the final amount of the credit awarded and shall be provided to the commissioner of revenue administration and the taxpayer claiming the credit no later than March [~~10~~] ***31*** of each year.

6 Determination of Credit. Amend RSA 162-N:6 to read as follows:

162-N:6 Determination of Economic Revitalization Zone Tax Credits Eligible Amount. For the purpose of determining the economic revitalization zone tax credit that the taxpayer is eligible to receive, the amount of the credit to be taken shall be [~~the lesser of the following:~~

~~I. The maximum amount of the economic revitalization zone tax credit as stated in the agreement as specified by RSA 162-N:4, I(e); or~~

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~~II.~~] the sum of the following:

[~~(a)~~] ***I.*** 4 percent of the salary for each new full-time job created in the calendar year with a wage less than or equal to 1.75 times the then current state minimum wage.

[~~(b)~~] ***II***. 5 percent of the salary for each new full-time job created in the calendar year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.

[~~(c)~~] ***III.*** 6 percent of the salary for each new full-time job created in the calendar year with a wage greater than 2.5 times the then current state minimum wage.

[~~(d)~~] ***IV.*** 4 percent of the lesser of the following:

[~~(1)~~] ***(a)*** The actual cost incurred in the calendar year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

[~~(2)~~] ***(b)*** $20,000 for each new full-time job created in the calendar year.

7 Extension of Prospective Repeal of RSA 162-N. Amend 2007, 263:176, X, as amended by 2010, 311:1 and 2014, 139:1 to read as follows:

X. Section 123 of this act shall take effect[~~ July 1, 2020~~] ***January 1, 2028***.

8 Extension of Prospective Repeal of RSA 162-N:2-a. Amend 2015, 265:9, I to read as follows:

I. Section 7 of this act shall take effect [~~July 1, 2020~~] ***January 1, 2028***.

9 New Hampshire College Graduate Retention Incentive Partnership (NH GRIP); Definition; Certification. Amend RSA 12-O:46, I to read as follows:

I. ***"Certification" means written verification from the department of business and economic affairs that the agreement to be used between the participating employer and the employee meets the requirements of RSA 12-O:48.***

I-a. "Commissioner" means the commissioner of the department of business and economic affairs.

10 Graduate Retention Incentive Partnership; Definitions. Amend RSA 12-O:46, VII to read as follows:

VII. "Participating employer agreement" or "agreement" means an agreement [~~prepared jointly by the department of business and economic affairs in consultation with the New Hampshire College and University Council and the Business and Industry Association of New Hampshire~~] ***that an employer will use to offer each employee an incentive in the amount and duration provided in RSA 12-O:48 and which is to be certified by the department of business and economic affairs***.

11 Graduate Retention Incentive Partnership; Advertising; Department Certification. Amend RSA 12-O:49 to read as follows:

12-O:49 Advertising. ***Upon certification,*** the department shall, in cooperation with the Business and Industry Association of New Hampshire, the New Hampshire College and University Council, the New Hampshire Higher Education Assistance Fund, the New Hampshire Coalition for Business and Education, and Stay, Work, Play NH, advertise to New Hampshire employers and New Hampshire college students the details of NH GRIP, through print and electronic media. The department shall maintain a list of employers who have a valid participating employer agreement and shall make the list available on the department's public Internet site as well as in writing.

12 Workers' Compensation; Safety Provisions; Schools as Employers. Amend RSA 281-A:64, II-III to read as follows:

II. All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. After a written safety program has been filed, the program shall be reviewed and updated by the employer at least every 2 years. Employer

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programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program. ***Where the employer is a public school district, administrative unit, or chartered public school, the safety program shall contain a plan for responding to violent acts committed by students against employees, volunteers, and visitors.***

III. Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section. ***For any public school district, administrative unit, or chartered public school, the joint loss management committee shall also address protocols for employees to follow in relation to workplace violence, including training. The department of labor shall adopt rules, pursuant to RSA 541-A, relative to safety programs, joint loss management committees, and employee safety in public schools.***

13 Workers' Compensation; Responsibility of Employer to Provide Vital Information. Amend RSA 281-A:53, I to read as follows:

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of up to $2,500. ***No employer shall discourage an employee from reporting such injuries to their employer or adversely affect the employee's material terms of employment for doing so. Any employer who is found to have discouraged employees from reporting such injuries to their employer shall be subject to a civil penalty of not more than $2,500 per violation.*** If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them into the department of labor restricted fund established in RSA 273:1-b.

14 New Subparagraphs; Safe School Zones; State Board Rulemaking. Amend RSA 193-D:2, I by inserting after subparagraph (d) the following new subparagraphs:

(e) Reporting acts of violence against school employees, volunteers, and visitors.

(f) A complaint procedure for those asserting that a provision of this chapter has been violated, and possible sanctions and penalties for such violation.

15 New Subparagraphs; Safe School Zones; Report Required. Amend RSA 193-D:4, I by inserting after subparagraph (c) the following new subparagraphs:

(d) All assaults committed against school employees, volunteers, and visitors, shall be reported to the department of education for data collection and examination.

(e) All public schools shall provide an annual incident report to their local school boards. The report shall include all incidents of violence involving students, employees, volunteers, or visitors.

(f) When an act of violence is observed by a group of people, one member of the group may report the act and identify the additional observers, provided a second observer also signs the report.

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16 New Section; Child Restraint Practices. Amend RSA 126-U by inserting after section 1 the following new section:

126-U:1-a Limitations of Child Restraint Practices. The department of education and the department of labor shall work cooperatively to develop consistent definitions and applications of this chapter in order to inform school administrators and employees across the state of best practices regarding restraints in schools. The department of education may utilize grant funds that are available through the department's office of student wellness for trauma-responsive training, consultation on de-escalating violent situations, and proper uses of restraint.

17 New Subdivision; Head Injury Policies for Students. Amend RSA 200 by inserting after section 62 the following new subdivision:

Head Injury Policies for Students

200:63 Head Injuries; Return to Learning Policy and Plan.

I. The department of education shall collaborate with the Brain Injury Association of New Hampshire to develop a concussion and traumatic brain injury return to learning policy and plan for school districts. The plan shall include a recommendation on school-based concussion and brain injury in-service training.

II. The school board of each school district shall adopt a concussion and traumatic brain injury return to learning policy school education program.

18 New Paragraph; School Employee and Designated School Volunteer Criminal History Records Check; Child Sexual Abuse Prevention Education and Training. Amend RSA 189:13-a by inserting after paragraph XI the following new paragraph:

XII. The employing school administrative unit, school district, or chartered public school shall provide every school employee whose position requires a criminal background check under this section with informational materials, training, or other education, either online or in person, concerning child sexual abuse prevention, sexual assault and harassment policy training, warning signs of child abuse, and reporting mandates. For the purposes of this paragraph, school employees include coaches and those enumerated in RSA 189:13-a, I(a), VI, and IX(a). Such training shall be completed within 30 days of employment and renewed every 2 years for all employees.

19 Studies. Amend RSA 189:10 to read as follows:

189:10 Studies. The school board shall ensure that health education and physical education are taught to pupils as part of the basic curriculum. The school board shall ensure that all studies prescribed by the state board of education are thoroughly taught, especially physiology, hygiene, and health and physical education as they relate to the effects of alcohol and other drugs, child abuse as established in the definition of "abused child" under RSA 169-C:3, II, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system. ***The department of education shall survey school districts biennially to receive reports on compliance with this section, and provide the report to the president of the senate, speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction over education, the senate committee with jurisdiction over health and human services, and the house committee with jurisdiction over child and family law.***

20 Municipal Finance Act; Town or District Bonds or Notes. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, [~~and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13~~] shall be authorized by a vote by ballot of [~~2/3~~] ***3/5***, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. [~~The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be~~

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~~authorized by a vote of 3/5.~~] The issue of notes or bonds by a municipality that has adopted an optional form of legislative body under RSA 49-D:3, I-a or RSA 49-D:3, II-a shall be authorized by either a 2/3 or 3/5 vote as adopted and provided for in the charter. If such charter does not specify which majority vote is required, then the required majority vote shall be [~~2/3~~] ***3/5***. Only votes in the affirmative or negative shall be included in the calculation of any majority. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board. Bonding authority under this section may be limited or rescinded as provided in RSA 33:8-f.

21 Municipal Electric Revenue Bonds; Authorization and Issuance. Amend RSA 374-B:2, I to read as follows:

I. Any municipality, when authorized by a [~~2/3~~] ***3/5*** vote as defined in RSA 33:8 for bonds or notes not in excess of $100,000, or in RSA 33:8-a for other bonds or notes for towns and village districts or in RSA 33:9 for cities, may, subject to the approval of the commission under RSA 369:1, borrow money through the issue of revenue bonds to finance project costs, or its share of project costs, of electric power facilities. The commission in rendering its decision shall, in addition to the other requirements of said RSA 369:1, approve only such issue as the commission finds, after notice and opportunity for hearing, is appropriate to finance an electric power facility which is both consistent with the power needs of the state and necessary to supply the load plus reserve requirements created by the municipality's retail customers, and by such wholesale customers as may have existed on the day of the vote of the municipality, said load plus reserve requirements to be forecast by the municipality at a time 3 years beyond the scheduled date for commencement of commercial operation of the facility; in evaluating the ability of the municipality to supply its load plus reserve requirements at said time, the commission shall deduct from these requirements all capacity in other generating units to which the municipality will then be entitled by ownership or contract, including any contracts for the purchase of electricity to be in force at said time. The project costs to be financed may include finance charges, interest prior to and during the carrying out of any project and for a reasonable period thereafter, prepayments under contracts made pursuant to RSA 374-A:2, the funding of notes issued for project costs as hereinafter provided, such reserves for debt service (including a common reserve for debt service established pursuant to an agreement for consolidation of indebtedness under paragraph VI) or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

22 Municipal Electric Revenue Bonds; Temporary Notes. Amend RSA 374-B:3 to read as follows:

374-B:3 Temporary Notes. In anticipation of the authorization or issue of bonds under this chapter, and subject to the approval of the commission under RSA 369:1 or RSA 369:7, a municipality, when authorized by a [~~2/3~~] ***3/5*** vote as defined in RSA 33:8 for towns and village districts or in RSA 33:9 for cities, may issue temporary notes. Subject to the terms of the commission's approval and of the authorizing vote, the municipality may provide for the sale of the notes at public or private sale and may determine the interest rate or rates, maturity or maturities, redemption privileges, if any, form, denomination or denominations and place or places of payment or provide for the determination thereof by the treasurer. Temporary notes issued hereunder shall be executed in the manner provided herein for bonds and shall be payable within 6 years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed

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or paid from time to time by the issue of other notes under this chapter, provided the period from the date of issue of an original note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed 6 years. Unless otherwise provided in the authorizing vote or in the approval of the commission, the municipality may cause notes to be refunded to the extent provided in this chapter. To the extent of any borrowing in anticipation of bonds, the maximum maturity of an equivalent amount of the bonds shall be measured from the date of the anticipatory borrowing.

23 Municipal Electric Revenue Bonds; Revenue Refunding Bonds. Amend RSA 374-B:12 to read as follows:

374-B:12 Revenue Refunding Bonds. Any municipality having bonds outstanding under this chapter, when authorized by a [~~2/3~~] 3/5 vote as defined in RSA 33:8 for towns and village districts and in RSA 33:9 for cities, may issue refunding bonds for the purpose of paying bonds issued by or on its behalf, at maturity or upon acceleration or redemption, subject to the approval of the commission under RSA 369:1. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service (including a common reserve for debt service established pursuant to an agreement for consolidation of indebtedness under RSA 374-B:2, VI) or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing bonds or notes. The refunding bonds may be issued not more than 5 years prior to the maturity or redemption date of bonds being refunded. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the municipality in respect of the same shall be governed by the provisions of this chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable, but no bonds shall be refunded to a date later than the refunded bonds could have matured hereunder.

24 New Subparagraph; Department of Business and Economic Affairs; Council of Partner Agencies. Amend RSA 12-O:7, I by inserting after subparagraph (d) the following new subparagraph:

(e) The chancellor of the university system of New Hampshire.

25 Change of School due to Manifest Educational Hardship. RSA 193:3, I-III is repealed and reenacted to read as follows:

193:3 Change of School or Assignment; Best Interest of Student.

I.(a) The parent or guardian of a student may apply to the superintendent of the student's district of residence if the parent or guardian believes it would be in the best interest of the student to change the student's school or assignment.

(b) Upon such request, the superintendent shall schedule a meeting with the parent or guardian, to be held within 10 days of the request.

(c) Prior to or at such meeting, the parent or guardian shall make a specific request that the student be re-assigned by the school board to another public school or public academy within the district or to a public school or public academy in another district.

(d) At such meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that it is in the best interest of the student to change the student's school or assignment. The superintendent may present such information as he or she deems appropriate.

(e) In determining whether it is in the best interest of the student to change the student's school or assignment, the superintendent shall consider the student's academic, physical, personal, or social needs.

(f) If the superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the superintendent shall initiate:

(1) A change of assignment within the student's current assigned school;

(2) The student's transfer to another public school or public academy within the district of residence; or

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(3) To a public school or public academy in another district.

(g) If a student is reassigned as a result of a best interest determination, the superintendents involved in the reassignment shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to school board policy of the receiving district. The school board of the student's district of residence shall approve the payment of tuition upon the superintendent's finding that is in the best interest of the student to be reassigned. Transportation shall be the responsibility of the parent or legal guardian.

(h) If the superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent or guardian may request a hearing with the school board of residence to determine if the student is experiencing a manifest educational hardship under paragraph II.

II.(a) "Manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.

(b) The superintendent shall duly notify the school board that the parent or guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received.

(c) At such hearing, the parent or guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The superintendent may present such information as he or she may deem appropriate to assist the school board in reaching its decision. The parties shall have the right to examine all evidence and witnesses.

(d) Prior to or at such hearing, the parent or guardian shall make a specific request that the student be re-assigned by the school board to another public school or public academy within the district or to a public school or public academy in another district.

(e) The parent or guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence.

(f) If the school board finds that the student has a manifest educational hardship, the school board shall grant the parent's or guardian's request to re-assign the student to another public school or public academy within the district or to a public school or public academy in another district.

(g) If the school board finds that the parent or guardian has not met their burden of proof, the parent or guardian may appeal the local school board decision to the state board of education. If the state board of education chooses to accept the parent's or guardian's appeal, the state board of education shall schedule hearing on the matter, pursuant to applicable department of education rules.

(h) If a student is assigned to attend school in another district because of a manifest educational hardship, the district in which the student resides shall pay tuition to the district to which the child is reassigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment.

III. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

III-a.(a) A student reassigned under this section shall be counted in the average daily membership in residence of the student's resident school district. The student's resident district shall forward any tuition payment due to the district to which the student was reassigned.

(b) The superintendent of the student's resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section.

(c) Nothing in this section shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

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(d) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

(e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to manifest educational hardship. Each school board shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district.

(f) Students re-assigned under this section shall meet the admission requirements of the school to which the student is re-assigned.

26 School Money; Contingency Fund. Amend RSA 198:4-b, II to read as follows:

II. Notwithstanding any other provision of law, a school district by a vote of the legislative body may authorize, indefinitely until specific rescission, the school district to retain ***any unused portion of the*** year-end unassigned general funds**,** [~~in an amount not to exceed, in any fiscal year, 2.5 percent of the current fiscal year's net assessment pursuant to RSA 198:5, for the purpose of having funds on hand to use as a revenue source for emergency expenditures and overexpenditures under RSA 32:11, or to be used as a revenue source to reduce the tax rate~~] ***from the preceding fiscal year in subsequent fiscal years, provided that the total amount of year-end unassigned general funds does not exceed, in any fiscal year, 5 percent of the current fiscal year's net assessment under RSA 198:5***.

(a) Prior to expending retained general funds, the school board shall hold a prior public hearing on the action to be taken with such funds. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the meeting is held.

(b) An annual accounting and report of the activities of the retained general funds shall be presented to the school board of the district and published in the annual report.

27 Short Title. Sections 30 through 33 of this act shall be known as the Children's System of Care in Schools Act of 2020.

28 Purpose Statement. The general court recognizes that the ongoing mental health, substance misuse, and child protection crises have taken a significant toll on New Hampshire's children, families, and taxpayers and New Hampshire schools are challenged daily to support the behavioral health needs of students while promoting academic achievement for all students. In response, many New Hampshire school districts are using an evidenced-based prevention framework to support the behavioral health and wellness of all students, called multi-tiered system of supports for behavioral health and wellness, or MTSS-B. MTSS-B is an integral part of building a coordinated, comprehensive, and community-based system of care as required under RSA 135-F and a key strategy to keep children in their home schools and communities. There is evidence which demonstrates that high-fidelity implementation of the framework is directly correlated with reduced exclusionary discipline shown through reduced student discipline referrals, enhanced overall behavioral health, enhanced attendance, improved academic achievement, and enhanced school climate. The framework does not prescribe a particular strategy or curriculum for school districts, but rather offers school districts the support and ability to choose what works for their own communities.

29 New Subparagraph; System of Care for Children's Mental Health; Characteristics of the System of Care; Use of MTSS-B. Amend RSA 135-F:3, III by inserting after subparagraph (k) the following new subparagraph:

(l) Statewide use of the multi-tiered system of supports for behavioral health and wellness, or MTSS-B, in New Hampshire schools to address New Hampshire students' social, emotional, and behavioral health needs in order to improve students' educational outcomes and keep students in their home schools and communities. For the purposes of this chapter, a "multi-tiered system of supports for behavioral health and wellness" or "MTSS-B" shall include:

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(1) A school wide system of evidence-based behavioral practices for all students;

(2) A targeted system of practices for youth who need additional support; and

(3) A tertiary system of intensive and individualized interventions for students with the greatest behavioral needs.

30 System of Care for Children's Mental Health; Duties of the Commissioner of the Department of Education. Amend RSA 135-F:5 to read as follows:

135-F:5 Duties of Commissioner of the Department of Education. The commissioner of the department of education shall:

I. To the extent possible within existing statutory and budgetary constraints, [~~modify the policies and practices of the department of education to support establishment of a system of care; and~~] ***support the system of care established under this chapter through:***

(a) The development of a multi-tiered system of supports for New Hampshire schools and support for school districts implementing MTSS-B through technical assistance and professional development, including the use of external consultation training and coaching services.

(b) Alignment of federal funding to support local school districts implementing a multi-tiered system of support.

(c) Technical assistance to local school districts regarding the use of federal funds to implement and maintain MTSS-B.

(d) Technical assistance to local school districts on the use of research- and data-driven decision-making, organized and shared leadership, support for personnel through embedded professional development, and purposefully planned implementation cycles with continuous evaluation for improvement of outcomes.

II. Develop a plan for full support and participation of the department of education in the establishment and maintenance of a system of care [~~by the department of health and human services~~]. Such plan shall be reviewed and amended annually. It shall include sufficient detail to allow compliance with the reporting requirements of RSA 135-F:6, and shall address at least the following elements:

(a) Development of a multi-tiered system of supports in ***all*** New Hampshire schools.

(b) System capacity, including workforce sufficiency.

(c) ***Applicable*** federal funding participation,[~~including~~] ***shall include*** but not ***be*** limited to [~~Medicaid waivers and plan amendments~~] ***state set-aside funds received from the federal government under the Individuals with Disabilities Education Act (IDEA) and Titles I, II, IVa, and IVb under the Elementary and Secondary Education Act (ESEA)***.

(d) Changes to statutes, administrative rules, and structure of appropriations, and department policy, practice, and structure.

(e) Projections of cost savings from increased service effectiveness and reductions in costly forms of care and use of such savings to close existing gaps in children's behavioral health services.

(f) Coordination with [~~the plans and activities of~~] the commissioner of the department of health and human services to implement the system of care.

31 Joint Responsibilities of the Commissioner of the Department of Education and the Commissioner of the Department of Health and Human Services. Amend RSA 135-F:7, I(d)(2) to read as follows:

(2) Provision of technical assistance to support development of coordinated services by [~~school districts, other education providers,~~] area agencies, community mental health centers, and other entities participating in the system of care.

(3) Provision of technical assistance to school districts and other education providers to support implementation of MTSS-B.

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32 Background Check; School Bus Drivers. Amend RSA 189:13-a, VI to read as follows:

VI. This section shall apply to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, chartered public school, or public academy to provide services, including but not limited to cafeteria workers, [~~school bus drivers,~~] custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district, chartered public school, or public academy. The employing school administrative unit, school district, or chartered public school shall be responsible for completing the criminal history records check on the people identified in this paragraph. The cost for criminal history records checks for employees or selected applicants for employment with such contractors shall be borne by the contractor. ***School bus drivers and transportation monitors shall be exempt from the requirements of this section.***

33 New Paragraph; Commissioner of Education; School Bus Driver Background Checks. Amend RSA 21-N:4 by inserting after paragraph IX the following new paragraph:

X. Providing a clearing house for school bus driver and transportation monitor background checks to towns, cities, or other organizations paying for school bus transportation.

34 Department of Education; Rulemaking Certification Standards; School Bus Drivers and Transportation Monitors. Amend RSA 21-N:9, II(s) to read as follows:

(s) Certification standards for educational personnel, and educator certification fees for granting credentials to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, speech-language specialists, social workers, health educators, physical education teachers, consumer and family science teachers, elementary teachers, specialists in assessment of intellectual functioning, ***school bus drivers and transportation monitors,*** media supervisors, media generalists, and master teachers as authorized by RSA 186:8 and RSA 186:11, X, professional credentials including beginning educator credentials, experienced educator credentials, and intern licenses, and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.

35 New Paragraph; Commissioner of Education; School Bus Driver Background Checks. Amend RSA 21-N:8-a by inserting after paragraph I the following new paragraph:

I-a. There is hereby established within the division of educator support and higher education the position of background check coordinator who shall be a classified employee. The background check coordinator shall be qualified to hold such position by reason of education and experience. The position shall be subject to any other employment requirements as determined by the department.

36 Effective Date.

I. Section 1 and RSA 193:13, I-X as inserted by section 2 of this act shall take effect July 1, 2021.

II. Sections 4-6, and 9-11 of this act shall take effect July 1, 2020.

III. Sections 7 and 8 of this act shall take effect June 30, 2020.

IV. Sections 32-35 of this act shall take effect January 1, 2021.

V. Sections 12-29 of this act shall take effect 60 days after its passage.

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

2020-1447s

AMENDED ANALYSIS

This bill:

I. Modifies the definition of “child with a disability” to include persons 21 years of age.

II. Modifies the policy for discipline and expulsions from school.

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III. Changes the formula for an additional adequate education grant to a school district that operates a full-day kindergarten program.

IV. Requires the commissioner of business and economic affairs to certify each application for an economic revitalization zone tax credit, modifies the calculation of the credits which may be issued to a taxpayer by the commissioner of business and economic affairs, and extends the prospective repeal of the economic revitalization zone tax credit program to January 1, 2028.

V. Requires the department of business and economic affairs to certify the agreements that employers participating in the New Hampshire college graduate retention incentive partnership (NH GRIP) offer to employees.

VI. Requires school safety programs to contain a plan for responding to violent acts committed by students against employees, volunteers, and visitors.

VII. Requires the joint loss management committee to address protocols for employees to follow.

VIII. Provides for reporting of acts of violence.

IX. Requires the department of education to collaborate with the Brain Injury Association of New Hampshire to develop a return to learning policy and plan for students with concussions and brain injuries.

X. Requires employing school administrative units, school districts, and chartered public schools to provide employees who require a criminal history records check with materials concerning sexual abuse prevention.

XI. Requires a 3/5 vote in certain municipalities to authorize the issuance of bonds or notes.

XII. Adds the chancellor of the university system of New Hampshire to the council of partner agencies in the department of business and economic affairs.

XIII. Modifies provisions regarding a change of school or assignment because of an educational hardship.

XIV. Increases the amount of the year-end unassigned general funds a school district may retain and changes the purposes for which such funds may be expended.

XV. Provides that as part of the system of care for children's mental health under RSA 135-F, the department of education shall assist school districts in using the multi-tiered system of supports for behavioral health and wellness or MTSS-B.

XVI. Exempts school bus drivers and transportation monitors from certain background checks.

XVII. Requires the department of education to be a clearinghouse for certain background checks for school bus drivers.

XVIII. Requires the department of education to make rules relative to the certification standards for school bus drivers and transportation monitors.

XIX. Establishes the position of background check coordinator within the division of educator support and higher education.

Education and Workforce Development
June 11, 2020
2020-1446s
04/08

Amendment to HB 1582-FN

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

AN ACT relative to free tuition at colleges and universities for children of veterans who are totally and permanently disabled; programs to aid veterans' access to employment, housing, health care, and college degrees; educational assistance for members of the New Hampshire national guard; tuition waivers for children in state foster care or guardianship; and prohibiting higher education institutions from discriminating on the basis of military, law enforcement, or veterans status.

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Amend the bill by replacing all after section 2 with the following:

3 Name of Act. Sections 4-15 of this act shall be known as the Veterans Bill of Rights.

4 New Subdivision; Access to Health Care and Mental Health Services for Veterans. Amend RSA 126-A by inserting after section 80 the following new subdivision:

Access to Health Care and Mental Health Services for Veterans

126-A:81 Access to Health Care for Veterans; Navigator Training Program.

I. In this subdivision, "veteran" means veteran as defined in 38 U.S.C. section 101(2).

II. The commissioner, in coordination with the adjutant general, shall develop and operate a veteran health navigator training program to increase access to health care coverage and services for veterans. The commissioner shall identify, train, and deploy veteran health navigators who have direct knowledge of the veteran communities they serve. For the purposes of the training program, the commissioner shall use the veterans service officers currently employed by the department of military affairs and veterans services. The veteran health navigators shall help identify all federal and other health benefits, coverage, and services available to veterans and their families. Veteran health navigators shall coordinate with relevant departments, health care providers, and health insurance programs to help veterans and their beneficiaries apply for coverage under such programs, including helping veterans overcome barriers within the health care system to ensure enrollment in health plans and effective delivery and coordination of health services. The activities under this program shall use existing resources and structures where veterans and their families are likely to be found.

III. Using the veteran health navigator training program under paragraph I as a source of information about the needs, coverage, and treatment gaps faced by veterans and their families, the commissioner shall examine all existing programs designed to increase access to affordable quality health care and to evaluate whether the needs of veterans and their families are met by those programs or whether further coordination with the veteran health navigators or other steps would better meet such needs. The commissioner shall execute any necessary steps identified under this paragraph.

126-A:82 Access to Mental Health Services for Veterans.

I. The veteran health navigators shall identify all federal and other mental health benefits, coverage, and services available to veterans and their families, including for post-traumatic stress disorder, depression, and suicide prevention.

II.(a) In coordination with local, state, and federal governmental agencies, in consultation with nonprofit corporations, service providers including Veterans Affairs Medical Centers, the United States Department of Veterans Affairs, localities, and cities that have an effective prevention and treatment system for mental health, the commissioner shall develop and implement a strategy to reduce barriers to access to mental health services and treatment for veterans and their families by:

(1) Identifying structural and logistical barriers to accessing treatment, including perceived stigma, long out of state travel distances to receive care, and any other barriers.

(2) Resolving all barriers identified in subparagraph (1) that can be resolved without legislative or budgetary action, including through increased coordination between departments, nonprofit providers, and the federal government, application for and use of private and federal grants, and other actions.

(b) The commissioner shall submit an annual report containing additional legislative or budgetary steps that would resolve the barriers under subparagraphs (a)(1) and (2) to the president of the senate, the speaker of the house of representatives, the governor, and the chairpersons of the house and senate committees having jurisdiction over public health issues on or before each November 1, commencing on November 1, 2021. The report shall also be posted on the department's Internet website.

III. The commissioner shall in coordination with local, state, and federal government agencies, and in consultation with nonprofits corporations, service providers including Veterans Affairs Medical Centers, the United States Department of Veterans Affairs, localities, and cities that have effective prevention and treatment systems for mental health, enhance and strengthen suicide prevention programs in keeping with proven best practices and research, by:

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(a) Identifying and applying for federal and private grants focused on veteran suicide prevention;

(b) Coordinating local, state, federal, and nonprofit programs that include community-based approaches for at-risk veterans and veterans at large;

(c) Providing technical assistance to communities to develop strategic plans to reduce veteran suicide, including through coordination and participation by local leaders, faith communities, schools, workplaces, and other stakeholders; and

(d) Evaluating community strategic plans within the state and disseminating learnings and best practices to optimize the impact of efforts by all partners and stakeholders.

IV.(a) The commissioner shall create a centralized provider database, identifying by region mental health providers with expertise and ability to assist veterans and their families, including highlighting providers with training or experience in the prevention and treatment of veteran suicide.

(b) Using existing resources, and incorporating best practices and research from the United States Department of Veterans Affairs, and state and nonprofit services providers in New Hampshire, the commissioner shall develop a continuing education course for mental health providers in New Hampshire to obtain expertise in veteran suicide assessment, prevention, treatment, and risk management and make that program available for free to providers in regions of New Hampshire identified in subparagraph (a) as lacking sufficient trained providers.

(c) From existing or appropriated resources, the commissioner shall identify evidence-based best practices to increase awareness of any veteran suicide prevention hotline in New Hampshire or nationally, and other crisis resources with proven effectiveness to reduce veteran suicide.

5 Report Required. On or before April 1, 2021, the commissioner of the department of health and human services shall produce a report of the findings, including the impact that Medicaid expansion has had to date for the veterans and their families, recommendations and any additional legislative action or budget actions required relative to RSA 126-A:81, II as inserted by section 4 of this act to the president of the senate, the speaker of the house of representatives, the governor, and the chairpersons of the senate and house committees having jurisdiction over public health issues. For the purposes of this section, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

6 Business Finance Authority; Capital Access Program. Amend RSA 162-A:12, II to read as follows:

II. The amount of the authority's contribution to a CAP fund shall not exceed 10 percent of the principal amount of the CAP loans to be secured by the CAP fund. As a condition of the authority making a contribution to a CAP fund, the authority may require the borrower or the participating state bank or state credit union to make a contribution to the CAP fund and may impose such other conditions or requirements as the authority may deem necessary or desirable***; provided that no veteran-owned business borrower shall be required to pay a fee or contribution into the CAP fund***. All moneys contributed to a CAP fund shall be held in the name of the authority. Investment earnings on the CAP fund shall be credited to the fund, and such earnings shall be periodically paid to the authority unless the CAP participation agreement otherwise provides. ***For the purposes of this paragraph, "veteran" means veteran as defined in 38 U.S.C. section 101(2).***

7 New Sections; Department of Employment Security; Workforce Needs Projections for Veterans; Training and Apprentice Programs. Amend RSA 282-A by inserting after section 117-a the following new sections:

282-A:117-b Workforce Needs Projections for Veterans; Report. The commissioner shall produce a monthly, written report, which shall also be published on the department's public Internet site, detailing the state's workforce needs projections, by industry, job type, geography, and needed credential. The report shall include comparisons of projected workforce needs with existing workforce needs and availability of in-demand fields in this state and shall highlight, on a county-by-county basis, the industries, job types, and credentials which are most in demand in the state. The report shall also identify and map, on a county-by-county basis, those in-demand positions and credentials that are best suited to the skills, experience, and credentials possessed by veterans. The commissioner shall forward the report every month to all appropriate military placement

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offices, recruitment centers, education centers, nonprofit programs, and any other state or local agency working to connect veterans with jobs. For the purposes of this section, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

282-A:117-c Training and Apprentice Programs for Veterans; Report. The adjutant general in cooperation with the commissioners of the departments of labor and employment security shall annually review and submit a report detailing all apprentice, training, and other vocational programs in this state focused on providing job training and placement to returning military service members and veterans. The annual report shall evaluate the costs and results of such programs and propose legislation to expand or revise such programs, an estimate of the benefits to the state to be gained from program expansion, and recommendations for sources of funding. The initial report shall be submitted to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction in veterans issues and in professional licensing issues, the senate clerk, the house clerk, and the governor within 60 days of the effective date of this section. For the purposes of this section, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

8 New Sections; Department of Military Affairs and Veterans Services; Programs and Report Added. Amend RSA 110-B by inserting after section 73 the following new sections:

110-B:73-a Military Skills Test Waiver Program. The adjutant general shall take necessary steps to increase veterans' awareness of and participation in the Federal Motor Carrier Safety Administration's Military Skills Test Waiver Program. The adjutant general shall include information about the program and a link to the program's website on department's public Internet site and shall coordinate with military placement and training programs to disseminate information on the program to veterans with relevant experience newly locating in New Hampshire. For the purposes of this section, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

110-B:73-b Acceptance of Military Training and Experience in Professional Licensing; Report. The adjutant general and the executive director of the office of professional licensure and certification shall jointly conduct a review of all state licenses for which military veterans may have relevant training or experience and identify any steps that can be taken without further legislation; develop recommendations and proposed legislation designed to increase the acceptance of military training and experience toward professional licensing; and submit a report to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction in veterans issues and in professional licensing issues, the senate clerk, the house clerk, and the governor within one year of the effective date of this section, and annually thereafter. For the purposes of this section, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

110-B:73-c End Veterans Homelessness Program.

I. The adjutant general, in conjuction with providers of services for veterans experiencing homelessness in New Hampshire, shall establish a program to end veterans homelessness in 3 years. The term "end veterans homelessness" shall have the same meaning as in the most recently released report by the United States Interagency Council on Homelessness. For the purposes of this section, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

II. In coordination with local, state, and federal government agencies and nonprofits, and in consultation with states and cities that have achieved an end to veterans homelessness in accordance with the above criteria, the adjutant general shall develop and implement strategies including but not limited to:

(a) Coordinating a community outreach and a common assessment tool to identify veterans experiencing homelessness and assessing the types and severity of risk and vulnerability being faced by veterans experiencing homelessness.

(b) Developing a comprehensive listing of the names of veterans who are experiencing homelessness, prioritized based on degree of vulnerability.

(c) Sharing data between all relevant veterans' service providers, state agencies, nonprofit organizations, and VA medical centers.

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(d) Increasing coordination and streamlining processes for appropriate veterans' housing placements.

(e) Connecting veterans experiencing homelessness to health, mental health, employment, entrepreneurship, and training resources through the services described under RSA 126-A:81, RSA 126-A:82, RSA 162-A:9-b, RSA 282-A:117-b, RSA 282-A:117-c, RSA 110-B:73-a, RSA 110-B:73-b, RSA 153-A:20, XXV, RSA 187-A:20-d, RSA 188-F:16-b, RSA 326-B:9, XIII, and RSA 328-D:10, I(j).

(f) A commitment to the principles of Housing First, as developed by the United States Interagency Council on Homelessness.

(g) Identifying and applying for funding, as needed from private, foundation, and other partners.

9 New Paragraph; Emergency Medical Care Providers; Rulemaking. Amend RSA 153-A:20 by inserting after paragraph XXIV the following new paragraph:

XXV. Implementing strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as an emergency medical care provider. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

10 New Section; State College and University System; Credit for Military Experience and Training. Amend RSA 187-A by inserting after section 20-c the following new section:

187-A:20-d Academic Credit and Course Registration for Veterans.

I. A veteran who enrolls as a student at an institution within the university system shall be granted maximum credits allowed by the institution's required accreditation standards or state licensure requirements towards his or her degree for the completion of courses that were part of such veteran's military training or service if the such courses meet the standards of the American Council on Education, or its equivalent, for the awarding of academic credits. No fee, tuition, or other charge shall be assessed against a veteran who qualifies for such credit pursuant to this section. For the purposes of this section, "veteran" means veteran as defined in 38 U.S.C. section 101)(2).

II.(a) Institutions within the state university system that offer an early course registration period shall also offer early course registration to students who are veterans or national guard members.

(b) A student who is called to active duty in the armed forces of the United States, after having attended regularly for 85 percent of the length of the course as determined by the academic calendar of class or having completed 85 percent of the term's work, shall be given an opportunity to complete necessary course work within 12 months utilizing the Internet or United States Postal Service correspondence or other available communication methods for each course in which such student is earning a grade of C or better in the term the student is called to active duty service.

(c) Students called to active duty in the armed forces of the United States shall have their tuition refunded or credited, whichever is deemed appropriate by the institution based on how the term was paid for, without credits awarded.

(d) A veteran with no previous college experience shall be permitted to file an admission application and enroll in the current open registration period pending completion of their application and provision of supporting documents.

(e) Within 12 months of return from active duty, a veteran may register for courses after normal registration period ends without late fees or other penalties until the latest allowable registration date.

III. The board of trustees shall establish policies necessary to implement this section.

11 New Section; Community College System of New Hampshire; Academic Credit and Course Registration for Veterans. Amend RSA 188-F by inserting after section 16-a the following new section:

188-F:16-b Academic Credit and Course Registration for Veterans and Active Duty Services Members.

I. A veteran who enrolls as a student at an institution within the community college system shall be granted academic credit for the completion of courses that were part of such veteran's military training or service if the such courses meet the standards of the American Council on Education, or its equivalent, for the

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awarding of academic credits and are applicable to the veteran's program of study. No fee, tuition, or other charge shall be assessed against a veteran who qualifies for such credit pursuant to this section. Nothing in this paragraph shall be construed to alter established curriculum, program, or degree requirements. For the purposes of this section, "veteran" means veteran as defined in 38 U.S.C. section 101(2).

II.(a) Institutions within the community college system that offer an early course registration period shall also offer early course registration to students who are veterans or national guard members.

(b) A student who is called to active duty in the armed forces of the United States, after having completed 85 percent of the term's work, shall be given a reasonable opportunity to attain full credit for each course in which he or she has attained a grade of C or better prior to being called to active duty. A reasonable opportunity may include the opportunity to accelerate completion of course work prior to reporting for active duty or complete coursework within a reasonable time after return from active duty.

(c) Students called to active duty in the armed forces of the United States shall have their tuition refunded or credited, whichever is deemed appropriate by the institution based on how the term was paid for, without credits awarded.

(d) A veteran shall be permitted to file an admission application up to the end of the regular course registration period, and shall be permitted to begin classes pending completion of their application and provision of supporting documents. Nothing in this subparagraph shall be construed to alter established admissions, course prerequisites, curriculum, programs or degree requirements.

(e) Within 12 months of return from active duty, a veteran may register for courses after normal registration period ends without late fees or other penalties. This subparagraph shall not be construed to require extension of registration period beyond the normal add/drop deadline.

III. The board of trustees shall establish policies necessary to implement this section.

12 New Paragraph; Nurse Practice Act; Rulemaking. Amend RSA 326-B:9 by inserting after paragraph XII the following new paragraph:

XIII. The implementation of strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a nurse. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

13 Physician Assistant; Rulemaking. Amend RSA 328-D:10, I(j) to read as follows:

(j) ***The implementation of strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a physician assistant. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).***

(k) Except as provided in paragraph II, any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter.

14 Recognition of Military Training and Experience; Reports. The adjutant general, the commissioner of the department of safety, the executive director of the office of professional licensure and certification, and the licensing authorities for nursing under RSA 326-B, physician assistants under RSA 328-D, and emergency medical care providers under RSA 153-A:11, shall jointly conduct a review of all licensing procedures for each profession listed in this section and develop recommendations and proposed legislation designed to increase the recognition of military training and experience toward licensing in such professions, and shall submit a report to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction in veterans issues and in professional licensing issues, the senate clerk, the house clerk, and the governor within one year of the effective date of this section. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

15 Applicability. Sections 4, 5 and 8 of this act shall take effect when the department of military affairs and veterans services receives sufficient funding for 3 positions required to carry out the purposes of those sections as certified by the adjutant general to the director of legislative services and the secretary of state.

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16 Postsecondary Educational Assistance; Definitions. Amend RSA 110-B:63-b, III-VI to read as follows:

III. "Educational assistance" means the waiver of the tuition cost of a course at a state-supported postsecondary institution[~~, provided that there is space available in that course~~].

IV. "New Hampshire national guard" means federally-recognized units of the New Hampshire national guard.

V. [~~"Space available" means any allocated seating in a course not filled by paying students.~~

~~VI.~~] "Tuition" means the total semester, quarter, or classroom hour cost of instruction to the student as established by the university system board of trustees or the board of trustees of the community college system of New Hampshire.

17 Post Educational Assistance; Educational Assistance Authorized; Minimum Requirements. Amend the introductory paragraph and paragraph I of RSA 110-B:63-c to read as follows:

Members of the New Hampshire national guard may take courses tuition-free [~~on a space available basis~~] in state-supported postsecondary institutions. ***The admission of a New Hampshire national guard member shall be in accordance with the state-supported postsecondary institution's standard student admissions criteria policies and practices.*** In order to be eligible to receive educational assistance under this subdivision, a member of the New Hampshire national guard shall:

I. Be [~~an~~] ***a sworn in*** active member of the New Hampshire national guard residing either in-state or out-of-state [~~who has completed advanced individual training or commissioning~~].

18 Postsecondary Educational Assistance: Eligibility. Amend RSA 110-B:63-d to read as follows:

110-B:63-d Eligibility [~~and Space Availability~~] Determinations.

[~~I.~~] Eligibility for educational assistance provided by this subdivision shall be determined and monitored by the adjutant general, who shall adopt rules, pursuant to RSA 541-A, and procedures deemed by the adjutant general to be necessary to carry out and monitor the educational assistance provided by this subdivision.

[~~II. The chancellor of the university system for the university system and the chancellor of the community college system of New Hampshire for the community college system of New Hampshire shall establish policies for determining when a course has space available.~~]

19 Postsecondary Educational Assistance; In-State Tuition for New Hampshire National Guard Nonresidents. Amend RSA 110-B:63-f to read as follows:

110-B:63-f In-State Tuition for New Hampshire National Guard Nonresidents. Any member of the New Hampshire national guard who is an otherwise eligible out-of-state resident who cannot qualify for educational assistance under this subdivision[~~, due to unavailability of space for members attending tuition free,~~] may take such course at the in-state tuition rate.

20 Tuition Waiver for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, I to read as follows:

I. An eligible individual who enrolls full-time ***or part-time, with the approval of the division for children, youth and families,*** in a program leading to a certificate, associate, or bachelor degree at any public postsecondary institution within the state shall not be required to pay tuition [~~or fees for attendance at such institution~~] ***or mandatory fees for attendance at such institution.***

21 Tuition Waiver for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b, III(a) to read as follows:

III.(a) Eligible individuals interested in a tuition waiver shall annually apply on forms provided and within the deadlines established by the university system of New Hampshire and the community college system of New Hampshire for their respective institutions. No more than 15 tuition waivers per year shall be granted by the university system of New Hampshire and no more than 15 tuition waivers per year shall be granted by the community college system of New Hampshire. The university system of New Hampshire

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and the community college system of New Hampshire shall have the authority to develop eligibility criteria for their respective institutions designed to give the children with the greatest financial need first priority in the tuition waiver program. Such eligibility criteria shall also include provisions for continuing eligibility based on continued full-time ***or part-time, with the approval of the division for children, youth and families***, enrollment and satisfactory academic progress as defined by the institution.

22 State College and University System, Prohibition on Preferential Treatment. Amend RSA 187-A:16-a, I to read as follows:

I.***(a)*** Within the state college and university system, there shall be no preferential treatment or discrimination in recruiting, hiring, promotion, or admission based on race, sex, national origin, religion, or sexual orientation.

(b) Within the state college and university system, there shall be no discrimination based on an applicant's or employee's law enforcement, military, or veteran status.

23 Community College System of New Hampshire; Prohibition on Preferential Treatment. Amend RSA 188-F:3-a, I to read as follows:

I.***(a)*** Within the state's community college system, there shall be no preferential treatment or discrimination in recruiting, hiring, promotion, or admission based on race, sex, national origin, religion, or sexual orientation.

(b) Within the state's community college system, there shall be no discrimination based on an applicant's or employee's law enforcement, military, or veteran status.

24 Effective Date.

I. Sections 4, 5, and 8 of this act shall take effect as provided in section 15 of this act.

II. Sections 1-2 and 20-21 of this act shall take effect July 1, 2021.

III. Sections 16-19 of this act shall take effect upon its passage.

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

2020-1446s

AMENDED ANALYSIS

This bill:

I. Establishes a tuition waver at any institution in the university system or community college system of New Hampshire for a child of a totally and permanently disabled veteran.

II. Requires the commissioner of the department of health and human services to develop and operate a veteran health navigator training program for the existing veterans service officers under the department of military affairs and veterans services to provide veterans and their families with increased access to health care and mental health services.

III. Requires the commissioner of the department of employment security to publish a monthly workforce needs assessment report for veterans.

IV. Requires the adjutant general to take steps to increase veterans' awareness of the military skills test waiver program; increase acceptance of military training and experience towards the licensing requirements in certain occupations and professions; and establish an end veterans homelessness program.

V. Requires the university system and community college system of New Hampshire to award college credit for military training courses completed and to increase flexibility in application and course registration procedures for veterans.

VI. Requires the adjutant general to review expanded training and apprenticeship programs for providing job training for veterans and to submit a report detailing the findings.

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VII. Amends postsecondary educational assistance for members of the New Hampshire national guard and authorizes tuition waivers for children in state foster care or guardianship for part-time enrollment in programs in public postsecondary institutions.

VIII. Prohibits a higher education institution from discrimination on the basis of law enforcement, military, or veteran status.

Health and Human Services
June 4, 2020
2020-1345s
01/04

Amendment to HB 1623-FN

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

AN ACT relative to telemedicine.

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

1 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, III to read as follows:

III.(a) Coverage under this section shall include the use of telehealth or telemedicine for Medicaid-covered services provided within the scope of practice of a physician or other health care provider as a method of delivery of medical care:

(1) Which is an appropriate application of telehealth services provided by physicians and other health care providers, as determined by the department based on the Centers for Medicare and Medicaid Services regulations, and also including persons providing psychotherapeutic services as provided in He-M 426.08 and 426.09;

(2) By which telemedicine services for primary care, remote patient monitoring, and substance use disorder services shall only be covered in the event that the patient has already established care at an originating site via face-to-face in-person service; and

(3) By which an individual shall receive medical services from a physician or other health care provider who is an enrolled Medicaid provider without in-person contact with that provider.

(b) ***The Medicaid program shall provide coverage and reimbursement for health care services provided through telemedicine on the same basis as the Medicaid program provides coverage and reimbursement for health care services provided in person.***

(c) The combined amount of reimbursement that the Medicaid program allows for the compensation to the distant site and the originating site shall not be less that the total amount allowed for health care services provided in person.

(d) There shall be no restriction on eligible originating or distant sites for telehealth services. An originating site means the location of the member at the time the service is being furnished via a telecommunication system. A distant site means the location of the provider at the time the service is being furnished via a telecommunication system.

(e) The Medicaid program shall provide reimbursement for all modes of telehealth, including video and audio, audio-only, or other electronic media provided by medical providers to treat all members for all medically necessary services.

(f) Medical providers below shall be allowed to perform health care services through the use of all modes of telehealth, including video and audio, audio-only, or other electronic media. Medical providers include, but are not limited to, the following:

(1) Physicians and physician assistants, governed by RSA 329 and RSA 328-D;

(2) Advanced practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home health care providers under RSA 151:2-b;

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(3) Midwives, governed by RSA 326-D;

(4) Psychologists, governed by RSA 329-B;

(5) Allied health professionals, governed by RSA 328-F;

(6) Dentists, governed by RSA 317-A;

(7) Mental health practitioners governed by RSA 330-A;

(8) Community mental health providers employed by community mental health programs pursuant to RSA 135-C:7;

(9) Alcohol and other drug use professionals, governed by RSA 330-C;

(10) Dietitians, governed by RSA 326-H; and

(11) Professionals certified by the national behavior analyst certification board or persons performing services under the supervision of a person certified by the national behavior analyst certification board.

(g) Nothing in this section shall be construed to prohibit the Medicaid program from providing coverage for only those services that are medically necessary and subject to all other terms and conditions of the coverage. ***Services delivered through telehealth under this section shall comply with all applicable state and federal law or regulation as allowed by the Medicaid program. Any conflict with the provisions of this section and federal law or regulation shall preempt and supersede any provision of this section.***

2 New Hampshire Telemedicine Act; Coverage for Telemedicine Services. Amend RSA 415-J:2, III to read as follows:

III. "Telemedicine," as it pertains to the delivery of health care services, means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Telemedicine does not include the use of [~~audio-only telephone or~~] facsimile.

3 New Hampshire Telemedicine Act; Coverage for Telemedicine Services. Amend RSA 415-J:3, III to read as follows:

III. ***An insurer offering a health plan in this state shall provide coverage and reimbursement for health care services provided through telemedicine on the same basis as the insurer provides coverage and reimbursement for health care services provided in person.***

IV. An insurer shall provide a reasonable facility fee to an originating site operated by a health care provider or a licensed health care facility if the health care provider or licensed health care facility is authorized to bill the insurer directly for health care services. In the event of a dispute between a provider and an insurance carrier relative to the reasonable facility fee under this section, the insurance commissioner shall have exclusive jurisdiction under RSA 420-J:8-e to determine if the fee is commercially reasonable. The provider and the insurance carrier shall each make best efforts to resolve any dispute prior to applying to the insurance commissioner for resolution, which shall include presenting to the other party evidence supporting its contention that the fee level it is proposing is commercially reasonable.

V. The combined amount of reimbursement that a health benefit plan allows for the compensation to the distant site and the originating site shall be the same as the total amount allowed for health care services provided in person.

VI. Nothing in this section shall be construed to prohibit an insurer from paying a facility fee to a provider at a distant site in addition to a fee paid to the health care provider.

VII. If an insurer excludes a health care service from its in-person reimbursable service, then comparable services shall not be reimbursable as a telemedicine service.

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VIII. An insurer shall not impose on coverage for health care services provided through telemedicine any additional benefit plan limitations to include annual or lifetime dollar maximums on coverage, deductibles, copayments, coinsurance, benefit limitation or maximum benefits that are not equally imposed upon similar services provided in-person.

IX. Nothing in this section shall be construed to allow an insurer to reimburse more for a health care service provided through telemedicine than would have been reimbursed if the health care service was provided in person.

X. There shall be no restriction on eligible originating or distant sites for telehealth services. An originating site means the location of the member at the time the service is being furnished via a telecommunication system. A distant site means the location of the provider at the time the service is being furnished via a telecommunication system.

XI. An insurer shall provide reimbursement for all modes of telehealth, including video and audio, audio-only, or other electronic media provided by medical providers to treat all members for all medically necessary services.

XII. The following medical providers shall be allowed to perform health care services through the use of all modes of telehealth, including video and audio, audio-only, or other electronic media. Medical providers include, but are not limited to:

(a) Physicians and physician assistants, under RSA 329 and RSA 328-D;

(b) Advanced practice nurses, under RSA 326-B and registered nurses under RSA 326-B employed by home health care providers under RSA 151:2-b;

(c) Midwives, under RSA 326-D;

(d) Psychologists, under RSA 329-B;

(e) Allied health professionals, under RSA 328-F;

(f) Dentists, under RSA 317-A;

(g) Mental health practitioners governed by RSA 330-A;

(h) Community mental health providers employed by community mental health programs pursuant to RSA 135-C:7;

(i) Alcohol and other drug use professionals, governed by RSA 330-C;

(j) Dietitians, governed by RSA 326-H; and

(k) Professionals certified by the national behavior analyst certification board or persons performing services under the supervision of a person certified by the national behavior analyst certification board as required by RSA 417-E:2.

XIII. Nothing in this section shall be construed to prohibit an insurer from providing coverage for only those services that are medically necessary and subject to the terms and conditions of the covered person's policy.

4 New Subdivision; Commission to Study Telehealth Services. Amend RSA 329 by inserting after section 329:1-e the following new subdivision:

Commission to Study Telehealth Services

329:1-f Commission to Study Telehealth Services

I. There is established a commission to study telehealth services.

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

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

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(2) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The Medicaid director, or designee.

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

(5) A member of the New Hampshire Americas Health Insurance Plans, or designee.

(6) A member of the New Hampshire Hospital Association, appointed by the association.

(7) A member of the Community Behavioral Health Association, appointed by the association.

(8) A member of the New Hampshire Medical Society, appointed by the society.

(9) A member of Bi-State Primary Care Association, appointed by the association.

(10) A member from a nonprofit social services organization representing the patient perspective, appointed by the president of the senate.

(11) A member of the NH Nurse Practitioner Association, appointed by the association.

(12) A member of the Granite State Home Health & Hospice Association, appointed by the association.

(13) A representative of the Medicaid Managed Care Organization (MCO) as nominated by the MCOs operating in the state of New Hampshire.

(b) 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:

(1) Review available data compiled by the department of insurance requested by the commission. This data may include, but not limited to, utilization and cost of services through telehealth in New Hampshire.

(2) Review available data compiled by health care providers requested by the commission. This data may include, but not limited to, utilization, patient experience, delivery costs, and savings achieved through telehealth in New Hampshire.

(3) Review other information and material as determined by the commission.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study, including data collected by an independent research contractor. This data may include review of telehealth parity in all commercial payers, NH Medicaid fee for service, and managed care plans; patient and provider access to telehealth; provider use of telehealth services; patient utilization, including chronic disease management and prevention services; quality of care delivered by telehealth; and the impact of telehealth on the cost of healthcare delivery.

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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

IV. The commission shall make an interim report by December 1, 2022 and a final report with its findings and any recommendations for proposed legislation on or before December 1, 2024 to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

5 Statement of Intent for Access to Medication Assisted Treatment (MAT) in Specific Settings.

I. The general court hereby recognizes that:

(a) Recent medical research indicates that substance use treatment can be safely done utilizing telemedicine (Rubin R., Using Telemedicine to Treat Opioid Use Disorder in Rural Areas. JAMA. Published online August 28, 2019); and

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(b) Recent court decisions (Smith v. Aroostook County, No. 19-1340 (1st Cir. 2019)) require the increased availability of substance use treatment in correctional facilities; and

(c) Recent changes in federal law allow the registration of certain individuals to prescribe opioid drugs to be used in substance use disorder without first conducting an in person examination (21 U.S.C. section 831(h)), which registration regulations are pending.

II. Therefore, the general court hereby enacts the following legislation.

6 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, II(c)-(e) to read as follows:

(c) ***"Doorways" means the statewide points of entry for the delivery of substance use services.***

(d) "Originating site" means the location of the patient, whether or not accompanied by a health care provider, at the time services are provided by a health care provider through telemedicine, including, but not limited to, a health care provider's office, a hospital, or a health care facility, or the patient's home or another nonmedical environment such as a school-based health center, a university-based health center, or the patient's workplace.

[~~(d)~~] ***(e)*** "Remote patient monitoring" means the use of electronic technology to remotely monitor a patient's health status through the collection and interpretation of clinical data while the patient remains at an originating site. Remote patient monitoring may or may not take place in real time. Remote patient monitoring shall include assessment, observation, education and virtual visits provided by all covered providers including licensed home health care providers.

[~~(e)~~]***(f)*** "Store and forward," as it pertains to telemedicine and as an exception to 42 C.F.R. section 410.78, means the use of asynchronous electronic communications between a patient at an originating site and a health care service provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients. This includes the forwarding and/or transfer of stored medical data from the originating site to the distant site through the use of any electronic device that records data in its own storage and forwards its data to the distant site via telecommunication for the purpose of diagnostic and therapeutic assistance.

7 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, III(a)(2) to read as follows:

(2) By which telemedicine services for primary care, remote patient monitoring, and substance use disorder services shall only be covered in the event that the patient has already established care at an originating site via face-to-face in-person service[;]***. A provider shall not be required to establish care via face-to-face in-person service when:***

(a) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(b) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(c) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(d) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(e) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f); and

8 New Paragraph; Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d by inserting after paragraph IV the following new paragraph:

IV-a. With written consent of the patient receiving medication assisted treatment through telehealth services provided under this section, the health care provider shall provide notification of the patient's medication assisted treatment to the doorway, as defined in RSA 167:4-d, II(c), within the region where the patient resides.

Important Notice

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9 Controlled Drug Act; Prohibited Acts. Amend RSA 318-B:2, XVI to read as follows:

XVI.(a)***(1)*** The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care[~~, or who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug~~]. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)***(1)*** The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a)[~~, who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and~~]***. A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

(c) The prescription authority under this paragraph shall be limited to a practitioner licensed to prescribe the drug and in compliance with all federal laws, including the United States Drug Enforcement Agency registration or waiver when required. An initial face-to-face in person exam shall be required with the exception of the locations enumerated in this paragraph.

10 New Paragraph; Nurse Practice Act; Rulemaking Added. Amend RSA 326-B:9 by inserting after paragraph XII the following new paragraph:

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XIII. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

11 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, III and IV to read as follows:

III. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV***, except substance use disorder (SUD) treatment as permitted in locations enumerated in paragraph IV. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption***.

IV.(a)***(1)*** The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care[~~, or who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug~~]. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)***(1)*** The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a)[~~, who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and~~]. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

Important Notice

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(c) The prescription authority under this paragraph shall be limited to a practitioner licensed to prescribe the drug and in compliance with all federal laws, including the United States Drug Enforcement Agency registration or waiver when required. An initial face-to-face in person exam shall be required with the exception of the locations enumerated in this paragraph.

12 New Section; Telemedicine and Telehealth Services. Amend RSA 310-A by inserting after section 1-e the following new section:

310-A:1-f Telemedicine and Telehealth Services.

I. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

II. "Telehealth" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

III. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

IV. Notwithstanding any provision of law to the contrary, an out-of-state healthcare professional providing services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by the appropriate licensing board within the division of health professions. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

V. An individual providing services by means of telemedicine or telehealth directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record; and

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate.

VI. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

13 New Paragraph; Physicians and Surgeons; Rulemaking. Amend RSA 329:9 by inserting after paragraph XX the following new paragraph:

XXI. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

14 Physicians and Surgeons. Amend RSA 329:1-d, I to read as follows:

I. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. [~~"Telemedicine" shall not include the use of audio-only telephone or facsimile.~~]

15 Nurse Practice Act. Amend RSA 326-B:2, XII (a) to read as follows:

(a) "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. [~~"Telemedicine" shall not include the use of audio-only telephone or facsimile.~~]

16 New Section; Hearing Care Providers. Amend RSA 137-F by inserting after section 11 the following new section:

137-F:11-a Services Provided by Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

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17 New Section; Podiatry. Amend RSA 315 by inserting after section 6 the following new section:

315:6-a Services Provided by Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

18 New Section; Chiropractic Examiners. Amend RSA 316-A by inserting after section 15 the following new section:

316-A:15-a Services Provided by Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

19 New Section; Midwivery. Amend RSA 326-D by inserting after section 12 the following new section:

326-D:12-a Telemedicine. A midwife certified under this chapter shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

20 Optometry; Definition of Telemedicine. Amend RSA 327:1, VI-a to read as follows:

VI-a. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. [~~"Telemedicine" shall not include the use of audio-only telephone or facsimile.~~]

21 New Section; Optometry. Amend RSA 327 by inserting after section 25-b the following new section:

327:25-c Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine.

22 New Paragraph; Naturopathic Medicine; Scope of Practice; Telemedicine. Amend RSA 328-E:4 by inserting after paragraph V the following new paragraph:

VI. Doctors of naturopathic medicine shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

23 New Section; Allied Health Professionals; Telemedicine. Amend RSA 328-F by inserting after section 11-a the following new section:

328-F:11-b Telemedicine. Persons licensed by governing boards under this chapter shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

24 New Paragraph; Acupuncture; Telemedicine. Amend RSA 328-G:10 by inserting after paragraph IV the following new paragraph:

V. Persons licensed by the board to practice acupuncture shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

25 Psychologists; Telemedicine. Amend RSA 329-B:16 to read as follows:

329-B:16 Electronic Practice of Psychology, Tele-Health, Telemedicine.

I. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

II. Persons licensed by the board who practice electronically shall be subject to standards of care for the practice of telemedicine and tele-health for psychology established by the board pursuant to rules adopted under RSA 541-A.

26 New Section; Mental Health Practice; Telemedicine. Amend RSA 330-A by inserting after section 15-a the following new section:

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330-A:15-b Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

27 New Section; Alcohol and Other Drug Use Professionals; Telemedicine. Amend RSA 330-C by inserting after section 14 the following new section:

330-C:14-a Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

28 New Section; Opthalmic Dispensers; Telemedicine. Amend RSA 327-A by inserting after section 12 the following new section:

327-A:12-a Telemedicine. Registered opthalmic dispensers shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

29 New Section; Licensed Pharmacists; Telemedicine. Amend RSA 318 by inserting after section 16-d the following new section:

318:16-e Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

30 New Section; Board of Registration of Medical Technicians; Telemedicine. Amend RSA 328-I by inserting after section 15 the following new section:

328-I:16 Telemedicine. Medical technicians registered by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

31 New Section; Medical Imaging and Radiation Therapy; Telemedicine. Amend RSA 328-J by inserting after section 12 the following new section:

328-J:12-a Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

32 New Section; Dentists and Dentistry; Telemedicine. Amend RSA 317-A by inserting after section 7-a the following new section:

317-A:7-b Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

33 New Subparagraph; Medicaid to Schools for Medical Services Program; Telehealth Services Added. Amend RSA 167:3-k, III by inserting after subparagraph (b) the following new subparagraph:

(c) Include services delivered through telehealth, as defined in RSA 167:4-d.

34 New Subparagraph; Medicaid to Schools Program Established; Telehealth Services Added. Amend RSA 186-C:25, II by inserting after subparagraph (d) the following new subparagraph:

(e) Services delivered through telehealth, as defined in RSA 167:4-d.

35 Managed Care Law; Reasonable Value of Health Care Services. Amend RSA 420-J:8-e to read as follows:

420-J:8-e Reasonable Value of Health Care Services. In the event of a dispute between a health care provider and an insurance carrier relative to the reasonable value of a service under RSA 329:31-b ***or RSA 415-J:3***, the commissioner shall have exclusive jurisdiction to determine if the fee is commercially reasonable. Either the provider or the insurance carrier may petition for a hearing under RSA 400-A:17. The petition shall in-

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clude the appealing party's evidence and methodology for asserting that the fee is reasonable, and shall detail the efforts made by the parties to resolve the dispute prior to petitioning the commissioner for review. The department may require the parties to engage in mediation prior to rendering a decision.

36 Applicability. Sections 1-3 of this act shall take effect 60 days after passage of this act or upon the expiration of the Governor's Emergency Order #8 Pursuant to Executive Order 2020-04 entitled "Temporary expansion of access to Telehealth Services to protect the public and health care providers," whichever comes sooner.

37 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 36 of this act.

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

2020-1345s

AMENDED ANALYSIS

This bill:

I. Ensures reimbursement parity, expands site of service, and enables all providers to provide services through telehealth for Medicaid and commercial health coverage.

II. Enables access to medication assisted treatment (MAT) in specific settings by means of telehealth services.

III. Amends the Physicians and Surgeons Practice Act to expand the definition of telemedicine.

IV. Amends the relevant practice acts to expand the definition of telemedicine.

V. Enables the use of telehealth services to deliver Medicaid reimbursed services to schools.

Health and Human Services
June 10, 2020
2020-1435s
01/04

Amendment to HB 1639-FN

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

AN ACT relative to health care.

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

1 Department of Health and Human Services; Income Eligibility for "In and Out Medical Assistance." The commissioner of the department of health and human services shall amend the income eligibility requirement for "in and out medical assistance" defined in section 625 of the department's medical assistance manual as less than or equal to 133 1/3 percent of the section 1931 income limit or using methodology as described in section 1902(r)(2) of the federal Social Security Act.

2 Communicable Disease; Administration of Certain Prescription Medication for Treatment or Prevention of a Communicable Disease. Amend RSA 141-C:15-a to read as follows:

141-C:15-a Administration of Certain Prescription Medication for Treatment or Prevention of a Communicable Disease.

I. Notwithstanding the provisions of RSA 326-B:2, I-a, and RSA 329:1-c, a health care professional authorized to prescribe prescription medication for the treatment or prevention of a communicable disease may prescribe, dispense, or distribute directly or by standing order, [~~an antimicrobial medication~~] ***drugs and testing*** to a patient he or she did not evaluate and with whom there is no established health care provider-patient relationship to empirically treat for, or provide ***an agent or*** prophylaxis to prevent, a communicable disease that poses a threat to public health. Any such prescription shall be regarded as being issued for a legitimate medical purpose and in accordance with established clinical practice guidelines, when available.

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II. Communicable diseases that pose a threat to public health for the purposes of paragraph I shall be limited to the following:

(a) Bordetella pertussis, Chlamydia trachomatis, Neisseria gonorrhea, and Neisseria meningitis; or

(b) Diseases that constitute an immediate threat to public health and for which the commissioner, or designee, ***declares a public health incident under RSA 508:17-a or*** issues clinical guidance that requests providers to consider prescribing, dispensing, or distributing [~~antimicrobial~~] ***immunizing*** agents ***or drugs*** under paragraph I in order to control a disease outbreak.

III. No health care professional who, acting in good faith and with reasonable care, prescribes, dispenses, or distributes an [~~antimicrobial medication~~] ***agent or drug and testing*** for the treatment or prevention of a communicable disease as described in paragraph I, shall be subject to any criminal or civil liability, or any professional disciplinary action, for any action authorized by this section or any outcome resulting from an action authorized by this section.

3 Coverage for Emergency Services; Prior Authorization. Amend RSA 417-F:3 to read as follows:

417-F:3 Prior Authorization.

I. A participating provider or other authorized representative of the plan that gives prior authorization shall not rescind or modify the authorization after the health care provider has rendered the authorized emergency services care in good faith and the enrollee's, insured's, or subscriber's coverage was effective on the date of service.

II. When emergency services are a covered benefit under a health plan subject to this chapter, no prior authorization shall be required for emergency services necessary to screen and stabilize an individual.

III. No health benefit plan shall require a prior authorization for medically necessary inter-facility transports for services related to the treatment and diagnosis of certain biologically-based mental illnesses.

4 Applicability. All prior authorizations under group health insurance policies and managed care issued prior to the New Hampshire state of emergency, declared on March 13, 2020, and its extensions, that were set to expire during the period between March 13, 2020 and May 4, 2020, when providers were allowed to resume elective procedures pursuant to the issuance of the "Stay at Home Order 2.0," shall be granted an automatic extension of 120 days from May 4, 2020.

5 Repeal. RSA 137-J:5, V(e), as inserted by section 29 of this act, relative to the authority to consent to experimental treatment for severe or advanced COVID-19 symptoms, is repealed.

6 Repeal. 2015, 263:14, relative to the January 1, 2021 repeal of RSA 415:6-t and RSA 415:18-y, regarding insurance coverage for oral anti-cancer therapies, is repealed.

7 Health Services Corporations; Applicable Statutes. RSA 420-A:2 is repealed and reenacted to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

8 Health Maintenance Organizations; Applicable Statutes. RSA 420-B:20, III is repealed and reenacted to read as follows:

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III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

9 New Paragraph; Pharmacy Rights During Audit; Response. Amend RSA 318:62 by inserting after paragraph VI the following new paragraph:

VI-a. To have the same number of days to respond to a claim in an audit that have passed since the origination of the claim.

10 Pharmacy Rights During Audit; Claims Period. Amend RSA 318:62, X to read as follows:

X. To have the period covered by an audit limited to [~~24~~] ***6*** months from the date a claim was submitted to, or adjudicated by, a managed care company, an insurance company, a third-party payer, or any entity that represents responsible parties, unless a longer period is permitted by a federal plan under federal law.

11 Appeals Process. Amend RSA 318:63 to read as follows:

318:63 Mandatory Appeals Process.

I. Each entity that conducts an audit of a pharmacy shall establish an appeals process under which a pharmacy may appeal ***within 30 days after the report*** an unfavorable audit report to the entity.

II. If, following the appeal, the entity finds that an unfavorable audit report or any portion of the unfavorable audit report is unsubstantiated, the entity shall dismiss the unsubstantiated portion of the audit report without any further proceedings unless outlined in the contract.

III. Each entity conducting an audit shall provide a copy, if required under contractual terms, of the audit findings to the plan sponsor after completion of any appeals process.

IV. If any portion of an unfavorable audit report is not dismissed within 30 days after an appeal is made under paragraph I, the pharmacy may request a hearing from the insurance department pursuant to RSA 400-A:17.

12 Recoupment; Charges. Amend RSA 318:64, III to read as follows:

III. The entity conducting the audit [~~may~~] ***shall not*** charge or assess the responsible party, directly or indirectly, based on amounts recouped [~~if both of the following conditions are met:~~

~~(a) The responsible party and the entity conducting the audit have entered into a contract that explicitly states the percentage charge or assessment to the responsible party.~~

~~(b) A commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped~~].

13 New Paragraph; Powers of Health Maintenance Organizations. Amend RSA 420-B:7 by inserting after paragraph X the following new paragraph:

XI. The power to act as a health care insurer as defined in RSA 420-C:2, IV only when offering a Medicare Advantage plan in accordance with 42 U.S.C. sections 1395w-21 through1395w-29.

14 New Section; Managed Care Law. Amend RSA 420-J by inserting after section 8-e the following new section:

420-J:8-f Non-Covered Dental Services.

I No insurer, health care service contractor, health maintenance organization, dental insurer, or any other similar entity, including Delta Dental Plan of New Hampshire Inc., subject to regulation by the insurance department that covers dental services, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to an enrolled participant at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered services.

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II No person providing third party administrator services shall make available for any customers a plan that sets dental fees for providers in its provider network for any services except covered services.

III. In this paragraph "covered services" means dental care service for which reimbursement is available under an enrollee's plan contract, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

IV. Fees for covered services shall be set in good faith and shall not be nominal.

15 Purpose Statement; Intent. The general court hereby recognizes the health and wellness priorities set forth by the state health assessment and state health improvement plan advisory council which was charged with developing the New Hampshire state health improvement plan. Established in 2019 by the commissioner of the department of health and human services, the council seeks to develop a plan to attain equitable opportunity for all New Hampshire families and individuals, regardless of age, to flourish and achieve optimal mental, physical, social, and emotional wellness in their communities, where they live, learn, work, play and age. The purpose of the state health improvement plan is to improve health outcomes, reduce disparities and strengthen public health and human services delivery systems with a focus on the social determinants of health. Bringing both their experience and dedication, it is also the legislative intent that current members serving on the ad hoc state health assessment and state health improvement plan advisory council shall continue their membership and be appointed to serve on the newly established council coterminous with their remaining term.

16 New Subdivision; State Health Improvement Plan. Amend RSA 126-A by inserting after section 80 the following new subdivision:

State Health Improvement Plan

126-A:81 State Health Improvement Plan.

I. The commissioner of the department of health and human services shall, in consultation with the state health assessment and state health improvement plan advisory council established in RSA 126-A:82, develop a state health assessment and a state health improvement plan.

II. The state health assessment shall:

(a) Describe the status of health and well-being in New Hampshire.

(b) Utilize input from state and local level stakeholders obtained through public forums.

(c) Identify disparities in social determinants that impact health, health outcomes, and access to care.

(d) Map health care service delivery, utilization, inter-entity collaboration, and identification of gaps or redundancies.

(e) Utilize existing data for statewide and local planning.

(f) Identify priorities for the state health improvement plan.

III. The state health improvement plan shall guide the department in assessing, planning, implementing, and monitoring improvement in the health and well-being of New Hampshire's population.

IV. The state health improvement plan shall focus on strategies to:

(a) Improve health outcomes and reduce inequities; and

(b) Strengthen public health and human service delivery systems.

V. The state health improvement plan shall identify priorities and evidence-based practices, integrate services, and leverage resources across the state.

VI. The department shall make publicly available through an Internet website an analysis pertaining to state health assessment indicators, identification of state health priorities, goals, and the development of the state health improvement plan.

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VII. The information made available shall be maintained as a public resource for decision making and policy analysis by state and local health and human service entities, housing developers, municipalities, policy makers, the public, and other entities as they consider health improvement planning and health in all policies.

VIII. The information shall also be used by the department to align planning, integrate services, and leverage resources across the department.

IX. The commissioner, in consultation with the state health assessment and state health improvement plan advisory council, shall release to the public, the state health assessment no later than 12 months and the state health improvement plan no later than 24 months after the effective date of this section. The plan shall be reviewed annually and updated every 5 years, or earlier if determined necessary to carry out the charge of the plan.

126-A:82 State Health Assessment and State Health Improvement Plan Advisory Council Established.

I. There is hereby established a state health assessment and state health improvement plan advisory council. The membership of the council shall be diverse with respect to race, ethnicity, geography, and age as follows:

(a) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader.

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

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

(d) The commissioner of the department of education, or designee.

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

(f) The commissioner of the department of safety, or designee.

(g) The commissioner of the department of corrections, or designee.

(h) The New Hampshire attorney general, or designee.

(i) The director of the division of public health services, department of health and human services, or designee.

(j) The chairperson of state commission on aging, or designee.

(k) The director of the Manchester health department, or designee.

(l) A representative from the New Hampshire Public Health Association, appointed by the association.

(m) A representative of the New Hampshire Alliance for Healthy Aging, appointed by the alliance.

(n) A representative of the North Country Health Consortium, appointed by the consortium.

(o) A representative of the New Hampshire Fiscal Policy Institute, appointed by the institute.

(p) Two representatives from housing entities, one appointed by the New Hampshire Housing Finance Authority, and one appointed by the New Hampshire Housing Authorities Corporation.

(q) Two representatives of hospitals located in New Hampshire, one from a large health care system and one from a critical care hospital, appointed by the New Hampshire Hospital Association.

(r) A representative of a federally qualified community health center, appointed by the Bi-State Primary Care Association.

(s) A psychiatrist or psychologist licensed in New Hampshire, appointed by the commissioner of the department of health and human services.

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

(u) An advanced practice nurse practitioner licensed in New Hampshire, appointed by the New Hampshire Nurse Practitioners Association.

(v) A representative of municipal government, appointed by the New Hampshire Municipal Association.

(w) A school superintendent, appointed by the New Hampshire School Administrators Association.

(x) A representative of a peer recovery program, appointed by the commissioner of the department of health and human services.

(y) An environmental health researcher from a New Hampshire college or university, appointed by the commissioner of the department of health and human services.

(z) A representative of a philanthropic organization, appointed by the commissioner of the department of health and human services.

(aa) A substance use disorder treatment provider, appointed by the NH Providers Association.

(bb) A community action program representative, appointed by the New Hampshire Community Action Partnership.

(cc) The director of the Nashua health department, or designee.

(dd) A health officer, appointed by the New Hampshire Health Officers Association.

II. The council may solicit information and participation from any person or entity determined necessary by the council in the performance of its duties. The council shall be administratively attached to the department.

III. Members of the council appointed under subparagraphs II(a) through (j) in this section shall serve a term coterminous with their term in office. The members appointed pursuant to subparagraphs II(k) through (dd) in this section shall serve 6-year terms provided that initial appointments shall be for staggered terms of one to 6 years. Legislative members shall receive mileage at the legislative rate when attending to the duties of the council. The first-named senate member shall convene the organizational meeting of the council within 45 days of the effective date of this section for the purpose of electing officers. The chairperson shall be elected upon a majority vote of the council. Seventeen members shall constitute a quorum.

IV. The chairperson may establish subcommittees upon majority vote of the council. Membership of the subcommittees shall be established by the chairperson upon majority vote of the council. If any member of the council is absent without previously being excused by the chairperson for 3 or more regular meetings, the member may be removed upon a majority vote of the council.

V. The commissioner, in collaboration with the council, shall submit an annual report to the president of the senate, the speaker of the house of representatives, the governor, the chairpersons of the house and senate committees having jurisdiction over finance and health and human services, and chairperson of the oversight committee on health and human services, established under RSA 126-A:13, by November 1 of each year, commencing on November 1, 2021, on its activities and including recommendations for legislation.

17 Applicability. To the extent possible, the members currently serving on the commissioners of the department of health and human services' ad hoc state health assessment and state health improvement advisory council shall continue their membership on the council established by RSA 126-A:82 in section 16 of this act.

18 New Paragraph; Definition Added; Controlled Drug Prescription Health and Safety Program. Amend RSA 318-B:31 by inserting after paragraph I the following new paragraph:

I-a.(a) "Chronic pain" means a state in which pain persists beyond the usual course of an acute disease or healing of an injury, or that might or might not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years. It also includes intermittent episodic pain that might require periodic treatment.

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(1) For the purpose of this subdivision, chronic pain does not cover or in any way determine treatment for pain from terminal disease.

(2) For the purpose of this subdivision, chronic pain includes but may not be limited to pain defined as "chronic", "intractable", "high impact", "chronic episodic," and "chronic relapsing."

(b) A diagnosis of chronic pain made by a practitioner licensed in any of the states in the United States or the District of Columbia and supported by written documentation of the diagnosis by the treating practitioner shall constitute proof that the patient suffers from chronic pain.

19 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Standards for Treatment of Chronic Pain. Amend RSA 318-B:41, II by inserting after subparagraph (c) the following new subparagraph:

(d) In addition to the provisions of subparagraph (c), standards for the use of opioids for the management or treatment of chronic pain, which shall include the following:

(1) All decisions regarding the treatment of patients experiencing chronic pain shall be made by the treating practitioner even when the treatment is determined to require the prescribing of opioid analgesics. Treating practitioners shall administer care sufficient to treat a patient's chronic pain based on ongoing, objective evaluations of the patient without fear of reprimand or discipline.

(2) Ordering, prescribing, dispensing, administering, or paying for controlled substances, including opioid analgesics, shall not in any way be pre-determined by specific Morphine Milligram Equivalent (MME) guidelines.

(3) Ongoing treatment of those patients who experience chronic pain can be determined, managed, and administered by:

(A) A pain management practitioner who specializes in the treatment of chronic pain; or

(B) A practitioner who specializes in the illness or injury from which the patient suffers; or

(C) The patient's primary care practitioner who shall document the consideration of a consultation with a practitioner who specializes in the treatment of the patient's specific illness or injury or a pain management practitioner.

(4) For the patient who experiences chronic illness or injury and resulting chronic pain, documentation of the health issue must be provided and held in the patient's file.

(5) When treating a patient who experiences chronic illness or injury and resulting chronic pain, the prescribing of opioid analgesics shall be done in a measured and monitored manner and administered in the lowest amount necessary to control pain.

(6) Once an opioid analgesic is prescribed to treat chronic illness or injury and resulting chronic pain, the prescription shall be monitored closely by the prescriber and titrated as ongoing, objective evaluations of said patient's injury or illness requires for ongoing, successful treatment.

(7) For those patients who experience chronic illness or injury and resulting chronic pain who are on a managed and monitored regimen of opioid analgesic treatment and have increased functionality and quality of life as a result of said treatment, treatment shall be continued if there remains no indication of misuse or diversion.

(8) Proper documentation from the practitioner related to the filling of a prescription under this subparagraph shall be provided to the pharmacist upon the initial filling of the prescription, or upon request of the pharmacist.

(9) The rules necessary to effectuate the provisions of this subparagraph governing pain management associated with chronic pain shall:

(A) Take into consideration the individualized needs of patients covered by this subparagraph;

(B) Make provisions for practitioners, acting in good faith, and in the course of their profession, and managing chronic pain associated with their patients' illness to use their best judgment notwithstanding any statute or rule to the contrary; and

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(C) Ensure that patients covered by this section are treated with dignity and not unduly denied the medications needed to treat their conditions.

20 New Section; Accident and Health Insurance; Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness. 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 long-term antibiotic therapy for tick-borne illness when determined to be medically necessary and ordered by a licensed infectious disease physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. In this section, "long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

21 New Section; Accident and Health Insurance; Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Long-Term Antibiotic Therapy Tick-Borne Illness. Each insurer that issues or renews any policy of group or blanket 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 long-term antibiotic therapy for tick-borne illness when determined to be medically necessary and ordered by a licensed infectious disease physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. In this section, "long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

22 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

23 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

24 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,***

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RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

25 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA 415:6-y,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

26 Advance Directives; Purpose and Policy. Amend RSA 137-J:1 to read as follows:

I. The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care. In order that the rights of persons may be respected even after such persons lack the capacity to make health care decisions for themselves, and to encourage communication between patients and their attending physicians***, PAs,*** or APRNs, the general court declares that the laws of this state shall recognize the right of a competent person to make a written directive:

(a) Delegating to an agent the authority to make health care decisions on the person's behalf, in the event such person is unable to make those decisions for himself or herself, either due to permanent or temporary lack of capacity to make health care decisions;

(b) Instructing his or her attending physician***, PA,*** or APRN to provide, withhold, or withdraw life-sustaining treatment, in the event such person is near death or is permanently unconscious.

27 Advance Directives; Definitions. Amend RSA 137-J:2, IV to read as follows:

IV. "Attending physician***, PA,*** or APRN" means the physician***, physician assistant,*** or advanced practice registered nurse, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient. If more than one physician***, physician assistant,*** or advanced practice registered nurse shares that responsibility, any one of those physicians***, physician assistants,*** or advanced practice registered nurses may act as the attending physician***, PA,*** or APRN under the provisions of this chapter.

28 Advance Directives; Definitions. Amend RSA 137-J:2, XIII-XXII-a to read as follows:

XIII. "Life-sustaining treatment" means any medical procedures or interventions which utilize mechanical or other medically administered means to sustain, restore, or supplant a vital function which, in the written judgment of the attending physician***, PA,*** or APRN, would serve only to artificially postpone the moment of death, and where the person is near death or is permanently unconscious. "Life-sustaining treatment" includes, but is not limited to, the following: medically administered nutrition and hydration, mechanical respiration, kidney dialysis, or the use of other external mechanical or technological devices. Life sustaining treatment may include drugs to maintain blood pressure, blood transfusions, and antibiotics. "Life-sustaining treatment" shall not include the administration of medication, natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide comfort or to alleviate pain.

XIV. "Living will" means a directive which, when duly executed, contains the express direction that no life-sustaining treatment be given when the person executing said directive has been diagnosed and certified in writing by the attending physician***, PA,*** or APRN to be near death or permanently unconscious, without hope of recovery from such condition and is unable to actively participate in the decision-making process.

XV. "Medically administered nutrition and hydration" means invasive procedures such as, but not limited to the following: Nasogastric tubes; gastrostomy tubes; intravenous feeding or hydration; and hyperalimentation. It shall not include the natural ingestion of food or fluids by eating and drinking.

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XVI. "Near death" means an incurable condition caused by injury, disease, or illness which is such that death is imminent and the application of life-sustaining treatment would, to a reasonable degree of medical certainty, as determined by 2 physicians***, or a physician and a PA,*** or a physician and an APRN, only postpone the moment of death.

XVII. "Permanently unconscious" means a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an APRN ***or PA***.

XVIII. "Physician" means a medical doctor licensed in good standing to practice in the state of New Hampshire pursuant to RSA 329.

XVIII-a. "Physician assistant" or "PA" means a physician assistant licensed in good standing to practice in the state of New Hampshire pursuant to RSA 328-D.

XIX. "Principal" means a person 18 years of age or older who has executed an advance directive pursuant to the provisions of this chapter.

XX. "Qualified patient" means a patient who has executed an advance directive in accordance with this chapter and who has been certified in writing by the attending physician***, PA,*** or APRN to lack the capacity to make health care decisions.

XXI. "Reasonable degree of medical certainty" means a medical judgment that is made by a physician***, PA,*** or APRN who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

XXII. "Residential care provider" means a "facility" as defined in RSA 161-F:11, IV, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults, including but not limited to those operating pursuant to RSA 420-D.

XXII-a. "Surrogate decision-maker" or "surrogate" means an adult individual who has health care decision-making capacity, is available upon reasonable inquiry, is willing to make health care decisions on behalf of a patient who lacks health care decision-making capacity, and is identified by the attending physician***, PA,*** or APRN in accordance with the provisions of this chapter as the person who is to make those decisions in accordance with the provisions of this chapter.

29 Advance Directives; Scope and Duration of Agent's Authority. Amend RSA 137-J:5, II-V to read as follows:

II. An agent's or surrogate's authority under an advance directive shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician***, PA,*** or APRN, and filed with the name of the agent or surrogate in the principal's medical record. When and if the principal regains capacity to make health care decisions, such event shall be certified in writing by the principal's attending physician***, PA,*** or APRN, noted in the principal's medical record, the agent's or surrogate's authority shall terminate, and the authority to make health care decisions shall revert to the principal.

III. If the principal has no attending physician***, PA,*** or APRN for reasons based on the principal's religious or moral beliefs as specified in his or her advance directive, the advance directive may include a provision that a person designated by the principal in the advance directive may certify in writing, acknowledged before a notary or justice of the peace, as to the lack of decisional capacity of the principal. The person so designated by the principal shall not be the agent, or a person ineligible to be the agent.

IV. The principal's attending physician***, PA,*** or APRN shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment. Notwithstanding that an advance directive or a surrogacy is in effect and irrespective of the principal's lack of capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection unless the principal's advance directive includes the following statement initialed by the principal, "Even if I am incapacitated and I object to treatment, treatment may be given to me against my objection."

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V. Nothing in this chapter shall be construed to give an agent or surrogate authority to:

(a) Consent to voluntary admission to any state institution;

(b) Consent to a voluntary sterilization;

(c) Consent to withholding life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician***, PA,*** or APRN and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication; or

(d) Consent to psychosurgery, electro-convulsive shock therapy, sterilization, or an experimental treatment of any kind.

(e) Notwithstanding the prohibition in subparagraph V(d), for any patient experiencing severe, advanced COVID-19 symptoms or COVID-19 complications who does not have the capacity to consent himself or herself to an experimental treatment, an agent or surrogate shall have the authority to consent to experimental treatments, authorized by an institutional review board, on the patient for COVID-19 symptoms or complications.

(1) For an agent or surrogate to approve the use of an experimental treatment, approved by an institutional review board, the agent or surrogate must be informed of all risks and side effects and follow all institutional review board instructions regarding consent as if the agent or surrogate were the individual receiving the treatment, including the completion of all consent documentation required by the Food and Drug Administration. An agent or surrogate shall not consent unless the following factors exist:

(A) The patient is confronted by a life-threatening situation necessitating the use of the experimental treatment; and

(B) Informed consent cannot be obtained from the patient because of an inability to communicate with, or obtain legally effective consent from, the patient; and

(C) There is no alternate method of approved or generally recognized therapy available that provides an equal or greater likelihood of saving the life of the patient.

(2) If a patient has a living will, the agent shall follow the directions of the living will. In addition, if the agent or surrogate has actual knowledge that the patient wished to decline the experimental treatment, the agent or surrogate shall not have the authority to consent to treatment.

30 Advance Directives; Requirement to Act in accordance With Principal's Wishes and Best Interests. Amend RSA 137-J:6 to read as follows:

137-J:6 Requirement to Act in Accordance With Principal's Wishes and Best Interests. After consultation with the attending physician***, PA,*** or APRN and other health care providers, the agent or surrogate shall make health care decisions in accordance with the agent's or surrogate's knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's or surrogate's assessment of the principal's best interests and in accordance with accepted medical practice.

31 Advance Directives; Physician, ***PA,*** APRN, and Provider's Responsibilities. Amend RSA 137-J:7, I-II to read as follows:

I. A qualified patient's attending physician***, PA,*** or APRN, or a qualified patient's health care provider or residential care provider, and employees thereof, having knowledge of the qualified patient's advance directive shall be bound to follow, as applicable, the dictates of the qualified patient's living will and/or the directives of a qualified patient's designated agent to the extent they are consistent with this chapter and the advance directive, and to the extent they are within the bounds of responsible medical practice.

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(a) An attending physician***, PA,*** or APRN, or other health care provider or residential care provider, who is requested to do so by the principal shall make the principal's advance directive or a copy of such document a part of the principal's medical record.

(b) Any person having in his or her possession a duly executed advance directive or a revocation thereof, if it becomes known to that person that the principal executing the same is in such circumstances that the terms of the advance directive might become applicable (such as when the principal becomes a "qualified patient"), shall forthwith deliver an original or copy of the same to the health care provider or residential care provider with which the principal is a patient.

(c) The principal's attending physician***, PA,*** or APRN, or any other physician***, PA,*** or APRN, who is aware of the principal's execution of an advance directive shall, without delay, take the necessary steps to provide for written verification of the principal's lack of capacity to make health care decisions (in other words, to certify that the principal is a "qualified patient"), and/or the principal's near death or permanently unconscious condition, as defined in this chapter and as appropriate to the principal's medical condition, so that the attending physician***, PA,*** or APRN and the principal's agent may be authorized to act pursuant to this chapter.

(d) If a physician***, PA,*** or an APRN, because of his or her personal beliefs or conscience, is unable to comply with the terms of the advance directive or surrogate's decision, he or she shall immediately inform the qualified patient, the qualified patient's family, or the qualified patient's agent. The qualified patient, or the qualified patient's agent or family, may then request that the case be referred to another physician***, PA,*** or APRN.

II. An attending physician***, PA,*** or APRN who, because of personal beliefs or conscience, is unable to comply with the advance directive or the surrogate's decision pursuant to this chapter shall, without delay, make the necessary arrangements to effect the transfer of a qualified patient and the appropriate medical records that document the qualified patient's lack of capacity to make health care decisions to another physician***, PA,*** or APRN who has been chosen by the qualified patient, by the qualified patient's agent or surrogate, or by the qualified patient's family, provided, that pending the completion of the transfer, the attending physician***, PA,*** or APRN shall not deny health care treatment, nutrition, or hydration which denial would, within a reasonable degree of medical certainty, result in or hasten the qualified patient's death against the express will of the qualified patient, the advance directive, or the agent or surrogate.

32 Advance Directives; Withholding or Withdrawal of Life-Sustaining Treatment. Amend RSA 137-J:10, I(a) and (b) to read as follows:

(a) The principal's attending physician***, PA,*** or APRN shall certify in writing that the principal lacks the capacity to make health care decisions.

(b) Two physicians or a physician and an APRN ***or PA*** shall certify in writing that the principal is near death or is permanently unconscious.

33 Advance Directives; Withholding or Withdrawal of Life-Sustaining Treatment. Amend RSA 137-J:10, IV(a) to read as follows:

(a) The consent to withhold or withdraw life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician***, PA,*** or APRN and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

34 Advance Directives; Withholding or Withdrawal of Life-Sustaining Treatment. Amend RSA 137-J:10, VII to read as follows:

VII. Nothing in this chapter shall be construed to create a presumption that in the absence of an advance directive, a person wants life-sustaining treatment to be either taken or withdrawn. This chapter shall also

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not be construed to supplant any existing rights and responsibilities under the law of this state governing the conduct of physicians***, PAs,*** or APRNs in consultation with patients or their families or legal guardians in the absence of an advance directive.

35 Advance Directives; Execution and Witnesses. Amend RSA 137-J:14 to read as follows:

137-J:14 Execution and Witnesses.

I. The advance directive shall be signed by the principal in the presence of either of the following:

(a) Two or more subscribing witnesses, neither of whom shall, at the time of execution, be the agent, the principal's spouse or heir at law, or a person entitled to any part of the estate of the principal upon death of the principal under a will, trust, or other testamentary instrument or deed in existence or by operation of law, or attending physician***, PA,*** or APRN, or person acting under the direction or control of the attending physician***, PA,*** or APRN. No more than one such witness may be the principal's health or residential care provider or such provider's employee. The witnesses shall affirm that the principal appeared to be of sound mind and free from duress at the time the advance directive was signed and that the principal affirmed that he or she was aware of the nature of the document and signed it freely and voluntarily; or

(b) A notary public or justice of the peace, who shall acknowledge the principal's signature pursuant to the provisions of RSA 456 or RSA 456-A.

II. If the principal is physically unable to sign, the advance directive may be signed by the principal's name written by some other person in the principal's presence and at the principal's express direction.

III. A principal's decision to exclude or strike references to ***PAs or*** APRNs and the powers granted to ***PAs or*** APRNs in his or her advance directive shall be honored.

36 Advance Directives; Revocation. Amend RSA 137-J:15, II to read as follows:

II. A principal's health or residential care provider who is informed of or provided with a revocation of an advance directive or surrogacy shall immediately record the revocation, and the time and date when he or she received the revocation, in the principal's medical record and notify the agent, the attending physician***, PA,*** or APRN, and staff responsible for the principal's care of the revocation. An agent or surrogate who becomes aware of such revocation shall inform the principal's health or residential care provider of such revocation. Revocation shall become effective upon communication to the attending physician***, PA,*** or APRN.

37 Advance Directives; Durable Power of Attorney; Disclosure Statement. Amend RSA 137-J:19 to read as follows:

137-J:19 Durable Power of Attorney; Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING IT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

Except if you say otherwise in the directive, this directive gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: commitment to a state institution, sterilization, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

Important Notice

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You may state in this directive any treatment you do not want, or any treatment you want to be sure you receive. Your health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the directive and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to complete your statement.

Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.

Your agent shall be directed by your written instructions in this document when making decisions on your behalf, and as further guided by your medical condition or prognosis. Unless you state otherwise in the directive, your agent will have the same power to make decisions about your health care as you would have made, if those decisions by your health care agent are made consistent with state law.

It is important that you discuss this directive with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this directive, but if there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

The person you choose as your health care agent should be someone you know and trust, and he or she must be at least 18 years old. If you choose your health or residential care provider (such as your doctor, advanced practice registered nurse, or an employee of a hospital, nursing home, home health agency, or residential care home, other than a relative), that person will have to choose between acting as your health care agent or as your health or residential care provider, because the law does not allow a person to do both at the same time.

You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you.

You should tell the person you choose that you want him or her to be your health care agent. You should talk about this directive with your health care agent and your doctor or advanced practice registered nurse and give each one a signed copy. You should write on the directive itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf.

EVEN AFTER YOU HAVE SIGNED THIS DIRECTIVE, YOU HAVE THE RIGHT TO MAKE HEALTH CARE DECISIONS FOR YOURSELF AS LONG AS YOU ARE ABLE TO DO SO, AND TREATMENT CANNOT BE GIVEN TO YOU OR STOPPED OVER YOUR CLEAR OBJECTION. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent.

YOU HAVE THE RIGHT TO EXCLUDE OR STRIKE REFERENCES TO APRNS IN YOUR ADVANCE DIRECTIVE AND IF YOU DO SO, YOUR ADVANCE DIRECTIVE SHALL STILL BE VALID AND ENFORCEABLE.

Once this directive is executed it cannot be changed or modified. If you want to make changes, you must make an entirely new directive.

THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR JUSTICE OF THE PEACE OR TWO (2) OR MORE QUALIFIED WITNESSES, WHO MUST BOTH BE PRESENT WHEN YOU SIGN AND WHO WILL ACKNOWLEDGE YOUR SIGNATURE ON THE DOCUMENT. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

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___The person you have designated as your health care agent;

___Your spouse or heir at law;

___Your attending physician***, PA,*** or APRN, or person acting under the direction or control of the attending physician***, PA,*** or APRN;

ONLY ONE OF THE TWO WITNESSES MAY BE YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR ONE OF YOUR PROVIDER'S EMPLOYEES.

38 Advance Directives; Durable Power of Attorney and Living Will. Amend RSA 137-J:20, II to read as follows:

II. LIVING WILL

Declaration made this ___ day of _____, 20___.

I, _____, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness and I am certified to be near death or in a permanently unconscious condition by 2 physicians or a physician and an APRN ***or PA***, and 2 physicians or a physician and an APRN ***or PA*** have determined that my death is imminent whether or not life-sustaining treatment is utilized and where the application of life-sustaining treatment would serve only to artificially prolong the dying process, or that I will remain in a permanently unconscious condition, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide me with comfort care. I realize that situations could arise in which the only way to allow me to die would be to discontinue medically administered nutrition and hydration.

(Initial below if it is your choice)

In carrying out any instruction I have given under this section, I authorize that even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me. _____

In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this declaration shall be honored by my family and health care providers as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed this ___ day of _____, 2___.

Principal's Signature: _____

[If you are physically unable to sign, this directive may be signed by someone else writing your name, in your presence and at your express direction.]

THIS LIVING WILL DIRECTIVE MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC OR A JUSTICE OF THE PEACE.

We declare that the principal appears to be of sound mind and free from duress at the time the living will is signed and that the principal affirms that he or she is aware of the nature of the directive and is signing it freely and voluntarily.

Witness: _____ Address: _____

Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

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The foregoing living will was acknowledged before me this ___ day of _____, 20___, by _____ (the "Principal"). _____

Notary Public/Justice of the Peace

My commission expires:

39 Advance Directives; Civil Action. Amend RSA 137-J:22, II to read as follows:

II. A copy of any such action shall be given in hand to the principal's attending physician***, PA,*** or APRN and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or III.

40 Advance Directives; Presumed Consent to Cardiopulmonary Resuscitation; Health Care Providers and Residential Care Providers Not Required to Expand to Provide Cardiopulmonary Resuscitation. Amend RSA 137-J:25, I(c) to read as follows:

(c) A person who lacks capacity to make health care decisions is near death and admitted to a health care facility, and the person's agent is not available and the facility has made diligent efforts to contact the agent without success, or the person's agent is not legally capable of making health care decisions for the person, and the attending physician***, PA,*** or APRN and a physician knowledgeable about the patient's condition, have determined that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards and would cause unnecessary harm to the person, and the attending physician***, PA,*** or APRN has completed a do not resuscitate order; or

41 Advance Directives; Issuance of a Do Not Resuscitate Order; Order to be Written by the Attending Physician or APRN. Amend RSA 137-J:26 to read as follows:

137-J:26 Issuance of a Do Not Resuscitate Order; Order to be Written by the Attending Physician***, PA,*** or APRN.

I. An attending physician***, PA,*** or APRN may issue a do not resuscitate order for a person if the person, or the person's agent, has consented to the order. A do not resuscitate order shall be issued in writing in the form as described in this section for a person not present or residing in a health care facility. For persons present in health care facilities, a do not resuscitate order shall be issued in accordance with the policies and procedures of the health care facility and in accordance with the provisions of this chapter.

II. A person may request that his or her attending physician***, PA,*** or APRN issue a do not resuscitate order for the person.

III. An agent may consent to a do not resuscitate order for a person who lacks the capacity to make health care decisions if the advance directive signed by the principal grants such authority. A do not resuscitate order written by the attending physician***, PA,*** or APRN for such a person with the consent of the agent is valid and shall be respected by health care providers and residential care providers.

IV. If an agent is not reasonably available and the facility has made diligent efforts to contact the agent without success, or the agent is not legally capable of making a decision regarding a do not resuscitate order, an attending physician***, PA,*** or APRN may issue a do not resuscitate order for a person who lacks capacity to make health care decisions, who is near death, and who is admitted to a health care facility if a second physician who has personally examined the person concurs in the opinion of the attending physician***, PA,*** or APRN that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards and would cause unnecessary harm to the person.

V. For persons not present or residing in a health care facility, the do not resuscitate order shall be noted on a medical orders form or in substantially the following form on a card suitable for carrying on the person:

Do Not Resuscitate Order

As attending physician***, PA,*** or APRN of _____ and as a licensed physician***, physician assistant*** or advanced practice registered nurse, I order that this person SHALL NOT BE RESUSCITATED in the event of cardiac or respiratory arrest.

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This order has been discussed with _____ (or, if applicable, with his/ her agent,) _____, who has given consent as evidenced by his/her signature below.

Attending physician***, PA,*** or APRN Name

Attending physician***, PA,*** or APRN Signature

Address

Person Signature

Address

Agent Signature (if applicable)

_____

Address _____

VI. For persons residing in a health care facility, the do not resuscitate order shall be reflected in at least one of the following forms:

(a) Forms required by the policies and procedures of the health care facility in compliance with this chapter;

(b) The do not resuscitate card as set forth in paragraph V; or

(c) The medical orders form in compliance with this chapter.

42 Advance Directives; Compliance With a Do Not Resuscitate Order. Amend RSA 137-J:27, I(a)-(c) to read as follows:

(a) A do not resuscitate order completed by the attending physician***, PA,*** or APRN on a form as specified in RSA 137-J:26;

(b) A do not resuscitate order for a person present or residing in a health care facility issued in accordance with the health care facility's policies and procedures in compliance with the chapter; or

(c) A medical orders form on which the attending physician***, PA,*** or APRN has documented a do not resuscitate order in compliance with this chapter.

43 Advance Directives; Protection of Persons Carrying Out in Good Faith a Do Not Resuscitate Order; Notification of Agent by Attending Physician or APRN Refusing to Comply With Do Not Resuscitate Order; Revocation of Do Not Resuscitate Order. Amend RSA 137-J:28 and 137-J:29 to read as follows:

137-J:28 Protection of Persons Carrying Out in Good Faith a Do Not Resuscitate Order; Notification of Agent by Attending Physician***, PA,*** or APRN Refusing to Comply With Do Not Resuscitate Order.

I. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to criminal or civil liability, or be deemed to have engaged in unprofessional conduct, for carrying out in good faith a do not resuscitate order authorized by this chapter on behalf of a person as instructed by the person, or the person's agent, or for those actions taken in compliance with the standards and procedures set forth in this chapter.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, or other individual who witnesses a cardiac or respiratory arrest shall be subjected to criminal or civil liability for providing cardiopulmonary resuscitation to a person for whom a do not resuscitate order has been issued; provided, that such provider or individual:

(a) Reasonably and in good faith is unaware of the issuance of a do not resuscitate order; or

(b) Reasonably and in good faith believed that consent to the do not resuscitate order has been revoked or canceled.

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III.(a) Any attending physician***, PA,*** or APRN who, because of personal beliefs or conscience, refuses to issue a do not resuscitate order at a person's request or to comply with a do not resuscitate order issued pursuant to this chapter shall take reasonable steps to advise promptly the person or agent of the person that such attending physician or APRN is unwilling to effectuate the order. The attending physician***, PA,*** or APRN shall thereafter at the election of the person or agent permit the person or agent to obtain another attending physician***, PA,*** or APRN.

(b) If a physician***, PA,*** or APRN, because of his or her personal beliefs or conscience, is unable to comply with the terms of a do not resuscitate order, he or she shall immediately inform the person, the person's agent, or the person's family. The person, the person's agent, or the person's family may then request that the case be referred to another physician***, PA,*** or APRN, as set forth in RSA 137-J:7, II and III.

137-J:29 Revocation of Do Not Resuscitate Order.

I. At any time a person in a health care facility may revoke his or her previous request for or consent to a do not resuscitate order by making either a written, oral, or other act of communication to the attending physician***, PA,*** or APRN or other professional staff of the health care facility.

II. At any time a person residing at home may revoke his or her do not resuscitate order by destroying such order and removing do not resuscitate identification on his or her person. The person is responsible for notifying his or her attending physician***, PA,*** or APRN of the revocation.

III. At any time an agent may revoke his or her consent to a do not resuscitate order for a person who lacks capacity to make health care decisions who is admitted to a health care facility by notifying the attending physician***, PA,*** or APRN or other professional staff of the health care facility of the revocation of consent in writing, or by orally notifying the attending physician***, PA,*** or APRN in the presence of a witness 18 years of age or older.

IV. At any time an agent may revoke his or her consent for a person who lacks capacity to make health care decisions who is residing at home by destroying such order and removing do not resuscitate identification from the person. The agent is responsible for notifying the person's attending physician***, PA,*** or APRN of the revocation.

V. The attending physician***, PA,*** or APRN who is informed of or provided with a revocation of consent pursuant to this section shall immediately cancel the do not resuscitate order if the person is in a health care facility and notify the professional staff of the health care facility responsible for the person's care of the revocation and cancellation. Any professional staff of the health care facility who is informed of or provided with a revocation of consent pursuant to this section shall immediately notify the attending physician***, PA,*** or APRN of such revocation.

VI. Only a physician***, physician assistant,*** or advanced practice registered nurse may cancel the issuance of a do not resuscitate order.

44 Advance Directives; Do Not Resuscitate Identification. Amend RSA 137-J:33 to read as follows:

137-J:33 Do Not Resuscitate Identification. Do not resuscitate identification as set forth in this chapter may consist of either a medical condition bracelet or necklace with the inscription of the person's name, date of birth in numerical form and "NH Do Not Resuscitate" or "NH DNR" on it. Such identification shall be issued only upon presentation of a properly executed do not resuscitate order form as set forth in RSA 137-J:26, a medical orders form in which a physician***, physician assistant,*** or advanced practice registered nurse has documented a do not resuscitate order, or a do not resuscitate order properly executed in accordance with a health care facility' s written policy and procedure.

45 Advance Directives; Surrogate Decision-making. Amend RSA 137-J:35 to read as follows:

137-J:35 Surrogate Decision-making.

I. When a patient lacks capacity to make health care decisions, the physician***, PA,*** or APRN shall make a reasonable inquiry pursuant to 137-J:7 as to whether the patient has a valid advance directive and, to the extent

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that the patient has designated an agent, whether such agent is available, willing and able to act. When no health care agent is authorized and available, the health care provider shall make a reasonable inquiry as to the availability of possible surrogates listed under this paragraph. A surrogate decision-maker may make medical decisions on behalf of a patient without court order or judicial involvement in the following order of priority:

(a) The patient's spouse, or civil union partner or common law spouse as defined by RSA 457:39, unless there is a divorce proceeding, separation agreement, or restraining order limiting that person's relationship with the patient.

(b) Any adult son or daughter of the patient.

(c) Either parent of the patient.

(d) Any adult brother or sister of the patient.

(e) Any adult grandchild of the patient.

(f) Any grandparent of the patient.

(g) Any adult aunt, uncle, niece, or nephew of the patient.

(h) A close friend of the patient.

(i) The agent with financial power of attorney or a conservator appointed in accordance with RSA 464-A.

(j) The guardian of the patient's estate.

II. The physician***, PA,*** or APRN may identify a surrogate from the list in paragraph I if the physician***, PA,*** or APRN determines he or she is able and willing to act, and determines after reasonable inquiry that neither a legal guardian, health care agent under a durable power of attorney for health care, nor a surrogate of higher priority is available and able and willing to act. The surrogate decision-maker, as identified by the attending physician***, PA,*** or APRN, may make health care decisions for the patient. The surrogacy provisions of this chapter shall take effect when the decision-maker names are recorded in the medical record. The physician***, PA,*** or APRN shall have the right to rely on any of the above surrogates if the physician***, PA,*** or APRN believes after reasonable inquiry that neither a health care agent under a durable power of attorney for health care or a surrogate of higher priority is available or able and willing to act.

46 Advance Directives; Determining Priority Among Multiple Surrogates. Amend RSA 137-J:36, I to read as follows:

I. Where there are multiple surrogate decision-makers at the same priority level in the hierarchy, it shall be the responsibility of those surrogates to make reasonable efforts to reach a consensus as to their decision on behalf of the patient regarding any health care decision. If 2 or more surrogates who are in the same category and have equal priority indicate to the attending physician***, PA,*** or APRN that they disagree about the health care decision at issue, a majority of the available persons in that category shall control, unless the minority or any other interested party initiates guardianship proceedings in accordance with RSA 464-A. There shall not be a recognized surrogate when a guardianship proceeding has been initiated and a decision is pending. The person initiating the petition for guardianship shall immediately provide written notice of the initiation of the guardianship proceeding to the health care facility where the patient is being treated. This process shall not preempt the care of the patient. No health care provider or other person shall be required to seek appointment of a guardian.

47 Advance Directives; Limitations of Surrogacy. Amend RSA 137-J:37, II-IV to read as follows:

II. No physician***, PA,*** or APRN shall be required to identify a surrogate, and may, in the event a surrogate has been identified, revoke the surrogacy if the surrogate is unwilling or unable to act.

III. A physician***, PA,*** or APRN may, but shall not be required to, initiate guardianship proceedings or encourage a family member or friend to seek guardianship in the event a patient is determined to lack capacity to make health care decisions and no guardian, agent under a health care power of attorney, or surrogate has been appointed or named.

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IV. Nothing in this chapter shall be construed to require a physician***, PA,*** or APRN to treat a patient who the physician***, PA,*** or APRN reasonably believes lacks health care decision-making capacity and for whom no guardian, agent, or surrogate has been appointed.

48 Physician Assistants; Licensure. Amend RSA 328-D:2 to read as follows:

328-D:2 License Required.

I. No person shall practice as [~~or hold himself out to be~~] a physician assistant [~~or use any letters designating himself as a physician assistant~~] ***in the state of New Hampshire*** unless he ***or she*** is licensed ***by the board of medicine*** in accordance with this chapter.

II. This section shall not be construed to prohibit students enrolled in physician assistant training programs approved by the board, from performing work incidental to their respective courses of study or supervised clinical work while under the supervision of a [~~physician~~] ***designated preceptor***.

III. The board shall license each applicant who satisfies the requirements under RSA 328-D:3. Upon payment of a license fee, the board shall issue to such person a license, which shall be prima facie evidence of the right to practice as a physician assistant. [~~A licensed physician assistant may use the letters "P.A." in connection with his name to denote his licensure under this chapter.~~]

49 Physician Assistants; License Renewal. Amend RSA 328-D:5 to read as follows:

328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply to the board for [~~annual~~] ***biennial*** renewal of license on forms provided by the [~~board~~] ***office of professional licensure and certification*** and shall pay a renewal fee as established by the [~~board~~] ***office of professional licensure and certification***. Applications for renewal shall be filed no later than December 31 of [~~each~~] ***every other*** year and shall include [~~a photocopy~~] ***proof*** of the applicant's current national certification [~~card~~]. A license issued under this chapter shall not expire until the board has taken final action upon the application for renewal.

50 Physician Assistants; Transition of License Renewals. For the transition from annual to biennial renewal under RSA 328-D:5 as amended by section 49 of this act, licensees who were initially licensed in odd-numbered years prior to 2021 shall renew by December 31, 2021 and every 2 years thereafter, and licensees who were initially licensed in even-numbered years shall renew by December 31, 2022 and every 2 years thereafter. The office of professional licensure and certification shall prorate the renewal fee for those who receive a one-year renewal during this transition. Notwithstanding RSA 318-B:40, those who receive a one-year renewal during this transition shall only be required to obtain 1.5 contact hours of continuing education in pain management and addiction disorder as a condition of the renewal during the transition.

51 New Paragraph; Coverage for Certain Biologically-Based Mental Illnesses; Reimbursement Parity Required. Amend RSA 417-E:1 by inserting after paragraph V-a the following new paragraph:

V-b.(a) Health insurers, health service corporations, and health maintenance organizations shall include in their contracts with participating providers as defined under 420-J:3, reimbursement terms for mental health and substance use disorder treatment services that are on average, at least as favorable as those in their contracts for professional services provided by non-hospital affiliated primary care providers.

(1) Reimbursements for services paid to mental health and substance use disorder treatment providers shall meet the required standard if the reimbursement are, on average, equal to or greater than the relative Medicare reimbursements for the same service.

(2) Services considered in the comparison shall be those provided on an in-network basis in New Hampshire, and shall only consider comparisons for those services commonly provided by both non-hospital affiliated physicians and mental health and substance use disorder providers.

(3) Consistent with Medicare standards, professional licensure, certification, and telemedicine policies shall be recognized as factors warranting adjustment to reimbursement

(b) Compliance with subparagraph (a) shall not constitute compliance with the Mental Health Parity and Addiction Equity Act in 42 U.S.C. 300gg-26 and its implementing and related regulations in 45 C.F.R.

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146.136, 45 C.F.R. 147.160, and 45 C.F.R. 156.115(a)(3). Health insurers, health service corporations, and health maintenance organizations shall, pursuant to 45 C.F.R. 146.136(c)(4)(i) and 45 C.F.R. 146.136(c)(4)(ii), ensure that when setting reimbursement rates for mental health and substance use disorder treatment providers, as written and in effect, any processes, strategies, evidentiary standards, or other factors used in establishing such reimbursement rates are comparable to, and are applied no more stringently than, any processes, strategies, evidentiary standards, or other factors used in establishing reimbursement rates for medical/surgical providers in the classification of benefits.

52 Managed Care Law: Authorization for Medication- Assisted Treatment. Amend RSA 420-J:18 to read as follows:

420-J:18 Authorization for Medication-Assisted Treatment. Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, a health carrier [~~that has authorized or otherwise approved medication-assisted treatment for such services shall not require a renewal of such authorization more frequently than once every 12 months.~~] ***shall:***

I. Be required to offer at least one medication-assisted treatment therapy option approved by the federal Food and Drug Administration for treatment of substance use disorders without a requirement for prior authorization.

II. Not require a renewal of a prior authorization for a medication-assisted treatment therapy for treatment of substance use disorders more frequently than once every 12 months.

53 Statement of Purpose. The general court finds that the ongoing addiction epidemic has resulted in the deaths of thousands of New Hampshire residents. It has cost the state billions of dollars in health care costs, lost worker productivity, and other charges, and it has strained state and community resources and policies. Greater investigation into the circumstances of overdose fatalities can help New Hampshire continue to develop more effective policies and effectively fight this public health crisis. Therefore, the general court hereby establishes the New Hampshire drug overdose fatality review commission.

54 New Chapter; New Hampshire Drug Overdose Fatality Review Commission. Amend RSA by inserting after chapter 126-AA the following new chapter:

CHAPTER 126-BB
NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION

126-BB:1 Commission Established.

I. There is established a commission to review information and data related to drug overdose fatalities in New Hampshire. The members of the commission 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.

(c) The attorney general, or designee.

(d) The chief medical examiner, or designee.

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

(f) The commissioner of the department of safety, or designee.

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

(h) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.

(i) A representative of the New Hampshire Association of Fire Chiefs, appointed by the association.

(j) A health official from a city health department, appointed by the governor.

(k) A victim/witness advocate, appointed by the attorney general.

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(l) A representative of the New Hampshire Hospital Association, appointed by the association.

(m) A representative of the recovery community, appointed by the governor.

(n) A representative of the treatment community, appointed by the governor.

(o) A representative of the prevention community, appointed by the governor.

(p) A representative of New Futures, appointed by that organization.

(q) A representative from American Medical Response, appointed by that organization.

(r) A representative of the Drug Enforcement Administration, appointed by the administration.

(s) The governor's advisor on addiction and behavioral health.

(t) A suicide prevention specialist, appointed by NAMI-New Hampshire.

(u) A representative of the New Hampshire Medical Society, appointed by the society.

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

(b) A member of the commission appointed under subparagraphs I(a)-(g) or (s) shall serve a term conterminous with their term in office. A member appointed under subparagraph I(h)-(r) or (t) shall serve a 6-year term, provided that initial appointments shall be for staggered terms of one to 6 years.

(c) Members of the commission shall sign confidentiality statements that prohibit any unauthorized dissemination of information except when disclosures may be necessary to enable the commission to carry out its duties under this subdivision. No material shall be used for reasons other than for which it was intended.

III.(a) The commission shall:

(1) Review trends and patterns of overdose-related fatalities in New Hampshire.

(2) Identify high-risk factors, current practices, and gaps in system responses.

(3) Recommend policies, practices, and services that will encourage collaboration and reduce overdose fatalities.

(4) Improve sources of data collection by developing a system to share information between agencies and offices that work with individuals struggling with addiction.

(5) Educate the public, policy makers, and funders about overdose-related fatalities and about strategies for intervention and effective prevention, treatment, and recovery.

(6) Review laws and programs enacted in other states, counties, or municipalities.

(b)(1) Upon the request of the chairperson of the commission and as necessary to carry out the commission's duties, the chairperson shall be provided, within 5 days excluding weekends and holidays, with access to information and records regarding a drug overdose fatality that is being reviewed by the commission or regarding the person who overdosed on drugs. The commission may request the information and records from any of the following:

(A) A provider of medical, dental or behavioral health care.

(B) Any state or a political subdivision of this state that might assist the commission in reviewing the fatality.

(2) A law enforcement agency, with the approval of the prosecuting attorney, may withhold from a review team investigative records that may interfere with a pending criminal investigation or prosecution.

IV.(a) The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eleven members of the commission shall constitute a quorum.

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(b) The department of health and human services shall provide administrative support to the commission.

V. The commission shall:

(a) Meet no fewer than 6 times per year to conduct reviews of overdose fatalities.

(b) Study the adequacy of statutes, rules, training, and services to determine what changes are needed to decrease the incidence of preventable overdose fatalities and, as appropriate, take steps to implement these changes.

(c) Educate the public regarding the incidence and causes of overdose fatalities and the public's role in preventing these deaths.

(d) Review all overdose fatalities except for fatalities of children under 18 years of age and fatalities related to women while pregnant or with one year of the end of pregnancy.

(e) Complete an annual statistical report on the incidence and causes of overdose fatalities in this state during the past fiscal year and submit a copy of this report, including its recommendations for proposed legislation and actions, to the governor, the senate president, and the speaker of the house of representatives. The commission shall submit the report on or before December 15 of each year commencing on December 15, 2021.

VI. The commission shall not:

(a) Call witnesses or take testimony from individuals who have been identified by the department of justice as potential witnesses in any criminal prosecution arising from an overdose death until the completion of such prosecution.

(b) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding, unless a member of the team is involved in the investigation of the death or resulting prosecution and must participate in a legal proceeding in the course of performing his or her duties outside the team.

VII.(a) Proceedings, records, and opinions of the commission are confidential, not subject to RSA 91-A, and not subject to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding. Nothing in this subparagraph shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the commission.

(b) Members of the commission shall not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. Nothing in this subparagraph shall be construed to prevent a member of the commission from testifying to information obtained independently of the commission or which is public information.

VIII.(a) The commission shall maintain the confidentiality of all records pursuant to RSA 169-C:25, RSA 170-G:8-a, and all other related confidentiality laws.

(b) The information and records obtained and created in execution of the commission's official functions shall be exempt from disclosure pursuant to RSA 91-A and shall be privileged and exempt from use or disclosure in any criminal or civil matter or administrative proceeding. No person who participates in the official functions of the commission shall be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving exercise of his or her official duties.

(c) Commission members, their agents and employees, shall not be subject to, and shall be immune from, claims, suits, liability, damages or any other recourse, civil or criminal, arising from any act, proceeding, decision or determination undertaken or performed or recommendation made, provided such persons acted in good faith and without malice in carrying out their responsibilities authority, duties, powers and privileges of the offices conferred by this subdivision upon them.

(d) No organization, institution, or person furnishing information, data, reports, or records to the commission shall be liable in damages to any person or subject to any other recourse, civil or criminal.

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(e) Any person who knowingly discloses case records or other information obtained from commission proceedings shall be guilty of a misdemeanor.

55 New Subdivision; Opioid Abatement Trust Fund. Amend RSA 126-A by inserting after section 82 the following new subdivision:

Opioid Abatement Trust Fund

126-A:83 Opioid Abatement Trust Fund Established.

I. There is hereby established in the state treasury the opioid abatement trust fund that shall be kept distinct and separate from all other funds. All proceeds received by the state from all consumer protection settlements or judgments against opioid manufacturers or distributors shall be deposited in accordance with RSA 7:6-f. Any amount that would have been deposited in the general fund under 7:6-f shall, instead, be placed in the trust fund. All other opioid-related settlement funds or judgments from New Hampshire counties and all political subdivisions shall, likewise, be placed in the trust fund. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund. All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the state treasury. The state treasurer shall disburse funds from the trust fund solely for the purposes and in the manner set forth in RSA 126-A:84.

II. The treasurer shall distribute 15 percent of all funds received prior to any deposit in the consumer escrow account or the opioid abatement trust fund to the counties and the political subdivisions that filed lawsuits, on or before September 1, 2019, against opioid manufacturers, distributors and other persons identified as defendants in the multidistrict opioid litigation pending in the federal district court for the northern district of Ohio. This distribution shall occur on an annual basis. The distribution of funds shall be based on the 2010 census population of each qualifying county and political subdivisions. The population of any political subdivision which receives funds under this section shall not be included in the population of the county for determining the distribution to that county.

126-A:84 Opioid Abatement Trust Fund; Management and Distribution of Funds.

I. The commissioner of the department of health and human services, in consultation with the opioid abatement advisory commission established in RSA 126-A:85, shall administer the opioid abatement trust fund established in RSA 126-A:83. The commissioner shall draw from the opioid abatement trust fund for qualifying opioid abatement projects under RSA 126-A:86, I(b).

II. Funds shall be distributed between the state, counties, cities and towns as follows:

(a) Fifteen percent of the funds each year shall be distributed to the counties and political subdivisions as identified in RSA 126-A:83, II.

(b) All remaining funds shall be deposited into the opioid abatement trust fund as established by RSA 126-A:83, I to be distributed by the commissioner of the department of health and human services, with approval of the opioid abatement advisory commission. Funds may be awarded to a qualifying governmental entity or program for an approved use under RSA 126-A:86, I(b).

III. The commissioner of the department of health and human services shall continue to make distributions from the trust fund under this section for as long as defendants in the opioid litigation make payments to the state or until such time that the funds in the opioid abatement trust fund are exhausted.

IV. On or before September 1, 2020, each county, city, town or program that receives funds under paragraph II shall annually provide to the department of health and human services and the opioid abatement advisory commission a detailed account of all monies spent on approved uses, including, but limited to, an analysis and evaluation of the projects and programs it has funded.

V. The department of health and human services shall adopt rules under RSA 541-A necessary to implement this subdivision. Such rules shall include funding qualifications, application procedures, time-lines for receiving, reviewing and acting upon application requests, and reporting requirements.

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VI. On or before November 1, 2020, the commissioner of the department of health and human services shall submit an annual report to the governor and fiscal committee of the general court detailing the activities of the advisory commission, the administration of the opioid abatement trust fund, the amount distributed in the past year, the amount remaining in the trust fund, a summary of how funds were used in the past year, and any recommendations for future legislation.

126-A:85 New Hampshire Opioid Abatement Advisory Commission Established.

I. There is hereby established the New Hampshire opioid abatement advisory commission, which shall consult with and advise the commissioner of the department of health and human services relative to the proper administration and management of the opioid abatement trust fund, as established in RSA 126-A:83, and which shall approve all qualifying grants, loans, and matching funds from that fund under RSA 126-A:86, I(b).

II. The commission shall consist of the following members:

(a) The governor, or designee.

(b) The attorney general, or designee.

(c) The state treasurer, or designee.

(d) The commissioner of the department of corrections, or designee.

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

(f) One member of the house of representatives, appointed by the speaker of the house of representatives.

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

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

(i) A county attorney appointed by the governor.

(j) A county corrections superintendent, or designee, appointed by the governor.

(k) A county nursing home supervisor, or designee, appointed by the governor.

(l) A New Hampshire municipal fire chief, appointed by the governor.

(m) A New Hampshire municipal police chief, appointed by the governor.

(n) One designee from a county with a population of 100,000 or more, appointed by the governor.

(o) One designee from a county with a population of less than 100,000, appointed by the governor.

(p) One designee of a city with a population over 75,000, appointed by the governor.

(q) One designee of a city or town with a population under 75,000, appointed by the governor.

(r) One designee representing a town with a population under 20,000, appointed by the governor.

(s) One designee representing victims of the opioid crisis, appointed by the attorney general.

(t) One designee representing prevention, treatment or recovery providers,

appointed by the governor.

III. Members appointed under subparagraphs (n) through (u) shall be appointed for staggered 2-year terms. Members appointed under subparagraphs (a) through (m) shall serve a term coterminous with their term in office. The advisory commission shall elect a chairperson every year with no person serving as chairperson for more than 2 consecutive one-year terms.

IV. Each member of the advisory commission shall have one vote, with all actions being taken by an affirmative vote of the majority of present members. Eleven members shall constitute a quorum.

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V. Members of the advisory commission shall receive no compensation except for legislative members who shall receive the legislative rate for mileage when attending to their duties on the commission.

VI. Meetings of the advisory commission shall be conducted in accordance with RSA 91-A and take place no less than twice per year.

VII. The department of health and human services shall provide administrative support to the advisory commission.

126-A:86 New Hampshire Opioid Abatement Advisory Commission; Duties.

I. The opioid abatement advisory commission shall:

(a) Consult with and advise the commissioner of the department of health and human services on the administration and management of the opioid abatement trust fund, and approve the selection of eligible fund recipients under RSA 126-A:83, II(b).

(b) Award grants, revolving loan funds, and matching funds to projects from the opioid abatement trust fund under RSA 126-A:83, I , in a manner consistent with the following criteria. All disbursements or grants shall require approval of the governor and executive council. Funds may be awarded if the project meets one of the following criteria:

(1) Reimburse the state and any political subdivision within the state for any portion of the cost related to outpatient and residential opioid use disorder (OUD) and any co-occurring substance use disorder or mental health (SUD/MH) treatment services, including, but not limited to, services provided to incarcerated individuals, Medication assisted treatment (MAT); abstinence-based treatment; treatment, recovery or other services provided by states, subdivisions, community health centers, or not-for-profit providers;

(2) Reimburse the state and any political subdivision for emergency response services related to OUD and any co-occurring SUD/MH issues provided by law enforcement and first responders;

(3) Support mobile intervention, treatment, and recovery services, offered by qualified professionals, for persons with OUD and any co-occurring SUD/MH issues or persons who have experienced an opioid overdose;

(4) Support detoxification services for persons with OUD and any co-occurring SUD/MH issues, including medical detoxification, referral to treatment or connections to other services;

(5) Reimburse the state and any political subdivision within the state for any portion of the cost of administering naloxone;

(6) Provide access to housing for people with OUD and any co-occurring SUD/MH issues, including supportive housing, recovery housing, or housing assistance programs;

(7) Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH issues;

(8) Provide employment training or educational services for persons in treatment for or in recovery from OUD and any co-occurring SUD/MH;

(9) Create or support centralizes call centers that provide information and connections to appropriate services and supports for persons with OUD and an co-occurring SUD/MH issues;

(10) Improve oversight of opioid treatment programs (OTPs) to assure evidence-based, evidence-informed practices;

(11) Provide scholarships and supports for certified addiction counselors and other mental and behavioral health providers involved in addressing OUD and any co-occurring SUD/MH issues, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas of the state;

(12) Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed programs or strategies;

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(13) Support enhancements or improvements consistent with state law to the prescription drug monitoring program; and

(14) Support the education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

II. The commission or the commissioner of the department of health and human services may identify additional responsibilities including reporting on projects and programs related to addressing the opioid epidemic, developing priorities, goals and recommendations for spending on such projects and programs, working with state agencies or outside entities to develop measures for projects and programs that address substance use disorders, making recommendations for policy changes on a state and local level, including statutory law and administrative agency regulations.

III. The commission shall create and maintain a website on which it shall publish its minutes, attendance rolls and votes, including records of all votes on funding requests, funding awards, and reports of funding by recipients.

56 Disposition of Consumer Protection Settlement Funds. Amend RSA 7:6-f to read as follows:

7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim, suit, petition, or other action under RSA 358-A or related consumer protection statutes shall be deposited in a consumer protection escrow account. The consumer protection escrow account shall at no time exceed $5 million, with any amount in excess of $5 million deposited into the general fund***, except as otherwise provided in RSA 126-A:83***. The attorney general shall not include language in any consumer protection settlement that restricts any payments to the state for attorneys' fees, investigation and litigation costs, consumer education, or consumer protection enforcement to the consumer protection escrow account or any other account or fund.

57 New Subparagraph; Dedicated Funds; Opioid Abatement Trust Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the opioid abatement trust fund, established in RSA 126-A:83.

58 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

318:16-b Pharmacist Administration of Vaccines. A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer influenza vaccines to the general public and a pharmacist or pharmacy intern may administer pneumococcal and varicella zoster vaccines to individuals 18 years of age or older, provided all of the criteria in this section have been met. ***A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable criteria in this section have been met.*** The pharmacist and pharmacy intern shall:

I. Hold a current license to practice as a pharmacist or be registered as a pharmacy intern under RSA 318:15-b in New Hampshire.

II. Possess at least $1,000,000 of professional liability insurance coverage.

III. In order to administer influenza, pneumococcal, and varicella zoster vaccines, have completed training specific to the administering of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

V. Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal and varicella zoster vaccines.

VI. Maintain a record of administration of pneumococcal and varicella zoster vaccinations for each individual as required by state and federal law.

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59 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3, I(e)-(g) to read as follows:

(e) Funds received from the assessment under RSA 404-G; ***and***

(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~~].

60 County Department of Corrections; Superintendent Duties. Amend RSA 30-B:4, V to read as follows:

V. The superintendent shall provide each prisoner in [~~his or her~~] ***the superintendent's*** custody with necessary sustenance, clothing, bedding, shelter, and medical care ***including screening for and provision of medication-assisted treatment for substance use disorders where medically appropriate and regardless of whether the prisoner was receiving medication-assisted treatment prior to incarceration. "Medication-assisted treatment" means treatment approved by the Food and Drug Administration for treatment of substance use disorders, which may include, but not be limited to, naltrexone, buprenorphine, methadone, or other compounds***.

61 Health Facility Licensure; Patients' Bill of Rights. Amend RSA 151:21, XVI to read as follows:

XVI. The patient shall not be denied appropriate care on the basis of [~~race, religion, color, national origin, sex, age, disability, marital status, or source of payment, nor shall any such care be denied on account of the patient's sexual orientation~~]***age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, source of income, source of payment, or profession***.

62 Health Facility Licensure; Patients' Bill of Rights. Amend RSA 151:21, XVIII to read as follows:

XVIII. The patient shall be entitled to have the patient's parents, if a minor, or spouse, or next of kin, ***unmarried partner,*** or a personal representative ***chosen by the patient***, if an adult, visit the facility, without restriction, if the patient is considered terminally ill by the physician responsible for the patient's care.

63 New Section; Physicians and Surgeons; Certain Examination Prohibited. Amend RSA 329 by inserting after section 1-e the following new section:

329:1-f Examination on Anesthetized or Unconscious Patient Prohibited. A physician, surgeon, physician assistant as defined in RSA 328-D:1, III, nurse as defined in RSA 326-B:2, VII-a, advanced practice registered nurse as defined in RSA 326-B:2, I, or student undertaking a course of professional instruction or a clinical training program, shall not perform a pelvic, prostate, rectal, or breast examination on an anesthetized or unconscious patient unless:

I. The patient gave informed consent to the examination;

II. The performance of the examination is within the scope of care for the patient;

III. The examination is reasonably required for diagnostic or treatment purposes; or

IV. The patient's consent cannot be obtained due to an emergency and the examination is reasonably required for diagnostic or treatment purposes.

64 New Section; Requirements for Licensure Near Critical Access Hospitals. Amend RSA 151 by inserting after section 4 the following new section:

151:4-a Requirements for Licensure Near Critical Access Hospitals.

I. In this section:

(a) "Health care services" means any of the following currently provided by the critical access hospital to the service area: inpatient care, inpatient or outpatient surgery, emergency services, labor and delivery services, addiction and recovery services, mental health services, or coordination with emergency response systems.

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(b) "Material adverse impact" means that granting the application would more likely than not tangibly minimize the critical access hospital's ability to continue providing the health care services.

(c) "Service area" means the area by which a majority of patients are served by the critical access hospital according to the hospital discharge data provided by the critical access hospital in accordance with RSA 126:25.

II.(a) Any person or entity proposing to establish an ambulatory surgical center, emergency medical care center, hospital, birthing center, drop-in or walk-in care center, dialysis center, or special health care service within a radius of 15 miles of the primary physical location of a New Hampshire hospital certified as a critical access hospital pursuant to 42 C.F.R 485.610(b) and (c), shall give written notice of the intent to establish a health care facility within a 15 mile radius with a description of the facility or special health care service to the chief executive officer of the hospital by certified mail.

(b) If, within 30 days of receipt of the notification under subparagraph (a), the critical access hospital notifies the department of health and human services that it objects to the establishment of the proposed health care facility and articulates a detailed basis for its objection, an expert report shall be completed by an independent contractor retained by the department and approved by the critical access hospital and proposed health care facility to determine whether or not the new facility will have a material adverse impact. If, after proposing 3 independent contractors in a period not to exceed 30 days, the critical access hospital and proposed health care facility cannot agree on an independent contractor selected by the commissioner of the department of health and human services, the commissioner shall independently designate the independent contractor to perform the assessment and create the expert report. The expert report shall be prepared as follows:

(1) The report shall include how the proposed project will impact the health care services in the service area in terms of utilization, patient charges, market share, physician referral patterns, personnel resources, and referral sources.

(2) The proposed health care facility and critical access hospital shall provide any information requested by the expert to complete its report. Information obtained at the request of the expert shall not be considered confidential under RSA 151:13, unless the department determines that it should be exempt from disclosure under RSA 91-A:5.

(3) Within 30 days of retention of the expert, the department shall publish a notice on the department's Internet website to notify the public of the proposed health care facility and solicit public comment for a period of at least 7 calendar days. All public comments shall be provided to the expert for use in the analysis.

(4) The report shall be completed within 90 days of the retention of th

e expert unless an extension is granted by the department. Such an extension shall not exceed 30 days.

(5) If the report finds that the proposed health care facility will have a material adverse impact, then the proposed health care facility shall not be allowed to apply for licensure. If the proposed health care facility fails to provide the requested information to the expert, for which the expert is unable to complete its findings, the proposed health care facility shall not be allowed to apply for licensure. If the critical access hospital fails to provide the requested information to the expert, for which the expert is unable to complete its findings, no material adverse impact shall be found and the facility may apply for licensure.

(6) The cost of any fees associated with the retention and work completed by an independent contractor to comply with the provisions of this subparagraph shall be shared equally between the proposed health care facility and the critical access hospital. These costs shall be paid for in advance of any services performed.

(7) The department of health and human services shall provide a copy of the report within 10 days of receipt to the proposed health care facility and critical access hospital.

(c) The person or entity seeking to establish the proposed health care facility and the critical access hospital shall have the right to request a rehearing by the commissioner of the department of health and hu-

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man services pursuant to RSA 541:3 and to appeal by petition to the supreme court pursuant to RSA 541:6 the expert's findings. If the proposed health care facility chooses to move forward with the licensing process prior to all appeal rights being exhausted, the proposed health care facility shall do so at its own risk and shall not hold the critical access hospital or the department liable for any costs incurred. The appellant shall bear all costs of the state in connection with any rehearing or petition for appeal, including the state's attorneys' fees.

65 Health Facility Licensure; Application for License. Amend RSA 151:4, VI to read as follows:

VI. In addition to publication on the department's website, any ***initial*** application for [~~a special health care services license~~] ***licensure***, under [~~RSA 151:2-e~~] ***this chapter***, shall be available for inspection and copying by any person immediately upon it being filed ***and shall not be confidential under RSA 151:13***.

66 New Paragraph; Health Facility Licensure; Rulemaking. Amend RSA 151:9 by inserting after paragraph II the following new paragraph:

II-a. The commissioner of the department of health and human services shall adopt rules relative to the requirements for licensing near a critical access hospital under RSA 151:4-a.

67 Health Facility Licensure; Information Confidential. Amend RSA 151:13 to read as follows:

151:13 Information Confidential. Information [~~other than reports relating to vital statistics~~] received ***or created*** by the department of health and human services, through inspection or otherwise, authorized hereunder shall be confidential and shall not be disclosed publicly except in a proceeding involving the question of licensure or revocation of license ***pursuant to RSA 541-A***. The department may disclose such information after it denies, suspends or revokes a license pursuant to RSA 151:7, II. The department shall report any information relative to acts which appear contrary to accepted professional practices to the appropriate professional licensing board.

68 Repeal. RSA 151:4, III(a)(5)-(7) and VII, relative to certain requirements relative to application for licensure, are repealed.

69 Effective Date.

I. Sections 1, 20-22, and 24 of this act shall take effect June 30, 2021.

II. Sections 7, 8, 23, and 25 of this act shall take effect January 1, 2021 at 12:04 a.m.

III. Sections 14, 26-47, 49, and 61-63 of this act shall take effect January 1, 2021.

IV. Sections 9-12, 50-54, and 59 of this act shall take effect 60 days after its passage.

V. Sections 55-57, 64-67, and 69 of this act shall take effect July 1, 2020.

VI. Sections 5, 60, and 68 of this act shall take effect July 1, 2021.

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

2020-1435s

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to amend the income standard used for eligibility for the "in and out" medical assistance policy.

II. Clarifies the prior authorization procedures under group health insurance policies and managed care.

III. Clarifies non-covered dental services under the managed care law.

IV. Requires the commissioner of the department of health and human services to develop a state health assessment and a state health improvement plan and establishes the state health assessment and state health improvement plan advisory council to assist the commissioner with the plan.

Due to the COVID-19 pandemic, the General Court is conducting legislative activities remotely with the exception of publicly noticed sessions in the House or Senate Calendar. During this time, the State House and Legislative Office Building remain closed to visitors.

V. Requires that boards regulating practitioners prescribing, administering, and dispensing controlled substances adopt rules for management of chronic pain.

VI. Defines chronic pain for the purposes of the controlled drug prescription health and safety program.

VII. Requires insurance coverage for long-term antibiotic therapy for tick-borne illness.

VIII. Adds physician assistants to the law governing advance directives.

IX. Clarifies the licensure of physician assistants and provides for biennial renewal of physician assistant licenses.

X. Establishes the New Hampshire drug overdose fatality review commission to review information and data related to drug overdose fatalities in New Hampshire.

XI. Establishes an opioid abatement trust fund. The department of health and human services, in consultation with the New Hampshire opioid abatement advisory commission, shall use the fund to support programs associated with the prevention, treatment, and recovery of substance use disorders.

XII. Authorizes pharmacists to administer a COVID-19 vaccine if one is available.

XIII. Clarifies the deposits to be made into the New Hampshire granite advantage health care trust fund.

XIV. Requires the superintendent of a county correctional facility to provide a prisoner with medication-assisted treatment for substance use disorders where medically appropriate.

XV. Clarifies the patients' bill of rights.

XVI. Prohibits a physician, surgeon, nurse, physician assistant, APRN, or student undertaking a course of professional instruction from performing certain examinations on an anesthetized or unconscious patient without consent unless such examination meets certain specific criteria.

XVII. Requires an applicant seeking to construct certain health care facilities for licensure under RSA 151 to submit a written notice of such intent to the chief executive officer of a nearby critical access hospital. If the critical access hospital notifies the department of health and human services that it objects to the proposed health care facility, then an expert report shall be prepared.

Senate Judiciary
June 12, 2020
2020-1492s
04/10

Amendment to HB 1645-FN

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

AN ACT relative to superior court judgments; adding a bail commissioner to the commission on pretrial detention, pretrial scheduling, and pretrial services and the release of a defendant pending trial; prison privatization; misdemeanor domestic violence offenses; immunity from arrest or prosecution for certain alcoholic beverage violations; police officers reporting misconduct; criminal mischief; screening for all law enforcement officers for psychological stability prior to assuming their duties as certified officers; and prohibiting the use of chokeholds by law enforcement officers.

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

1 Annulment of Criminal Records. Amend RSA 651:5, III(b)(2)(h) is repealed and reenacted to read as follows:

(h) For any misdemeanor domestic violence offense under RSA 631:2-b, 10 years. In the event an individual is convicted of a subsequent misdemeanor or felony domestic violence offense under RSA 631:2-b, the earlier domestic violence conviction shall not eligible for an annulment until the most recent domestic violence conviction has become eligible for an annulment.

2 Equitable Damages in Superior Court. Amend RSA 491:8 to read as follows:

Important Notice

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491:8 Actions Against State. The superior court shall have jurisdiction to enter judgment against the state of New Hampshire founded upon any express or implied contract with the state***, including specific performance and other equitable remedies that are not limited to money damages***. Any action brought under this section shall be instituted by bill of complaint and shall be tried by the court without a jury. The jurisdiction conferred upon the superior court by this section includes any set-off, claim or demand whatever on the part of the state against any plaintiff commencing an action under this section. The attorney general, upon the presentation of a claim founded upon a judgment against the state, shall submit the claim to the department or agency which entered into the contract, and said department or agency shall manifest said claim for payment from the appropriation under which the contract was entered into; provided, that if there is not sufficient balance in said appropriation, the attorney general shall present said claim to the general court for the requisite appropriation.

3 Applicability. RSA 491:8 as amended by this section 2 of this act shall apply to express or implied contracts with the state that are in effect on or after the effective date of section 2 of this act.

4 New Subparagraph; Commission on Pretrial Detention, Pretrial Scheduling, and Pretrial Services. Amend RSA 597:43, I by inserting after subparagraph (l) the following new subparagraph:

(m) A bail commissioner, appointed by the governor.

5 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-IV to read as follows:

597:2 Release of a Defendant Pending Trial.

I. Except as provided in paragraph VI, upon the appearance before the court of a person charged with an offense, the court shall issue an order that, pending arraignment or trial, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; [~~or~~]

(c) ***Detained; or***

(d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

III.[~~(a) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required. A person who the court determines to be a danger to the safety of that person or the public shall be governed by the provisions of paragraph IV, except that evidence of substance misuse or homelessness may be considered by the court, but such evidence shall not be the sole basis of a dangerous determination.~~

~~(b) In determining the amount of the unsecured appearance bond or cash or corporate surety bail under subparagraph III(a), if any, the court:~~

~~(1) Shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition.~~

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~~(2) Shall consider whether the person is the parent and sole caretaker of a child and whether, as a result, such child would become the responsibility of the division of children, youth and families.~~

~~(3) Shall consider whether the person is the sole income producer for dependents.~~

~~(c) For purposes of the court's determination under this paragraph, evidence of homelessness or a lack of a mailing address by itself shall not constitute prima facie evidence of a lack of reasonable assurance that a person will not appear.~~

~~(d) If, as a result of the court's decision, a person is detained, the court shall issue on the record findings of fact that document the basis for its decision.~~

~~(e) If the court or justice determines by a preponderance of the evidence that the release described in this paragraph will not reasonably assure the appearance of the person, the court shall issue an order that includes the following conditions, subject to the limitation in subparagraph (b)(1):~~

~~(1) The condition that the person not commit a crime during the period of release; and~~

~~(2) Such further condition or combination of conditions that the court determines will reasonably assure the appearance of the person as required, which may include the condition that the person:~~

~~(A) Execute an agreement to forfeit, upon failing to appear within 45 days of the date required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court or justice may specify;~~

~~(B) Furnish bail for his or her appearance by recognizance with sufficient sureties or by deposit of moneys equal to the amount of the bail required as the court may direct; and~~

~~(3) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the person or the public.~~

~~(f) In considering the conditions of release described in subparagraph (e)(2)(A) or (e)(2)(B), the court may, upon its own motion, or shall, upon the motion of the state, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.~~

~~(g) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past 5 years, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required.~~] ***When considering whether to release or detain a person, the court shall consider the following issues:***

(a) Safety of the public or the defendant. If a person is charged with any criminal offense, an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B, the court may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant factors presented pursuant to paragraph IV.

(b) Assuring the court appearance of charged persons.

(1) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or

Important Notice

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combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past 5 years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required.

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition unless the court determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, class A misdemeanor, or driving or operating while impaired, there shall be a rebuttable presumption that the person will not abide by a condition that the person not commit a new offense. The court shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court determines by clear and convincing evidence after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense. The court may consider any relevant factors in making its determination.

IV.(a) [~~If a person is charged with any criminal offense, an offense listed in RSA 173-B:1, I or a violation of a protective order under RSA 458:16, III, or after arraignment, with a violation of a protective order issued under RSA 173-B, the court may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. The court may consider all relevant factors bearing on whether the release will endanger the safety of that person or the public.~~

~~(b)~~] Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

6 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, IX to read as follows:

IX. Upon the appearance of a person charged with a class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph [~~IV~~] ***III*** that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

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7 Legislative Findings. The general court hereby finds and declares that:

I. The management and operation of a correctional facility involves functions that are inherently governmental. The imposition of punishment on errant citizens through incarceration requires state, county, and local governments to exercise their coercive police powers over individuals and is thus distinguishable from privatization in other areas of government.

II. Issues of liability, accountability, and cost warrant a prohibition of the ownership, operation, or management of correctional facilities by for-profit private contractors.

8 Department of Corrections; Powers and Duties of Commissioner. Amend RSA 21-H:8, VI-VII to read as follows:

VI. The commissioner may enter into contracts with the state's counties, the governments of other states, [~~and~~] the federal government, [~~and~~] ***or other*** appropriate [~~private~~] ***government*** agencies or facilities and make proper and necessary arrangements with them for the transfer and reception of inmates and allow transfers to state prisons of any person. Any person who is confined awaiting trial on a felony charge may be transferred to the state prison from the county correctional facility, upon the recommendation of the superintendent of the county department of corrections, and with the approval of the county commissioners of said county. The superintendent may transfer a prisoner, without the approval of the county commissioners, if the superintendent determines the transfer is necessary for public safety or emergency reasons. The county commissioners shall review any such transfer at their next regular meeting. If the county commissioners reject the transfer, the prisoner shall be returned to the facility from which the prisoner came as soon as practicable.

VII.***(a)*** The commissioner may order the assignment and transfer of persons committed to his ***or her*** custody to correctional facilities of the department or ***correctional facilities operated by state governments in other jurisdictions, or public*** facilities under contract with the department. ***The commissioner shall not enter into a contract with a private or for-profit entity for the sole purpose of housing state prisoners.***

(b) Notwithstanding subparagraph (a), if the governor, upon recommendation of the commissioner, declares by executive order that a corrections emergency exists that requires the commissioner to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced prisoners, the commissioner may enter into such a contract, pending approval of the governor and the council. Temporary contracts entered into under this section shall not permanently or indefinitely replace a correctional facility operated by the state of New Hampshire or a contract with another publicly-operated facility.

9 New Paragraph; County Departments of Corrections; Policies, Rules and Regulations. Amend RSA 30-B:6 by inserting after paragraph II the following new paragraph:

III.(a) No county department of corrections shall enter into a contract with a private or for-profit entity for the sole purpose of housing county prisoners. Nothing in this paragraph shall prohibit a county department of corrections from contracting for select services that are provided inside of a county correctional facility.

(b) Notwithstanding subparagraph (a), if the county commissioners declare that a corrections emergency exists that requires the superintendent to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced prisoners, the superintendent may enter into such a contract, pending approval of the county commissioners. Temporary contracts entered into under this section shall not permanently or indefinitely replace a county correctional facility or a contract with another publicly-operated facility.

10 Applicability. Sections 8-9 of this act shall not apply to a contract entered into prior to the effective date of sections 8-9 of this act by the commissioner of the department of corrections or a county department of corrections with a private entity for the housing of prisoners. Upon the expiration of any such contract, the commissioner or the county shall transfer housing of such prisoners to a state correctional facility operated by the state of New Hampshire or another state government, or a federal correctional facility operated by the federal government, or a county correctional facility operated by a county. Sections 8-9 of this act shall not apply to contracts for goods and services which are ancillary to the housing of prisoners such as medical or educational services, or repair and maintenance contracts.

Important Notice

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11 New Section; Bail and Recognizances; Determination of Indigence and Payment of Bail Commissioner Fee. Amend RSA 597 by inserting after section 2-a the following new section:

597:2-b Determination of Indigence and Payment of Bail Commissioner Fee.

I. The arresting officer, at the point of arrest, shall inform the offender of the availability of the services of the bail commissioner. If the offender elects to utilize the bail commissioner's services and is not indigent, the offender shall pay the bail commissioner's fee directly to the bail commissioner. If the offender elects to utilize the services of the bail commissioner, but claims indigence, the court shall, to the extent of available funding, utilize all possible means to pay the bail commissioner's fee, and shall include written evidence of fee payment in the offender's case file.

II. The court shall develop uniform criteria to evaluate and determine whether an offender is indigent or not indigent for the purpose of the offender's ability to pay the bail commissioner's fee. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the offender's ability to pay the bail commissioner's fee.

III. If the court finds that the offender is not indigent for the purpose of paying the bail commissioner's fee, the offender shall reimburse the court for payment of the bail commissioner's fee.

IV. If the court finds that the offender is indigent for the purpose of paying the bail commissioner's fee, the offender shall not be liable to pay the fee.

12 Bail and Recognizances; Term. Amend RSA 597:17 to read as follows:

597:17 Term ***and Identification Card***.

I. Bail commissioners shall be commissioned for 5 years and continue in office until their successors shall have qualified.

II. The administrative judge of the superior court or the circuit court shall issue an identification card to each qualified bail commissioner in the state.

13 Bail Commissioners; Educational Requirements for Bail Commissioners. Amend RSA 597:18-a to read as follows:

597:18-a Educational Requirements for Bail Commissioners.

I. During September or October of each year [~~beginning in 1995~~], a justice of [~~each district or municipal~~] ***the superior*** court, under the direction of the administrative judge of the [~~district and municipal courts~~] ***superior court***, ***and a justice from the circuit court, under the direction of the administrative judge of the circuit court,*** shall hold a meeting with all bail commissioners under the jurisdiction of such [~~court~~] ***courts***. This meeting shall be for the purpose of educating bail commissioners on the laws concerning their powers and duties.

II. ***The administrative judges of the superior and circuit courts shall jointly develop an education program to ensure that bail commissioners have current information regarding the status of the laws affecting bail commissioners and the powers and duties of bail commissioners.***

III. A copy of all laws concerning bail commissioners and a copy of the latest edition of the Bail Commissioner's Handbook shall be provided to each bail commissioner at this annual meeting.

14 Study Committee; Establishing a Pilot Program for Remote Access to Bail Commissioner's Services.

I. There is established a committee to study establishing a pilot program for remote access to bail commissioner's services.

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

(a) Three members of the house of representatives, 2 of whom shall be from the judiciary committee, appointed by the speaker of the house of representatives.

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(b) Two members of the senate, one of whom shall be from the judiciary committee, appointed by the president of the senate.

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

IV. The committee shall study the feasibility of establishing a pilot program to allow remote access to a bail commissioner's services.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named 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.

VI. 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, 2020.

15 New Section; Alcoholic Beverages; Enforcement, Requirements, and Penalties. Amend RSA 179 by inserting after section 63 the following new section:

179:64 Immunity From Liability.

I.(a) No person under 21 years of age shall be arrested or prosecuted for an offense under this chapter if such person, in good faith and in a timely manner, requests medical or emergency treatment for himself, herself, or another person in a situation that involves risk of overdose to himself, herself, or another person under 21 years of age from the consumption of alcohol including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death from the consumption of alcohol.

(b) No person under 21 years of age shall be arrested or prosecuted for an offense under this chapter if such person was the individual for whom medical or emergency treatment or assistance was sought and the evidence of an offense under this chapter is obtained as a result of another person contacting emergency medical services or law enforcement.

II. This section shall not be a defense to a charge of or prosecution for driving or operating under the influence of alcohol pursuant to RSA 265-A.

16 New Subdivision; Reports of Misconduct by Law Enforcement Officers. Amend RSA 105 by inserting after section 18 the following new subdivision:

Reports of Misconduct by Law Enforcement Officers

105:19 Reports of Misconduct by Law Enforcement Officers.

I. For the purposes of this section, "misconduct" means assault, sexual assault, bribery, fraud, theft, tampering with evidence, tampering with a witness, use of a chokehold, or excessive and illegal use of force as defined by the New Hampshire criminal code.

II. It shall be the duty of any law enforcement officer who observes misconduct by another law enforcement officer to notify the chief law enforcement officer in his or her department in writing immediately or as soon as is practicable after observing such misconduct. Within 7 days of receiving such notification, the chief law enforcement officer shall notify the police standards and training council of such misconduct in writing. If the chief law enforcement officer is the subject of the misconduct report, the reporting officer shall report directly to the police standards and training council.

III. No discriminatory, disciplinary, or retaliatory action shall be taken against any officer for any information given or disclosed by him or her in good faith in the course of making a report of misconduct under paragraph II.

IV. Any police department that receives a report of misconduct under this section shall timely conduct an investigation and reach a determination on the merits. After the investigatory entity determines that the evidence shows that the individual committed any acts of misconduct, the name of the individual and any act of misconduct shall be disclosed to the police standards and training council.

Important Notice

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17 Destruction of Property; Criminal Mischief. Amend RSA 634:2, I to read as follows:

I. A person is guilty of criminal mischief who, having no right to do so nor any reasonable basis for belief of having such a right, purposely or recklessly damages ***the*** property of another***, or who causes permanent or temporary damage to public property including vandalism, defacement, destruction, tampering with, or any other unauthorized alteration to public property***.

18 New Paragraph; Destruction of Property; Criminal Mischief. Amend RSA 634:2 by inserting after paragraph IV the following new paragraph:

IV-a. As used in this section, "public property" means any property that is not privately owned, including state or municipal property, or statues, monuments, or natural geological formations, sites, or rock surfaces located on public property that have been designated by the state or one of its political subdivisions or the federal government as a natural area or landmark.

19 Destruction of Property; Criminal Mischief. Amend RSA 634:2, VI to read as follows:

VI. Any person who is found guilty of criminal mischief under paragraph III of this section because he or she has vandalized, defaced, [~~or~~] destroyed [~~any part of state or municipal property, or any natural geological formation, site, or rock surface located on public property that has been designated by the state or any of its political subdivisions or the federal government as a natural area or landmark~~]***, tampered with, or made any other unauthorized alteration, whether permanent or temporary, on public property,*** shall be guilty of a [~~class A misdemeanor~~] ***violation*** and shall also make restitution for any damage he or she has caused.

20 Police Standards and Training Council; Reimbursement of Expenses. Amend RSA 106-L:9 to read as follows:

106-L:9 Reimbursement of Expenses. The council may reimburse political subdivisions or the state for, or may pay for a portion of, the expenses incurred by the officers in attendance at police training programs conducted or approved by the council***, and the expenses incurred for psychological stability screening for candidates for certification as law enforcement officers***.

21 Controlled Drug Act; Drug Forfeiture Fund; Psychological Stability Screening. Amend RSA 318-B:17-b, V(a) to read as follows:

(a) Of the first [~~$500,000~~] ***$600,000, $100,000 shall be credited to the police psychological stability screening fund established in RSA 106-L:16 and from the remainder***:

(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

22 New Section; Police Psychological Stability Screening Fund. Amend RSA 106-L by inserting after section 15 the following new section:

106-L:16 Police Psychological Stability Screening Fund. There is established a police psychological stability screening fund for the purpose of reimbursing costs related to psychological stability screening for candidates for certification as law enforcement officers, which shall be administered by the council. The fund shall be nonlapsing and shall be continually appropriated to the council.

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23 New Subparagraph; Police Psychological Stability Screening Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the police psychological stability screening fund established in RSA 106-L:16.

24 Medical, Physical, and Psychological Standards for Law Enforcement Officers. Amend 1997; 138:4 to read as follows:

138:4 Applicability. On or before July 1, 1998, the police standards and training council shall notify each affected local and county law enforcement agency as to those provisions of RSA 188-F:27, III-a through III-l, that assign additional standards. [~~Such additional standards shall take effect in those localities only if they are approved for funding by the political subdivision.~~]

25 New Section; Assault and Related Offenses; Chokeholds Prohibited. Amend RSA 631 by inserting after section 10 the following new section:

631:11 Prohibition on Use of Chokeholds by Law Enforcement Officers.

I. In this section, "chokehold" means the application of any pressure to the throat, windpipe, or neck, which prevents or reduces intake of air, or oxygen to the brain.

II. The use of a chokehold by any law enforcement officer is prohibited, with the exception of the circumstances in RSA 627:5, II(a).

26 Effective Date.

I. Sections 16-19 of this act shall take effect January 1, 2021.

II. Sections 1, 4-6, 15, and 20-23 of this act shall take effect 60 days after its passage.

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

2020-1492s

AMENDED ANALYSIS

This bill:

I. Amends the waiting period to petition for annulment of a misdemeanor domestic violence offense.

II. Allows the superior court to render equitable remedies in actions against the state.

III. Adds a bail commissioner to the commission on pretrial detention, pretrial scheduling, and pretrial services and adds a provision for determining whether the court will order the release of a defendant pending trial.

IV. Prohibits the state or county department of corrections from transferring the housing of prisoners to a correctional facility operated by a private or for-profit entity, except when a corrections emergency exists.

V. As a result of the committee established in 2019, 87 (SB112), establishes a procedure to determine an offender's indigence for the purpose of financial ability to pay the bail commissioner's fee; requires the court to develop criteria for determining whether an offender is indigent; requires identification cards be issued to bail commissioners; requires the court to develop an education program for bail commissioners; and establishes a committee to study the feasibility of providing remote access to a bail commissioner's services.

VI. Provides immunity from arrest or prosecution for certain alcoholic beverage violations for a person under 21 years of age who contacts medical or emergency services as a result of an alcohol overdose.

VII. Requires law enforcement officers to report misconduct by other law enforcement officers.

VIII. Inserts a definition of public property into the criminal mischief statute.

IX. Establishes a fund for psychological stability screening for candidates for certification as law enforcement officers; transfers money from the drug forfeiture fund to the psychological stability screening fund, and allows the police standards and training council to reimburse the state or a political subdivision for psychological stability screening for candidates for certification as law enforcement.

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X. Prohibits the use of chokeholds by law enforcement officers.

Election Law and Municipal Affairs
June 5, 2020
2020-1373s
11/08

Amendment to HB 1672-FN

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

AN ACT relative to absentee voting.

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

1 Short Title. This act shall be known as the Coronavirus Election Protection Act of 2020.

2 Purpose. In order to protect our elections and to ensure that no voter chooses between his or her health and constitutional right to vote, this act is the general court's response to COVID-19. It is in the public interest to advance public health, to protect free and fair elections, and to assist local election officials in the administration of our elections.

3 Absentee Ballots. Amend RSA 656:33 to read as follows:

656:33 Official [~~Absence, Religious Observance, and Disability~~] Absentee Ballots. Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, [~~absence, religious observance, and disability~~] absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

4 Absentee Voting. Amend RSA 657:1 to read as follows:

657:1 [~~Absence, Religious Observance, and Disability~~] Absentee Voting.

[~~I.~~] Any person who ***is*** [~~will be 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~~] ***qualified to vote at any state election*** 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 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 day 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 day 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 day 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.~~

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~~(d) In the event an election is postponed pursuant to RSA 669:1, the provisions of subparagraph (c) shall apply to the day before the date of the originally scheduled election and the day before the date of the postponed election.~~]

5 Absentee Voting. 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~~] ***Absentee Ballot Application***:

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)

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_____ 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

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

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 : _____

Applicant's Email Address : _____

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 _____ ***Address*** _____

~~[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 ***unless he or she is unable to do so because of a disability, in which case he or she may be assisted by another, who shall print and sign his or her name and address on the application form***. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. 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.

6 Absentee Voting Materials. Amend the introductory paragraph of RSA 657:7 and RSA 657:7, I and II to read as follows:

657:7 [~~Absence, Religious Observance, and Disability~~] ***Absentee Voting***. Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he ***or she*** deems necessary:

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I. [~~Absence, religious observance, and disability~~] Absentee ballots as provided in RSA 656:33.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

[~~(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~~] ***unable to read due to disability***) 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~~] ***disabled***). [~~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 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.~~]

7 Absentee Voting. Amend the subdivision heading preceding RSA 657:12 to read as follows:

Procedure for [~~Absence, Religious Observance, and Disability and Overseas~~] ***Absentee*** Voting

8 Absentee Voting in Town Elections. 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~~

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~~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.~~]

9 Election Procedure; Processing Absentee Ballots; Death of a Voter. Amend RSA 659:48 to read as follows:

659:48 Death of a Voter. If the officers charged with the duty of processing absentee ballots are cognizant of the fact that the voter has died prior to the ***time that absentee ballots are to begin being processed in accordance with RSA 659:55-a, or prior to the*** opening of the polls, they shall not open the envelope containing the absentee ballot.

10 Election Procedure; Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots ***other than those partially processed in accordance with RSA 659:55-a*** shall begin at 1:00 p.m. unless a different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots***, other than those partially processed in accordance with RSA 659:55-a,*** until after the polls close and prior to the counting of all ballots cast in the election. The moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.

11 Election Procedure; Processing Absentee Ballots; Opening Envelope, Depositing Ballot. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the envelope containing the ballot so the affidavit is not de-

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stroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and he or she shall preserve the affidavit with the ballots cast at the election as provided in RSA 659:101. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall [~~then deposit the ballot in the ballot box.~~] ***then, as appropriate:***

I. For absentee ballots processed on election day, deposit the ballot in the ballot box.

II. On a day that absentee ballots are processed in accordance with RSA 659:55-a, without unfolding the ballot or without permitting the ballot to be examined, place it in a container provided by the secretary of state as required by RSA 659:97. The moderator or his or her designee shall then seal such container with the sealer provided by the secretary of state. The moderator or his or her designee shall then enter in the appropriate blank space on such sealer on each container the number of absentee ballots in such container and shall endorse in the appropriate place on such sealer a certificate in the following form: "Enclosed are processed absentee ballots for the state election in the town of _____ (or in ward ____ in the city of _____) to be held on _____, 20____, Box _____ of _____, to be delivered to the polling place in accordance with RSA 659:47, and which shall be deposited in the ballot box after the polls have opened on election day," provided that absentee ballot affidavits, application forms, and any absentee ballots subject to RSA 659:53 shall be placed in a separate container provided by the secretary of state as required by RSA 659:97, and the moderator or his or her designee shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97.

12 New Sections; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new sections:

659:55-a Partial Processing of Absentee Ballots Prior to an Election.

I. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls provided that the clerk shall post, in an appropriate place and prior to election day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate places, one of which shall be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice shall be provided to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on the Thursday, Friday, or Saturday prior to the date of the election after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers as defined under RSA 652:14. Representatives of each of the 2 political parties which received the largest number of votes cast for governor at the last previous general election shall assist during this process but neither party shall exceed the other party's representation by more than one participant. Any number of election officials who are registered as undeclared voters may be appointed by the moderator to assist in this process. Under no circumstances shall absentee ballots be counted prior to the opening of the polls.

II. Once notice of the processing has been posted, all absentee ballots received by the end of the day preceding the posted time for the meeting shall be partially processed. Only one session for the partial processing of absentee ballots may be scheduled prior to an election.

III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

659:55-b Preparation of Site for Processing Absentee Ballots Prior to an Election.

I. To the extent practicable, partial processing of absentee ballots shall occur at the polling location. If it is not practicable to partially process absentee ballots at the polling location(s), the clerk shall provide notice, in accordance with RSA 659:55-a, I, that the partial processing of absentee ballots will occur at town hall, city hall, or some other location within the municipality. A guardrail shall be constructed and placed so that only the checklists, absentee ballot materials, election officials, and proper supplies and

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conveniences are inside such rail. No person other than the election officers shall be permitted within the guardrail except by the authority of the election officers and, then, only for the purpose of keeping order and enforcing the law.

II. Challengers appointed by a party committee or the attorney general shall be assigned by the moderator or other election officer presiding over the processing of absentee ballots prior to an election to such position as will enable the challenger to see and hear each voter's name as it is announced pursuant to RSA 666:4 and RSA 666:5.

III. Any other person shall have a right, as safety, welfare, and rights of voters permit, to observe the partial processing of absentee ballots as provided herein, provided however, that observers may not be positioned within 4 feet of the voter checklist table.

13 Election Procedure; Preservation of Ballots and Other Election Materials; Preservation of Absentee Voting Materials and Election Day Affidavits. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials and Election Day Affidavits. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50 ***or RSA 659:55-a***, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter and voter registration affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

14 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph X the following new paragraph:

XI. Once a voter checklist has been marked pursuant to RSA 659:55-a, such checklist shall not be available for public inspection at any time prior to the close of the polls on election day without a court order.

15 New Section; Online Voter Registration. Amend RSA 654 by inserting after section 7-c the following new section:

654:7-d Online Voter Registration.

I. Beginning January 1, 2021, a person may register to vote by submitting an online voter registration application in accordance with this section.

II. The secretary of state shall establish a secure Internet website to permit an applicant to:

(a) Submit an online voter registration form.

(b) Submit information necessary to establish an applicant's qualifications to vote, pursuant to RSA 654:12.

(c) Swear to the oath required by RSA 654:7.

III. The secretary of state shall establish appropriate technological security measures, including use of a unique identifier for each applicant, to prevent unauthorized persons from altering a voter's registration information.

IV.(a) No person without an identification issued by the New Hampshire department of safety, division of motor vehicles shall be able to register through the online voter registration system.

(b) The department of safety, division of motor vehicles shall provide the online voter registration application system all information necessary to effectuate the provisions of this section.

(c) The online voter registration application form shall require a valid electronic mail address for the voter in order to complete the online voter registration application.

(d) The online voter registration application system shall include a disclaimer to the applicant of possible criminal liability pursuant to paragraph XI.

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V.(a) The online voter registration application system shall compare the New Hampshire driver's license number or New Hampshire nondriver's picture identification number submitted pursuant to this section with information maintained by the department of safety, division of motor vehicles, to confirm that the name and date of birth on the application are consistent with the records of the department of safety, division of motor vehicles.

(b) If the applicant's name and date of birth are consistent with the records of the department of safety, division of motor vehicles, the online voter registration application system shall transmit, using the statewide centralized voter registration database maintained pursuant to RSA 654:45, the applicant's submission, including the digital signature of the applicant, to the appropriate supervisors of the checklist to add the applicant's name to the checklist. The applicant's digital signature shall satisfy the signature requirement of RSA 654:7, IV. The applicant shall be required to submit an original signature to the supervisors of the checklist prior to voting in the first election after registering online. An online registrant shall not be eligible to receive an absentee ballot until his or her original signature is on file with the supervisors of the checklist.

(c) If the applicant's name, citizenship, legal and/or physical mailing addresses, and date of birth cannot be verified by the records of the department of safety, division of motor vehicles, or the applicant indicated that he or she has not been issued a New Hampshire driver's license or New Hampshire nondriver's picture identification card, the online voter registration application system shall notify the applicant by electronic mail that his or her online voter registration was ineffective and inform the applicant of alternative methods of registration.

VI. Upon submission of a completed online voter registration application, the website shall generate an electronic confirmation that the supervisors of the checklist have received the application and shall provide instructions regarding the ability of an applicant to check the status of the application. Once the supervisors of the checklist have added the applicant to the checklist, the applicant shall be notified by electronic mail, including information about where the applicant is registered to vote.

VII. Except as otherwise provided in this section, the supervisor of elections shall process the application pursuant to RSA 654:13.

VIII. If a person submits an application pursuant to the provisions of this section after the 10th day before an election, the applicant shall not be added to the checklist until the day after the election. The supervisors of the checklist may contact such applicant, either by telephone or mail, in order to inform the applicant of the effect of the late-received application and the ability of the person to register in person on election day.

IX. The online voter registration system shall conform to nationally accepted standards for accessibility for individuals with disabilities such as section 508 of the Rehabilitation Act of 1973, section 255 of the Communications Act, and the Web Content Accessibility Guidelines of the World Wide Web Consortium to ensure equal access to voters with disabilities.

X. With the exception of the requirement that no person without an identification issued by the New Hampshire department of safety, division of motor vehicles shall be able to register, no legal distinction shall be made between online registration under this section and registration in person, by mail, or other methods provided by general law.

XI. A person using the online voter registration application system to register to vote using any name other than his or her own shall be considered to have violated RSA 659:34.

16 Centralized Voter Registration Database. Amend RSA 654:45, I to read as follows:

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the current information on the voter registration forms, ***including those submitted pursuant to RSA 654:7-d,*** the accepted absentee ballot applications, the voter checklists, and voter actions as recorded on the marked checklist maintained by each city, ward, and town in the state.

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17 Centralized Voter Registration Database; Electronic Registration Information Center. Amend RSA 654:45, VIII(a) and (c) to read as follows:

(a) The secretary of state [~~may~~] ***shall*** enter into an agreement ***with the Electronic Registration Information Center*** to share voter information or data from the statewide centralized voter registration database ***along with voter information or data from the department of motor vehicles, other state agencies, the secretary of state, and political subdivisions as necessary*** for the purpose of comparing duplicate voter information with other states or groups of states. ***Such agreement shall be effective no later than June 30, 2020, and the secretary of state shall ensure that New Hampshire remains in good standing with the Electronic Registration Information Center.*** The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies ***is protected by security processes and protocols, and that any information or data*** that is of a confidential nature remains confidential.

(b) The secretary of state shall investigate any duplicate matches of voters resulting from any comparisons of the statewide centralized voter registration database ***and other voter information or data*** with other states. If the investigation results in the inability to confirm the eligibility of a person or persons who voted, or there is reason to believe a person or persons voted who were not eligible, the secretary of state shall forward the results to the attorney general for further investigation or prosecution.

(c) ***Upon the effective date of subparagraph (a), the secretary of state shall cease any activity or data transfer with the Kansas-based Interstate Voter Registration Crosscheck Program.***

(d) Upon completion of any investigation authorized under RSA 654:45, VIII(b), the attorney general and the secretary of state shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

(e) The secretary of state shall ensure that all information in the statewide database remains secure.

(f) The secretary of state shall solicit input from the department of information technology and any other relevant departments to ensure that any information or data collected and shared pursuant to this paragraph is protected by up-to-date security processes and protocols and that any such information or data that is of a confidential nature remains confidential.

18 New Paragraph; Administration of Motor Vehicle Laws; Records and Certification. Amend RSA 260:14 by inserting after paragraph III-d the following new paragraph:

III-e. Voter information and data contained in motor vehicle records shall be provided to the secretary of state pursuant to RSA 654:45, VIII. This information and data may be further transferred or otherwise made available to programs or organizations pursuant to RSA 654:45, VII(a).

19 Absentee Ballot Request Forms; 2020 Primary and General Election. Notwithstanding any other law to the contrary, the secretary of state shall ensure that all registered voters in New Hampshire are mailed an absentee ballot request form no later than 30 days prior to both the 2020 primary election and the 2020 general election.

20 Repeal. 2016, 175:2, relative to the Interstate Voter Registration Crosscheck Program, is repealed.

21 Funding of Implementation. The department of state shall fund the implementation of sections 15 and 17 of this act with grants received pursuant to the 2018 Help America Vote Act Election Security Award and section 101 of the Help America Vote Act of 2002, Public Law 107-252.

22 Additional Appropriation; CARES Act Funding. The governor shall draw a warrant from the treasury for CARES Act sums necessary to immediately implement the provisions of this act, to the extent not already covered by Help America Vote Act moneys.

Due to the COVID-19 pandemic, the General Court is conducting legislative activities remotely with the exception of publicly noticed sessions in the House or Senate Calendar. During this time, the State House and Legislative Office Building remain closed to visitors.

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

2020-1373s

AMENDED ANALYSIS

This bill:

I. Authorizes online voter registration.

II. Allows voters to vote by absentee ballot, and permits municipalities to process, but not count, absentee ballots prior to election day.

III. Repeals the authorization of the secretary of state to enter into an agreement to share voter information and data through the Interstate Voter Registration Crosscheck Program.

IV. Requires the secretary of state to enter into an agreement with the Electronic Registration Information Center to share voter information or data from the statewide centralized voter registration database.

V. Directs the secretary of state to fund certain provisions of this bill with grants received pursuant to the 2018 Help American Vote Act election security award and section 101 of the Help American Vote Act of 2002 and directs the governor to supplement such funding with CARES Act sums as necessary.

REMOTE MEETINGS

MONDAY, JUNE 15, 2020

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a)

9:00 a.m. Regular Meeting

This meeting will take place via phone conference. Please call Missy Robichaud at (603) 527-4408 for the conference call information.

STATE COMMISSION ON AGING (RSA 19-P:1)

9:00 a.m. Regular Meeting

There will be no in-person, physical location for this meeting due to the current level of State Emergency. To access this meeting please join by computer or by phone:

1. To access the meeting via your computer click on this link: https://us02web.zoom.us/j/84371788024?pwd=REtXbUNOTFRFVWpkLzV1VW9pZXJsdz09

2. To access by phone dial 1 (929) 205 6099

3. Meeting ID: 843 7178 8024

4. Password: 818264

The following email address will be monitored throughout the meeting by someone who can assist and alert the commission to any technical issues: Rebecca.Sky@nh.gov. The following phone number will also be monitored: 603-848-4204.

Questions? Please contact Rebecca Sky before or during the meeting at Rebecca.Sky@nh.gov or 603-848-4204.

COMMISSION TO STUDY SCHOOL FUNDING (RSA 193-E:2-e)

10:00 a.m. Engagement Work Group Meeting

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-312-626-6799

2. Enter the conference code, followed by the pound sign: 914 6194 3725#

Important Notice

Due to the COVID-19 pandemic, the General Court is conducting legislative activities remotely with the exception of publicly noticed sessions in the House or Senate Calendar. During this time, the State House and Legislative Office Building remain closed to visitors.

Video access is available at: https://unh.zoom.us/j/91461943725

The following email address will be monitored throughout the meeting by someone who can alert the committee to any issues: schoolfunding.commission@unh.edu. The following phone number will also be monitored: 603-862-3864

COMMISSION TO STUDY SCHOOL FUNDING (RSA 193-E:2-e)

1:00 p.m. Fiscal Policy Work Group Meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-312-626-6799

2. Enter the conference code, followed by the pound sign: 914 6194 3725#

Video access is available at: https://unh.zoom.us/j/91461943725

The following email address will be monitored throughout the meeting by someone who can alert the committee to any issues: schoolfunding.commission@unh.edu. The following phone number will also be monitored: 603-862-3864

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)

2:00 p.m. Regular Meeting

Dial in number: 1-866-304-8625; Conference Code 6032714319

COMMISSION TO STUDY SCHOOL FUNDING (RSA 193-E:2-e)

3:00 p.m. Adequacy Work Group Meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-312-626-6799

2. Enter the conference code, followed by the pound sign: 914 6194 3725#

Video access is available at: https://unh.zoom.us/j/91461943725

The following email address will be monitored throughout the meeting by someone who can alert the committee to any issues: schoolfunding.commission@unh.edu. The following phone number will also be monitored: 603-862-3864

FRIDAY, JUNE 19, 2020

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Regular Meeting. This meeting will take place as a Zoom webinar.

Committee and staff members will receive secure Zoom invitations by e-mail.

Members of the public and state agency personnel may attend using one of the following alternatives:

1. Join the webinar: https://zoom.us/j/92995172200

2. iPhone one-tap: US: +19292056099,,92995172200# or +13017158592,,92995172200#

3. Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799
Webinar ID: 929 9517 2200
International numbers available: https://zoom.us/u/acGcUasmAn

The following e-mail address will be monitored throughout the meeting by JLCAR staff who can assist with and alert the JLCAR to any technical issues: diane.oneil@leg.state.nh.us, or call 603-271-6647.

Due to the COVID-19 pandemic, the General Court is conducting legislative activities remotely with the exception of publicly noticed sessions in the House or Senate Calendar. During this time, the State House and Legislative Office Building remain closed to visitors.

MONDAY, JUNE 22, 2020

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILDLIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)

11:00 a.m. Regular Meeting

Please join my meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/592379613

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (646) 749-3122

- One-touch: tel:+16467493122,,592379613#

Access Code: 592-379-613

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/592379613

The following e-mail will be monitored throughout the meeting to assist with and alert the Commission to any technical issues: amy.smagula@des.nh.gov The following phone number will also be monitored: 603-419-9325.

COMMISSION TO STUDY SCHOOL FUNDING (RSA 193-E:2-e)

2:00 p.m. Regular Meeting

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-312-626-6799

2. Enter the conference code, followed by the pound sign: 912 8693 7558#

Video access is available at: https://unh.zoom.us/j/91286937558

The following email address will be monitored throughout the meeting by someone who can alert the committee to any issues: schoolfunding.commission@unh.edu. The following phone number will also be monitored: 603-862-3864

MONDAY, JUNE 29, 2020

COMMISSION TO STUDY WAKE BOATS (RSA 270:133)

10:00 a.m. Regular Meeting

Please join my meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/353804357

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3311

- One-touch: tel:+18722403311,,353804357#

Access Code: 353-804-357

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/353804357

The following email address will be monitored throughout the meeting, to alert the committee to any issues: amy.smagula@des.nh.gov. The following phone number will also be monitored: 603-419-9325.

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Important Notice

Due to the COVID-19 pandemic, the General Court is conducting legislative activities remotely with the exception of publicly noticed sessions in the House or Senate Calendar. During this time, the State House and Legislative Office Building remain closed to visitors.

SENATE BILLS AMENDED BY THE HOUSE

SENATE BILLS: 7, 19, 34, 44, 45, 63, 122, 124, 166, 209, 283, 311

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HOUSE BILLS AMENDED BY THE SENATE

HOUSE BILLS: 466

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ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2020 BILLS:

SENATE BILLS: 255, 684

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2019 - 2020 BILLS:

SENATE BILLS: 7, 8, 63, 93, 122, 171, 173, 223, 229, 231, 244, 255, 283, 287, 288, 293, 295, 300, 302, 304, 305, 311, 312, 315, 319, 421, 435, 436, 439, 493, 496, 510, 524, 572, 576, 577, 588, 600, 605, 618, 620, 621, 622, 625, 626, 627, 636, 638, 642, 647, 648, 650, 656, 659, 661, 668, 680, 683, 684, 685, 686, 687, 692, 694, 696, 697, 705, 711, 715, 716, 718, 719, 724, 727, 729, 730, 731, 732, 735, 736, 737, 738, 742, 743, 747, 750, 754, 756, 759

HOUSE BILLS: 121, 150, 186, 253, 274, 308, 371, 397, 481, 487, 496, 532, 546, 559, 563, 568, 590, 640, 647, 667, 677, 703, 712, 715, 717, 731, 1101, 1122, 1141, 1171, 1175, 1192, 1224, 1233, 1234, 1236, 1237, 1254, 1280, 1281, 1286, 1287, 1290, 1376, 1425, 1444, 1455, 1462, 1477, 1484, 1494, 1495, 1496, 1500, 1518, 1521, 1551, 1552, 1555, 1560, 1564, 1569, 1575, 1577, 1592, 1597, 1608, 1617, 1622, 1629, 1630, 1633, 1639, 1641, 1648, 1655, 1656, 1658, 1660, 1665, 1670, 1679, 1686, 1695, 1701, 1707

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NOTICE

The New Hampshire Legislative Youth Advisory Council is seeking recommendations of young people, age 15-22, who would be interested in serving on the Council. Created in 2006, LYAC is a statutory committee that serves as a link between young people and New Hampshire government, and advises the legislature on issues of concern to the youth of the Granite State. Applications will be accepted until July 15, 2020. Please forward any recommendations with contact information to: NHLegislativeYouth@gmail.com

Senator Jon Morgan

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SENATE SCHEDULE

In an effort to thwart the spread of COVID-19, after conferring with the Minority Leader, and public health officials about best practices concerning the safety of Senators, staff, and the public, the deadlines may be reasonably amended at the discretion of the Senate President, to be timely noticed on the General Court website.

Friday, July 03, 2020	Independence Day (State Holiday)
Monday, September 07, 2020	Labor Day (State Holiday)
Wednesday, November 11, 2020	Veterans' Day (State Holiday)
Thursday, November 26, 2020	Thanksgiving Day (State Holiday)
Friday, November 27, 2020	Day after Thanksgiving (State Holiday)
Friday, December 25, 2020	Christmas Day (State Holiday)