

HB1661-FN-L

Bill Details

Title: (Sixth New Title) relative to regional career technical education agreements, an appropriation for preliminary work for a new legislative parking garage, health and human services, establishing an extraordinary need grant for schools, the release of a defendant pending trial, training and procedures for zoning and planning boards, and financial investments and incentives for affordable housing development.

Sponsors: [\(Prime\) Ladd \(R\)](#), [Umberger \(R\)](#), [Barbara Shaw \(D\)](#), [Lynn \(R\)](#), [Boehm \(R\)](#), [Cordelli \(R\)](#), [Hennessey \(R\)](#), [Watters \(D\)](#), [Kahn \(D\)](#), [Reagan \(R\)](#)

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House:

Committee: Finance

Due Out: 2/17/2022

Status: CONFERENCE REPORT ADOPTED

Senate:

Committee: Finance

Floor Date: 5/26/2022

Status: CONFERENCE REPORT ADOPTED

HB 1661-FN-LOCAL - VERSION ADOPTED BY BOTH BODIES

16Feb2022... 0356h

31Mar2022... 1173h

04/28/2022 1659s

05/05/2022 1966s

05/05/2022 1976s

05/05/2022 1973s

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2022 SESSION

22-2513

10/11

HOUSE BILL **1661-FN-LOCAL**

AN ACT relative to regional career technical education agreements, an appropriation for preliminary work for a new legislative parking garage, health and human services, establishing an extraordinary need grant for schools, the release of a defendant pending trial, training and procedures for zoning and planning boards, and financial investments and incentives for affordable housing development.

SPONSORS: Rep. Ladd, Graf. 4; Rep. Umberger, Carr. 2; Rep. Lynn, Rock. 7; Rep. Boehm, Hills. 20; Rep. Cordelli, Carr. 4; Sen. Hennessey, Dist 1; Sen. Watters, Dist 4; Sen. Kahn, Dist 10; Sen. Reagan, Dist 17

COMMITTEE: Education

AMENDED ANALYSIS

This bill:

1. Requires sending district schools and career and technical education (CTE) centers to enter into an agreement to include scheduling, access, transportation, and credits for CTE students.
2. Makes an appropriation for preliminary design, engineering, and site work for a new legislative parking garage and for costs for relocating the department of justice.
3. Establishes a special fund for administration of opioid treatment programs.
4. Establishes a pilot program plan for individuals with developmental disabilities, requires approval of the fiscal committee for implementation of the program, and makes an appropriation for this purpose.
5. Revises the department's authority to recover unauthorized payments by the state.
6. Repeals certain reporting requirements.
7. Establishes investigatory procedures and licensing criteria for recreational camps.
8. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.
9. Creates a separate category of foster care license for kinship care homes.
10. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.
11. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.
12. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.
13. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.
14. Clarifies the food service licensure exemption for recreational camps.
15. Revises certain department of health and human services employee position titles.

16. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glenclyff home and makes an appropriation for this purpose.
17. Establishes new positions for inpatient treatment of children's behavioral health.
18. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glenclyff home.
19. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services and inserts a reference to Hampstead hospital.
20. Decreases the fee for certain child care employment eligibility cards.
21. Establishes requirements for the transfer or discharge of residents from certain child care agencies.
22. Makes an appropriation to the department of health and human services for hospital birthing services.
23. Permits consultation and follow up care via telehealth from out-of-state health care providers.
24. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.
25. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.
26. Makes changes to the training and procedures for zoning and planning boards offered by the office of planning and development.
27. Creates incentives and establishes requirements for workforce housing and affordable housing development.

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

16Feb2022... 0356h
31Mar2022... 1173h
04/28/2022 1659s
05/05/2022 1966s
05/05/2022 1976s
05/05/2022 19730s
05/05/2022 1960s
26May2022... 2088CofC
22-2513
10/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to regional career technical education agreements, an appropriation for preliminary work for a new legislative parking garage, health and human services, establishing an extraordinary need grant for schools, the release of a defendant pending trial, training and procedures for zoning and planning boards, and financial investments and incentives for affordable housing development.

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

1 New Paragraph; Definition; RCTEA. Amend RSA 188-E:2 by inserting after paragraph V the following new paragraph:

V-a. "Regional career and technical education center agreement" or "RCTEA" means the governing agreement between receiving and sending schools.

2 New Section; Regional Career and Technical Education; Agreements. Amend RSA 188-E by inserting after section 1 the following new section:

188-E:1-a Regional Career and Technical Education Agreements (RCTEA).

I. Each regional career and technical education receiving and sending school entity within a New Hampshire career and technical education (CTE) region shall be governed by a regional career and technical education agreement (RCTEA) which will be renewed every 4 years and submitted to the commissioner for review and approval.

II. The department of education shall adopt rules under RSA 541-A concerning the form and procedures for RCTEA.

III. Each RCTEA shall include a calendar conformity agreement to comply with RSA 188-E:5, VII(a) and (b) by aligning the school calendars of sending schools with the school calendars of CTE programs at the receiving school. Agreements shall minimize schedule conflicts to better support CTE students with as many hours as possible to fulfill their program requirements. Agreements should address schedule alignment needs such as: disruptions due to differing start/stop times, unscheduled school closures or events, and daily class start/stop times. RCTEA schools are encouraged to align teacher in-service days to allow joint ventures in teacher professional development and other educational initiatives. There may not be more than 10 instructional days following Labor Day through the last student day of the school calendar year on which one or more of the school calendars of the districts within the agreement are not aligned. When CTE regions overlap, or students attend programs in more than one CTE, the provisions of this section shall apply to both regional centers. The commissioner shall not approve a RCTEA that does not comply with this paragraph, however a RCTEA may contain provisions for waiver by the commissioner of dissimilar days for extenuating or emergency purposes. If the commissioner determines that all schools within the RCTEA have plans and are reasonably working towards the implementation of an aligned calendar to ensure compliance with this paragraph, an annual waiver may be approved, but a waiver for this purpose shall not be extended beyond July 1, 2026.

IV. Each RCTEA shall include the provisions to fulfill the recognition of credits in RSA 188-E:5, XIII.

V. Each RCTEA shall include a plan for sending and regional schools to provide tuition and transportation for any student from a sending school who wishes to attend a CTE program, subject to attainment of prerequisites, space availability within the program, and appropriate qualifications under RSA 188-E:2, VIII(b) and RSA 188-E:8, and report to the commissioner any constraints in funding for tuition and transportation that need to be addressed to provide this opportunity. Sending districts shall be responsible for ensuring students schedules allow for full access to CTE programs offered at the regional CTE center, including travel time on buses.

3 CTE Program; Instructional Time. RSA 188-E:5, VII is repealed and reenacted to read as follows:

VII.(a) All career and technical education students shall be given access to career and technical education programs for the instructional time for those programs.

(b) Upon a joint application by a student's career and technical education center and his or her sending district, the commissioner may grant a waiver from the requirement of subparagraph (a) on a case-by-case basis. A student waiver may be granted on a case-by-case basis from the requirement of subparagraph (a) in accordance with approved procedure in the RCTEA.

4 New Paragraph; CTE Credits. Amend RSA 188-E:5 by inserting after paragraph XII the following new paragraph:

XIII. A student shall be awarded required subject credit toward district graduation by demonstrating proficiency in a regional career and technical education course or program that is embedded with content area competencies that meet or exceed the district subject and required course competencies. Sending school graduation competencies embedded in a career and technical education course or program used to earn the equivalent or to earn partial credit to satisfy the required graduation competencies shall align with the skills, knowledge, and work study practices as determined by the local school district and in accordance with the terms of the RCTEA. A student who demonstrates proficiency in the embedded CTE course or program competencies and who is determined to have met the content area academic standards required by the high school shall have such credits counted toward the required program area for a high school diploma.

5 Applicability; Rulemaking. The requirements for regional career and technical education center agreements (RCTEA) under RSA 188-E:1-a and RSA 188-E:5 as inserted by this act shall not be implemented until rules of department of education pursuant to RSA 188-E:1-a, II are adopted and effective.

6 Appropriation; New Legislative Parking Garage; Department of Justice.

I. The sum of \$9,350,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the department of administrative services for the purpose of preliminary design, engineering, and site work for a new legislative parking garage on the site of the department of justice building located at 33 Capitol Street and for moving and leasing costs for relocating the department of justice. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated, and said appropriation shall not lapse.

II. Sums appropriated in paragraph I are based on, but shall not be restricted by, the estimates below:

(a) Preliminary design, engineering and site work:

- (1) Design and engineering costs of a 450 space parking garage - \$1,400,000.
- (2) Design and engineering costs to demolish Storrs Street garage - \$105,000.
- (3) Design and engineering costs to demolish current DOJ building - \$35,000.
- (4) Cost to abandon Capitol Street - \$25,000.

(5) Cost of demolition of DOJ Building - \$1,100,000.

(6) Cost and engineering for DOJ site prep - \$535,000.

(b) Moving and leasing related costs:

(1) Cost to move the department of justice - \$1,200,000.

(2) Approximate fit-up cost of 50,000 square feet - \$3,750,000.

(3) Annual lease costs for the entire building - \$1,200,000.

7 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Special Fund for Administration of Opioid Treatment Programs. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys deposited in the special fund for administration of opioid treatment programs established in RSA 172:8-c.

8 New Section; New Hampshire Substance Use Disorder Services System; Special Fund for Administration of Opioid Treatment Programs. Amend RSA 172 by inserting after section 8-b the following new section:

172:8-c Special Fund for Administration of Opioid Treatment Programs. There is hereby established a special fund for administration of opioid treatment programs. The fund shall be composed of fees collected by the commissioner in accordance with RSA 172:14, II, and shall be used to carry out the provisions of this chapter including, but limited to, acting upon the application for the certification, permit, or training of opioid treatment programs. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter to support program operations for certification and administration of the department of health and human services oversight of opioid treatment programs.

9 Department of Health and Human Services; Developmental Services; Pilot Program.

I. For the fiscal year ending June 30, 2023, the department of health and human services, division of long term supports and services, shall develop a pilot program to provide services for individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the department. Participation in the pilot program plan shall be limited to not more than 20 eligible individuals. The selection of the eligible individuals shall be done in a transparent manner accessible by any interest party in the developmental disability community. The department may adopt rules under RSA 541-A relative to implementation and administration of the pilot program.

II. For purposes of the pilot program, the local education agency, all state agencies, and divisions of the department involved with an individual seeking services shall, with the consent of the individual or the individual's guardian, provide information to the area agency and participate in the individual's service planning. The area agency shall provide such information to the department.

III. In addition, the department shall use the information provided in accordance with paragraph II to make the final determination as to whether the services requested are the legal responsibility of the local education agency, another state agency, or another division of the department. All services provided through the pilot program shall be described in detail and provided to the interested parties identified in paragraph V. This requirement shall not be construed as authorization to report personally identifiable information of the program participants.

IV. For individuals deemed eligible pursuant to paragraph I, the time period between completion of the individual service agreement, pursuant to RSA 171-A:12, and the allocation by the department of the funds needed to perform the services required by the agreement shall not exceed 90 calendar days.

V. On or before February 1, 2023, the department shall provide a detailed report of the pilot program plan to the senate health and human services committee, the senate finance committee, the house children and family law committee, the house health, human services and elderly affairs committee, the house finance committee, the oversight committee on health and human services established in RSA 136-A:13, and the fiscal committee of the general court. The report shall include data on utilization, including the number of individuals seeking services in accordance with paragraph I, the number of individuals provided services as part of the pilot program, the types of specific services provided for each individual, the total cost of the services provided, and other relevant information necessary to assess the pilot program for statewide expansion as part of the state budget for the biennium ending June 30, 2025.

VI. If the department determines that all necessary coordination for the pilot program has been sufficiently completed, the department may make a request to the fiscal committee of the general court to begin implementation of the pilot program on an appropriate effective date. The pilot program shall not begin until approval by the fiscal committee of the general court.

VII. There is hereby appropriated to the department of health and human services the sum of \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program plan or the pilot itself, for developmental services established in this section. Additionally, the department may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. In the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot program, the department may allocate funding and provide services to additional eligible individuals. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Unauthorized Payments; Recovery by State. RSA 167:17-a is repealed and reenacted to read as follows:

167:17-a Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any person under the provisions of RSA 167 as a result of any false statement, misrepresentation or concealment of or failure to disclose the receipt of property, wages, income or resources by such person or by any person legally liable for his or her support may be recovered through administrative or judicial process, in an action brought by the state or the commissioner of the department of health or human services, or his or her designee, against such person. The commissioner of the department of health and human services shall recover any unauthorized payments pursuant to applicable federal and state law by either reasonably adjusting current and future grant amounts received by the person violating the provisions of this section, or through repayment to the department during such time the person is not currently receiving public assistance. A person who knowingly, and with malfeasance, assists a recipient or another person in obtaining an overpayment shall be jointly and severally liable for the overpayment unless prohibited by federal law.

11 Repeal. The following are repealed:

I. RSA 126-A:4-a, relative to the health care plan report.

II. 2019, 346:348, relative to quarterly reporting on Medicaid rate increases.

12 New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA 170-E by inserting after 66 the following new sections:

170-E:67 Confidentiality and Investigations. The department may request and shall receive cooperation from other state agencies in connection with investigations and licensure. The department shall strictly observe the confidentiality requirements of the agency from which it receives information.

170-E:68 License Suspension, Revocation, or Denial. The department may suspend, revoke, or deny any license if the license holder:

I. Neglects or abuses children in his or her care;

II. Does not comply with this subdivision or the rules adopted under this subdivision relative to the health and safety of children;

III. Violates any provision of this subdivision, or is unable to meet and maintain standards adopted by the commissioner;

IV. Substantially or repeatedly violates any provisions of the license issued;

V. Furnishes or makes any misleading or any false statement or report to the department;

VI. Refuses or fails to submit any reports or to make available to the department any records required by it in making an investigation of the facility for licensing purposes;

VII. Refuses or fails to submit to an investigation or to the required visits by the department;

VIII. Refuses or fails to admit authorized representatives of the department at any time the camp is in operation for the purpose of investigation or visit;

IX. Fails to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for recreation camps as required under standards prescribed by rules adopted by the commissioner under RSA 541-A or as otherwise required by any law, rule, ordinance, or term of the license applicable to the location of such facility; or

X. Retaliates against an employee who in good faith reports a suspected violation of the provisions of this subdivision and rules adopted under it.

13 New Paragraph; Child Protection Act; Issuance of Summons and Notice. Amend RSA 169-C:8 by inserting after paragraph I the following new paragraph:

I-a. If the location of the parent or parents is unknown as set forth in an affidavit filed with the court in which the petitioner describes its efforts to locate the parent or parents, the court may, upon request of the petitioner, order the petitioner to provide notice by publication once a week for 2 successive weeks in a newspaper of general circulation where that person was last domiciled or by certified mail at the last known address. Notwithstanding the time limits in paragraph I, if service by publication is ordered, the preliminary hearing should not be later than 40 days from the date the petition is filed and no sooner than 7 days from the last date of publication. The need for service by publication shall constitute extraordinary circumstances to extend the time for an adjudicatory hearing, pursuant to RSA 169-C:15, III(d).

14 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, IV to read as follows:

IV. The court shall determine whether each parent summoned~~[, having custody or control of the child,]~~ understands the possible consequences to parental rights should the court find that the child is abused or neglected. Each person shall sign a statement stating that such person understands the consequences to parental rights. Such statement shall be in a form to be determined by the court.

15 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Definition. Amend RSA 170-E:25, II by inserting after subparagraph (f) the following new subparagraph:

(g)(1) "Kinship care home" means a type of foster home in which an individual or individuals are licensed to provide care exclusively to kin. There shall be a maximum of 6 children including the children living in the home and children received for child care who are related to the residents.

(2) Notwithstanding the limit of 6 children under subparagraph (g)(1), if the kinship care family is willing and able to take a sibling or a group of siblings of a child already in their care, and the department has concluded that the kinship care family is able to provide for the safety, permanency, and well-being of the child or children, the department may place the sibling or group of siblings in the kinship care home.

16 New Paragraph; Residential Care and Child-Placing Agency Licensing; Definition of Kin Added. Amend RSA 170-E:25 by inserting after paragraph X the following new paragraph:

X-a. "Kin" means a child or children who for which there is a connection or history between a child or their parents and another responsible adult, including but not limited to related adults.

17 New Paragraph; State Registry and Criminal Records Check for Foster Family Homes, Institutions, and Child-Placing Agencies. Amend RSA 170-E:29 by inserting after paragraph V the following new paragraph:

VI. A kinship care home shall be considered a foster family home for purposes of this section.

18 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:31, I to read as follows:

I. Licenses shall be issued in such form and manner as prescribed by rules adopted by the commissioner under RSA 541-A and, for foster family homes, *kinship care homes*, and specialized care, shall be valid for 2 years from the date issued, unless revoked by the department, or voluntarily surrendered by the licensee, or subject to conditions attached to the license which provide for a shorter license period than 2 years.

19 New Paragraph; Residential Care and Child-Placing Agency Licensing; Record of Licenses. Amend RSA 170-E:33 by inserting after paragraph II the following new paragraph:

III. For kinship family care licenses, the name of the children for which the license is issued shall be confidential and exempt from RSA 91-A.

20 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:45, II to read as follows:

II. Foster family homes *and kinship care homes* which have not been licensed but which have been asked to receive children by the department or another child-placing agency on an emergency basis shall not be subject to the penalty provided in subparagraph I(a). The exemption provided in this paragraph is valid for a period of ~~90~~ **180** days from the date of placement of the child in the home.

21 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend RSA 167:6, IX to read as follows:

IX. For purposes hereof, a person with a disability between 18 and 64 years of age who is eligible to participate in the work incentive program, known as Medicaid for employed adults with disabilities (MEAD), shall be eligible for medical assistance as medically needy or categorically needy. ~~[The department of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance.]~~ Participants in the MEAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

22 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend RSA 167:6, IX-a to read as follows:

IX-a. A person with a disability age 65 and older who is eligible to participate in the work incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare coverage. ~~[The department of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance.]~~ Participants in the MOAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

23 Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458:19-c, II, to read as follows:

II. The department of health and human services shall have the opportunity to address the court in any proceeding under this section if the court, *or the department, upon motion to the court*, has concerns relative to:

(a) The impact on the recipient of any period of Medicaid ineligibility that would result from the allocation of income or assets;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the recipient's care to be paid by Medicaid as the result of the proposed allocation of income or assets.

24 New Paragraph; Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458:19-c to insert after paragraph II the following new paragraph:

III. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

25 Guardians and Conservators; Estate Planning by Guardian. Amend the introductory paragraph on RSA 464-A:26-a, VII, to read as follows:

VII. The department of health and human services, the county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if the court, *or the department, upon motion to the court*, has concerns relative to:

26 New Paragraph; Guardians and Conservators; Estate Planning by Guardian. Amend RSA 464-A:26-a, VII by inserting after paragraph VII the following new paragraph:

VIII. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

27 New Section; Uniform Civil Liability for Support; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 546-A by inserting after section 7 the following new section:

546-A:7-a Medical Assistance Recipient; Notice of Petition for Spousal Support.

I. The department of health and human services, the county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this chapter if the court or department of health and human services has concerns relative to:

(a) The impact on the ward of any period of Medicaid ineligibility that would result from the proposed gift;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the ward's care to be paid by Medicaid as the result of the proposed gift or income reallocation.

II. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

28 Department of Health and Human Services; Medicaid Program; Personal Care Attendants.

I. The commissioner of the department of health and human services shall, if necessary, submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to authorize family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants under the state Medicaid program. In addition, the commissioner may adopt rules under RSA 541-A relative to the ability of family caregivers and others to serve as personal care attendants for Medicaid recipients.

II. There is hereby appropriated to the department of health and human services the sum of \$700,000 for the fiscal year ending June 30, 2023, for the purpose of implementing this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

29 Lead Paint Poisoning Prevention and Control; Investigations. Amend the introductory paragraph of RSA 130-A:5, I to read as follows:

I. The commissioner shall investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds 5 micrograms per deciliter of whole venous blood ~~as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds 5 micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required~~. The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

30 Public Health; Food Service Licensure; Exemptions. Amend RSA 143-A:5, IV to read as follows:

IV. Recreation camps inspected and licensed under RSA ~~[149]~~ **170-E, including recreation camps that offer food to camp families or alumni in the 45 days prior to or after the camp operating season.**

31 Compensation of Certain State Officers; Health and Human Services Positions Amended. Amend the following position in RSA 94:1-a, I(b), grade DD to read as follows:

DD Department of health and human services ~~[administrator, family strengthening and child well-being initiatives]~~ **business improvement administrator**

32 Department of Health and Human Services; Shift Differential Payments; Recovery Forgiveness; Appropriation.

I. Any shift differential payments made on or before July 1, 2021, which were inadvertently paid due to administrative error to certain clinical staff at New Hampshire hospital and the Glenclyff home, shall be forgiven in full. This section shall preclude any recovery action by the state against those individuals for such payments.

II. Any clinical staff at New Hampshire hospital and the Glenclyff home who did not receive the shift differential payments described in paragraph I, shall receive such payments retroactively. The department of health and human services, in coordination with the department of administrative services, may provide the retroactive payments without the approval of governor and council or the fiscal committee of the general court.

III. The sum of \$29,000 for the fiscal year ending June 30, 2023, is appropriated to the department of health and human services for the purpose of providing shift-differential payments to clinical staff at New Hampshire hospital and the Glenclyff home, as described in paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

33 Department of Health and Human Services; Inpatient Treatment of Children's Behavioral Health; Positions Established. There are hereby established within the department of health and human services, 6 full-time, unclassified positions to manage inpatient treatment of children's behavioral health, in the division for behavioral health services. Subject to the completion of process and procedures of the joint committee on employee classification, established in RSA 14:14-c, the department shall transfer the existing 6 non-classified employees established for the same purposes to the newly established unclassified positions set forth in this section; and, thereafter, the department shall eliminate the 6 non-classified positions.

34 New Paragraph; Compensation of Certain State Officers; Salary Adjustment for Recruitment or Retention. Amend RSA 94:3-b by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provisions of law to the contrary, for any expenditure more than \$10,000 under this paragraph, upon the request of an appointing authority submitted to the commissioner of administrative services for review and evaluation and upon approval by the joint committee on employee classification, the governor and council is hereby authorized, upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel, to make recruitment or retention bonuses for classified clinical positions at New Hampshire hospital and the Glenclyff home. The department of health and human services, in conjunction with the department of administrative services, is authorized to make any expenditure less than or equal to \$10,000 under this paragraph.

35 Department of Health and Human Services; Office of Reimbursement; Duties. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, ~~[Laconia developmental services,]~~ the secure psychiatric unit, the Glenclyff home, and ~~[the Anna Philbrook center]~~ **the Hampstead hospital or other state-owned facilities that provide child inpatient psychiatric treatment within the state mental health system**, relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

36 Department of Health and Human Services; Liability for Expenses and Hearing on Liability. Amend RSA 126-A:40, I(a) to read as follows:

(a) Whenever the court issues an order for evaluation, care, or treatment of a child at ~~[the Philbrook center]~~ **a facility that provides child inpatient psychiatric treatment within the state mental health system** pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such evaluation, care, or treatment shall be borne by the department, except as otherwise provided in this section.

37 Department of Health and Human Services; Liability for Expenses and Hearing on Liability. Amend RSA 126-A:40, III to read as follows:

III. The office of reimbursements, acting on behalf of the ~~[New Hampshire hospital]~~ **department of health and human services**, is authorized to compromise or reduce any expense to be charged to the state.

38 Department of Health and Human Services; Limiting Use of Child Restraint Practices; Definitions. Amend RSA 126-U:1, III(d)(1) to read as follows:

(1) ~~[The Anna Philbrook center.]~~ **Facilities providing inpatient psychiatric treatment within the state mental health system.**

39 Department of Health and Human Services; New Hampshire Mental Health Services System; References to Anna Philbrook Center Removed. Amend the subdivision heading and the introductory paragraph of RSA 135-C:64 to read as follows:

~~[Anna Philbrook Center]~~ **Child Inpatient Psychiatric Treatment Facility**

135-C:64 ~~[Philbrook Center]~~ **Child Inpatient Psychiatric Treatment Facility**; 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]~~ **as designated** 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:

40 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:65 to read as follows:

135-C:65 Admission Limitation. Children subject to proceedings in juvenile court may be admitted to ~~[the Philbrook center]~~ **a child inpatient psychiatric treatment facility within the state mental health system** for evaluation, care, or treatment only upon prior approval of the commissioner or designee.

41 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:66 to read as follows:

135-C:66 Access of Records. Notwithstanding any other provisions of law, records regarding children ~~[placed at Philbrook center]~~ **receiving child inpatient psychiatric treatment at a facility within the state mental health system**, pursuant to RSA 169-B, 169-C, or 169-D shall be exchanged between employees of the department to facilitate coordinated care for those children and their families. The confidentiality of such information shall be maintained according to applicable law.

42 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:67 to read as follows:

135-C:67 Admission and Discharge. The commissioner shall adopt rules relative to eligibility criteria and procedures for admission to and discharge from ~~[the Philbrook center]~~ **facilities within the state mental health system that provide inpatient psychiatric treatment to children.**

43 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.

44 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, I(b) to read as follows:

(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]~~ **when receiving child inpatient psychiatric treatment within the state mental health system**, or to expenses incurred for the cost of accompanied transportation.

45 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, III to read as follows:

III. The office of reimbursements acting on behalf of ~~[Laconia developmental services and the New Hampshire hospital]~~ **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section.**

46 Child Protection Act; Preliminary Disposition. Amend RSA 169-C:16, III to read as follows:

III. The court may at any time order the child, parents, guardian, custodian, or household member subject to the petition or ex parte order, to submit to a mental health evaluation, or undergo a physical examination or treatment, with a written assessment being provided to the court. The court may order that the child, who is the subject of the petition or the family or both be evaluated by a mental health center or any other psychiatrist, psychologist or psychiatric social worker or family therapist or undergo physical examination or treatment with a written assessment provided to the court. Evaluations performed at ~~[the Philbrook center]~~ **a facility providing child inpatient psychiatric treatment within the state mental health system** may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services, or designee.

47 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I(b)(2) to read as follows:

(2) Expenses incurred for evaluation, care, and treatment of ~~[the child at the New Hampshire hospital]~~ **a child receiving inpatient psychiatric treatment within the state mental health system**; or

48 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, IV to read as follows:

IV. The office of reimbursements acting on behalf of ~~[Laconia developmental services and the New Hampshire hospital]~~ **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section**.

49 Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child including sibling relationships and residences for the purpose of preserving relationships between siblings who are separated as a result of court ordered placement.

Evaluations performed at ~~[the Philbrook center]~~ **a facility providing child inpatient psychiatric treatment within the state mental health system** may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The court may order a substance abuse evaluation of the child, parents, guardian, or person having custody. 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 said 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 a reduced cost if the person is of limited means. The court shall inform the parents, guardian, or person having custody and child of their right to object to the physical examination, mental health evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 business days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

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

I. At any point during the proceedings, the court may, either on its own motion or that of any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency ~~[other than the Philbrook center]~~ which is approved by the commissioner of health and human services, or conducted by a psychologist licensed in New Hampshire or a qualified psychiatrist, or by ~~[the Philbrook center]~~ **a facility providing child inpatient psychiatric treatment within the state mental health system** only upon receiving prior approval for admission of the child for such evaluation by the commissioner of the department of health and human services. The evaluation shall be submitted to the court in writing prior to the hearing on the merits.

51 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, I(b) to read as follows:

(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]~~ **a child receiving inpatient psychiatric treatment within the state mental health system** or to expenses incurred for the cost of accompanied transportation.

52 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, IV to read as follows:

IV. The office of reimbursements acting on behalf of ~~[Laconia developmental services and the New Hampshire hospital]~~ **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section**.

53 Youth Services Center; Records. Amend RSA 621-A:7, I to read as follows:

I. Full and complete records shall be kept by the commissioner of the care and study of each child admitted to the youth services center. The records shall not be open to the inspection of any persons not on the staff of the commissioner except that such records shall be available, by court order, to any court having competent jurisdiction of the child in any matter pending in this state or to such person or persons as may be authorized by the court. Notwithstanding any other provision of law, exchange of medical or psychiatric records between ~~[the Philbrook center]~~ **a facility providing child inpatient psychiatric treatment within the state mental health system** and the department shall be permitted.

54 Emergency Treatment; Reference Change. Amend the introductory paragraph of RSA 135:21-b to read as follows:

135:21-b Emergency Treatment. A physician licensed in the state, a psychiatrist-supervised physician assistant licensed in this state, a psychiatric mental health advanced practice registered nurse, or a person acting under such physician's, psychiatrist-supervised physician assistant's, or advanced practice registered nurse's direction may administer a recognized and approved form of medical or psychiatric treatment which the physician, psychiatrist-supervised physician assistant, or psychiatric mental health advanced practice registered nurse reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, ~~[Laconia developmental services,]~~ Glencliff home, any community mental health or developmental services program or treatment facility receiving state grants under RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-C, when:

55 State Facilities Other Than New Hampshire Hospital; Reference Change. Amend RSA 135-C:4, I to read as follows:

I. The commissioner shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who have mental illness or developmental disabilities, including those subject to the exception set forth in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at the facility in Concord, known as New Hampshire hospital. Such facilities include, but are not limited to, facilities established at Glencliff known as Glencliff home ~~and Laconia, known as Laconia developmental services~~.

56 Child Protection Act; Institutional Abuse and Neglect; Reference Change. Amend RSA 169-C:37 to read as follows:

169-C:37 Institutional Abuse and Neglect. The department of justice shall be empowered to receive and investigate reports of institutional abuse or neglect at the youth development center, ~~[Laconia developmental services, and New Hampshire hospital]~~ **and any facility that provides child inpatient psychiatric treatment within the state mental health system**; and the department shall be empowered to receive and investigate reports of all other suspected instances of institutional abuse or neglect. Either the department of justice or the commissioner of the department or both may adopt rules consistent with this authority to investigate such reports and take appropriate action for the protection of children.

57 Guardians and Conservators; Conduct of Hearing; Reference Change. Amend RSA 464-A:8, III to read as follows:

III. The medical affidavit shall be evidence only of the proposed ward's inability to attend the hearing and shall not be considered in determining his or her incapacity. If the proposed ward is a patient at a county nursing home, **or** state hospital ~~[or Laconia developmental services]~~, the affidavit shall be by the medical director or medical superintendent of such county nursing home~~;~~ **or** state hospital~~[-or developmental services]~~.

58 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of Registration and Withholding of State Funds. Amend RSA 170-E:7, IV-d to read as follows:

IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall be ~~[\$50]~~ **\$25** and the card shall be valid for 5 years from the date of issuance, or a prorated amount of ~~[\$10]~~ **\$5** per year from the most recently completed criminal background check. A replacement card may be requested for a ~~[\$15]~~ **\$10** fee.

59 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E:29-a, VII(b) to read as follows:

(b) The fee for a residential child care employment eligibility card shall be ~~[\$50]~~ **\$25**, and the card shall be valid for 5 years from the date of issuance, or a prorated amount of ~~[\$10]~~ **\$5** per year from the most recently completed criminal background check. The fee for a replacement card shall be ~~[\$15]~~ **\$10**.

60 New Section; Residential Care and Child-Placing Agency Licensing; Transfer or Discharge. Amend RSA 170-E by inserting after section 42 the following new section:

170-E:42-a Transfer or Discharge of Residents.

I. In this section:

(a) "Discharge" means movement of a resident from a child care agency to a non-institutional setting or the termination of services by a child care agency when the child care agency ceases to be legally responsible for the care of the resident.

(b) "Transfer" means movement of a resident from one child care agency to another child care agency when legal responsibility for the care of the resident changes from the transferring to the receiving child care agency.

II. A resident shall be transferred or discharged after appropriate discharge planning only for medical reasons, for the resident's welfare or that of other residents, or if the child care agency ceases to operate.

III. Transfer or discharge of a resident from a child care agency shall in all instances be preceded by written notice which shall contain the following:

(a) The reason for the proposed transfer or discharge;

(b) The effective date of the proposed transfer or discharge;

(c) The location to which the resident is transferred or discharged; and

(d) The name, address, and telephone number of the office of the ombudsman, established under RSA 126-A:4, III, and the name, address, and telephone number of the federally-designated protection and advocacy agency for individuals with disabilities.

IV. Except as provided in paragraph V, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the resident's file and a copy shall be transmitted to the resident's parent or legal guardian and the agency responsible for the resident's placement.

V. Written notice as provided in paragraph III shall be given as soon as practicable before transfer or discharge in the following circumstances:

(a) If an emergency transfer or discharge is mandated by the resident's health care needs;

(b) If the transfer or discharge is mandated by the health or safety of other individual's in the child care agency;

(c) If the transfer or discharge is appropriate because the resident's needs cannot be met in the child care agency;

(d) If the transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the child care agency;

(e) If the transfer or discharge is mandated by court order;

(f) If the resident has reached the age of 21; or

(g) If the resident has resided in the child care agency for less than 30 days.

VI. For the purposes of this section, "transfer" or "discharge" shall not include transfers or discharges initiated at the request of the resident's parent or legal guardian.

VII. If the resident's parent or legal guardian wishes to have the resident relocate to another child care agency or place, the resident shall be relocated according to the resident's parent's or legal guardian's wishes; provided that the resident's parent or legal guardian gives written notice of such relocation to the child care agency.

VIII. For the purposes of this section, transfer shall not include the temporary movement of a resident from a facility to a hospital or other location for emergency medical treatment.

IX. The provisions of this section shall not apply to foster family homes, as defined in RSA 170-E:25.

61 Department of Health and Human Services; Medicaid Reimbursement Rates for Hospital Birthing Services.

I. In order to ensure adequate access to labor services for women in New Hampshire, the department of health and human services shall increase the Medicaid reimbursement rate for facility-based birthing services provided at hospitals by 25 percent, in the aggregate, based on the rate in effect as of June 30, 2022.

II. The commissioner of health and human services shall have the discretion to implement the reimbursement increase to adjust for access risk geographically; provided that no critical access hospital or non-critical access hospital receives less than a 20 percent increase.

III. The sum of \$2,400,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the purpose of increasing Medicaid reimbursement rates for hospital birthing services as provided in this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

62 New Paragraph; Out-of-State Providers; Consultation and Follow-up Care via Telehealth Permitted. Amend RSA 310-A:1-g by inserting after paragraph VI the following new paragraph:

VII. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; 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; midwives, governed by RSA 326-D; psychologists, governed by RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A; mental health practitioners governed by RSA 330-A; community mental health providers employed by community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use professionals, governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to provide consultation services or follow-up care via telehealth to a patient who previously received services from the provider in the state where the provider is licensed.

63 New Subparagraph; Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II by inserting after subparagraph (g) the following new subparagraph:

(h) An attestation on a form issued by the department stating that the applicant has not been convicted of a felony offense. This attestation shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification and this shall be noted on the form issued by the department. In addition, a designated caregiver shall promptly inform the department if convicted of a felony offense subsequent to being issued a registry identification card.

64 Repeal. RSA 126-X:4, II-a and II-b, relative to criminal background checks for caregivers, are repealed.

65 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, III to read as follows:

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny ~~an~~ **a complete** application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny ~~an~~ **a complete** application or renewal to serve as a designated caregiver within 15 days of receipt of the application ~~[and the criminal history records check results]~~. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the applicant previously had a registry identification card revoked for violating the provisions of this chapter or rules adopted by the department, or if the department determines that the information provided was falsified or did not meet the requirements of this chapter or rules adopted by the department. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

66 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, IV(a) to read as follows:

IV.(a) ~~[An alternative treatment center shall conduct]~~ A state and federal criminal records check **shall be required** for every person seeking to become a principal officer, board member, agent, volunteer, or employee **of an alternative treatment center** before the person begins working at the alternative treatment center pursuant to RSA ~~[126-X:4, H-a]~~ **126-X:8, IV-a**. An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

(1) Was convicted of a felony or felony drug-related offense; or

(2) Is under 21 years of age.

67 New Paragraph; Alternative Treatment Centers; Requirements; Criminal Background Check. Amend RSA 126-X:8 by inserting after paragraph IV the following new paragraph:

IV-a.(a) A person applying to be an alternative treatment center agent shall submit directly to the department of safety a criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of any felony convictions to the department. The applicant shall submit with the release form a complete set of electronic 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 for whatever reason, 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 department may, in lieu of the criminal history records check, accept police clearances showing no felony convictions from every city, town, or county where the person has lived during the past 5 years. The division of state police 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 report to the department whether or not there are any felony convictions. The department shall maintain the confidentiality of criminal history record information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

(b) Notwithstanding subparagraph IV(a), an alternative treatment center may make a conditional offer of employment and allow a person to begin working at or for the alternative treatment center while the results of the state and federal criminal history records check are pending, provided that:

(1) Prior to beginning employment, the person completes a statement stating that the person does not have any felony convictions in this or any other state, and such statement shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification, which shall be noted on the form issued by the department; and

(2) The conditional employment granted shall be revoked immediately if the criminal history records check results show any felony convictions in this or any other state.

68 Child Protection Act; Confidentiality. Amend RSA 169-C:25, II to read as follows:

II. It shall be unlawful for any person present during a child abuse or neglect hearing to disclose any information concerning the hearing that may identify a child or parent who is involved in the hearing without the prior permission of the court. Any person who knowingly violates this provision shall be guilty of a ~~misdemeanor~~ **violation**.

69 New Subparagraph; Services for Children, Youth and Families; Confidentiality of Case Records. Amend RSA 170-G:8-a, VI by inserting after subparagraph (b) the following new subparagraph:

(c) Nothing in this section shall be construed to prevent a parent, guardian, immediate family member, or their counsel from releasing any records with the name of the child redacted.

70 Local Land Use Boards; Training. RSA 673:3-a is repealed and reenacted to read as follows:

673:3-a Training. Any member of a zoning board of adjustment or planning board may complete training offered by the office of planning and development or another organization that provides similar training covering the processes, procedures, regulations, and statutes related to the board on which the member serves. The office of planning and development shall develop standard self-training materials and corresponding tests for zoning boards of adjustment and planning boards which shall be provided to members free of charge. The office of planning and development may provide other types of training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, or traditional classroom style. For purposes of this section, the term "member" includes regular and alternate members of zoning boards of adjustment and planning boards.

71 New Paragraph; Local Land Use Boards; Staff; Finance. Amend RSA 673:16 by inserting after paragraph II the following new paragraph:

III. Any fee which a city or town imposes on an applicant pursuant to this title shall be published in a location accessible to the public during normal business hours. Any fee not published in accordance with this paragraph at the time an applicant submits an application shall be considered waived for purposes of that application. A city or town may comply with the requirements of this section by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the city or town's Internet website.

72 New Paragraph; Local Land Use Planning and Regulatory Powers; Zoning. Amend RSA 674:17 by inserting after paragraph III the following new paragraph:

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

73 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision. Amend RSA 676:3, I to read as follows:

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. ***The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.*** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

74 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after paragraph VII the following new paragraph:

VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.

75 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, as provided in subparagraph (i), or disapprove. ~~[Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days.]~~ ***If the board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension pursuant to subparagraph (f), the board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application.*** If the planning board does not act on the application within that ~~[30-day]~~ **65-day** time period, then ~~[within 40 days of the issuance of the order,]~~ the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph ~~[unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply].~~ Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to ~~[issue an order to the planning board under subparagraph (1), or to]~~ certify approval of the plat upon the planning board's failure to ~~[comply with the order,]~~ ***act within the required time period*** shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application ~~[if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances].~~ ***The superior court shall act upon such a petition within 30 days.*** If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

76 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

(f) ~~[The planning board may apply to the selectmen or city council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.]~~ The applicant may waive the requirement for planning board action within the time periods specified in subparagraph (c) and consent to such extension as may be mutually agreeable.

77 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after section 19 the following new subdivision:

Fee Shifting and Posting of Bond

677:20 Fee Shifting and Posting of Bond.

I. Whenever an appeal to the superior court is initiated under this chapter, the court may in its discretion require the person or persons appealing to file a bond with sufficient surety for such a sum as shall be fixed by the court to indemnify and save harmless the person or persons in whose favor the decision was rendered from damages and costs which he or she may sustain in case the decision being appealed is affirmed.

II. In any appeal initiated under this chapter the court may, subject to the provisions of this paragraph or any other provision of law, award attorney's fees and costs to the prevailing party. Costs and attorney's fees shall not be allowed against a local land use board unless it shall appear to the court that the board, in making the decision from which the appeal arose, acted with gross negligence, in bad faith, or with malice. Costs and attorney's fees shall not be allowed against the party appealing from the decision of a local land use board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to court.

78 Municipal Economic Development and Revitalization Districts; Definition of Public Use. Amend RSA 162-K:2, IX-a to read as follows:

IX-a. "Public use" means:

(a)(1) The possession, occupation, and enjoyment of real property by the general public or governmental entities[.] .

(2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease[.] .

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety~~[and]~~.

(4) Private use that occupies an incidental area within a public use; provided, that no real property shall be condemned solely for the purpose of facilitating such incidental private use.

(5) If separately adopted by the city or town by the procedure described in RSA 162-K:1, the acquisition of real property to construct housing units which meet the definition of workforce housing contained in RSA 674:58, IV, whether or not such construction results from private development or private commercial enterprise. The municipality shall not acquire property for this purpose through the powers of eminent domain.

(b) Except as provided in subparagraphs (a)(2), ~~(4)~~, **and (5)** of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

79 Municipal Economic Development and Revitalization Districts; District Establishment and Development Programs; Authority to Acquire, Construct, and Promote Residential Development and Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:

(h) Lease all or portions of basements, ground and second floors of the public buildings constructed in the district; ~~and~~

(i) Negotiate the sale or lease of property for private development if the development is consistent with the development program for the district[-]; **and**

(j) If separately adopted by the city or town by the procedure described in RSA 162-K:1, acquire, construct, reconstruct, improve, alter, extend, operate, maintain or promote residential developments aimed at increasing the available housing stock within the municipality.

80 Effective Date.

I. Sections 1-5, 7-9, 12, 21, 22, 28, 34, 58, 59, and 61 of this act shall take effect July 1, 2022.

II. Sections 23, 29, 70-74, and 76-79 of this act shall take effect 60 days after its passage.

III. Sections 6, 31-33 of this act shall take effect June 30, 2022.

IV. Sections 13, 14, 68, and 75 of this act shall take effect January 1, 2023.

V. Sections 63-67 of this act shall take effect 30 days after its passage.

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

LBA

22-2513

Amended 5/13/22

HB 1661-FN-LOCAL- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENTS #2022-1960s, #2022-1966s, #2022-1973s, and #2022-1976s)

AN ACT relative to regional career technical education agreements, an appropriation for preliminary work for a new legislative parking garage, health and human services, establishing an extraordinary need grant for schools, the release of a defendant pending trial, training and procedures for zoning and planning boards, and financial investments and incentives for affordable housing development.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$9,350,000	\$5,929,000	\$0	\$0
Revenue	\$0	Indeterminable		
Expenditures	\$0	(See Methodology Below)		
Funding Source:	<input checked="" type="checkbox"/> General	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:	
Revenue	\$0
Expenditures	\$0
Indeterminable (See Methodology Below)	

LOCAL:	
Revenue	\$0
Expenditures	\$0
Indeterminable (See Methodology Below)	

METHODOLOGY:

This bill includes various subject matters, and information relative to their respective estimated fiscal impacts will be discussed in turn.

Sections 1 – 5, Relative to Career Technical Education Agreements

This bill creates a calendar alignment agreement with participating schools whereby no more than 10 instructional days can be out-of-alignment (agreements must also address schedule alignment needs of each participating school district). The bill also provides for the recognition of earned academic credits for content area competencies, which are embedded within the CTE coursework, by the respective school district. The Department of Education does not expect this bill to have an impact on state or local school district revenues or expenditures.

Section 6, Relative to Preliminary Work for a New Legislative Parking Garage

This section appropriates \$9,350,000 in general funds in FY 2022 (non-lapsing) to the Department of Administrative Services for purpose of preliminary design, engineering, and site work for a new legislative parking garage on the site of the Department of Justice (DOJ) building at 33 Capitol Street, and for moving and leasing costs for relocating DOJ.

Sections 7 – 79, Relative to Health and Human Services

These sections make a variety of changes to laws governing the Department of Health and Human Services. Those changes, and their potential fiscal impacts, are as follows:

Sections 7 and 8 establish a special fund for administration of opioid treatment programs. The non-lapsing, dedicated fund would be used to support program operations for certification and administration of oversight of opioid treatment programs. The Department anticipates an indeterminable increase in expenditures to support program operations.

Sections 9 relates to implementing a pilot program to serve up to 20 individuals, between the ages of 18-21, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the Department. The bill contains a \$2.8 million general fund appropriation for the purposes of implementing the pilot program. Given that the pilot program limits the number of participants, the Department expects that federal financial participation may not be available through the section 1915(c) home and community based services waiver. The proposed amendment to RSA 171-A:1-a, II clarifies that the Department cannot provide services for persons eligible if funding has not been allocated in accordance with paragraph I.

Section 10 amends RSA 167:17-a to add “failure to report collateral resources” as an element authorizing recovery by the Department for overpayment, clarify the Department’s ability to recover overpayments in circumstances of agency error, and stipulate that any individual who assists a recipient in receiving an overpayment is jointly and severally liable for the overpayment. The Department expects an indeterminable increase in recovery of overpayments of certain cash public assistance as a result of this section.

Sections 11 and 12 are based on the Department’s ongoing inventory and review of departmental reporting requirements. The fiscal impact is expected to be minimal.

Sections 13 and 14 amend RSA 169-C, the child protection act, to allow alternative service of process when a parent cannot be located. This Department states that this change is consistent with the guardianship statute and will promote permanency in cases where a parent cannot be served at their abode or in-hand. The Department anticipates minimal fiscal impact.

Sections 15 through 20 amend the foster care licensing statute, RSA 170-E, to define kinship and create a separate category of foster license for kinship caregivers who are only seeking to provide care to children with whom they have an existing relationship. The Department states that this change is consistent with a desire to place children with family and fictive kin, and will allow the Department to provide better support to child specific caregivers and in turn expand the options for placement and address the shortage of available foster homes. The Department expects the fiscal impact to be minimal.

Section 21 addresses the New Hampshire Supreme Court decision *In Re Guardianship of B.C.*, NH Supreme Court Docket 2021-0199, issued on November 16, 2021. The Department states the fiscal impact is indeterminable.

Section 22 amends RSA 170-B:11, relative to the consequences of surrender, to grant the Department guardianship of a child rather than care, custody and control to prevent the child from becoming legally orphaned after a parent has surrendered their parental rights. This will place children in the same position with other children whose legal relationship with their parents has been severed. The Department anticipates minimal fiscal impact.

Section 23 expands the state Medicaid plan to include preventative health care benefits. This section has an effective date of June 30, 2023 to allow the Department to build the benefit into the FY 24/25 budget. Accordingly, there will be no fiscal impact in FY22 or FY23, but there will be an indeterminable impact beginning in FY24.

Sections 24 and 25 amend RSA 167:6 to eliminate the requirement that the Department charge premiums for the Medicaid for Employed Adults with Disabilities (MEAD) and Medicaid for Older Adults with Disabilities (MOAD) coverage groups. The Department anticipates a minimal fiscal impact due to the offset between lost premium revenue and decreased cost of administration.

Sections 26 through 30 amend certain domestic relations statutes and guardianship statutes to provide the Department a meaningful opportunity to inform courts of concerns relative to the impact of spousal support and guardianship orders on individuals who are Medicaid recipients or who may be suspected victims of abuse, neglect or exploitation. These sections are expected to result in a minimal fiscal impact to the Department.

Section 31 allows family caregivers or legally responsible individuals to be paid as personal care attendants for Medicaid recipients in lieu of up to 50% portion of unfilled private duty nursing hours. This provision would only be utilized if the 1135 federal waiver ended, and another means of coverage through CMS was not readily attainable. This section would remain temporarily in effect for no longer than two years. The bill contains a \$700,000 general fund appropriation in FY23 for the purposes of this section.

Section 32 as amended maintains the current 60-month "look back" period for Medicaid eligibility for long term care. This section is anticipated to result in no fiscal impact to the Department.

Sections 33 through 37 remove the criminal background check requirement for designated caregivers, and modifies the criminal background check requirement for alternative treatment center (ATC) agents to allow for a conditional offer of employment pending receipt of the criminal history results. The Department anticipates a minimal fiscal impact as a result of these sections.

Section 38 removes the requirement in RSA 130-A:5, I for the necessity for two venous blood tests to determine a blood lead level related investigations of the cases of lead poisoning in children. It also would remove the declaration requirement by a physician after receiving the lead test results from the laboratory. Also removed is the declaration from a physician that the results of the first venous blood test, which per the current statute would be the only way a second test would not be required. The Department anticipates minimal fiscal impact as a result of this section.

Section 39 clarifies the food services licensure exemption for recreational camps. The Department anticipates no fiscal impact.

Section 40 aligns legal and working titles for unclassified positions within the department, and the Department anticipates no fiscal impact.

Section 41 is responsive to a recent financial audit regarding recovery forgiveness of shift differential paid to certain clinical staff at NHH and Glenclyff Home. The bill contains a \$29,000 general fund appropriation in FY23 to implement this section.

Section 42 establishes six new unclassified leadership positions within the department of health and human services to assist with the strategic direction and oversight of day to day operations of Hampstead Hospital. The bill does not identify specific labor grades or position titles, but does state that six existing non-classified positions established for the same purposes shall be transferred to the newly-created unclassified positions. Once completed, the non-classified positions shall be eliminated. The fiscal impact is indeterminable.

Section 43 provides statutory authority for a salary adjustment for the purposes of recruitment or retention of certain classified clinical staff such as nurses and other critical, clinical staff in light of hiring shortages. This authority is similar to that already granted for certain unclassified positions. The fiscal impact is indeterminable.

Sections 44 through 66 remove all references to the Anna Philbrick center and the Laconia State School from New Hampshire revised statutes annotated. The Department anticipates no fiscal impact as a result of these sections.

Sections 67 and 68 revise RSA 170-E:7, IV-d and 170-E-29-a, VII (b) to reduce the fee for the employment eligibility card as follows:

The fee for a child care employment or a residential child care employment eligibility card issued shall be ~~[\$50]~~ \$25 and the card shall be valid for 5 years from the date of issuance, or a prorated amount of ~~[\$10]~~ \$5 per year from the most recently completed criminal background check. A replacement card may be requested for a ~~[\$15]~~ \$10 fee.

The Department anticipates minimal fiscal impact as a result of these sections.

Sections 69 through 75 revise definitions in RSA 170-E:2, RSA 170-E:25 and RSA 170-E:55 to clearly indicate which license is required for a child care program/residential agency/youth recreation program. Minimal fiscal impact is anticipated as a result of these sections.

Section 76 establishes a new RSA 170-E:42-a, relative to the transfer and discharge of residents in residential care settings. The Department anticipates minimal fiscal impact.

Section 77, under Recreation Camp Licensing, adds provisions for confidentiality and investigations in new section RSA 170-E:67. It also provides a new section RSA 170-E:68 clarifying the Department's authority around license suspension, revocation or denials. Minimal fiscal impact is anticipated as a result of these sections.

Section 78 requires the Department to increase the Medicaid reimbursement rate for facility-based birthing services by 25 percent in the aggregate, and provides a \$2.4 million general fund appropriation for this purpose in FY23.

Section 79 allows certain medical professionals to provide telehealth consultations or follow-up care to patients who previously received services from the provider in the state where the provider is licensed.

Section 80, Relative to the Release of a Defendant Pending Trial

This section lists certain offenses which, if committed by the defendant, create a rebuttable presumption that a defendant is a danger to the public and shall be detained for up to 36 hours.

The Judicial Branch states this bill, as amended by the Senate, would require that a person who is charged with an offense listed in proposed RSA 597:2, III(a)(1) be detained pending arraignment before the court. Arraignments shall occur no later than 36 hours after arrest based upon the rebuttable presumption the person charged is a danger to the public (36 hours excluding Saturdays, Sundays, holidays).

The Judicial Branch provided the following information based on 2019 data:

- There were 10,161 charges filed under the above referenced RSAs which resulted in 5,362 cases in the Superior (1,312) and Circuit Courts (4,050).
- 2,849 of the cases in the Circuit Court did not have a video arraignment.
- The case counts in Circuit Court where no arraignment was held are assumed to be bail decisions by bail commissioners that would become Circuit Court arraignments under this bill.
- The majority of criminal cases in Circuit Court are filed in Manchester, Nashua, Rochester and Concord.
- 2019 data was used for this analysis to account for temporary changes in criminal filings that occurred as a result of the pandemic in 2020 and 2021.

Both the Superior and Circuit Courts coordinate daily with county jails to provide for video hearings of all types. Each county jail has a limited number of time slots available for video hearings with the court. In many counties, the current hearing schedule has filled all or nearly all available video time slots. As a result, the Branch assumes many of incarcerated arraignments under the bill will result in transportation of the defendant to the courthouse by county sheriffs. The Branch reimburses county sheriffs for transport to all courts and security in Circuit Court.

Under existing law, a person detained by a Circuit Court has the right to a hearing in Circuit Court within 36 hours after the filing of a motion to reconsider the original detention order (36 hours excluding weekends and holidays). The Judicial Branch anticipates fewer people will be released with personal recognizance bail, which may result in more motions to reconsider being filed in Circuit Court. Bail decisions made in the Circuit Court can be appealed for a de novo hearing in the Superior Court which could also increase under the bill. The additional hearings will require additional court staff to manage the additional paperwork and for docket management and coordination with county jails for video time and with county sheriffs for transportation and security.

The Branch states, although the fiscal impact of the bill is indeterminable, it is potentially significant. The Branch believes additional Administrative Court Assistant positions will be needed in each of the four District Division courts with the busiest criminal dockets. Additional Court Monitor positions would be used to accommodate the increase in workload in the Superior Court. The Judicial Branch estimated the additional costs as follows:

Position	FY 2024 Salaries & Benefits Per Employee	Total FY 2024	FY 2025 Salaries & Benefits Per Employee	Total FY 2025
Administrative Court Assistant (4)	\$84,833	\$339,332	\$89,130	\$356,520
Court Monitor (4)	\$71,849	\$287,396	\$75,431	\$301,724
Total:		\$626,728		\$658,244

While additional judges may also be necessary, the Judicial Branch is unable to determine whether, where, or how many new judges or other resources would be required.

Each Sheriff transportation would require an additional sheriff transport fee, which is currently set at the statutory rate of \$65/full day and \$35/half day. Assuming roughly 2,500 additional half day transports (assuming some transports would include more than 1 defendant), there would be an additional cost of \$87,500. Pending legislation would increase the reimbursement rate for sheriff transport to the collective bargaining rate paid to Court Security Officers. (Currently \$120.18/day). The cost for such additional security is indeterminable.

The Judicial Council indicates the Public Defender currently has approximately 1,300 open cases for charges enumerated in proposed RSA 597:2, III(a)(1). Many of these clients are not currently incarcerated, though they could have been at the beginning of the case. Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments. Due to the ongoing indigent defense crisis, there are hundreds of clients currently without representation. Finding private attorneys for incarcerated clients is both challenging and costly. In some cases, the Council has had to appoint counsel to handle bail hearings and then find another attorney to accept the underlying case. The Council expects a significant, but indeterminate cost to the indigent defense system as a result of this bill. At this time there are not enough attorneys to handle the anticipated increase in bail hearings.

The New Hampshire Association of Counties states this bill would increase costs for the county houses of corrections as they would hold people longer while they wait to go before a judge. The Association is unable to predict how many crimes will be committed while a person is out on bail, and therefore is unable to determine the cost to county government.

The New Hampshire Municipal Association states municipalities may save officer time and pay as they would no longer need to call bail commissioners and wait for their response, but they also may need to transfer additional arrestees to the county house of correction. The Association indicates it is unlikely that municipalities would incur significant costs as a result of this change in process.

Sections 81-94, Relative to Training and Procedures for Zoning and Planning Boards and Financial Incentives for Affordable Housing Development

These sections do the following:

- Amends the existing voluntary training provisions applicable to new planning or zoning board members by allowing all planning and zoning board members to receive training from the Department of Business and Economic Affairs, Office of Planning and Development (OPD) free of charge. OPD training may be designed in a variety of formats, including

- web-based, distance learning or traditional classroom style.
- Modifies the appeals process for zoning decisions and process for fees for posting of bonds.
- Makes numerous changes to enhance the availability of workforce and available housing, including:
 - Authorizes municipalities to establish municipal economic development and revitalization districts under RSA 162-K, also known as TIF (Tax Increment Financing), to construct workforce housing or generally increase the available housing stock.
 - Extends the maximum duration of the community revitalization tax relief incentive period under RSA 79-E for certain housing projects, based on type of project.

The OPD indicates the requirements related to free training for planning and zoning board members could be interpreted broadly for the provision of course materials and reasonable access to training and tests statewide, resulting in an indeterminable fiscal impact on the agency's expenditures.

The New Hampshire Municipal Association (NHMA) indicates municipalities may utilize the provisions of RSA 162-K and RSA 79-E and may experience a shift in property tax revenues, without necessarily increasing or decreasing such revenues. Results would vary on a town by town basis. A municipality that qualifies as a housing champion may receive additional revenues associated with state infrastructure funding awards, but such amounts are unknown. NHMA also states other provisions of the bill may negatively impact municipal expenditures, but due to the unknown number or extent of such occurrences, such impact is indeterminable. These provisions relate to the posting of a bond if a municipality appeals a land use board decision if ordered by a court, and the awarding of attorney fees if a land use board decision is reversed on appeal and such board acted with gross negligence, in bad faith or with malice. Municipal revenue may increase if a land use board decision is upheld on appeal and the appealing party acted in bad faith or with malice and attorney fees are awarded. Due to the unknown frequency of such an event the fiscal impact on municipal revenue is indeterminable. The other provisions of the bill are unlikely to affect municipal revenue or expenditures.

The Department of Revenue Administration indicates that a municipality that adopts RSA 162- K may experience an indeterminable revenue and expenditure impact based on the details of such tax increment financing and project expenses. A municipality that adopts RSA 79-E and grants tax relief under the expanded duration periods will experience a redistribution of the overall tax burden but no drop in total revenue. The Department cannot project any impact on municipal expenditures associated with the changes to this provision.

The Judicial Branch states there is an indeterminable fiscal impact as the provisions of the bill will likely lead to additional motions filed in appeals. The court may, at its discretion, require a person filing an appeal to file a bond to cover any damages and costs the non-appealing party may sustain as a result of the appeal. It also authorizes the court to award costs and attorney's fees to the prevailing party.

It is assumed the fiscal impact would not occur until FY 2023.

Sections 95 – 97, Relative to Establishing an Extraordinary Needs Grant for Schools

These sections establish extraordinary need grants for schools within the education funding adequacy formula. This grant is calculated based on equalized valuation per free and reduced-price meal pupils (EVFRP). An EVFRP of \$1 million or less awards a municipality \$650 per F&R pupil, while municipalities with an EVFRP of \$6 million or greater are not eligible. Municipalities with an EVFRP between \$1 million and \$6 million receive a grant between \$650 and \$150 on a sliding scale basis for each F&R pupil. The Department of Education has not provided the estimates of this bill's impact on state education trust fund expenditures and local revenue. However, based on data provided on other similar legislative proposals, this bill will likely increase state education trust fund expenditures and local revenue by approximately \$15,100,000 in FY 2023 and \$10,000,000 in FY 2024. (FY 2025 and beyond is indeterminable due to variability in pupil and equalized valuation data).

AGENCIES CONTACTED:

Department of Education, Department of Administrative Services, Department of Health and Human Services, Department of Justice, Judicial Branch, Judicial Council, Department of Revenue Administration, Department of Business and Economic Affairs, New Hampshire Association of Counties, and New Hampshire Municipal Association