The following has special meaning:
green underline denotes added text
~~red-struck-out text denotes deleted text~~

Powered by State Net

2019 NH H 1249	**Author:** Berrien **Version:** Enacted - Final **Version Date:** 07/17/2020

CHAPTER 17

HB 1249 - FINAL VERSION

11Mar2020... 0655h

06/29/2020 1570s

2020 SESSION

20-2531

05/08

HOUSE BILL *1249*

AN ACT relative to the commission on the interdisciplinary primary care workforce; relative to multicounty grand juries; and allowing remote notarization of paper estate planning documents during the COVID-19 state of emergency.

SPONSORS: Rep. Berrien, Rock. 18; Rep. Martin, Hills. 23; Rep. Rice, Hills. 37; Rep. Gordon, Graf. 9; Sen. Hennessey, Dist 5; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Sen. Bradley, Dist 3

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill:

I. Changes the title and the duties of the commission on the interdisciplinary primary care workforce, and extends the repeal date of the commission.

II. Authorizes the chief justice of the superior court to issue an order convening a multicounty grand jury.

III. Allows witnessing of a will and appearance before a notary public by remote video conference for purposes of executing estate planning documents during the COVID-19 state of emergency.

11Mar2020... 0655h

06/29/2020 1570s 20-2531

05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to the commission on the interdisciplinary primary care workforce; relative to multicounty grand juries; and allowing remote notarization of paper estate planning documents during the COVID-19 state of emergency.

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

17:1 Commission on the Interdisciplinary Primary Care Workforce; Title Change. Amend the chapter title preceding RSA 126-T:1 to read as follows:

COMMISSION ON THE INTERDISCIPLINARY

PRIMARY CARE WORKFORCE ~~ISSUES~~

17:2 Commission on the Interdisciplinary Primary Care Workforce. Amend the introductory paragraph of RSA 126-T:1 to read as follows:

126-T:1 There is hereby established a commission on the interdisciplinary primary care workforce ~~issues~~. The members of the commission shall be as follows:

17:3 Commission on the Interdisciplinary Primary Care Workforce; Duties. Amend RSA 126-T:3, I-IV, to read as follows:

I. Reviewing the impact of existing policies related to strengthening New Hampshire's primary care workforce and making recommendations relative to appropriate use of funds for workforce retention, training, education, and recruitment.

II. ~~Assessing the degree to which insurers, managed care organizations, and state and federal payment sources may present inequities and problems regarding payment for primary care services which may serve as a barrier for attracting and retaining the providers necessary for network adequacy.~~

~~III.~~ Collecting and reviewing data and information that informs decisions and planning for the primary care workforce and looking for innovative ways for expanding New Hampshire's primary care resources including, but not limited to, interstate collaboration and the use of telehealth.

~~IV.~~ III. Assembling and ~~including~~ disseminating in its reports, as required under RSA 126-T:4, data ~~on the~~ related to availability, accessibility, and effectiveness of primary care in New Hampshire, with special attention to such data in rural and underserved areas of the state in order to inform state policy and planning.

IV. Exploring and developing strategies to further the integration of primary care, oral health, and behavioral health.

17:4 Commission on the Interdisciplinary Primary Care Workforce; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an interim report on November 1, ~~2018~~ 2020 which shall focus on the status of the New Hampshire state loan repayment program and the New Hampshire division of public health service's health professions survey, and a final report on November 1, ~~2020~~ 2024, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, the governor, the oversight committee on health and human services, and the chairpersons of the senate and house executive departments and administration committees.

17:5 Department of Health and Human Services; Commissioner's Duties. Amend RSA 126-A:5, XVIII-a(b) to read as follows:

(b) The data collected shall be reviewed, evaluated, and analyzed by the SORH to provide policy decision makers and the commission on the interdisciplinary primary care workforce ~~issues~~ established under RSA 126-T:1, with critical information to develop and plan for New Hampshire's primary workforce current and future needs and to identify innovative ways for expanding primary care capacity and resources.

17:6 Department of Health and Human Services; Commissioner's Duties. Amend RSA 126-A:5, XVIII-a(e) to read as follows:

(e) On or before December 1, 2019, and annually thereafter, the SORH shall make a written report to the speaker of the house of representatives, the senate president, the governor, the oversight committee on health and human services established under RSA 126-A:13, the chairs of the house and senate executive departments and administration committees, the chairs of the house and senate policy committee having jurisdiction over health and human services, and the commission on interdisciplinary primary care workforce ~~issues~~ established by RSA 126-T:1. The report shall include, but not be limited to, aggregate data and information on current and projected primary workforce needs and the participation rate on surveys completed pursuant to this paragraph. This report shall be incorporated into the report required pursuant to RSA 126-A:5, XVIII(c).

17:7 Commission on the Interdisciplinary Primary Care Workforce Extended. Amend 2010, 114:4, I as amended by 2015, 238:4 and 2018, 248:3 to read as follows:

I. Section 3 of this act shall take effect November 1, ~~2020~~ 2024.

17:8 Declaration of Purpose. The purpose of sections 9-10 of this act is to authorize a procedure by which grand jury process may resume in this state in a manner consistent with the need to protect public health during the continuing COVID-19 public health emergency. Sections 9-10 of this act authorize the superior court to convene a multicounty grand jury that has jurisdiction in every county or judicial district thereof as a means of reducing the number of large gatherings of individuals that would otherwise occur under the county grand jury system established pursuant to RSA 600 and RSA 600-A.

17:9 New Chapter; Multicounty Grand Juries Convened by the Superior Court. Amend RSA by inserting after chapter 600-A the following new chapter:

CHAPTER 600-B

MULTICOUNTY GRAND JURIES CONVENED BY THE SUPERIOR COURT

600-B:1 Multicounty Grand Jury Convened by the Superior Court. The chief justice of the superior court shall have authority to issue an order convening a multicounty grand jury.

600-B 2 Contents of Superior Court Order.

I. An order convening a multicounty grand jury pursuant to RSA 600-B:1 shall:

(a) Designate a superior court judge to be the presiding judge over such multicounty grand jury and provide that such judge shall, with respect to all proper activities of the multicounty grand jury, have jurisdiction over all counties or judicial districts thereof in the jurisdiction of the multicounty grand jury;

(b) Designate a location or locations for the multicounty grand jury proceeding, which may be conducted remotely with appropriate technologies; and

(c) Provide for such other incidental arrangements as may be necessary.

II. All matters to be included in such order shall be determined in any manner which the chief justice of the superior court deems appropriate, except that the supreme court may adopt general rules, consistent with the provisions of this chapter, establishing standard procedures for the convening of a multicounty grand jury.

600-B:3 Composition. The counties and judicial districts thereof shall supply jurors for selection upon a multicounty grand jury ordered pursuant to this chapter in proportion to the population of the counties or the judicial districts thereof.

600-B:4 Jurisdiction.

I. The jurisdiction of a multicounty grand jury impaneled under this chapter shall extend throughout the state, including but not limited to, a single county or judicial district.

II. The subject matter jurisdiction of such multicounty grand jury shall be co-extensive with the subject matter jurisdiction of any grand jury authorized by RSA 600 or multicounty grand jury authorized by RSA 600-A.

600-B:5 Presentation of Evidence. Any prosecutorial authority authorized to present evidence to a county grand jury convened pursuant to RSA 600 or to a multicounty grand jury convened pursuant to RSA 600-A may present evidence to a multicounty grand jury impaneled pursuant to this chapter.

600-B:6 Term. The regular term of a multicounty grand jury impaneled under this chapter shall be no greater than 6 months. The chief justice of the superior court may extend the term for a specified time period upon a written petition by a prosecuting authority stating that an extension is needed.

600-B:7 Applicable Law. All laws and rules applicable to county grand juries, including their powers, duties and functions, shall apply to multicounty grand juries impaneled pursuant to this chapter, except insofar as they are in conflict with this chapter.

600-B:8 Indictment; Designation of Venue; Prosecution of Indictments. Any indictment by a multicounty grand jury impaneled pursuant to this chapter shall be returned to the presiding judge and shall include a finding as to the county, judicial district thereof, or counties in which the alleged offense was committed. Thereupon, the supervising judge shall, by order, designate the county of venue for the purpose of trial.

600-B:9 Costs and Expenses. The New Hampshire judicial branch shall pay the costs and expenses incurred in association with impaneling a multicounty grand jury pursuant to this chapter.

17:10 Repeal. RSA 600-B, relative to multicounty grand juries convened by the superior court, is repealed.

17:11 New Paragraph; Uniform Law on Notorial Acts; Remote Video Notarization of Estate Planning Documents During State of Emergency. Amend RSA 456-B:2 by inserting after paragraph VI the following new paragraph:

VII.(a) For the purposes of this section, but only in the context of executing an estate planning instrument such as a will, trust, or power of attorney, the requirement that a person appear before a notarial officer at the time of the notarial act is satisfied if the notarial officer is:

(1) The attorney, licensed to practice law in New Hampshire and in good standing, who drafted the estate planning instrument;

(2) Another attorney licensed to practice law in New Hampshire and in good standing, under the drafting attorney's supervision; or

(3) A paralegal under the supervision of either such attorney; and

(b) The person and the notarial officer can communicate simultaneously by sight and sound through an electronic device or process at the time of the notarial act.

(c) This paragraph shall apply only to notarial acts performed on or after March 23, 2020 and ending on the last day of the state of emergency declared by executive order 2020-04. In addition, a notarial act performed in compliance with emergency order #11 pursuant to executive order 2020-04 from its effective date through the date of its expiration is valid.

17:12 Wills; Requirements; Execution of Estate Planning Documents During State of Emergency. RSA 551:2 is amended to read as follows:

551:2 Requirements.

I. To be valid, a will or codicil to a will shall:

~~I.~~ (a) Be made by a testator qualifying under RSA 551:1; and

~~II.~~ (b) Be in writing; and

~~III.~~ (c) Be signed by the testator, or by some person at his or her express direction in his or her presence; and

~~IV.~~ (d) Be signed by 2 or more credible witnesses, who shall, at the request of the testator and in the testator's presence, attest to the testator's signature.

II. No seal shall be required. These requirements shall apply to all wills executed on or after January 1, 1993.

III.(a) For the purposes of this chapter, a person attesting a will or codicil as a witness shall be deemed in the presence of the testator if the witness, the testator, the other witness or witnesses, as the case may be, and a notarial officer who is (1) the attorney, licensed to practice law in New Hampshire and in good standing, who drafted the will or codicil; (2) another attorney, licensed to practice law in New Hampshire and in good standing, under the drafting attorney's supervision; or (3) a paralegal under the supervision of either such attorney, can communicate simultaneously by sight and sound through an electronic device or process at the time all of them sign the will or codicil, which may be signed in multiple counterparts. A witness need not be physically present within the state of New Hampshire at the time the witness attests to the testator's signature.

(b) Nothing in this paragraph shall be deemed to allow an electronic will or codicil. This paragraph shall apply only to wills executed on or after March 23, 2020 and ending on the last day of the state of emergency declared by executive order 2020-04.

17:13 Effective Date.

I. Section 10 of this act shall take effect June 30, 2022.

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

Approved: July 17, 2020

Effective Date:

I. Section 10 shall take effect June 30, 2022.

II. Remainder shall take effect July 17, 2020.

Copyright © 2021 State Net