

Committee of Conference Report on HB 517, relative to the function and organization of the department of administrative services risk management unit and division of personnel.

Recommendation:

1 That the House recede from its position of nonconcurrency with the Senate amendment, and  
2 concur with the Senate amendment, and

3 That the Senate and House adopt the following new amendment to the bill as amended by the  
4 Senate, and pass the bill as so amended:

5

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

7

8 1 Department of Administrative Services; Consolidation of Human Resources and Payroll  
9 Functions.

10 I. Notwithstanding any law or administrative rule to the contrary, the commissioner of  
11 administrative services, with the prior approval of the fiscal committee of the general court and the  
12 governor and council, may make such transfers of appropriation items and changes in allocations of  
13 funds available for operational purposes to the department of administrative services from any  
14 other agency necessary to effectuate the efficient consolidation or deconsolidation of human  
15 resources, payroll and business processing functions within state government. Such business  
16 processing functions shall include:

17 (a) Accounts receivable;

18 (b) Accounts payable;

19 (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to  
20 the state; and

21 (d) Such additional finance, accounting and other functions and transactions that the  
22 commissioner of administrative services determines may potentially achieve substantial efficiencies  
23 from consolidation.

24 II. The commissioner of administrative services may establish the number of total  
25 personnel required for human resources, payroll and business processing functions in the executive  
26 branch of state government and, with the prior approval of the governor and council, may eliminate  
27 unnecessary positions and may transfer positions to or from the department of administrative  
28 services to or from any other agency if the commissioner of administrative services concludes that  
29 such transfers or eliminations are necessary to effectuate the efficient consolidation or  
30 deconsolidation of human resources, payroll or business processing functions within state  
31 government. Such transfers may, if deemed appropriate by the commissioner of administrative

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1 services, include the transfer of all associated books, papers, records, personnel files, and  
2 equipment, including, but not limited to, work station and information technology equipment, and  
3 may, if deemed appropriate by the commissioner of administrative services, include the transfer of  
4 any unexpended appropriations for any of the foregoing, and any unexpended appropriations for  
5 salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.  
6 The department of administrative services may also establish new full-time temporary positions  
7 within the department, if the commissioner of administrative services deems it necessary to  
8 effectuate the efficient consolidation or deconsolidation of human resources, payroll or business  
9 processing functions.

10 III. The commissioner of administrative services may locate personnel whose positions have  
11 been transferred in such work spaces as the commissioner determines will efficiently effectuate the  
12 consolidation or deconsolidation of functions. Such work spaces may include either space currently  
13 owned or rented by the state, or space which may be rented by the commissioner utilizing amounts  
14 which may be saved by the state as the result of the consolidation or deconsolidation of functions.

15 IV. If the commissioner of administrative services consolidates, deconsolidates or, pursuant  
16 to 2015, 276:2 or other law, has consolidated or deconsolidated, any human resources, payroll or  
17 business processing function and subsequently determines that such consolidation or  
18 deconsolidation is not cost effective or beneficial to the interests of the state, the commissioner may,  
19 with the prior approval of the fiscal committee of the general court, deconsolidate or reconsolidate,  
20 fully or partially, any human resources, payroll or business processing function within the executive  
21 branch of state government. As part of a deconsolidation the commissioner, after consultation with  
22 the heads of such executive branch agencies as may be affected, will determine positions to be  
23 transferred to another agency, will determine positions to be transferred elsewhere within the  
24 department of administrative services or will determine positions to be eliminated.

25 V. Any unspent balance remaining on the \$250,000 appropriation made by 2011, 224:86 to  
26 the department of administrative services for the biennium ending June 30, 2013, for the purpose of  
27 selecting and retaining an independent business processing consultant to evaluate and make  
28 recommendations relative to the consolidation of business processing functions within state  
29 government, shall not lapse until June 30, 2019. The department of administrative services may  
30 use this balance to fund such projects, functions, or activities as the commissioner of administrative  
31 services may direct relating to the efficiency of state government, including, but not limited to, the  
32 selection and retention of an independent business processing consultant and/or other projects,  
33 functions, or activities relating to the consolidation or deconsolidation of human resource, payroll  
34 and business processing functions.

35 2 New Section; Health Risk Appraisal; Protected Health Information. Amend RSA 21-I by  
36 inserting after section 30-e the following new section:

37 21-I:30-f Health Risk Appraisal. All information contained in a state employee's health risk

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1 appraisal as referenced in any collective bargaining agreement shall be considered protected health  
2 information and entitled to all of the nondisclosure and other restrictions set forth in the Health  
3 Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and the Standards for  
4 Privacy of Individually Identifiable Health Information at 45 C.F.R. part 160 and subparts A and E  
5 of part 164 (“Privacy Rule”).

6 3 State Employee Health Plan; Application. The cost sharing and plan design for  
7 unrepresented active state employees who participate in the health plans offered by the state shall  
8 be the same as those for individuals covered by the collective bargaining agreement between the  
9 state of New Hampshire and the State Employees’ Association of New Hampshire, Inc. The fiscal  
10 committee of the general court may approve changes to the above plan design cost sharing  
11 provisions consistent with RSA 21-I:30, I. The cost sharing and plan designs for represented active  
12 state employees who participate in the health plans offered by the state shall be in accordance with  
13 the provisions of the collective bargaining agreements between the state and the employee  
14 organizations representing those employees.

15 4 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds in  
16 existing class 60 budgets to pay any penalties imposed under the employer shared responsibility for  
17 health coverage under section 4980H of the Internal Revenue Code.

18 5 Appropriation; Department of Administrative Services; State Retiree Health Benefits. The  
19 following sums are hereby appropriated from the following sources to the commissioner of the  
20 department of administrative services for the purpose of funding state retiree health care expenses  
21 for eligible state retirees and spouses who have a date of birth on or before December 31, 1948, for  
22 the fiscal years ending June 30, 2018 and June 30, 2019:

	FY 2018						
All:	Liquor	Highway	Turnpike	Fish & Game	Sweepstakes	Other	
\$264,400	\$30,200	\$147,833	\$33,813	\$7,400	\$6,500	\$38,654	
	FY 2019						
All:	Liquor	Highway	Turnpike	Fish & Game	Sweepstakes	Other	
\$816,000	\$88,400	\$459,754	\$83,835	\$30,100	\$18,800	\$135,111	

29 6 Department of Administrative Services; State Employees Group Insurance; Retiree Medical  
30 Benefits. Amend RSA 21-I:30, II to read as follows:

31 II. The state shall pay a premium *or partial premium* for each Medicare-eligible retired  
32 employee, as defined in paragraphs VI and VII of this section, and his or her spouse for their  
33 lifetimes, toward group hospitalization, hospital medical care, surgical care and other medical  
34 benefits plan or a self-funded alternative within the limits of the funds appropriated at each  
35 legislative session and providing any change in plan is approved by the fiscal committee of the  
36 general court, after a duly noticed public hearing on any proposed changes to the plan is held before  
37 the fiscal committee, prior to its adoption. Retired employees who are eligible for Medicare may

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1 voluntarily cease participation in plan benefits at any time and may reenroll without restriction.

2 7 Department of Administrative Services; State Employees Group Insurance Retiree Medical  
3 Benefits; Premium Contribution for Medicare Eligible. Amend RSA 21-I:30, XIII to read as follows:

4 XIII.**(a)** The commissioner of administrative services shall invoice and collect from retired  
5 state employees and/or each applicable spouse who are not Medicare eligible and receiving medical  
6 and surgical benefits provided under this section, who do not receive a retirement allowance as  
7 defined in RSA 100-A:1, XXII, a premium contribution amount based on a percentage of the total  
8 monthly premium attributable to the applicable retiree and/or spouse, as determined by the  
9 commissioner of administrative services, with prior approval by the fiscal committee of the general  
10 court, provided the percentage is not lower than [~~12.5~~] **20** percent.

11 ***(b) The commissioner of administrative services shall invoice and collect from***  
12 ***retired state employees and/or spouses who are eligible for Medicare Parts A and B due to***  
13 ***age or disability receiving medical and surgical benefits provided under this section, who***  
14 ***do not receive a retirement allowance as defined in RSA 100-A:1, XXII, a premium***  
15 ***contribution amount based on a percentage of the total monthly premium attributable to***  
16 ***the applicable retiree and/or spouse, as determined by the commissioner of administrative***  
17 ***services, with prior approval by the fiscal committee of the general court, provided the***  
18 ***percentage is not lower than 10 percent. Such premium contribution shall only be***  
19 ***collected from eligible state retirees and spouses with a date of birth on or after January***  
20 ***1, 1949.***

21 **(c)** The commissioner of administrative services is also authorized to invoice and collect  
22 from such other participants contribution amounts as specified by law.

23 **(d)** Collected amounts shall be deposited in the employee and retiree benefit risk  
24 management fund. Failure to remit payment of the contribution amount in full within 30 days of  
25 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.  
26 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts  
27 within 6 months of the termination date. If a participant fails to remit payment in full for  
28 participation within 30 days of billing, on the 30th day the participant shall be notified by certified  
29 mail, return receipt requested, that he or she shall remit payment to the department within 10  
30 business days of receiving the letter or his or her benefits shall be terminated effective upon the  
31 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment  
32 of any outstanding contribution or other amount within 6 months of the termination date.

33 8 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-  
34 A:54, III to read as follows:

35 III.**(a)** The retirement system shall deduct from the monthly retirement allowance of  
36 retired state employees and/or each applicable spouse who are not Medicare eligible and receiving  
37 medical and surgical benefits provided pursuant to RSA 21-I:30, a premium contribution amount

1 based on a percentage of the total monthly premium attributable to the applicable retiree and/or  
2 spouse, as determined by the commissioner of administrative services, with prior approval by the  
3 fiscal committee of the general court provided the percentage is not lower than [~~12.5~~] 20 percent.

4 ***(b) The retirement system shall deduct from the monthly retirement allowance***  
5 ***of a retired state employee and/or spouse who are eligible for Medicare Parts A and B due***  
6 ***to age or disability receiving medical and surgical benefits provided pursuant to RSA 21-***  
7 ***I:30, a premium contribution amount based on a percentage of the total monthly premium***  
8 ***attributable to the applicable retiree and/or spouse, as determined by the commissioner of***  
9 ***administrative services, with prior approval by the fiscal committee of the general court,***  
10 ***provided the percentage is not lower than 10 percent. Such premium contribution shall***  
11 ***only be collected from eligible state retirees and spouses with a date of birth on or after***  
12 ***January 1, 1949.***

13 ***(c)*** The department of administrative services shall provide information as to the total  
14 monthly premium cost for each participant to the retirement system for purposes of calculating this  
15 deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts  
16 payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b,  
17 shall be deposited in the employee and retiree benefit risk management fund. In the event the  
18 retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement  
19 system shall so notify the department of administrative services, which shall invoice and collect  
20 from the retiree and/or each applicable spouse the remaining contribution amount. Failure to remit  
21 payment of the contribution amount in full within 30 days of billing shall be grounds for  
22 terminating benefits, effective from the beginning of the billing period. Reenrollment shall be  
23 dependent upon payment of any outstanding contribution or other amounts within 6 months of the  
24 termination date. The department of administrative services shall provide notice of the termination  
25 of benefits as provided in RSA 21-I:30, XIII.

26 9 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to  
27 read as follows:

28 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

29 ***I.*** Retired judges and their applicable spouses who are not Medicare eligible and receiving  
30 medical and surgical benefits shall be responsible for payment of a premium contribution amount  
31 based on a percentage of the total monthly premium attributable to the applicable retiree and/or  
32 spouse, as determined by the commissioner of administrative services, with prior approval by the  
33 fiscal committee of the general court, provided the percentage is not lower than [~~12.5~~] 20 percent.

34 ***II.*** ***Retired judges and/or spouses who are eligible for Medicare Parts A and B due***  
35 ***to age or disability shall be responsible for payment of the premium contribution amount***  
36 ***based on a percentage of the total monthly premium attributable to the applicable retiree***  
37 ***and/or spouse, as determined by the commissioner of administrative services, with prior***

1 *approval by the fiscal committee of the general court, provided the percentage is not lower*  
2 *than 10 percent. Such premium contribution shall only be collected from eligible retired*  
3 *judges and spouses with a date of birth on or after January 1, 1949.*

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

11 10 Department of Administrative Services; State Employees Group Insurance; Retiree Medical  
12 Benefits.

13 I. Notwithstanding the requirements of RSA 21-I:30, XIII(b), RSA 100-A:54, III(b) and 100-  
14 C:11-a, II, effective January 1, 2018 the percentage of premium attributable to each retiree and/or  
15 spouse shall be 10 percent and shall continue until such time that the commissioner of  
16 administrative services determines it is necessary to seek approval from the fiscal committee to  
17 revise that percentage. Such premium contribution shall only be collected from eligible state  
18 retirees and spouses with a date of birth on or after January 1, 1949.

19 II. Notwithstanding the requirements of RSA 21-I:30, XIII(a), RSA 100-A:54, III(a), and  
20 RSA 100-C:11-a, I, effective October 1, 2017 the percentage of premium attributable to each non-  
21 Medicare eligible retiree and/or spouse shall be 20 percent and shall continue until such time as the  
22 commissioner of administrative services determines it is necessary to seek approval of the fiscal  
23 committee of the general court to revise that percentage.

24 11 New Paragraph; State Retiree Health Care Program; Prescriptions. Amend RSA 21-I:30 by  
25 inserting after paragraph XV the following new paragraph:

26 XVI. The New Hampshire retiree health care program shall not pay for any medications  
27 that are available for purchase without a prescription.

28 12 Judicial Appointments; Number Limited; Conversion Suspended.

29 I. For the biennium ending June 30, 2019, the number of judges serving on the superior  
30 court shall not exceed 21 and the number of full-time judges serving on the circuit court shall not  
31 exceed 33.

32 II. RSA 490-F:7, III, relative to conversion of the position of marital master to a full-time  
33 judicial position, is hereby suspended for the biennium ending June 30, 2019.

34 13 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of  
35 law to the contrary, and subject to approval of the fiscal committee of the general court, for the  
36 biennium ending June 30, 2019, the supreme court is hereby authorized to transfer funds within  
37 and among all accounting units within the judicial branch as the supreme court deems necessary

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1 and appropriate to address budget reductions or to respond to changes in federal laws, regulations,  
2 or programs, and otherwise as necessary for the efficient management of the judicial branch. If the  
3 supreme court intends to transfer funds which would otherwise meet the transfer requirements as  
4 set forth in RSA 9:17-d, prior approval of the fiscal committee shall be required for transfers of  
5 \$75,000 or more.

6 14 References Changed; Resources and Economic Development to Natural and Cultural  
7 Resources or Business and Economic Affairs.

8 I. Amend the following RSA provisions by replacing "resources and economic development"  
9 with "natural and cultural resources": RSA 1:16; 2:1; 2:5; 4:40; 4:43, III; 4-F:1; 6:12, I(b)(9); 6:12,  
10 I(b)(13); 6:12, I(b)(46); 6:12-c, II; the chapter heading of 12-A; 12-A:1-a; 12-A:2; 12-A:2-c, I; 12-A:2-d;  
11 12-A:2-i; 12-A:4; the introductory paragraph of 12-A:5, I; 12-A:6; 12-A:9-b; 12-A:9-c; 12-A:10-d; 12-  
12 A:10-f, I; 12-A:10-f, IV; 12-A:18; the introductory paragraph of 12-A:21; 12-A:25; 12-A:28; the  
13 introductory paragraph of 12-A:29-a; 12-A:29-b, V; 12-A:29-c; 12-B:2; 12-B:4; 12-E:1, III; 12-E:1,  
14 XIII; 12-E:4, VI(d); 12-E:6, I; 17-R:1, II(o); 21-I:18, I(e); 21-I:80, I(b); 21-O:5-a, I(c); 21-O:12, II; 21-  
15 P:48, I(j); 21-P:48, IV(v); 31:112, I; 36-A:2; 36-A:6; 78-A:3, III(b); 79:8; 79:10, I(g); 79:11, I; 79:14, II;  
16 79:28-a; 79-A:3, II(e); 100-A:1, VII-a(b); 121:6-a; 125-N:5, I; 154:30-g; 207:31; 212:10; 212:14, 212:19;  
17 214:14-c; 215-A; 215-C; 216; 216-A; 216-D:2; 216-D:4; 216-F:1, I; 216-F:4; 216-F:6; 216-F:7, I(c); 216-  
18 H:2; 216-J:2, I(e); 217-A:3; 218:6; 219:21; 227:1; 227:3; 227:8; 227:12; 227:14; 227-B:3, I(g); 227-B:6,  
19 V-VI; 227-C:29, I(c); 227-D:2; 227-D:3; 227-D:5; 227-D:6; 227-E:6; 227-G:2; 227-G:3, I(c); 227-J:6, II;  
20 227-K:15; 227-L:5-a; 227-L:28; 227-L:32; 230:76; 231:153; 233:8, I; 233-A:2, I(b); 261:75-c; 265:76;  
21 265:102, I-a; 270:107, III; 276-A:24, I; 380:7; 380:17; 380:18; 430:30, I(c); 430:54, I(c); 430:10; 430:19,  
22 II(b); 436-A:1; 482:3, I; 482:48; 482:51; 482-A:3; 482-A:14-a; 482-A:32, II(d); 483:8, II; 483:10, I; 483-  
23 A:6, III; 483-B:5, I; 483-B:9, V(a)(2)(D)(vi); 483-B:9, V(b)(2)(A); 483-B:15; 485-A:17; 485-A:22-a; 485-  
24 B:1-a; 485-G:2, I(d); and 489:6, I(a).

25 II. Amend the following RSA provisions by replacing "resources and economic development"  
26 with "business and economic affairs": RSA 6:12-j, V(a)(4); 12-G:43-a, I; 12-G:44, I; 12-I:1, IV; the  
27 introductory paragraph of 21-O:19, I(b); 77-E:3-c, I(a); 125-O:5-a, II(e); 126-A:4, V(b)(1); 162-A:13-d,  
28 IV(b); 162-B:4, II; 162-L:2, II; 162-L:15, II(d); 162-N; 162-O:1, I; 162-P:1, I; 162-Q:2; 162-Q:3; 187-  
29 A:31; 187-A:32, I(a); 188-E:10-b, II(d); 188-E:22, I(d); 188-F:4; 236:86, II; 238:20, I(c); 238-A:4; 425:2-  
30 a, II; and 481:3, X-X-a.

31 15 Department of Natural and Cultural Resources; Establishment. Amend RSA 12-A:1 to read  
32 as follows:

33 12-A:1 Establishment. There shall be a department of *natural and cultural* resources [~~and~~  
34 ~~economic development~~] under the executive direction of a commissioner of *natural and cultural*  
35 resources [~~and economic development~~], consisting of a division of forests and lands, [~~a division of~~  
36 ~~economic development which shall include but not be limited to subdivisions of development and~~  
37 ~~promotion, a division of travel and tourism development, and~~] a division of parks and recreation, *a*

1 *division of libraries, a division of arts, a division of film and digital media, and a division*  
2 *of historical resources, which shall also be known as the state historic preservation office.*

3 [Its] *The department's* purpose shall be to ensure the efficient coordinated function of the [4] 6  
4 divisions, whereby the interests of [~~economic development,~~] protection and responsible management  
5 of natural *and cultural* resources, public enjoyment of state parks and forests, [~~and promotion of~~  
6 ~~travel and tourism development~~] *the state library, arts, film and digital media, and historic*  
7 *resources* are each held to be of integral importance in the overall functioning of the department.  
8 *All functions of the former department of cultural resources are hereby transferred, as of*  
9 *July 1, 2017, to the department of natural and cultural resources.*

10 16 Department of Natural and Cultural Resources; General Provisions. Amend RSA 12-A:1-b  
11 to read as follows:

12 12-A:1-b General Provisions.

13 I. Upon the recommendation of the commissioner of *natural and cultural* resources [~~and~~  
14 ~~economic development~~] after consultation with division directors concerned and the advisory  
15 commission established by this chapter, the governor and council are authorized to approve  
16 revisions in internal administrative departmental organization as the governor and council find  
17 from time to time may improve or make more economical the administration of the department;  
18 provided, however, no such change shall eliminate any then existing position within the classified  
19 service unless such position shall then be vacant, or, if filled, its incumbent has been transferred to  
20 an equivalent or higher paid position of like tenure.

21 II. With the approval of the governor and council and of the director of personnel the  
22 commissioner of *natural and cultural* resources [~~and economic development~~] after consultation  
23 with directors of divisions concerned and the advisory commission is authorized to transfer  
24 classified personnel, appropriations or portions thereof relating thereto as well as necessary  
25 equipment, within any division or between divisions of the department [~~;~~ ~~provided, however, that no~~  
26 ~~such transfer shall eliminate classified positions so transferred. Vacancies in classified positions~~  
27 ~~occurring after July 1, 1961, in any department functions to be transferred to the new department~~  
28 ~~of resources and economic development shall not be filled without the approval of the governor and~~  
29 ~~council, provided that after written notification of vacancies to be filled are received by the governor~~  
30 ~~and council from department directors, and if no action is taken on these requests within thirty~~  
31 ~~days, the director of the division concerned may fill such vacancy or vacancies forthwith. No~~  
32 ~~permanent classified employee in the state service upon the effective date of this act shall be~~  
33 ~~required to take an examination to remain in his position. The authority of the governor and~~  
34 ~~council to approve the filling of vacancies in the classified service after July 1, 1961 as hereinabove~~  
35 ~~provided, shall terminate as of June 30, 1963].~~

36 17 Department of Natural and Cultural Resources; Powers and Duties RSA 12-A:1-c is repealed  
37 and reenacted to read as follows:



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1           12-A:1-c Powers and Duties of Department of Natural and Cultural Resources.

2           I. The department of natural and cultural resources shall be responsible for the following  
3 general functions:

4                   (a) Providing information services to state government.

5                   (b) Developing strategies for the conservation, management, and protection of the  
6 state's forests and lands and the promotion of the state's parks and recreation resources.

7                   (c) Developing and coordinating a statewide library service network.

8                   (d) Stimulating and encouraging public interest and participation in the study and  
9 presentation of the performing and fine arts.

10                  (e) Sponsoring state historic preservation activities.

11                  (f) Marketing and promotion of film and digital media for the purpose of strengthening  
12 the cultural, educational, and economic impact of media production in New Hampshire.

13           II. The commissioner shall assign, with the approval of the advisory commission, such  
14 duties and functions to the 6 divisions of the department, as in his or her discretion will best  
15 effectuate the purposes, powers, and duties set forth in this section and as otherwise provided by  
16 statute.

17           18 Department of Natural and Cultural Resources; Police Powers. Amend RSA 12-A:1-d to  
18 read as follows:

19           12-A:1-d Police Powers.

20           I. The commissioner of the department of **natural and cultural** resources [~~and economic~~  
21 ~~development~~], the director of the division of parks and recreation, and the director of the division of  
22 forests and lands shall have authority as peace officers as provided in RSA 594 and may confer said  
23 authority upon certain individuals within the department of **natural and cultural** resources [~~and~~  
24 ~~economic development~~], the division of parks and recreation, and the division of forests and lands.  
25 Said police powers shall be limited to the enforcement of state laws and rules of the department of  
26 **natural and cultural** resources [~~and economic development~~] on lands or property owned by,  
27 leased to, or otherwise under the control of the department of **natural and cultural** resources  
28 [~~and economic development~~]. Nothing herein shall limit the police powers of employees of the  
29 department of **natural and cultural** resources [~~and economic development~~] as provided for in  
30 RSA 227-G:7, RSA 215-C:32, and RSA 215-A:16 and 17.

31           II. By written agreement executed by the commissioner of the department of **natural and**  
32 **cultural** resources [~~and economic development~~], any authorized municipal official may utilize the  
33 summons procedures under RSA 31:39-d to cite individuals for violations of state park  
34 administrative rules or forests and lands administrative rules, or both. Authorized municipalities  
35 acting under this paragraph shall retain 100 percent of any fine collected in accordance with the  
36 schedule of administrative fines of the department of **natural and cultural** resources [~~and~~  
37 ~~economic development~~].

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1       19 New Section; Department of Natural and Cultural Resources; Duties of Commissioner.  
2 Amend RSA 12-A by inserting after section 2-j the following new section:

3       12-A:2-k Duties of Commissioner. In addition to the powers, duties, and functions otherwise  
4 vested by law in the commissioner of the department of natural and cultural resources, the  
5 commissioner shall:

6           I. Represent the public interest in the administration of the department and be responsible  
7 to the governor, the general court, and the public for such administration.

8           II. Except as otherwise provided for in this chapter, have the authority to adopt rules,  
9 pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other  
10 assistance intended to promote library service, the arts, or historic preservation efforts not  
11 otherwise provided for by law.

12           III. Have the authority to establish a unit within the office of the commissioner to provide  
13 for internal department administrative functions, including financial, personnel, and other  
14 management functions.

15           IV. Have authority, with regard to the administration of RSA 19-A, and with the approval  
16 of a majority of the members of the New Hampshire state council on the arts as established by RSA  
17 19-A:2, to:

18               (a) Accept gifts, contributions, and bequests of unrestricted funds from individuals,  
19 foundations, corporations, and other organizations or institutions for the purpose of furthering the  
20 educational objectives of the programs established pursuant to RSA 19-A.

21               (b) Make and sign any agreements and to do and perform any acts that may be  
22 necessary, desirable, or proper to carry out the purposes of RSA 19-A.

23               (c) Request and receive from any department, division, board, bureau, commission, or  
24 other agency of the state such assistance and data as will enable the commissioner to carry out  
25 properly the powers and duties under this chapter.

26               (d) Receive funds provided by the National Endowment for the Arts under the National  
27 Foundation on the Arts and the Humanities Act of 1965, and under such additional federal  
28 legislation and state appropriations as may be enacted.

29               (e) Allocate and disburse said funds by entering into contracts and agreements with any  
30 department, agency, or subdivision of federal, state, county, or municipal government or any  
31 individual, foundation, corporation, association, or public authority in order to carry out the  
32 purposes of RSA 19-A, subject to approval by the governor and council.

33       20 Department of Natural and Cultural Resources; Directors of Divisions. Amend RSA 12-A:3  
34 to read as follows:

35       12-A:3 Directors of Divisions. The commissioner shall nominate for appointment by the  
36 governor and council a director of forests and lands, [~~a director of economic development, a director~~  
37 ~~of travel and tourism development, and~~] a director of parks and recreation, **a director of libraries,**

1 ***a director of arts, a director of film and digital media, and a director of historical***  
2 ***resources***, each of whom shall serve, subject to the provisions of RSA 4:1, for a term of 4 years from  
3 the date of appointment and until a successor is appointed and qualified. Any vacancy in such office  
4 shall be filled for the unexpired term in the same manner as the original appointment. Directors of  
5 divisions shall be responsible for the administration and operation of their respective divisions  
6 subject to the supervisory authority of the commissioner as set forth in RSA 12-A:2.

7 21 Department of Natural and Cultural Resources; Advisory Commission. Amend RSA 12-A:5,  
8 III to read as follows:

9 III. Members of the commission shall be residents of the state of New Hampshire, at least  
10 one of whom shall be qualified, experienced, and representative of each of the following:

- 11 (a) ~~[Manufacturing]~~ ***Fine arts***;  
12 (b) Agriculture;  
13 (c) Recreation;  
14 (d) Forestry;  
15 (e) The general public;  
16 (f) ~~[Commerce]~~ ***History or historical resources***; and  
17 (g) Public relations.

18 22 Director of Division of Forests and Lands. Amend RSA 12-A:9-a, I to read as follows:

19 I. ~~[The]~~ ***There shall be a*** director of ~~[the division of resources development in office on the~~  
20 ~~effective date of this section shall continue in office as director of]~~ the division of forests and lands  
21 subject to the provisions of this chapter. ~~[His]~~ ***The director's*** tenure and salary shall be as ~~[has~~  
22 ~~been established for the director of the division of resources development. All of the powers, duties~~  
23 ~~and functions heretofore performed by the director of the division of resources development~~  
24 ~~pursuant to any provisions of the statutes shall henceforth be performed by the director of the~~  
25 ~~division of forests and lands subject to the provisions of this chapter. Wherever reference is made to~~  
26 ~~the director of the division of resources development, it shall henceforth be construed to mean the~~  
27 ~~director, division of forests and lands, department of resources and economic development]~~  
28 ***established in this chapter.***

29 23 Director of Parks and Recreation. Amend RSA 12-A:10 to read as follows:

30 12-A:10 Director of Parks ***and Recreation*** ~~[- Initial Appointment and Tenure]. [The director of~~  
31 ~~recreation in office on the effective date of this act shall continue in office as]~~ ***There shall be a***  
32 director of the division of parks ***and recreation*** subject to the provisions of this ~~[aet]~~ ***chapter.***  
33 ~~[His]~~ ***The director's*** tenure and salary shall be as herein established for the director of the division  
34 of parks ***and recreation***. All of the powers, duties, and functions ~~[heretofore]~~ ***formerly*** performed  
35 by the director of recreation pursuant to any provision of the statutes shall henceforth be performed  
36 by the director of parks ***and recreation*** subject to the provisions of this ~~[aet]~~ ***chapter.*** Wherever  
37 reference is made to the director of recreation in any provision of the statutes it shall henceforth be

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1 construed to mean the director, division of parks **and recreation**, within the department of  
2 **natural and cultural** resources [~~and economic development~~].

3 24 Division of Parks and Recreation. Amend RSA 12-A:10-a to read as follows:

4 12-A:10-a Division of Parks **and Recreation**; Transfer of Functions, Powers, Duties. All of the  
5 functions, powers, duties, personnel, records, and property of the **former** division of parks are  
6 hereby transferred to the division of parks and recreation of the department of **natural and**  
7 **cultural** resources [~~and economic development~~]. Whenever reference is made to the division of  
8 parks in the statutes, it shall henceforth be construed to mean the division of parks and recreation.

9 25 Director of Parks and Recreation. Amend RSA 12-A:10-b to read as follows:

10 12-A:10-b Director of Parks and Recreation; Initial Appointment and Tenure. [~~The director of~~  
11 ~~the division of parks in office on the effective date of this section shall continue in office as~~] **There**  
12 **shall be a** director of the division of parks and recreation subject to the provisions of this chapter.  
13 [~~His~~] **The director's** tenure and salary shall be as has been established [~~for the director of the~~  
14 ~~division of parks~~] **in this chapter**. All of the powers, duties, and functions [~~heretofore~~] **formerly**  
15 performed by the director of the division of parks pursuant to any provisions of the statutes shall  
16 henceforth be performed by the director of the division of parks and recreation subject to the  
17 provisions of this chapter. Wherever reference is made to the director of the division of parks, it  
18 shall henceforth be construed to mean the director, division of parks and recreation, department of  
19 **natural and cultural** resources [~~and economic development~~].

20 26 Reference Deleted. Amend RSA 12-A:10-e, VIII to read as follows:

21 VIII. Work collaboratively with the division of historical resources [~~in the department of~~  
22 ~~cultural resources~~], in the management of the state historic sites and the development of  
23 interpretive and visitor programs for students and the general public that will build ongoing  
24 recognition and appreciation for the state's historic sites.

25 27 New Sections; Department of Natural and Cultural Resources; Divisions. Amend RSA 12-A  
26 by inserting after section 10-f the following new sections:

27 12-A:10-g Division of Libraries; Transfer of Functions, Powers, Duties. The division of  
28 libraries, with all of its functions, powers, duties, personnel, records, and property, is hereby  
29 transferred from the department of cultural resources to the department of natural and cultural  
30 resources. Whenever reference is made to the division of libraries in the statutes, it shall  
31 henceforth be construed to mean the division of libraries in the department of natural and cultural  
32 resources.

33 12-A:10-h Division of Libraries; State Librarian. The division of libraries, which shall also be  
34 known as the state library, shall be under the supervision of an unclassified director of libraries,  
35 who shall also be known as the state librarian, and who shall be responsible for the following  
36 functions in accordance with applicable law:

37 I. Operating a state library in order to provide general and specific reference services,

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1 including, but not limited to, services designed to assist the general court and the judicial branch.

2 II. Operating the New Hampshire automated information system as provided for by RSA  
3 201-A:22, I.

4 III. Promoting and coordinating a statewide library system.

5 IV. Providing for library services for persons with disabilities.

6 V. Otherwise administering the provisions of RSA title XVI.

7 VI. Administering, with advice of the state library council, all federal funds collected under  
8 RSA 201-A:13.

9 12-A:10-i Division of Arts; Transfer of Functions, Powers, Duties. The division of arts, with all  
10 of its functions, powers, duties, personnel, records, and property, is hereby transferred from the  
11 department of cultural resources to the department of natural and cultural resources. Whenever  
12 reference is made to the division of arts in the statutes, it shall henceforth be construed to mean the  
13 division of arts in the department of natural and cultural resources.

14 12-A:10-j Division of Arts; Duties of Director. There is hereby established within the  
15 department the division of the arts, under the supervision of an unclassified director of arts. The  
16 director of arts shall have either a masters degree in art administration and 3 years of experience in  
17 nonprofit arts administration or at least 5 years' experience administering a major arts organization  
18 or at least 5 years' experience in public administration of a major program within a local, state, or  
19 federal arts agency. The director of arts shall be responsible for administering the provisions of  
20 RSA 19-A, with the primary goal of supporting and promoting the arts in all of their manifestations.

21 12-A:10-k Division of Historical Resources; Transfer of Functions, Powers, Duties. The division  
22 of historical resources, with all of its functions, powers, duties, personnel, records, and property, is  
23 hereby transferred from the department of cultural resources to the department of natural and  
24 cultural resources. Whenever reference is made to the division of historical resources in the  
25 statutes, it shall henceforth be construed to mean the division of historical resources in the  
26 department of natural and cultural resources.

27 12-A:10-l Division of Historical Resources; Director. There is hereby established within the  
28 department the division of historical resources, which shall also be known as the state historic  
29 preservation office, under the supervision of an unclassified director of historical resources. The  
30 director of historical resources shall be responsible for administering the state historic preservation  
31 program in accordance with RSA 227-C.

32 12-A:10-m Division of Film and Digital Media Established. There is hereby established within  
33 the department the division of film and digital media, which shall also be known as the state film  
34 office, under the supervision of an unclassified director of film and digital media, with the primary  
35 goal of marketing and promotion of film, video, and digital media production for the purpose of  
36 strengthening the cultural, educational, and economic impact of media production in New  
37 Hampshire.

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1           28 New Section; Commission on Native American Affairs. Amend RSA 12-A by inserting after  
2 section 14 the following new section:

3           12-A:14-a New Hampshire Commission on Native American Affairs Established.

4           I. In order to recognize the historic and cultural contributions of Native Americans to New  
5 Hampshire, to promote and strengthen their own heritage, and to further their needs through state  
6 policy and programs, there is hereby established the New Hampshire commission on Native  
7 American affairs.

8           II. The commission shall consist of 15 members who derive from geographically diverse  
9 areas of the state and are representative of the diverse groups, organizations, and individuals  
10 knowledgeable about Native American history, culture, and affairs as follows:

11           (a) The director or designee of the division of travel and tourism development,  
12 department of business and economic affairs.

13           (b) The director or designee of the Native American Program at Dartmouth College.

14           (c) An archaeologist appointed by the director of the division of historical resources.

15           (d) The director or designee of the state council on the arts.

16           (e) Eleven members from the public at large, who shall be representatives from the  
17 Native American community, appointed by the governor from recommendations prepared by the  
18 director of the division of historical resources. All interested individuals shall submit a letter to the  
19 director of the division of historical resources stating why they wish to be considered and their  
20 qualifications accompanied by 3 letters of recommendation.

21           III. Each member of the commission shall serve a 3-year term, and no member shall serve  
22 more than 2 consecutive terms. A vacancy occurring other than by expiration of term shall be filled  
23 in the same manner as the original appointment was made but for the unexpired term only. Initial  
24 appointments by the governor shall be for staggered terms of one, 2, or 3 years. Members of the  
25 commission shall serve without compensation.

26           IV. For voting purposes a quorum shall be 9 members.

27           V. At the first meeting, which shall be called by the first named member of the commission  
28 within 45 days after the completion of the naming of the commission members, members of the  
29 commission shall elect a chairman, secretary, and treasurer. Officers shall be elected for a one-year  
30 term but may be elected to serve an additional term. All officers of the commission shall be elected  
31 by a majority vote of the members.

32           VI. The commission shall:

33           (a) Review and study local, state, and federal issues common to Native Americans and  
34 persons of Native American descent who are residing in this state.

35           (b) Develop recommendations to assist state agencies with the preservation and  
36 protection of Native American artifacts and burial grounds under the Native American Graves  
37 Protection and Repatriation Act of 1990, P.L. 101-601.

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1           (c) Assist Native American groups, organizations, and individuals in New Hampshire  
2 with:

3           (1) Securing social services, education, employment opportunities, health care,  
4 housing, cultural opportunities, and census information as available at both the state and federal  
5 levels, including assistance in determining eligibility for the Indian Child Welfare Act of 1978, 25  
6 U.S.C. section 1902 et seq.

7           (2) Establishing and/or continuing programs concerning Native American history,  
8 culture, and affairs, including those offered through the United States Department of Education  
9 Office on Indian Education pursuant to Title VII of the Elementary and Secondary Education Act  
10 established in 1972.

11           (3) Promoting and strengthening the creation, display, and sale of Native American  
12 arts and crafts, and providing educational information to artisans and marketing outlets promoting  
13 the legal labeling of such products as Indian or Native American produced, as provided in 18 U.S.C.  
14 section 1159(c)(3)(B) and 25 U.S.C. section 305e(d), as well as determining eligibility for the Indian  
15 Arts and Crafts Act of 1990, P.L. 101-644, and receiving assistance and support from the Indian  
16 Arts and Crafts Board, as provided in 25 U.S.C. section 305 et seq.

17           VII. The commission shall meet at least 4 times a year and at any other times at the  
18 request of the chairperson or by 7 members of the commission. Notice of all meetings and minutes  
19 of such meetings shall be posted on the New Hampshire department of natural and cultural  
20 resources website.

21           VIII. The commission may accept any gifts, grants, or donations from any public or private  
22 source, provided that such gifts, grants, or donations shall be used exclusively to advance the  
23 commission's purpose and duties. Information concerning the receipt of any gifts, grants, or  
24 donations shall be posted on the department of cultural resources website.

25           IX. Beginning November 1, 2011, and each year thereafter, the commission shall submit an  
26 annual report of its activities, findings, and recommendations to the governor, the speaker of the  
27 house of representatives, the senate president, the commissioner of the department of natural and  
28 cultural resources, and the state library. The annual report shall be approved by a majority vote of  
29 the commission and shall be posted on the department of natural and cultural resources website.

30           X. The commission shall be administratively attached to the department of natural and  
31 cultural resources.

32           XI. Nothing in the purposes and duties of the commission shall be interpreted to provide  
33 any Native American with any other special rights or privileges that the state does not confer on or  
34 grant to other state residents. The authority to grant state tribal status or recognition under  
35 section 104 of the Indian Arts and Crafts Act of 1990, 18 U.S.C. section 1159(c)(3)(B), is reserved  
36 solely to the New Hampshire general court.

37           29 New Section; Film and Television Commission. Amend RSA 12-A by inserting after section

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1 41-a the following new section:

2 12-A:41-b New Hampshire Film and Television Commission Established; Members; Duties.

3 I. There is established a New Hampshire film and television commission within the  
4 department of natural and cultural resources. The purposes of the commission shall be:

5 (a) To promote the economic development of the film and television industry in New  
6 Hampshire.

7 (b) To promote the utilization of location sites by the film and television industry in the  
8 state of New Hampshire.

9 (c) To increase the use of New Hampshire hotels, restaurants, and local businesses by  
10 visiting film and television production companies.

11 II. The commission shall:

12 (a) Identify opportunities for activities related to the film and television industries.

13 (b) Recommend both long-range and short-term programs that will result in economic  
14 gain for the state.

15 (c) Educate state, local, and private officials and organizations regarding the benefits  
16 and rewards that can result from increased development of this industry.

17 (d) Secure sites, as appropriate, within the state suitable for filming by the motion  
18 picture industry, the television industry, independent film producers, and other filmmakers.

19 III. Members of the commission shall be as follows:

20 (a) Five members appointed by the commissioner of the department of natural and  
21 cultural resources:

22 (1) Three members representing the film and television industry.

23 (2) Two members of the general public with an interest in the film industry.

24 (b) The commissioner of the department of natural and cultural resources, or designee.

25 (c) The commissioner of safety, or designee.

26 (d) The executive director of the fish and game department, or designee.

27 (e) A representative of the New Hampshire Association of Chamber of Commerce  
28 Executives, appointed by that organization.

29 (f) A representative the New Hampshire Municipal Association, appointed by that  
30 organization.

31 (g) A representative of the New Hampshire Police Chiefs' Association, appointed by that  
32 organization.

33 (h) A member of the senate, appointed by the senate president.

34 (i) A member of the house of representatives, appointed by the speaker of the house of  
35 representatives.

36 IV. Members appointed under subparagraph III(a) shall serve as voting members of the  
37 commission; all other members shall serve as nonvoting members of the commission. The term of



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1 office for members shall be 3 years and until a successor is appointed, except that members of the  
2 executive branch and legislature shall serve a term coterminous with their appointment or term in  
3 office. The initial members of the commission shall serve staggered terms. Vacancies shall be filled  
4 in the same manner and for the unexpired terms. The members of the commission shall serve  
5 without compensation, but shall be reimbursed for necessary travel and other necessary expenses.  
6 Legislative members shall receive mileage at the legislative rate when attending to the duties of the  
7 commission.

8 V. The members shall annually elect a person from among its membership to act as  
9 chairperson.

10 VI. The department of natural and cultural resources shall cooperate with the commission  
11 and shall provide necessary information and staff support.

12 30 Reference Changed. Amend RSA 21-Q:1 to read as follows:

13 21-Q:1 State Promotional Initiatives. In consultation with the New Hampshire film and  
14 television commission, established in RSA ~~[21-K:23]~~ **12-A:41-b**, a state agency that contracts with  
15 the private sector for the use of film or video in an advertising, promotional, or educational program  
16 shall use New Hampshire talent whenever possible. In this section, "New Hampshire talent" means  
17 the people used both in front of and behind the camera associated with the film and television  
18 industry.

19 31 Reference Changed. Amend RSA 201-A:1 to read as follows:

20 201-A:1 State Library. There shall be a state library as provided for in RSA ~~[21-K:5]~~ **12-A:10-h**.  
21 The state library shall be the official clearinghouse of state government information.

22 32 Reference Changed. Amend RSA 227-C:2 to read as follows:

23 227-C:2 State Historic Preservation Office. The division of historical resources, department of  
24 **natural and** cultural resources established by RSA ~~[21-K:7]~~ **12-A:10-l** shall also be known as the  
25 state historic preservation office. The director, division of historical resources shall also be known  
26 as the state historic preservation officer.

27 33 Reference Changed. Amend RSA 238:23, I to read as follows:

28 I. The commissioner of the department of transportation, with the advice of the  
29 commissioner of ~~[the department of resources and economic development and the commissioner of]~~  
30 the department of **natural and** cultural resources, is authorized to apply for and accept gifts,  
31 grants, donations, and contributions from any source, public or private, in the name of the state and  
32 to provide for technical and administrative support consistent with the resources provided to the  
33 program under this section. Any moneys accepted shall be continually and solely appropriated for  
34 the purpose of this subdivision.

35 34 Conservation Number Plate Fund. Amend RSA 261:97-b, I to read as follows:

36 I. There is hereby established a conservation number plate fund under the administration  
37 of the commissioner of safety. The fund shall be used for the promotion, protection, and investment

1 in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The  
2 commissioner of safety shall distribute the funds annually on August 1, except as provided in  
3 paragraph I-a, as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be  
4 distributed to the department of transportation for the expanded wild flower establishment program  
5 for use in planting lilacs and native wild flowers; \$1 for every new, renewal, and transfer of  
6 registration, up to a total of \$50,000, shall be placed in a nonlapsing account for use by the  
7 department of *natural and cultural* resources [~~and economic development~~] to promote the  
8 conservation number plate program; the remainder shall be distributed [~~equally among~~] **as follows:**

9 **(a) Forty percent to** the department of *natural and* cultural resources[.];

10 **(b) Twenty percent to** the department of fish and game[~~,the department of resources~~  
11 ~~and economic development,~~];

12 **(c) Twenty percent to** the state conservation committee[.]; and

13 **(d) Twenty percent to** the New Hampshire land and community heritage investment  
14 authority.

15 35 Conservation Number Plates; Use of Funds. Amend RSA 261:97-c, I to read as follows:

16 I. The funds transferred to the department of *natural and* cultural resources shall be used  
17 to promote the use and conservation of cultural resources in New Hampshire and to preserve the  
18 cultural heritage that belongs to all New Hampshire citizens by providing for:

19 (a) The preservation of significant publicly-owned historic properties. Such properties  
20 shall be at least 50 years old and listed or eligible for listing in the National Register of Historic  
21 Places.

22 (b) The conservation and preservation of significant publicly-owned works of art,  
23 artifacts, and documents that contribute to New Hampshire's cultural heritage. This shall include  
24 but not be limited to:

25 (1) Commemorative and historic sculptures and murals.

26 (2) Archaeological or historic artifacts.

27 (3) Original or one-of-a-kind documents.

28 (c) The purchase by the state of historic properties or works of art, artifacts, and  
29 documents that contribute to New Hampshire's cultural heritage.

30 **(d) Support of the New Hampshire natural heritage bureau established in RSA**  
31 **217-A, within the division of forests and lands. Funds may be used for:**

32 **(1) Management measures, including applied field research, necessary to**  
33 **maintain and promote native plant species, natural plant communities, and species and**  
34 **habitat protection and management.**

35 **(2) Providing information to resource professionals, landowners, and school**  
36 **children to enhance awareness and promote protection of New Hampshire's native plant**  
37 **species and natural plant communities.**

1           (e) *Within the division of parks and recreation, the restoration of historic sites*  
2 *and buildings on New Hampshire state parks land.*

3           (f) *Promotion of the conservation number plate program.*

4           36 Conservation Number Plates; Report. Amend RSA 261:97-f, I to read as follows:

5           I. The members representing the department of transportation, the department of *natural*  
6 *and* cultural resources, the department of fish and game, the state conservation committee, [the  
7 ~~department of resources and economic development,~~] and the department of safety shall each  
8 submit a report to the New Hampshire conservation number plate advisory committee chairperson  
9 no later than October 1 of each year. The committee chairperson shall compile the 6 reports as a  
10 unified report and submit the unified report to the governor, senate president, and the speaker of  
11 the house no later than December 31 of each year.

12           37 Repeal. The following are repealed:

13           I. RSA 6:12, I(b)(222), relative to the department of cultural resources donations fund.

14           II. RSA 12-A:1-e, relative to joint promotional program.

15           III. RSA 12-A:2-e, relative to the New Hampshire economic development fund.

16           IV. RSA 12-A:2-f, relative to the review committee for the New Hampshire economic  
17 development fund.

18           V. RSA 12-A:2-g, relative to the New Hampshire-Canadian trade council.

19           VI. RSA 12-A:2-h, relative to international trade promotion.

20           VII. RSA 12-A:2-j, relative to workforce development.

21           VIII. RSA 12-A:7, relative to the planning and development commission.

22           IX. RSA 12-A:8, relative to the forestry and recreation commission.

23           X. RSA 12-A:8-a, relative to the division of resources development.

24           XI. RSA 12-A:13, relative to northern county area industrial agent.

25           XII. RSA 12-A:15-a, relative to the travel and tourism revolving fund.

26           XIII. RSA 12-A:22, relative to director of economic development.

27           XIV. RSA 12-A:22-a, relative to economic development advisory council.

28           XV. RSA 12-A:23, relative to New Hampshire tourism policy.

29           XVI. RSA 12-A:30, relative to the advisory committee on international trade.

30           XVII. RSA 12-A:31, relative to the international trade promotion fund.

31           XVIII. RSA 12-A:32, relative to the economic development matching grants program.

32           XIX. RSA 12-A:33, relative to reports on economic development program loans and grants.

33           XX. RSA 12-A:34, relative to requirement for review of reports.

34           XXI. RSA 12-A:35, relative to limitation on application.

35           XXII. RSA 12-A:36, relative to small business innovation research support.

36           XXIII. RSA 12-A:37, relative to recognition of federal grant recipients.

37           XXIV. RSA 12-A:38, relative to matching grants.

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- 1           XXV. RSA 12-A:39, relative to seminars.
- 2           XXVI. RSA 12-A:40, relative to grant information.
- 3           XXVII. RSA 12-A:43, relative to duties of director of travel and tourism development.
- 4           XXVIII. RSA 12-A:43-a, relative to the travel and tourism development fund.
- 5           XXIX. RSA 12-A:43-b, relative to rest areas and welcome centers.
- 6           XXX. RSA 12-A:45, relative to telecommunications planning and development initiative.
- 7           XXXI. RSA 12-A:45-a, relative to telecommunications planning and development fund.
- 8           XXXII. RSA 12-A:46, relative to telecommunications planning and development advisory
- 9 committee.
- 10          XXXIII. RSA 12-A:47, relative to statutory construction related to telecommunications.
- 11          XXXIV. RSA 12-A:48, relative to authority of director of travel and tourism development to
- 12 acquire information.
- 13          XXXV. RSA 12-A: 49, relative to confidentiality.
- 14          XXXVI. RSA 12-A:51, relative to establishment of job training program for economic
- 15 growth.
- 16          XXXVII. RSA 12-A:52, relative to the purpose of job training program for economic growth.
- 17          XXXVIII. RSA 12-A:53, relative to job training programs.
- 18          XXXIX. RSA 12-A:54, relative administration and review committee.
- 19          XL. RSA 12-A:55, relative to eligibility for training grants.
- 20          XLI. RSA 12-A:56, relative to eligible costs.
- 21          XLII. RSA 12-A:57, relative to training facilities.
- 22          XLIII. RSA 12-A:58, relative to performance reports.
- 23          XLIV. RSA 12-A:59, relative to technology development and communications planning.
- 24          XLV. RSA 12-A:59-a, relative to director of broadband technology planning and
- 25 development.
- 26          XLVI. RSA 12-A:60, relative to New Hampshire workforce opportunity council.
- 27          XLVII. RSA 12-A:61, relative to New Hampshire workforce opportunity fund.
- 28          XLVIII. RSA 12-A:62, relative to economic development strategy and plan.
- 29          XLIX. RSA 12-A:63, relative to definitions.
- 30          L. RSA 12-A:64, relative to goals and objectives.
- 31          LI. RSA 12-A:65, relative to content of the economic development strategy and plan.
- 32          LII. RSA 12-A:66, relative to annual report.
- 33          LIII. RSA12-A:67, relative to division of economic development fund.
- 34          LIV. RSA 21-K, relative to the department of cultural resources.
- 35          LV. RSA 261:97-c, IV, relative to conservation number plate funds.
- 36          LVI. RSA 261:97-d, I(d), relative to the conservation number plate advisory committee.
- 37          LVII. RSA 4-F:1, II(a)(11), relative to GIS committee members.

1 38 References Changed; Cultural Resources to Natural and Cultural Resources. Amend the  
2 following RSA provisions by replacing "cultural resources" with "natural and cultural resources":  
3 4:8-a, I; 4:9-c, I(i); 4-F:1, II(a)(4); 6:12-j, V(d)(1); 12-A:10-e, VIII; 17-R:1, II(n); 19-A:5, IV; 19-A:8, II;  
4 19-A:10, IV; 79-D:14, II; 79-G:3, IV(b); 94:1-a, I(b) grades DD and GG; 201-A:22, I; 201-A:23, II; 201-  
5 B:3; 201-D:1, IV; the introductory paragraph of 201-E:7; 202-A:12; 202-A:18; 202-A:19; 216-A:3-c, V;  
6 227-C:1; the introductory paragraph of 227-C:5; 227-C:12-a, II(g); 227-C:28, II; 227-C:29, I(a); 227-  
7 C:31; 227-C:33, I; 261:97-d, I(a); and 634:1, V(d).

8 39 Transition; Commission on Native American Affairs; Film and Television Commission. The  
9 New Hampshire commission on Native American affairs and the New Hampshire film and  
10 television commission established in RSA 12-A:14-a and RSA 12-A:41-a shall operate as  
11 continuations of the commissions established under former RSA 21-K. Appointments and terms of  
12 office of members under RSA 21-K shall continue for the remainder of the terms upon constitution  
13 of the commissions under RSA 12-A.

14 40 New Chapter; Department of Business and Economic Affairs. Amend RSA by inserting after  
15 chapter 12-N the following new chapter:

16 CHAPTER 12-O

17 DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS

18 12-O:1 Definitions. In this chapter:

19 I. "Commissioner" means the commissioner of the department of business and economic  
20 affairs.

21 II. "Department" means the department of business and economic affairs.

22 12-O:2 Establishment; Purpose.

23 I. There shall be a department of business and economic affairs under the executive  
24 direction of a commissioner of business and economic affairs, consisting of a division of economic  
25 development which shall include but not be limited to a bureau of workforce development, and a  
26 division of travel and tourism development which shall include but not be limited to a bureau of  
27 visitor service. The department's purpose shall be to ensure the efficient coordinated function of the  
28 department, economic development policies of the state of New Hampshire and the collaborative  
29 participation of all related state departments, agencies, and authorities.

30 II. The purpose of this chapter is to improve the administration of state government by  
31 providing unified direction of policies, programs, and personnel in the field of economic development  
32 and travel and tourism development making possible increased efficiency and economies from  
33 integrated administration and operation of these related functions of the state government.

34 12-O:3 General Provisions.

35 I. Upon the recommendation of the commissioner after consultation with division directors  
36 concerned and the council of partner agencies established in RSA 12-O:7, the governor and council  
37 are authorized to approve revisions in internal administrative departmental organization as the

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1 governor and council find from time to time may improve or make more economical the  
2 administration of the department.

3 II. With the approval of the governor and council and of the director of personnel, the  
4 commissioner of business and economic affairs is authorized to transfer classified personnel,  
5 appropriations or portions thereof relating thereto as well as necessary equipment, within any  
6 division or between divisions of the department.

7 12-O:4 Powers and Duties of Department. In addition to any other powers and duties set forth  
8 in this chapter or as otherwise provided by statute, the department of business and economic affairs  
9 shall have the power and duty to plan and conduct a program of information and publicity to attract  
10 tourists, visitors, industrial concerns, and other interested persons from outside the state to the  
11 state of New Hampshire, and to encourage, coordinate, and participate in the efforts of other public  
12 and private organizations or groups of citizens in order to publicize the facilities, industrial  
13 advantages, and other attractions of the state for the same purposes. The commissioner shall  
14 assign such duties and functions as in her or his discretion will best effectuate the purposes,  
15 powers, and duties set forth in this section and as otherwise provided by statute. The department is  
16 authorized to set its logo and to establish and maintain any websites.

17 12-O:5 Commissioner of Business and Economic Affairs. There shall be a commissioner of  
18 business and economic affairs who shall be appointed by the governor and council for a term of 4  
19 years from the date of appointment. It shall be the responsibility of the commissioner to organize  
20 and direct the work of the department. The commissioner shall appoint one member of his or her  
21 staff who shall act in the commissioner's stead when said commissioner is absent from the state and  
22 at such other times as directed by the commissioner. When acting for the commissioner said person  
23 shall have all the power, duties, and authority of the commissioner. Directors of departmental  
24 divisions shall be subject to the supervisory authority of the commissioner, which authority shall  
25 include power to establish department and divisional policy as well as to control the actual  
26 operations of the department and all divisions therein. The commissioner is authorized to establish  
27 any advisory commissions and programs which the commissioner may deem necessary to carry out  
28 the mission and operations of the department.

29 12-O:6 Reports and Publications. The commissioner of business and economic affairs is  
30 authorized to prepare, publish, and distribute reports, charts, surveys, or other documents  
31 consistent with the responsibilities of the department. The commissioner may charge reasonable  
32 fees for such documents. Fees for documents distributed by the department shall be adopted as  
33 rules under RSA 541-A.

34 12-O:7 Council of Partner Agencies Established.

35 I. There shall be a council of partner agencies to assist and advise the commissioner of  
36 business and economic affairs which shall consist of the following members:

37 (a) The executive director of the business finance authority.

1           (b) The chancellor of the community college system.

2           (c) The Executive director of the community development finance authority.

3           (d) The executive director of the New Hampshire housing finance authority.

4           II. The council shall develop bylaws to guide its operations.

5           III. The commissioner of the department of business and economic affairs shall chair the  
6 council.

7           12-O:8 Council of Partner Agencies; Duties. The council established in RSA 12-O:7 shall  
8 consult with and advise the commissioner of business and economic affairs with respect to the  
9 policy, programs, and operations of the department upon a continuing basis and for said purposes  
10 shall meet with the commissioner not less frequently than quarterly. Each agency represented on  
11 the council shall make reasonable efforts to coordinate its economic development activities with  
12 those of the department, provided that nothing in this section shall be construed to deprive  
13 represented agencies of their authority to operate autonomously. The council shall submit to the  
14 governor and council biennially a written report of the activities of the department covering the  
15 previous 2 calendar years, which report shall be a public document. A nonpublic session of the  
16 council may be called at any time for any of the reasons specified in RSA 91-A:3, II upon majority  
17 vote and shall consist solely of the members thereof.

18           12-O:9 Directors of Divisions. The commissioner shall nominate for appointment by the  
19 governor and council a director of economic development and a director of travel and tourism  
20 development, each of whom shall serve, subject to the provisions of RSA 4:1, for a term of 4 years  
21 from the date of appointment and until a successor is appointed and qualified. The directors of the  
22 divisions of economic development and travel and tourism development who are in office on the  
23 effective date of the transfer of those divisions to the department of business and economic affairs  
24 shall serve for the remainder their terms, at which time they may be reappointed in accordance  
25 with the provisions of this chapter. Any vacancy in such office shall be filled for the unexpired term  
26 in the same manner as the original appointment. Directors of divisions shall be responsible for the  
27 administration and operation of their respective divisions subject to the supervisory authority of the  
28 commissioner as set forth in RSA 12-O:5.

29           12-O:10 Salaries. The annual salaries of the commissioner of business and economic affairs,  
30 and of the directors of the divisions, shall be as provided in RSA 94.

31           12-O:11 Division of Travel and Tourism Development; Transfer of Functions, Powers, and  
32 Duties. All of the functions, powers, duties, personnel, records, and property of the division of  
33 travel and tourism development of the former department of resources and economic development  
34 are hereby transferred to the division of travel and tourism development of the department of  
35 business and economic affairs. Whenever reference is made to the division of travel and tourism  
36 development in the statutes, it shall henceforth be construed to mean the division of travel and  
37 tourism development of the department of business and economic affairs.

1           12-O:12 Division of Economic Development; Transfer of Functions, Powers, and Duties. All of  
2 the functions, powers, duties, personnel, records, and property of the division of economic  
3 development are hereby transferred from the former department of resources and economic  
4 development to the division of economic development of the department of business and economic  
5 affairs. Whenever reference is made to the division of economic development in the statutes, it shall  
6 henceforth be construed to mean the division of economic development of the department of  
7 business and economic affairs.

8           12-O:13 Travel and Tourism Revolving Fund; Transfer; Functions.

9           I. The travel and tourism revolving fund in the former department of resources and  
10 economic development is hereby transferred to the department of business and economic affairs.  
11 The fund is hereby established as a nonlapsing revolving fund. The revolving fund shall be used  
12 for, but not be limited to, cooperative efforts with the private sector, for the purpose of bulk  
13 brochure distribution, familiarization tours, promotional programs, trade shows, and other projects  
14 generally recognized as beneficial to promoting the state of New Hampshire.

15           II. All income received from participation in cooperative promotional programs,  
16 familiarization tours, trade shows, brochure distribution projects, and other promotional  
17 opportunities which become available, shall be deposited into the fund.

18           III. The commissioner of the department of business and economic affairs shall submit a  
19 report detailing the activities of the revolving fund annually to the governor and council and the  
20 fiscal committee of the general court within 60 days of the close of each fiscal year.

21           12-O:14 New Hampshire Tourism Policy. It is the intent of the general court that all agencies  
22 and departments of state government and, specifically, the director of travel and tourism  
23 development, under the supervision of the commissioner of business and economic affairs, shall  
24 implement their statutory responsibilities in a manner consistent with promoting and encouraging  
25 the orderly growth and development of tourism within the state. This policy shall include efforts to:

26           I. Foster awareness and appreciation of New Hampshire's natural, historical, cultural, and  
27 scenic resources among its residents.

28           II. Instill a better understanding among New Hampshire residents and also state  
29 employees of the importance of tourism to the state economy.

30           III. Establish and maintain a database on matters concerning state tourism research.

31           IV. Encourage fairs, conventions, trade shows, and other expositions of hospitality and  
32 friendliness toward visitors.

33           V. Protect and preserve wildlife, natural resources, and geological, archaeological, and  
34 cultural treasures within the state for the enjoyment of residents and nonresidents.

35           VI. Support tourism by developing an essential tourism infrastructure, including, but not  
36 limited to, adequate highways and public transportation networks and facilities for the traveling  
37 public.



1 VII. Encourage, assist, and coordinate, when possible, the tourism activities of local and  
2 regional promotional organizations.

3 VIII. Encourage law enforcement personnel to assist, whenever possible, the traveling  
4 public by providing them with a hospitable reception and appropriate information.

5 IX. Ensure, when feasible, equal access by visitors and residents to public recreational  
6 resources.

7 X. Ensure that the interest of tourism is fully considered by state agencies and the general  
8 court in its deliberations.

9 XI. Harmonize, to the maximum extent, all state activities in support of tourism with the  
10 needs of the general public, the state and its political subdivisions, and the tourism industry. Any  
11 conflicts among the agencies and departments of the state in the implementation of their  
12 responsibilities under this section shall be referred to the council on resources and development  
13 established by RSA 162-C.

14 XII. Utilize tourism activities and resources as resident recruitment tools for the state.

15 12-O:15 Director of Travel and Tourism Development; Duties. The director of travel and  
16 tourism development, under the supervision of the commissioner of business and economic affairs  
17 and consistent with the New Hampshire tourism policy under RSA 12-O:14, shall:

18 I. Promote New Hampshire as a domestic and international travel destination in order to  
19 increase visitation and travel expenditures, business activity, and employment throughout the  
20 state.

21 II. Develop and administer programs to encourage and promote the development of the  
22 tourism industry in the state.

23 III. Provide information and assistance to local and regional officials on matters related to  
24 travel and tourism and encourage the development of locally coordinated programs.

25 IV. Encourage partnerships among the tourism industry, business and industry, and state  
26 and local officials to expand the state's travel promotion strategy.

27 V. Raise the perception of travel and tourism in the minds of New Hampshire residents,  
28 businesses, and government.

29 VI. Conduct research to measure the effectiveness of promotional programs.

30 VII. Ensure that New Hampshire maintains a high quality tourism experience for the  
31 visitor by working with the travel industry on ways to utilize natural, historical, cultural, and  
32 recreational attractions and facilitating statewide activities which can be used as resources by the  
33 travel industry.

34 VIII. Perform any other duties and functions as assigned by the commissioner.

35 12-O:16 Travel and Tourism Development Fund.

36 I. There is hereby established in the office of the state treasurer a fund to be known as the  
37 travel and tourism development fund. Any appropriations received shall be deposited in the fund.

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1 Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting  
2 and developing appropriate travel and tourism initiatives through the division of travel and tourism  
3 development and shall not be used for any other purpose. The director of travel and tourism  
4 development shall oversee expenditures from the fund. The moneys in the fund shall be  
5 nonlapsing.

6 II. The commissioner shall prepare an annual report to be presented no later than  
7 December 1 of each year to the governor and council, the fiscal committee of the general court, the  
8 president of the senate, and the speaker of the house of representatives. The report shall detail the  
9 specific activities supported by, and expenditures from, the fund during the past year and shall  
10 additionally detail the activities of the travel and tourism revolving fund established in RSA 12-  
11 O:13.

12 12-O:17 Joint Promotional Program. A joint promotional advertising program is hereby  
13 established to carry out the duties of the department of business and economic affairs as set forth in  
14 RSA 12-O:4 to publicize the advantages of the state of New Hampshire for tourism and to encourage  
15 continuous partnership with private industry in this promotion in order to maintain a viable and  
16 strong economic base in the state.

17 I. The department shall administer a joint promotional advertising program. The funds  
18 appropriated for this program shall be expended for grants for advertising programs entered into  
19 with independent groups or organizations which are designed to promote travel and tourism in the  
20 state of New Hampshire.

21 II. Funds appropriated to the joint promotional program shall only be made available to  
22 regional associations, statewide tourist groups, chambers of commerce, or other promotional  
23 organizations with the approval of the commissioner. Such grants shall only be given to those  
24 organizations which have been in existence for at least 3 years prior to the date of the grant  
25 application.

26 III. Grant awards shall require 50 percent matching funds from private sources. Grants  
27 shall not be used for the administrative salaries or overhead expenses of any applicant selected for a  
28 grant.

29 IV. Grant applications shall be reviewed by appropriate staff which shall recommend  
30 approval or disapproval of applications to the commissioner of business and economic affairs. A  
31 recommendation for disapproval by the commissioner shall be in writing with the reasons for  
32 disapproval stated.

33 V. Funds appropriated for the joint promotional program for the first fiscal year of any  
34 biennium shall not lapse and shall be available for expenditure during the second fiscal year of the  
35 biennium. All funds which have not been expended by the end of the second fiscal year of a  
36 biennium shall lapse to the general fund.

37 VI. The commissioner shall adopt rules under RSA 541-A after public hearing governing

1 the joint promotional program. These rules shall include:

2 (a) A description of the joint promotional program, stating the general course and  
3 method of its operations and the methods by which the public may obtain information or make  
4 submissions or requests;

5 (b) The procedures and criteria used to certify groups or organizations eligible for  
6 matching grants;

7 (c) The application process, including the information required of applicants;

8 (d) The procedures and criteria used to evaluate grant applications; and

9 (e) Procedures for the administration of grants by recipients including reporting  
10 requirements.

11 VII. Three percent of the funds appropriated to the joint promotional program shall be  
12 allocated for a grant or grants to organizations that do not qualify under paragraph II. Such grants  
13 shall require 10 percent matching funds from private sources, provided that the organization:

14 (a) Has a demonstrated program of cooperation for promotion;

15 (b) Has a demonstrated need for promotion;

16 (c) Has demonstrated a case of regional depression or financial hardship;

17 (d) Agrees that this unmatched grant shall not be awarded for more than 2 successive  
18 years; and

19 (e) Further agrees that the affected area shall not be eligible for any unmatched grant  
20 for a period of 5 years after the second year following the award of the first of any unmatched grant.

21 12-O:18 Rest Areas and Welcome Centers.

22 I. The department of business and economic affairs shall be responsible for the staffing of  
23 rest areas and welcome centers along the state's highways. There is established in the department  
24 a bureau of visitor service to administer this function. The commissioner may consult with the local  
25 chambers of commerce relative to said function, and shall have the authority to enter into contracts  
26 with private or public entities for said function as the commissioner deems appropriate.

27 II. Notwithstanding paragraph I, the department of transportation and the liquor  
28 commission may undertake and/or participate in the development of the welcome centers in  
29 Hooksett on the northbound and southbound lanes of Interstate Route 93 as authorized by the  
30 legislature.

31 12-O:19 Package Plan Program; Recreational Facilities.

32 I. As used in this section the following words and terms shall have the following meanings:

33 (a) "Voluntary corporation," a corporation organized under RSA 292, dedicated by its  
34 articles of agreement and bylaws to serve and promote the recreational interests of the state of New  
35 Hampshire or a section thereof and which may number among its members certain corporations  
36 actively engaged in developing and promoting recreational facilities in the state of New Hampshire.

37 (b) "Package plan program," a method of selling tickets by which the department, in

1 conjunction with a voluntary corporation, offers for sale to the general public interchangeable or  
2 reciprocal tickets for services and accommodations, or both, in connection with recreational facilities  
3 of both the state and the voluntary corporation or any of its members. The charges for services and  
4 accommodations when sold in this manner may be less than when sold individually.

5 II. The department of business and economic affairs may participate in package plan  
6 programs with voluntary corporations as defined in this section, and businesses within the tourism  
7 industry. Notwithstanding any other provision of law, this participation may include entering into  
8 such agreements with voluntary corporations and businesses within the tourism industry as are in  
9 the best interests of the state, which agreements may relate to the development, promotion,  
10 administration, and sales of package plan programs. Such agreements shall permit the department  
11 of business and economic affairs to provide to the voluntary corporation and businesses within the  
12 tourism industry a mutually agreed upon number of tickets or vouchers for tickets at a mutually  
13 agreed upon discounted rate in order to participate in the package plan program for promotional  
14 purposes or in lieu of dues to the voluntary corporation. Any revenue derived by participation in  
15 package plan programs payable to the department of business and economic affairs in accordance  
16 with such agreements shall be deposited with the state treasurer in the same manner as regular  
17 ticket sales. The commissioner of the department of business and economic affairs shall make  
18 annual reports on revenue derived from participation in package plan programs to the senate  
19 president, the speaker of the house, and governor and council by January 31 following the close of  
20 each fiscal year.

21 12-O:20 Director of Economic Development; Duties. The director of economic development,  
22 under the supervision of the commissioner of business and economic affairs shall:

23 I. Establish and maintain a database on matters related to the economy of the state and its  
24 economic development.

25 II. Plan, develop, and administer programs to assist in the maintenance and expansion of  
26 existing industry and business in the state.

27 III. Plan, develop, and administer programs to encourage and promote the development of  
28 new industry and business in the state.

29 IV. Provide information and assistance to local and regional officials on matters related to  
30 economic development and encourage the establishment of local development plans and programs.

31 V. Research and analyze information on matters related to the economic development of the  
32 state to support and evaluate the effectiveness of promotional and assistance programs.

33 VI. Prepare a written economic development strategy and operating plan as required by  
34 RSA 12-O:24 through 12-O:28.

35 VII. Plan, develop, and administer programs to assist in the implementation of the  
36 Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended,  
37 reauthorized, and in effect from time to time, implement the state plan established by the governor

1 and the Workforce Opportunity Council, and perform the following additional functions:

2 (a) Through the youth council, select youth providers of training services in the local  
3 areas.

4 (b) Identify eligible providers of training services in the local area.

5 (c) Identify eligible providers of intensive services, if not otherwise provided by the One-  
6 Stop operator.

7 (d) Develop a budget for carrying out the duties of the Workforce Opportunity Council,  
8 subject to the approval of the commissioner.

9 (e) Oversee local programs of youth activities, local employment, and training service.

10 (f) Establish, in conjunction with the commissioner, local performance measures.

11 (g) Assist the commissioner in developing statewide employment statistics systems  
12 described in the Wagner-Peyser Act.

13 (h) Coordinate workforce investment activities authorized and implemented within the  
14 state with economic development strategies, and develop the employer linkages with such activities.

15 (i) Make available to the public, on a regular basis through open meetings, information  
16 regarding Workforce Opportunity Council activities including information regarding the state plan  
17 prior to its submission, and information regarding membership, the designation and certification of  
18 One-Stop operators and the award of grants or contracts to eligible providers of youth activities and,  
19 as requested, minutes of formal meetings of the Workforce Opportunity Council.

20 (j) Review the operation of programs and the availability, responsiveness, and adequacy  
21 of state services, and make recommendations to the governor, appropriate chief elected officials,  
22 service providers, the legislature, and general public with respect to steps to improve the  
23 effectiveness of these services and programs.

24 (k) Review plans of all state agencies providing employment training, and related  
25 services, and provide comments and recommendations to the governor, the legislature, the state  
26 agencies, and appropriate federal agencies on the relevancy and effectiveness of employment and  
27 training and related services delivery system in the state.

28 VIII. Perform any other duties and functions as assigned by the commissioner.

29 12-O:21 New Hampshire Economic Development Fund.

30 I. There is hereby established the New Hampshire economic development fund which shall  
31 be administered by the commissioner of the department of business and economic affairs. Said fund  
32 shall be for the purpose of providing funds for grants, loans and other economic development  
33 initiatives which shall be generally considered to be beneficial to the state's overall economy as  
34 provided for in paragraph II.

35 II. Said fund shall be distributed or expended by the commissioner with prior approval of  
36 the fiscal committee of general court and the governor and council for any of the following purposes:

37 (a) Business financing and expansion initiatives.

- 1 (b) Job retention and creation.
- 2 (c) International trade.
- 3 (d) Research and development activities.
- 4 (e) Other projects or programs recognized as being beneficial to business activity in New
- 5 Hampshire.

6 III. To maximize the economic impact of expenditures from this fund, and to leverage  
7 additional funding from other sources, the commissioner may contract with such organizations as,  
8 but not limited to, the following:

- 9 (a) New Hampshire Business Development Corporation.
- 10 (b) Small Business Investment Corporation.
- 11 (c) Innovation Research Center.
- 12 (d) Small Business Development Center.

13 IV. All moneys returned to the department as a result of contracts between the  
14 commissioner and any other party as authorized shall be redeposited into the New Hampshire  
15 economic development fund. In addition, the department may accept gifts, grants, donations or  
16 other moneys for the purposes of this section. Said moneys shall be deposited into the New  
17 Hampshire economic development fund.

18 12-O:22 New Hampshire Canadian Trade Council. The commissioner of business and economic  
19 affairs and the secretary of state shall have the authority to establish a New Hampshire trade  
20 council to meet with one or more trade councils established by the Canadian provinces, either  
21 separately or collectively. The members of the council shall include 2 senators appointed by the  
22 president of the senate, 2 house members appointed by the speaker of the house of representatives,  
23 the commissioner or designee, the secretary of state or designee, and such other members as the  
24 commissioner and secretary of state may appoint.

25 12-O:23 Northern County Area Industrial Agent. A special position shall be provided, in the  
26 division of economic development of the department of business and economic affairs, to be known  
27 as area industrial agent for the counties of Coos, Grafton, and Carroll. The commissioner shall,  
28 subject to the personnel laws of the state, employ such area industrial agent for said counties, who  
29 shall be fully qualified by specific training and experience and who shall work under the  
30 supervision of the director. She or he shall maintain a residence in one of said 3 counties and her or  
31 his duties shall be primarily concerned with, but not limited to, assisting the political subdivisions  
32 of the state, regional development organizations or groups, and individuals to maintain and expand  
33 existing industries and to encourage, assist, and aid new industries to establish operations in said  
34 Coos, Grafton and Carroll counties, and the agent's efforts shall be directed to the economic  
35 development of said 3 counties.

36 Economic Development Strategy and Plan

37 12-O:24 Economic Development Strategy and Plan. The division of economic development,

1 with input and assistance from the council of partner agencies established under RSA 12-O:7 and  
2 other public and private organizations with whom it chooses to work, shall develop a rolling 10-year  
3 economic development strategy and operating plan.

4 12-O:25 Definitions. In this subdivision:

5 I. "Plan" means an ongoing management operating document that identifies strategies and  
6 activities, and the progress thereof, designed to expand the state's economic base and strengthen  
7 the economic health of New Hampshire, based on the needs of the state and of business and  
8 industry. The plan shall identify specific actions, and the responsibilities, rationales, timeframes,  
9 resources required, barriers if any, and the tracking and reporting of outcomes associated with  
10 those actions.

11 II. "Strategy" means an overall direction or course that identifies how the division will  
12 convey the state's value to the business and industry community, how it will leverage its strengths  
13 and assets, and the broad themes it will emphasize that are attractive to retaining and recruiting  
14 business and industry.

15 12-O:26 Goals and Objectives. The plan shall identify both goals and objectives for the 10-year  
16 period and shall track measurable results so as to be able to assess the plan. Goals and objectives  
17 may be added, amended, or deleted as both existing and emerging economic conditions and  
18 opportunities warrant. The plan shall also benchmark key economic indicators.

19 12-O:27 Content of the Economic Development Strategy and Plan. The following, as a  
20 minimum, shall be considered in constructing the economic development strategy and plan:

21 I. Consideration of the entire state.

22 II. An analysis, relative to business and industry, of New Hampshire strengths and  
23 advantages, and how they will be leveraged; analysis of weaknesses and obstacles, and suggestions  
24 on how to remedy or mitigate them; identification of opportunities and how to take advantage and  
25 benefit from them; and identification of threats and how to meet and deter them. The analysis,  
26 where appropriate, should suggest ownership of its various elements.

27 III. A needs forecast, based on research from both existing and targeted business and  
28 industry, that identifies issues and suggested initiatives so as to strengthen New Hampshire as a  
29 business and industry destination and to reinforce retention.

30 IV. Identification of economic, demographic, and other trends which may have both short-  
31 term and long-term influence on the economy of the state.

32 V. The identification of business sectors that are of strategic importance to the state's  
33 economy and to the state's global business image, and development of specific strategies to promote  
34 the development of such sectors; and an analysis of new industries that can be targeted in New  
35 Hampshire and the rationale for their identification.

36 VI. Identification of how economic development ideas, advice, and information from  
37 relevant entities throughout the state will be solicited to strengthen strategies and plans; and how

1 potential partners for the implementation of the strategies and plans, including, without limitation,  
2 the United States government, local governments, regional planning commissions, regional  
3 economic development corporations, chambers of commerce, business associations, investors, and  
4 other relevant entities will be integrated and engaged. Other states should also be studied to build  
5 an understanding of best practices that may be emulated.

6 VII. Innovative programs to position and market the state to aid business recruitment and  
7 retention.

8 VIII. Economic performance metrics, to include previous years and objectives for the 10  
9 years covered by the plan. Such metrics shall be contained in a state economic dashboard and  
10 updated regularly.

11 IX. Inter-department agreements with selected state agencies recognizing their role in  
12 economic development strategies, plans, and programs.

13 X. Identification of how the state will petition for and receive moneys, such as grants, to be  
14 used for economic development activities.

15 XI. Consideration of how workforce education and training in cooperation with the  
16 university system, the community college system, private colleges and universities, and other  
17 workforce training organizations will be leveraged and enhanced.

18 XII. Provisions for export growth and how relationships will be fostered with New  
19 Hampshire's export-related service providers and with the Commerce Department's International  
20 Trade Administration; and provisions to improve the state's image as a destination for foreign  
21 business investment and location with overseas entities.

22 XIII. Identification of a division liaison to communicate needs to the general court for the  
23 benefit of economic development.

24 XIV. Provision to identify and carry out other economic development activities that the  
25 governor or the commissioner may request.

26 12-O:28 Annual Report. The division of economic development shall complete the initial  
27 economic development strategy and plan by December 31, 2018, and submit the plan to the  
28 governor, senate president, senate majority leader, senate minority leader, speaker of the house of  
29 representatives, house majority leader, and house minority leader. On or before December 31 of  
30 each year, thereafter the division shall similarly provide results and validation from the previous  
31 fiscal year and a comprehensive update of the plan so that each annual report shall extend the time  
32 frame of the plan by one year, thereby ensuring that a 2-year plan is always in effect.

33 Division of Economic Development Fund

34 12-O:29 Division of Economic Development Fund. There is hereby established in the office of  
35 the state treasurer a fund to be known as the division of economic development fund. The  
36 commissioner of business and economic affairs is authorized to accept public sector and private  
37 sector grants, gifts, or donations of any kind for the purpose of funding initiatives associated with



1 the activities set forth in RSA 12-O:20. Such grants, gifts, and donations shall be deposited in the  
2 division of economic development fund and may only be expended by the commissioner of business  
3 and economic affairs to accomplish the purposes of this section. Other than acknowledgment for  
4 promotional purposes, donations shall not be used as fees for services in a manner that primarily  
5 benefits the party providing the funds. The state treasurer may invest moneys in the fund as  
6 provided by law, with interest received on such investment credited to the fund. The moneys in this  
7 fund shall be nonlapsing.

8 **Job Training Program for Economic Growth**

9 12-O:30 Program Transferred. The job training program for economic growth established in  
10 the former department of resources and economic development is hereby transferred to the  
11 department of business and economic affairs, subject to the provisions of this chapter. The program  
12 is designed to attract new business, assist in the expansion of business, and retain existing business  
13 in the state of New Hampshire.

14 12-O:31 Purpose. The purpose of this program is to:

15 I. Enhance the state's economic growth and vitality by offering assistance to privately  
16 owned businesses and industries in training a new workforce and retraining existing employees to  
17 implement new technologies, in creating new jobs, and in retaining and upgrading existing jobs.

18 II. Provide technical education and training as a component of the state's economic  
19 development efforts.

20 III. Be flexible and responsive to the training needs of business and industry in New  
21 Hampshire.

22 12-O:32 Training Programs. Training programs may include, but shall not be limited to:

23 I. Structured, on-site laboratory or classroom training.

24 II. Basic skills.

25 III. Technical skills.

26 IV. Quality improvement.

27 V. Safety.

28 VI. Management and supervision.

29 VII. English as a second language.

30 12-O:33 Administration; Review Committee.

31 I. The department of business and economic affairs, or an entity with which the department  
32 has contracted, shall administer this program.

33 II. The commissioner of the department of business and economic affairs shall adopt rules  
34 under RSA 541-A, relative to the administration of this subdivision.

35 12-O:34 Eligibility for Training Grants.

36 I. In this subdivision, "grant recipient" means the business entity that receives funds from  
37 the department and which provides funds to the training provider.

1           II. Only those businesses that are physically located or intend to be physically located  
2 within the state may receive funds under this subdivision.

3           III. Only those employees who are residents of New Hampshire, or who work for a business  
4 that is located or intends to locate within the state, or are unemployed residents of New Hampshire,  
5 shall receive training from grants under this subdivision.

6           IV. Grant recipients shall match no less than one dollar for each dollar provided through  
7 the grant award. The match funds shall include only those costs extraordinary to the regular  
8 employee expenses incurred by the business and shall be directly related to training.

9           V. Priority shall be given for grants to small businesses for the implementation of  
10 technological innovations.

11           VI. Intent by a business to locate within the state shall be established to the satisfaction of  
12 the grant review committee. A minimum requirement for intent to be established shall be:

13               (a) Proof of substantial investment or a binding contractual obligation consistent with  
14 such intent;

15               (b) The lease or purchase of real estate or equipment within the state necessary for the  
16 planned move; or

17               (c) Such other requirement as may be established under rules adopted by the  
18 commissioner of the department of resources and economic development.

19           VII. Submission of documents to substantiate proof of intent by a business to locate within  
20 the state shall be in accordance with rules adopted by the commissioner.

21           VIII. No grant shall be made to the state, including the state university system.

22           IX. No grant shall be made to any county, city, town, or other political subdivision which  
23 has not currently elected to pay contributions pursuant to RSA 282-A:71, II.

24           X. No grant shall be made to any organization or group of organizations, described in  
25 section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code, which has not  
26 currently elected to pay contributions pursuant to RSA 282-A:69, II.

27           12-O:35 Eligible Costs.

28               I. To be eligible under this subdivision, a cost must be necessary and reasonable for the  
29 proper and efficient delivery of training to the employees of the grant recipient.

30               II. The following costs are not eligible:

31                   (a) Costs resulting from violations of or failure to comply with federal, state, or local  
32 laws and regulations.

33                   (b) Entertainment costs.

34                   (c) Administrative costs.

35                   (d) Salaries and wages of employees in training.

36           III. Funds for training grants shall supplement, and not replace, funds available through  
37 existing programs conducted by the business entity, or other public or private training programs.

1 IV. The department may use no more than 10 percent, or \$200,000, of any moneys received  
2 from the training fund established at RSA 282-A:138-a, whichever is less, to administer this  
3 program.

4 12-O:36 Training Facilities.

5 I. As long as it is feasible, training shall be provided by the community college system of  
6 New Hampshire, which may charge full market value for the training provided.

7 II. When the community college system of New Hampshire cannot provide desired training,  
8 the training grant recipient will be free to contract with some other training entity approved by the  
9 community college system of New Hampshire.

10 III. The provider shall be specified in the grant award.

11 12-O:37 Performance; Report.

12 I. The grant review committee shall establish performance criteria. The committee shall  
13 submit annually 60 days after the close of each fiscal year, to the commissioner of the department of  
14 business and economic affairs, the commissioner of the department of employment security, the  
15 governor, the senate president, the speaker of the house of representatives, and the fiscal committee  
16 of the general court, a report indicating the level of performance achieved through the program.

17 II. The department shall evaluate the performance level for each training grant program  
18 provided to a business.

19 III. The grant recipient shall file the information required under paragraphs I and II, as  
20 requested by the commissioner.

21 International Trade Promotion

22 12-O:38 International Trade Promotion. The commissioner of business and economic affairs  
23 shall plan, develop, and administer programs for international trade promotion and inward  
24 investment promotion in cooperation with the Pease development authority, division of ports and  
25 harbors, and the Small Business Development Center and other private organizations. The  
26 commissioner shall take a proactive role in targeting foreign trade shows and foreign trade missions  
27 and shall assist New Hampshire businesses desiring to participate in these shows and missions. In  
28 planning, developing, and administering programs under this section, the commissioner may draw  
29 on the fund created under RSA 12-O:39.

30 12-O:39 International Trade Promotion Fund. There is hereby established in the office of the  
31 state treasurer a fund to be known as the international trade promotion fund. The commissioner of  
32 business and economic affairs is authorized to accept public sector and private sector grants, gifts,  
33 or donations of any kind for the purpose of funding programs associated with the promotion of  
34 international trade. Such grants, gifts, and donations shall be deposited in the international trade  
35 promotion fund and may be expended by the commissioner of business and economic affairs to  
36 accomplish the purposes of RSA 12-O:38. The moneys in this fund shall be nonlapsing.

37 Review of Economic Development Programs

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1       12-O:40 Review of Reports Required. The department of business and economic affairs, in  
2 consultation with the legislative budget assistant, shall periodically review reports issued under  
3 RSA 162-A:23-a at least once every 5 years and make recommendations to be utilized for an  
4 improved and consistent methodology for assessing the quantity and quality of jobs created and  
5 saved and the growth potential and environmental impacts of such programs. This section shall not  
6 apply to promotional literature.

7       12-O:41 Limitation. The review under RSA 12-O:40 shall not apply to state loans or state loan  
8 guarantees of less than \$250,000, or to state grants of less than \$50,000.

9                               New Hampshire Workforce Development

10       12-O:42 Workforce Development. The commissioner of business and economic affairs shall  
11 work with the workforce development director to plan, develop, and administer workforce  
12 investment activities, programs, and grants under the federal Workforce Investment Act of 1998, 29  
13 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time,  
14 and shall discharge the day-to-day operational responsibilities and obligations of the New  
15 Hampshire Workforce Opportunity Council established under RSA 12-A:44. The commissioner  
16 shall coordinate with the New Hampshire Workforce Opportunity Council to promote state and  
17 local investment systems that increase the employment, retention, and earnings of participants, and  
18 increase occupational skill attainment by participants, and, as a result, improve the quality of the  
19 workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the  
20 nation.

21       12-O:43 Workforce Development Director. There is established within the bureau of workforce  
22 development the position of workforce development coordinator, which shall be an administrator II  
23 position, classified at labor grade 29. The workforce development director shall lead the workforce  
24 development bureau. The workforce development director shall perform all duties which the  
25 commissioner may assign.

26       12-O:44 New Hampshire Workforce Opportunity Council.

27               I. There is established a New Hampshire Workforce Opportunity Council within the bureau  
28 of workforce development.

29               II. Membership of the council shall be as set forth in section 111(b) of the Workforce  
30 Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may  
31 be amended, reauthorized, and in effect from time to time. Members of the council shall be  
32 appointed by the governor and shall serve at the pleasure of the governor. The governor shall select  
33 a chairperson for the council from among the members of the council, in accordance with 29 U.S.C.  
34 section 2821(c).

35               III. The council shall meet no less frequently than semi-annually, shall have the powers  
36 and responsibilities of the state workforce investment board under the Workforce Investment Act of  
37 1998, and shall assist the governor in:

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1           (a) Development of the state plan required under section 112 of the Workforce  
2 Investment Act of 1998.

3           (b) Development and continuous improvement of a statewide system of activities that  
4 are funded under this subdivision or carried out through a One-Stop delivery system described in  
5 section 134c of the Workforce Investment Act of 1998, that receives funds under that act, including:

6               (1) Development of linkages in order to assure coordination and non-duplication  
7 among the programs and activities described in section 121(b) of the Workforce Investment Act of  
8 1998; and

9               (2) Review of local plans under the Workforce Investment Act of 1998, if any.

10          (c) Commenting at least once annually on the measures taken pursuant to the Carl D.  
11 Perkins Vocational and Applied Technology Education Act, 20 U.S.C. section 2323(b)(3).

12          (d) Designation of local areas as required in section 116 of the Workforce Investment  
13 Act of 1998.

14          (e) Development of the allocation formulas for the distribution of funds for adult  
15 employment and training activities and youth activities to local areas as permitted under sections  
16 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

17          (f) Development and continuous improvement of comprehensive state performance  
18 measures including state adjusted levels of performance, to assess the effectiveness of the workforce  
19 investment activities in the state as required under section 136(b) of the Workforce Investment Act  
20 of 1998.

21          (g) Preparation of the annual report to the United States Secretary of Labor described  
22 in section 136(d) of the Workforce Investment Act of 1998.

23          (h) Development of the statewide employment statistics system described in section  
24 15(e) of the Wagner-Peyser Act.

25          (i) Development of an application for an incentive grant under 20 U.S.C. section 9273.  
26 12-O:45 New Hampshire Workforce Opportunity Fund.

27          I. There is hereby established the New Hampshire workforce opportunity fund which shall  
28 be nonlapsing and administered by the commissioner of the department of business and economic  
29 affairs. Said fund shall be for the purpose of receiving financial assistance under the Workforce  
30 Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

31          II. The fund shall be distributed or expended by the commissioner after consultation with  
32 the New Hampshire Workforce Opportunity Council established in RSA 12-O:44 and the approval of  
33 the governor and council for any of the following purposes:

34               (a) Workforce Investment Act Adult and Dislocated Worker programs.

35               (b) Workforce Investment Act Youth programs.

36               (c) Workforce Investment Act Senior Community Service Employment programs.

37               (d) Workforce Investment Act Disability programs.

1           (e) Workforce Investment Act Regional Innovation and National Emergency grant  
2 programs.

3           (f) Other projects, programs, or grants recognized as being beneficial to workforce  
4 development initiatives and consistent with the goals of the Workforce Investment Act.

5           III.(a) The department may accept gifts, grants, donations, or other moneys for the  
6 purposes of this section. Said moneys shall be deposited into the New Hampshire workforce  
7 opportunity fund.

8           (b) The commissioner may enter into contracts and agreements and may take other  
9 actions that may be necessary or desirable to effect the transfer to it of operations currently  
10 conducted by The Workforce Opportunity Council, Inc. or the New Hampshire Workforce  
11 Opportunity Council under the Workforce Investment Act, and to effect the transfer of assets  
12 utilized by them in doing so; and, the commissioner may assume, bear, and agree to perform those  
13 contracts of the Workforce Opportunity Council, Inc. or the New Hampshire Workforce Opportunity  
14 Council that may be necessary or desirable for carrying out the purposes of this section.

15           IV. The commissioner of the department of business and economic affairs shall have the  
16 authority to enter into such agreements for leasing real property, acquiring goods, and engaging  
17 services to perform Rapid Response activities in accordance with this subdivision. The  
18 commissioner shall provide the governor and council an information item not less frequently than  
19 semi-annually describing all such agreements and amounts expended pursuant thereto. Such  
20 agreements shall be made pursuant to forms of agreement that shall be approved by governor and  
21 council which forms of agreement have been reviewed by the attorney general and the  
22 commissioner of the department of administrative services.

23           V. In accordance with RSA 12-O:30 through RSA 12-O:37, the commissioner of business and  
24 economic affairs shall have the authority to make grants to New Hampshire employers for the  
25 purpose of training employees in accordance with this chapter, such grants not to exceed the  
26 amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant  
27 year the sum of \$70,000, unless first approved by governor and council. The commissioner shall  
28 provide the governor and council an information item not less frequently than semi-annually  
29 describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a  
30 form of agreement that shall be approved by governor and council after review by the attorney  
31 general and the commissioner of the department of administrative services.

32           41 Member Added; Reference Corrected; Scenic and Cultural Byways Council. Amend RSA  
33 238:20, I(e) to read as follows:

34           (e) The director of the division of [~~historie~~] **historical** resources, **department of**  
35 **natural and cultural resources**, or designee.

36           42 Gifts for Historic Sites. Amend RSA 4:8-a to read as follows:

37           4:8-a Gifts for Historic Sites and the Community College System of New Hampshire.

1 I. The governor and council may, by executive order, authorize the department of  
2 ~~[resources and economic development]~~ **natural and cultural resources** to accept, for the state,  
3 gifts of personal property and money which are donated for use in connection with historic sites and  
4 the buildings or structures thereon, which are under the management of that department. Each  
5 such executive order shall relate to a particular site and may authorize the use of such personal  
6 property or the expenditure of such money, in accordance with the terms of the gift, under the  
7 supervision of such department. Such executive order, as originally made or later amended, may  
8 also authorize the sale or exchange of any such personal property found subsequently to be  
9 inappropriate for use, where not inconsistent with the terms of the gift, and application of the  
10 proceeds or items received in exchange for the purposes of the original gift. The department shall  
11 keep a permanent inventory or record of such gifts and the disposition of such gifts. ~~[The governor  
12 and council may, by executive order, delegate the same authority with reference to gifts to the  
13 division of historical resources, department of cultural resources, and all other provisions of this  
14 section shall apply to such gifts.]~~ The board of trustees, community college system of New  
15 Hampshire, may accept gifts of personal property and money pursuant to RSA 188-F:6. The board  
16 shall consult with the state curator regarding gifts of potential historic significance. Gifts of historic  
17 significance accepted by the board of trustees shall be cataloged by the state curator pursuant to  
18 RSA 227-C:4, XVIII, and recognized by the governor and council under this section.

19 II. Any legally constituted board or commission which is established for the purpose of state  
20 historic site restoration shall have the option of retaining ownership of any historic site furnishing,  
21 which is acquired with other than state funds, for the duration of its existence, and which funds  
22 shall be used for the purposes of upgrading or insuring furnishings at no cost to the state. The  
23 commissioner of the department of ~~[resources and economic development]~~ **natural and cultural**  
24 **resources** shall prepare a site inventory of all furnishings acquired by the board or commission.  
25 The board or commission shall maintain the inventory and shall report any changes annually. ~~[The  
26 director of the division of historical resources shall be consulted prior to any changes in the  
27 inventory.]~~

28 43 Council on Resources and Development; Members. Amend RSA 162-C:1, II to read as  
29 follows:

30 II. The commissioner or appropriate division director, department of ~~[resources and  
31 economic development]~~ **business and economic affairs**, or designee.

32 44 Council on Resources and Development; Members. Amend RSA 162-C:1, X to read as  
33 follows:

34 X. The commissioner or appropriate division director, department of **natural and** cultural  
35 resources, or designee.

36 45 Community Heritage Investment Program; Membership. Amend RSA 227-M:4, II(e) and (f)  
37 to read as follows:

1 (e) The [~~commissioner of the~~] *director of the division of historical resources*,  
2 department of *natural and* cultural resources, or designee.

3 (f) The [~~commissioner of the~~] *director of the division of forests and lands*,  
4 department of [~~resources and economic development~~] *natural and cultural resources*, or  
5 designee.

6 46 Continuity of Subcommittees of the Site Evaluation Committee.

7 I. Subcommittees of the site evaluation committee established under RSA 162-H:4-a that  
8 include the commissioner of the department of resources and economic development shall continue  
9 following the effective date of this act with the commissioner of the department of business and  
10 economic affairs, without the need for further action by the chairperson of the site evaluation  
11 committee.

12 II. All designations of senior administrative employees or staff attorneys that were made  
13 under RSA 162-H:4-a by the commissioner of the department of resources and economic  
14 development shall continue and be effective following the effective date of this section, without the  
15 need for further action by the commissioner of the department of business and economic affairs.

16 III. Subcommittees of the site evaluation committee established under RSA 162-H:4-a that  
17 include the commissioner of the department of cultural resources or the director of the division of  
18 historical resources shall continue following the effective date of this act with the commissioner of  
19 the department of natural and cultural resources or the director of the division of historical  
20 resources, without the need for further action by the chairperson of the site evaluation committee.

21 IV. All designations of senior administrative employees or staff attorneys that were made  
22 under RSA 162-H:4-a by the commissioner of cultural resources or the director of the division of  
23 historical resources shall continue and be effective following the effective date of this section,  
24 without the need for further action by the commissioner of the department of natural and cultural  
25 resources.

26 47 Salaries of Unclassified Officers. Amend the positions in the following salary grades in RSA  
27 94:1-a, I(b) as follows:

28 I. Change from department of resources and economic development to department of  
29 natural and cultural resources:

30 (a) in DD, mountain manager

31 (b) in GG, director, division of parks and recreation

32 (c) in GG, director, forests and lands

33 II. Change from department of resources and economic development to department of  
34 business and economic affairs:

35 (a) in GG, director of economic development

36 (b) in GG, director of travel and tourism development

37 III. Delete:



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1           (a) DD     Department of resources and economic development   director of marketing

2           (b) HH     Department of cultural resources       commissioner

3           (c) KK     Department of resources and economic development   commissioner

4        48 Commissioner Salaries. The commissioner of the department of natural and cultural  
5 resources and the commissioner of the department of business and economic affairs, as established  
6 in this act, shall receive the salaries as specified in RSA 94:1-a. The salaries for the commissioners  
7 shall be determined after assessment and review of the appropriate temporary letter grade  
8 allocation for the position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to  
9 RSA 94:1-d and RSA 14:14-c.

10       49 Rulemaking. Transfer of Rules. Existing rules of the department of resources and economic  
11 development shall continue in effect and be enforced by the commissioner of the department of  
12 natural and cultural resources or the commissioner of the department of business and economic  
13 affairs, as applicable, until they expire or are repealed or amended in accordance with applicable  
14 law.

15       50 Reference Amended; Travel and Tourism Moneys. Amend RSA 6:12, I(b)(21) to read as  
16 follows:

17                   (21) The money received under RSA 78-A:26, I(b) and RSA 230:52, II, which shall be  
18 credited to the division of travel and tourism development, department of [~~resources and economic~~  
19 ~~development~~] ***business and economic affairs***.

20       51 Fund Amended; Travel and Tourism. Amend RSA 6:12, I(b)(75) to read as follows:

21                   (75) Moneys received for deposit in the travel and tourism development fund  
22 established by RSA [~~12-A:43-a, I~~] ***12-O:16***.

23       52 Fund Amended; International Trade Promotion. Amend RSA 6:12, I(b)(106) to read as  
24 follows:

25                   (106) Moneys deposited in the international trade promotion fund under RSA [~~12-~~  
26 ~~A:31~~] ***12-O:39***.

27       53 Fund Amended; Economic Development Fund. Amend RSA 6:12, I(b)(109) to read as  
28 follows:

29                   (109) Moneys deposited in the New Hampshire economic development fund under  
30 RSA [~~12-A:2-e~~] ***12-O:21***.

31       54 Fund Amended; Travel and Tourism Revolving Fund. Amend RSA 6:12, I(b)(111) to read as  
32 follows:

33                   (111) Moneys deposited in the travel and tourism revolving fund under RSA [~~12-~~  
34 ~~A:15-a~~] ***12-O:13***.

35       55 Fund Amended; Workforce Opportunity Fund. Amend RSA 6:12, I(b)(283) to read as  
36 follows:

37                   (283) Moneys deposited into the New Hampshire workforce opportunity fund

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1 established in RSA ~~[12-A:61]~~ **12-O:45**.

2 56 Fund Amended; Division of Economic Development Fund. Amend RSA 6:12, I(b)(325) to  
3 read as follows:

4 (325) Moneys deposited in the division of economic development fund under RSA  
5 ~~[12-A:67]~~ **12-O:29**.

6 57 Dedicated Fund Review. Amend RSA 6:12-j, V(a)(4) to read as follows:

7 (4) The department of ~~[resources and economic development]~~ **business and**  
8 **economic affairs**.

9 58 Comprehensive State Development Plan. Amend RSA 9-A:1, III(b)(6) to read as follows:

10 (6) An economic development section which proposes actions and policies to suit the  
11 state's economic goals and needs, based on the current and projected economic strengths and  
12 weaknesses. The section shall reference the economic development **strategy and** operating plan  
13 and process developed by the division of economic development under RSA ~~[12-A:62]~~ **12-O:24**  
14 **through 12-O:28**.

15 59 Tourism Policy. Amend RSA 162-C:2, VI to read as follows:

16 VI. Resolve differences and conflicts among the agencies and departments of the state in  
17 the implementation of the tourism policy under RSA ~~[12-A:23]~~ **12-O:14**;

18 60 Unemployment Compensation; Training Fund. Amend RSA 282-A:138-a, I and II to read as  
19 follows:

20 I. There is hereby created in the state treasury a special fund to be known as the training  
21 fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by  
22 the commissioner of ~~[resources and economic development]~~ **business and economic affairs** in  
23 accordance with rules and guidelines adopted by the commissioner of ~~[resources and economic~~  
24 ~~development]~~ **business and economic affairs**, for funding training under the job training  
25 program for economic growth, established under RSA ~~[12-A:51-58]~~ **12-O:30 through 12-O:37**.  
26 Rulemaking authority relative to administration of the grant award process shall be with the  
27 commissioner of resources and economic development pursuant to RSA ~~[12-A:54, II(a)]~~ **12-O:33**.

28 II. The commissioner of ~~[resources and economic development]~~ **business and economic**  
29 **affairs** shall act as the fiscal agent for moneys deposited in the training fund. All costs incurred by  
30 the commissioner acting as fiscal agent of the training fund shall be paid from such fund.

31 61 Energy Facilities; Site Evaluation Committee; Membership. Amend RSA 162-H:3, I(c)  
32 through (e) to read as follows:

33 (c) The commissioner of the department of ~~[resources and economic development]~~  
34 **business and economic affairs or designee**;

35 (d) The commissioner of the department of transportation;

36 (e) The commissioner of the department of **natural and** cultural resources, ~~[or]~~ the  
37 director of the division of historical resources, ~~[as]~~ **or** designee; and

1 62 Chapter Heading; Office of Energy and Planning Renamed Office of Strategic Initiatives.  
2 Amend the chapter heading of RSA 4-C to read as follows:

3 CHAPTER 4-C

4 OFFICE OF [~~ENERGY AND PLANNING~~] **STRATEGIC INITIATIVES**

5 63 Office of Energy and Planning Renamed Office of Strategic Initiatives. Amend RSA 4-C:1, I  
6 and the introductory paragraph of RSA 4-C:1, II to read as follows:

7 I. There is established the office of [~~energy and planning~~] **strategic initiatives** within the  
8 office of the governor. The office of [~~energy and planning~~] **strategic initiatives** shall be under the  
9 supervision and direction of the governor or the governor's designee. The governor's designee shall  
10 be known as the director of the office of [~~energy and planning~~] **strategic initiatives**. **The office of**  
11 **strategic initiatives shall include the division of energy and the division of planning.**

12 II. The office of [~~energy and planning~~] **strategic initiatives** shall:

13 64 Name Change. Amend the following RSAs by replacing "office of energy and planning" with  
14 "office of strategic initiatives": RSA 4-C:2; 4-C:3; 4-C:5; 4-C:6; 4-C:7; 4-C:8; 4-C:9; 4-C:9-a; 4-C:10; 4-  
15 E:1; 4-F:1; 6:12-j; 9-A:2; 9-A:4; 9-E:5; 12-G:13; 12-K:2; 12-K:3; 12-K:6; 12-K:8; 12-K:9; 17-M:2; 21-  
16 O:5-a; 21-P:48; 36:45; 36:46; 36:47; 36-B:1; 38-D:6; 78-A:25; 78-A:26; 125-O:5-a; 126-A:4; 147-B:4;  
17 162-C:1; 162-H:10; 162-L:15; 162-L:19; 167:4-c; 204-C:8; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-  
18 G:2; 227-M:4; 233-A:2; 235:23; 238:20; 261:153; 270:64; 270:71; 369-B:2; 374:22-j; 432:19; 482-A:32;  
19 483:8; 483:10; 483-A:6; 483-A:7; 483-B:5; 483-B:12; 483-B:16; 483-B:22; 483-E:2; 485-A:4; 673:3-a;  
20 674:3; 675:9.

21 65 Repeal. The following are repealed:

22 I. RSA 167:3-c, III, relative to rulemaking for deceased recipients of public assistance  
23 funeral expenses.

24 II. RSA 167:11, relative to funeral expenses to recipients of public assistance.

25 66 New Section; Department of Transportation; Federal Assistance Grant; Appropriation.  
26 Amend RSA 228 by inserting after section 8 the following new section:

27 228:8-a Federal Assistance Grant; Appropriation. Any sum received from the Federal  
28 Emergency Management Agency or Federal Highway Administration's Emergency Relief Program  
29 or any other federal program providing emergency assistance to the department of transportation to  
30 reimburse costs incurred for emergency response, including but not limited to, equipment rental,  
31 snow plowing, sanding, salting, flood damage response, and personnel overtime during any  
32 emergency declared shall be collected by the appropriate agency and appropriated to the  
33 department of transportation.

34 67 New Subdivision; Public School Infrastructure Fund; Public School Infrastructure  
35 Commission. Amend RSA 198 by inserting after section 15-x the following new subdivision:

36 Public School Infrastructure Fund and Public School Infrastructure Commission

37 198:15-y Public School Infrastructure Fund.

1           I. The general court recognizes that there is a need to provide funding for infrastructure  
2 projects for public elementary and secondary schools. Therefore, it is the intent of this chapter to  
3 designate certain surplus funds in the 2016-2017 biennial budget to provide grants to fund select  
4 school infrastructure projects in accordance with this chapter.

5           II. There is hereby established in the office of the state treasurer the public school  
6 infrastructure fund which shall be kept distinct and separate from all other funds and which shall  
7 be administered by the department of education. After transferring sufficient funds to the revenue  
8 stabilization reserve account to bring the balance of that account to \$100,000,000, the state  
9 treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as  
10 determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings  
11 on fund moneys shall be added to the fund. All moneys in the fund shall be continually  
12 appropriated for the biennium ending June 30, 2019 and any unexpended or unencumbered balance  
13 as of June 30, 2019 shall be transferred to the general fund.

14           III. The governor, in consultation with the public school infrastructure commission, may  
15 authorize fund expenditures with approval of the fiscal committee of the general court and the  
16 executive council. Funds may be expended for the following purposes:

17           (a) A school building or infrastructure proposal in which the condition of such school  
18 building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants  
19 or other persons and requires remediation as soon as practicable.

20           (b) A school building or infrastructure proposal in which a structural deficiency in the  
21 function or operation of a school building or portion thereof presents a substantial risk to the life or  
22 safety of the occupants or other persons and is more than a technical violation of the fire code, and  
23 requires remediation as soon as practicable.

24           (c) Support of fiber optic connections for schools to enhance and improve reliance on  
25 Internet technology tools, provided matching funds are available.

26           (d) Funding for the department of safety, division of homeland security and emergency  
27 management's school emergency readiness program to improve security in public schools, after the  
28 completion of a security assessment, and in consultation with municipal officials.

29           (e) Other school building or infrastructure needs the governor, in consultation with the  
30 public school infrastructure commission, may identify, except for school building aid projects that  
31 are otherwise prohibited by law.

32           198:15-z Public School Infrastructure Commission Established.

33           I. There is hereby established the public school infrastructure commission, which shall  
34 advise the governor on proposals for expenditures from the public school infrastructure fund  
35 established in RSA 198:15-y. The commission shall consist of the following members:

36           (a) Two members of the house of representatives, appointed by the speaker of the house  
37 of representatives.

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

2 (c) The director of the division of homeland security and emergency management,  
3 department of safety, or designee.

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

5 (e) The chairperson of the New Hampshire school building authority, or designee.

6 (f) The chairperson of the state board of education, or designee.

7 II. Members of the commission shall serve at the pleasure of their appointing authority.

8 III. Members of the commission shall serve without compensation, except that legislative  
9 members shall receive mileage at the legislative rate when attending to the duties of the  
10 commission.

11 IV. The members of the commission shall elect a chairperson from among the members.  
12 The first meeting of the commission shall be called by the first-named house member. The first  
13 meeting of the commission shall be held within 45 days of the effective date of this section. The  
14 commission shall meet at least monthly. The commission shall provide a report on or before  
15 November 1, 2018 to the general court with information on fund expenditures for the year, projects  
16 begun or completed during the previous year, the balance in the public school infrastructure fund,  
17 and any other information the commission deems appropriate.

18 V. The commission shall review the work and projects funded by the public school  
19 infrastructure fund during the previous year.

20 68 Revenue Stabilization Reserve Account; Reference Added. Amend RSA 9:13-e, II to read as  
21 follows:

22 II. There is hereby established within the general fund general ledger a revenue  
23 stabilization reserve account. At the close of the fiscal biennium ending June 30, 2001, and at the  
24 close of each fiscal biennium thereafter, ***except as otherwise provided in law***, any surplus, as  
25 determined by the official audit performed pursuant to RSA 21-I:8, II(a) shall be transferred by the  
26 comptroller to a special nonlapsing revenue stabilization reserve account. The comptroller is hereby  
27 directed to establish the revenue stabilization reserve account in which to deposit any money  
28 received from a general fund operating budget surplus. The state treasurer shall invest funds in  
29 this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted  
30 general fund revenue.

31 69 New Subparagraph; Application of Receipts; Public School Infrastructure Fund. Amend  
32 RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

33 (334) Moneys deposited in the public school infrastructure fund established in RSA  
34 198:15-y.

35 70 School Building Aid; Alternative School Building Aid.

36 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA  
37 198:15-w, the commissioner of the department of education shall issue no school building aid or

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1 alternative school building aid for any project approved on or after July 1, 2018 through June 30,  
2 2019.

3 II.(a) The commissioner of the department of education, upon recommendation of the state  
4 fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the  
5 state fire marshal or designee determines, based on reasonable information and belief, that:

6 (1) The condition of such school building or portion thereof constitutes a clear and  
7 imminent danger to the life or safety of occupants or other persons, and requires remediation prior  
8 to July 1, 2019; or

9 (2) A structural deficiency in the function or operation of a school building or  
10 portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and  
11 is more than a technical violation of the fire code, and requires remediation prior to July 1, 2019.

12 (b) Any school building aid provided under a waiver granted pursuant to this paragraph  
13 shall be limited to the costs associated with the remediation of the conditions or structural  
14 deficiencies set forth in this paragraph.

15 71 Department of Education; Appropriation. There is hereby appropriated to the department of  
16 education the sum of \$2,250,000 for the fiscal year ending June 30, 2017, which shall be nonlapsing,  
17 for the purpose of making school building aid payments for projects approved for the fiscal year  
18 ending June 30, 2018. The governor is authorized to draw a warrant for said sum out of any money  
19 in the treasury not otherwise appropriated.

20 72 Repeal. The following are repealed:

21 I. RSA 6:12, I(b)(334), relative to the public school infrastructure fund.

22 II. RSA 198:15-y, relative to the public school infrastructure fund.

23 III. RSA 198:15-z, relative to the public school infrastructure commission.

24 73 All Agencies; Administrative Services. Unless restricted by law or administrative rule, upon  
25 request of an intended recipient, an agency may provide documents by electronic mailing in lieu of  
26 mail.

27 74 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

28 III. ~~[1-7]~~ **3.4** percent of the previous fiscal year gross profits derived by the commission from  
29 the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund  
30 established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total  
31 operating revenue minus the cost of sales and services as presented in the state of New Hampshire  
32 comprehensive annual financial report, statement of revenues, expenses, and changes in net  
33 position for proprietary funds.

34 75 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June  
35 30, 2018 and June 30, 2019, the state treasurer shall fund the distribution of revenue to cities and  
36 towns pursuant to the formula for determining the amount of revenue returnable to cities and  
37 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2017 distribution.

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1           76 Department of Health and Human Services; Program Eligibility; Additional Revenues. For  
2 the biennium ending June 30, 2019, the department of health and human services shall not  
3 authorize, without prior consultation with the house health, human services and elderly affairs  
4 committee and the senate health and human services committee and the approval of the fiscal  
5 committee of the general court and governor and council, any change to program eligibility  
6 standards or benefit levels that might be expected to increase or decrease enrollment in the  
7 program or increase expenditures from any source of funds; provided, however, that no such prior  
8 approval shall be required if a change to a federal program in which the state is participating as of  
9 the effective date of this section is required by federal law.

10           77 Department of Health and Human Services; Suspension of Home Health Services Rate  
11 Setting. Notwithstanding any provision of law to the contrary, RSA 126-A:18-a relative to rate  
12 settings for home health services shall be suspended for the biennium ending June 30, 2019.  
13 Payments for home health services shall be limited to appropriations for home health services as  
14 may be restricted or reduced by action of the fiscal committee of the general court or by legislative  
15 action.

16           78 Department of Health and Human Services; Bureau of Adult and Elderly Services;  
17 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver  
18 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the  
19 biennium ending June 30, 2019.

20           79 Department of Health and Human Services; Suspension of Direct Graduate Medical  
21 Education. The commissioner of the department of health and human services shall submit a Title  
22 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
23 suspend the provision of direct graduate medical education payments to hospitals as provided in 42  
24 U.S.C. section 1396a(a)(30)(A) effective July 1, 2017. Upon approval of the state plan amendment,  
25 and as of the effective date of the state plan amendment, any obligations for payment of direct  
26 graduate medical education shall be suspended for the biennium ending June 30, 2019.

27           80 Department of Health and Human Services; Suspension of Indirect Graduate Medical  
28 Education. The commissioner of the department of health and human services shall submit a Title  
29 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
30 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,  
31 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan  
32 amendment, any obligations for payment of indirect graduate medical education shall be suspended  
33 for the biennium ending June 30, 2019.

34           81 Department of Health and Human Services; Public Safety and Welfare; Medicaid  
35 Enhancement for Children and Pregnant Women. If the New Hampshire health protection  
36 program established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2018 or  
37 earlier, the commissioner of the department of health and human services shall reinstate Medicaid

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1 coverage and open enrollment for children and pregnant women under RSA 167:68. The  
2 commissioner of the department of health and human services shall adopt rules pursuant to RSA  
3 541-A to establish the eligibility levels for Medicaid coverage under RSA 167:68 identical to the  
4 eligibility levels which were in effect prior to the effective date of the New Hampshire health  
5 protection program.

6 82 Commissioner of Health and Human Services; Quarterly Reports. During the biennium  
7 ending June 30, 2019, the commissioner of health and human services shall make quarterly reports  
8 to the governor, the speaker of the house, and the senate president on the status of estimated  
9 Medicaid payments in relation to actual costs. Further contents of the such reports shall be as  
10 specified by the governor.

11 83 New Section; New Hampshire Employment Program and Family Assistance Program;  
12 Adjustment of TANF Financial Assistance. Amend RSA 167 by inserting after section 77-f the  
13 following new section:

14 167:77-g Adjustment of TANF Financial Assistance. The maximum monthly cash benefit under  
15 this subdivision shall be equal to 60 percent of the federal poverty guidelines, based upon the  
16 applicable household size and composition, as determined annually by the United States  
17 Department of Health and Human Services.

18 84 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to  
19 read as follows:

20 (a) The total billings to all counties made pursuant to this section shall not exceed the  
21 amounts set forth below for state fiscal years [~~2016-2017~~] **2018-2019**:

22 (1) State fiscal year [~~2016~~] **2018**, [~~\$114,562,000~~] **\$117,573,000**.

23 (2) State fiscal year [~~2017~~] **2019**, [~~\$115,268,000~~] **\$119,925,000**.

24 85 Discrimination Prohibited in Determining Eligibility for Services in the State Mental Health  
25 Services System; Prospective Repeal Extended. Amend 2011, 209:6, I, as amended by 2013, 140:1,  
26 as amended by 2015, 276:41 to read as follows:

27 I. Section 5 of this act shall take effect July 1, [~~2017~~] **2019**.

28 86 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns  
29 shall be suspended for the biennium ending June 30, 2019.

30 87 New Subdivision; Department of Justice; Internet Crimes Against Children Fund. Amend  
31 RSA 21-M by inserting after section 16 the following new subdivision:

Internet Crimes Against Children Fund

32  
33 21-M:17 Internet Crimes Against Children Fund Established. There is hereby established in  
34 the office of the state treasurer a nonlapsing fund to be known as the Internet crimes against  
35 children (NH ICAC) fund which shall be kept distinct and separate from all other funds. The fund  
36 shall consist of all moneys appropriated to the fund, and any gifts, grants, or donations made to the  
37 fund. The fund shall be administered by the department of justice. The attorney general shall



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1 disburse moneys from the fund to support the Portsmouth police department ICAC task force and  
2 other NH ICAC affiliate agencies in good standing with the NH ICAC in their efforts to investigate  
3 and combat Internet crimes against children. Funds shall be used for salary, benefits, training, and  
4 equipment related to the investigation of Internet crimes against children, and to expand  
5 educational efforts to interested groups, schools, and parents.

6 88 New Subparagraph; Application of Receipts; Internet Crimes Against Children Fund.  
7 Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

8 (334) Moneys deposited in the Internet crimes against children fund established in  
9 RSA 21-M:17.

10 89 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2018, and the sum of  
11 \$250,000 for the fiscal year ending June 30, 2019, are hereby appropriated to the New Hampshire  
12 Internet crimes against children fund established in RSA 21-M:17 for the purposes set forth in that  
13 section. A plan shall be presented to the fiscal committee of the general court that specifies how  
14 said funds shall be expended and shall include associated performance metrics. No money  
15 appropriated under this section shall be expended or otherwise distributed until the plan is  
16 approved by the fiscal committee of the general court. The governor is authorized to draw a  
17 warrant for said sums out of any money in the treasury not otherwise appropriated.

18 90 Department of Justice; Position Established. There is established within the department of  
19 justice the classified position of financial research analyst I. The financial research analyst I  
20 position shall replace the unclassified financial analyst position, 9U098, located in accounting unit  
21 02-20-20-200510-3310. Upon completion of this action, position 9U098 shall be abolished to allow  
22 for the transition of this unclassified position into the classified system. The incumbent in the  
23 abolished unclassified position shall be offered the opportunity to transfer into the newly  
24 established financial research analyst I position.

25 91 Position Reclassification; Banking Department. The position of general counsel, position  
26 #42404, within the banking department, is hereby designated as an unclassified position.

27 92 New Section; Agreements to Lease-Purchase Vehicles Authorized. Amend RSA 21-I by  
28 inserting after section 19-i the following new section:

29 21-I:19-j Agreements to Lease-Purchase Vehicles Authorized. Any agency, as defined in RSA  
30 21-G:5, III, may, with the prior written approval of the department of administrative services, enter  
31 into an agreement to rent, lease, or lease-purchase vehicles from any outside vendor, or to rent or  
32 lease vehicles from any other state agency or department.

33 93 Chartered Public Schools; Definitions. Amend RSA 194-B:1 to read as follows:

34 194-B:1 Definitions. In this chapter:

35 I. "Average cost per pupil" means the total of education expenditures in a particular district  
36 and at the elementary, middle/junior, and high school levels, less tuition, transportation, capital  
37 outlays, and net debt service, as compiled by the department of education. Kindergarten cost shall

1 be calculated at 1/2 the cost of elementary school.

2 ***II. "Average daily membership in attendance" or "ADMA" relative to chartered***  
3 ***public schools means the average daily membership in attendance, as defined in RSA***  
4 ***189:1-d, III, of pupils in kindergarten through grade 12, in the determination year,***  
5 ***provided that no kindergarten pupil shall count as more than ½ day attendance per***  
6 ***school year. ADMA shall only include pupils who are legal residents of New Hampshire***  
7 ***pursuant to RSA 193:12 and educated at the charter school's expense. In this paragraph,***  
8 ***"determination year" shall have the same meaning as in RSA 198:38, IV.***

9 ~~[H.]~~ ***III.*** "Board of trustees" means the governing body of a chartered public school  
10 authorized by the state board of education to supervise and control the chartered public school.

11 ~~[H.]~~ ***IV.*** "Chartered public school" means an open enrollment public school, operated  
12 independent of any school board and managed by a board of trustees. A chartered public school  
13 shall operate as a nonprofit secular organization under a charter granted by the state board and in  
14 conformance with this chapter.

15 ~~[IV.]~~ ***V.*** "Charter conversion school" means a public school which has been authorized to  
16 become a chartered public school. That school continues to be managed by the school board until  
17 and unless fully authorized to become a chartered public school in accordance with the provisions of  
18 RSA 194-B:3.

19 ***VI. "Full-time enrolled pupil" means a pupil pursuant to RSA 194-B:1, X and***  
20 ***officially accepted full-time student by the Virtual Learning Academy Charter School***  
21 ***admissions team.***

22 ***VII. "Full-time equivalent pupil" means a pupil or group of pupils pursuant to RSA***  
23 ***194-B:1, XI that have completed 12 half-credit courses.***

24 ~~[V.]~~ ***VIII.*** "Host school district" means the school district in which the chartered public  
25 school is physically located.

26 ~~[VI.]~~ ***IX.*** "Open enrollment public school" or "open enrollment school" means any public  
27 school which, in addition to providing educational services to pupils residing within its attendance  
28 area or district, chooses to accept pupils from other attendance areas within its district and from  
29 outside its district.

30 ~~[VII.]~~ ***X.*** "Parent" means a parent, guardian, or other person or entity having legal custody  
31 of a child or, in the case of a child with a disability, a surrogate parent who has been appointed in  
32 accordance with state or federal law.

33 ~~[VIII.]~~ ***XI.*** "Pupil" means any child who is eligible for attendance in public schools in New  
34 Hampshire~~[-and who lives with a parent].~~

35 ~~[IX.]~~ ***XII.*** "Receiving district" means the school district to which a pupil is sent to attend a  
36 chartered public school.

37 ~~[X.]~~ ***XIII.*** "Resident district" means the school district in which the pupil resides.

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1           ~~[XI.]~~ **XIV.** "School board" means the district school board.

2           ~~[XII.]~~ **XV.** "Sending district" means the school district in which the pupil resides.

3           ~~[XIII.]~~ **XVI.** "State board" means the state board of education.

4           ~~[XIV.]~~ **XVII.** "Teacher" means any individual providing or capable of providing direct  
5 instructional services to pupils, and who meets requirements prescribed in the Elementary and  
6 Secondary Education Act and the Individuals With Disabilities Education Act.

7           94 Chartered Public Schools; Authority and Duties of the Board of Trustees. Amend the  
8 introductory paragraph of RSA 194-B:5, III to read as follows:

9           III. Notwithstanding RSA 194-B:1, ~~[III]~~ **IV**, an established chartered public school shall be a  
10 corporation, which shall be registered with the secretary of state after receiving approval under this  
11 chapter but before its first day of actual operation, with authority necessary or desirable to carry  
12 out its charter program including, but not limited to, the following:

13           95 Chartered Public Schools; Funding; Virtual Learning Academy Charter School. Amend RSA  
14 194-B:11, I(b) to read as follows:

15           (b)(1)(A) Except as provided in subparagraph (2), for a chartered public school  
16 authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition  
17 pursuant to RSA 198:40-a, ~~[I, II, and II-a]~~ **II(a)-(c) and (e)** plus an additional grant of ~~[\$2,036 for~~  
18 ~~the Virtual Learning Academy Charter School and \$3,036 for]~~ **\$3,286 to all [other] chartered public**  
19 **schools for the fiscal year ending June 30, 2018, and \$3,411 to all chartered public schools**  
20 **for the fiscal year ending June 30, 2019 and each fiscal year thereafter, except for the**  
21 **Virtual Learning Academy Charter School**, directly to the chartered public school for each  
22 pupil who is a resident of this state in attendance at such chartered public school. Beginning July  
23 1, 2017 and every biennium thereafter, the department of education shall adjust the per pupil  
24 amount of the additional grant based on the average change in the Consumer Price Index for All  
25 Urban Consumers, Northeast Region, using the "services less medical care services" special  
26 aggregate index, as published by the Bureau of Labor Statistics, United States Department of  
27 Labor. The state shall pay amounts required pursuant to RSA 198:40-a, ~~[III]~~ **II(d)** directly to the  
28 resident district.

29           **(B) For the Virtual Learning Academy Charter School authorized**  
30 **pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a, II(a)-(c)**  
31 **and (e), plus an additional grant of \$2,036 directly to the Virtual Learning Academy**  
32 **Charter School for each eligible full-time enrolled pupil in the chartered public school's**  
33 **ADMA. The state shall pay amounts required pursuant to RSA 198:40-a, II(d) directly to**  
34 **the resident district. The state shall also pay tuition pursuant to RSA 198:40-a, II(a) plus**  
35 **an additional grant of \$2,036 directly to the Virtual Learning Academy Charter School for**  
36 **each full-time equivalent pupil. Beginning July 1, 2017 and every July 1 thereafter, the**  
37 **department of education shall adjust the per pupil amount of the additional grant based**

1 *on the average change in the Consumer Price Index for All Urban Consumers, Northeast*  
2 *Region, using the "services less medical care services" special aggregate index, as*  
3 *published by the Bureau of Labor Statistics, United States Department of Labor. The*  
4 *average change shall be calculated using the 3 calendar years ending 18 months before*  
5 *the beginning of the fiscal year for which the calculation is to be performed.*

6 96 Special Education; State Aid. Amend RSA 186-C:18, III to read as follows:

7 III.(a) The state board of education through the commissioner, department of education,  
8 shall distribute aid available under this paragraph as entitlement to such school districts as have a  
9 special education pupil for whose costs they are responsible, for whom the costs of special education  
10 in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school  
11 year preceding the year of distribution. If in any year, the amount appropriated for distribution as  
12 [catastrophe] special education [186-C:18] aid in accordance with this section is insufficient  
13 therefor, the appropriation shall be prorated proportionally based on entitlement among the  
14 districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at  
15 the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA  
16 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as  
17 required by this paragraph, for each fiscal year, to assist those school districts which, under  
18 guidelines established by rules of the state board of education, may qualify for emergency assistance  
19 for special education costs. Upon application to the commissioner of education, and approval by the  
20 commissioner, such funds may be accepted and expended by school districts in accordance with this  
21 chapter; provided, however, that if a school district has received emergency assistance funds for  
22 certain children with disabilities, it shall not receive [catastrophe] special education aid for those  
23 same children with disabilities. If any of the funds designated for emergency assistance under this  
24 paragraph are not used for such emergency assistance purposes, the funds shall be used to assist  
25 school districts in meeting [catastrophe] **special education** cost increases in their special  
26 education programs as provided by this paragraph.

27 97 Special Education; State Aid. Amend RSA 186-C:18, V(d)-(e) to read as follows:

28 (d) School districts applying for [catastrophe] **special education** aid under paragraph  
29 III;

30 (e) School districts identifying [catastrophe] **special education** costs under paragraph  
31 III;

32 98 Special Education; State Aid. Amend RSA 186-C:18, VI(a) to read as follows:

33 (a) [Catastrophe] **Special education** aid payments under paragraph III on or before  
34 January 1, provided that school districts shall annually submit their [catastrophe] **special**  
35 **education** costs for the immediately preceding school year to the state board of education by July  
36 31. The state board of education shall then verify the cost and distribute the appropriate amounts  
37 for the previous year on or before January 1 of each year.

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1           99 Special Education; State Aid. Amend RSA 186-C:18, VIII to read as follows:

2           VIII. A school district shall raise, appropriate and expend funds, reflecting the total cost in  
3 meeting [~~catastrophic~~] special education student costs as provided under [~~RSA 186-C:18~~] **this**  
4 **section**, including the school district and department of education liability. A school district may  
5 issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon  
6 receipt of reimbursement from the state. The department of education shall be liable for the cost of  
7 the school districts borrowing of any funds for special education student costs over 3-1/2 times the  
8 estimated state average expenditure per pupil for the school year preceding the year of distribution.

9           100 Special Education; State Aid. Amend RSA 186-C:18, XI(a) to read as follows:

10           (a) The state board of education, through the commissioner of the department of  
11 education, shall distribute to school districts the lesser of 3.5 percent or \$1,000,000 in [~~catastrophic~~]  
12 **special education** aid funds appropriated in the fiscal year, to establish or support school district-  
13 based programs for children with disabilities who have been in out-of-district programs in the  
14 previous school year. Funds shall be distributed to school districts as reimbursement for the  
15 establishment or support of such programs and shall be applied to the greater of the following:

16                       (1) Supplemental costs incurred by the school district for educating the child within  
17 a local school district program; or

18                       (2) The amount the school district received to educate the child in an out-of-district  
19 program, with the school district receiving in year one, 70 percent of the [~~catastrophic~~] **special**  
20 **education** aid the school district received from the previous school year, which would constitute  
21 the base year; in year 2, 50 percent of the [~~catastrophic~~] **special education** aid the school district  
22 received during the base year, and in year 3, 30 percent of the [~~catastrophic~~] **special education** aid  
23 the school district received during the base year.

24           101 Property Tax Rates; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, VII(d) to  
25 read as follows:

26           (d) Department of education: federal forest land aid pursuant to RSA 227-H:20 through  
27 RSA 227-H:22, state aid for an adequate education pursuant to RSA 198:40-a, school building aid  
28 pursuant to RSA 198:15-a, and [~~catastrophic~~] **special education** aid pursuant to RSA 186-C:18.

29           102 Department of Information Technology; Consolidation of Information Technology  
30 Functions.

31           I. The commissioner of the department of information technology, with the prior approval of  
32 the fiscal committee of the general court and the governor and council, may make such transfers of  
33 appropriation items and changes in allocations of funds available for operational purposes to the  
34 department of information technology, from the department of health and human services as  
35 necessary to effectuate the efficient consolidation of information technology functions within state  
36 government. Such functions shall include positions responsible for:

37                       (a) Information technology analysis and planning.

1 (b) Data management.

2 (c) Cybersecurity.

3 (d) Information technology applications, services, and support.

4 II. The commissioner of the department of information technology may establish the  
5 number and classification of personnel required for information technology functions in the  
6 department of health and human services with the prior approval of the governor and council. The  
7 commissioner of the department of information technology may eliminate unnecessary positions and  
8 transfer to the department of information technology any position in the department of health and  
9 human services identified by the commissioner of the department of information technology as  
10 necessary to effectuate the efficient consolidation of information technology functions within state  
11 government. Such transfers shall include the transfer of all associated books, papers, records,  
12 personnel files, and equipment, including, but not limited to, work station and information  
13 technology equipment, and shall include the transfer of any unexpended appropriations for any of  
14 the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs,  
15 or any other costs associated with the transferred personnel. The commissioner of the department  
16 of health and human services shall cooperate with the commissioner of the department of  
17 information technology to accomplish the intent of this section. The department of information  
18 technology is authorized to reclassify positions required for information technology consolidation  
19 from one class series to a different class series as provided in RSA 21-I:54 and shall not require the  
20 approval of governor and council.

21 III. The commissioner of the department of information technology may locate personnel  
22 whose positions have been transferred in such work spaces as the commissioner determines will  
23 efficiently effectuate the consolidation of information technology functions. Such work spaces may  
24 include either space currently owned or rented by the state, or space which may be rented by the  
25 commissioner utilizing amounts which may be saved by the state as the result of the consolidation  
26 of information technology functions.

27 103 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,  
28 2019, the liquor commission, for purposes of supporting merchant card activity, may:

29 I. Implement necessary business strategies in the event of a disaster or loss of services to  
30 insure the continuity of the commission's business operations, including the processing of merchant  
31 cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in  
32 consultation with the commissioner of the department of information technology. The commissioner  
33 shall report to the fiscal committee of the general court within 30 days any instances where it would  
34 need to implement such business strategies, including any costs and loss of revenue associated with  
35 the disaster or loss of services and the implementation of such business strategies.

36 II. Enter into contracts for technical and hosting services to support retail operations and  
37 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered

1 into to support retail operations and merchant card processing.

2 III. Hire information technology technical support personnel to support its merchant card  
3 activity and related technical support operations in retail stores.

4 104 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For  
5 the biennium ending June 30, 2019, the public utilities commission shall not expend any funding on  
6 the implementation of an energy efficiency resource standard or change the system benefits charge  
7 without prior approval of the fiscal committee of the general court, except as consistent with or  
8 authorized by Order No. 25,932 issued by the public utilities commission, dated August 2, 2016.

9 105 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, I  
10 to read as follows:

11 I. There is hereby established a renewable energy fund. This ~~[nonlapsing,]~~ special fund  
12 shall be ~~[continually appropriated to the commission to be expended in accordance with this section]~~  
13 **nonlapsing**. The state treasurer shall invest the moneys deposited therein as provided by law.  
14 Income received on investments made by the state treasurer shall also be credited to the fund. All  
15 payments to be made under this section shall be deposited in the fund. ~~[Of the moneys paid into the~~  
16 ~~fund, the amount of \$520,000 for fiscal year 2016 shall be transferred to the division of homeland~~  
17 ~~security and emergency management for the purpose of disaster and emergency response~~  
18 ~~preparedness and coordination to help minimize utility and other disruptions resulting from natural~~  
19 ~~or manmade disasters.]~~ Any remaining moneys paid into the fund under paragraph II of this  
20 section, excluding class II moneys, shall be used by the commission to support thermal and  
21 electrical renewable energy initiatives. Class II moneys shall primarily be used to support solar  
22 energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject  
23 to audit by the commission as deemed necessary. All fund moneys including those from class II may  
24 be used to administer this chapter, but all new employee positions shall be approved by the fiscal  
25 committee of the general court. No new employees shall be hired by the commission due to the  
26 inclusion of useful thermal energy in class I production.

27 106 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2019, the  
28 department of education may, subject to the approval of the governor and council, to accept gifts,  
29 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and  
30 other organizations or institutions for the purpose of funding appropriations made in accounting  
31 unit 06-56-56-562010-7534 (NH Scholars Program).

32 107 Regional Career and Technical Education; Program. Amend the introductory paragraph of  
33 RSA 188-E:5, V to read as follows:

34 V. Regional career and technical education centers shall, on a space available basis, enroll  
35 any student requesting enrollment who has attended ~~[2-years]~~ **one year** of high school regardless of  
36 the number of academic credits earned, except that the Manchester school district shall, on a space  
37 available basis, enroll and bear the associated costs for any Manchester school district student in

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1 grades 9-12 who resides in the city of Manchester and who requests enrollment in a regional career  
2 and technical education center within the district, provided that in either case:

3 108 New Subdivision; Governor's Scholarship Program. Amend RSA 4-C by inserting after  
4 section 30 the following new subdivision:

5 Governor's Scholarship Program

6 4-C:31 Definitions. In this subdivision:

7 I. "Postsecondary educational institution or training program" means any institution within  
8 the university system of New Hampshire as defined in RSA 187-A, any institution within the  
9 community college system of New Hampshire as defined in RSA 188-F, any private postsecondary  
10 institution approved to operate in this state, or any postsecondary training or certificate program  
11 within this state that is approved by the office, and is a not-for-profit institution that is eligible to  
12 receive federal Title IV funds.

13 II. "Office" means the governor's office of strategic initiatives.

14 III. "Program" means the governor's scholarship program.

15 4-C:32 Program Established. There is hereby established the governor's scholarship program  
16 in the office of strategic initiatives which shall be administered by the office. The program shall  
17 provide scholarships which a recipient shall apply to the costs of an education at a postsecondary  
18 educational institution or training program. The office shall determine any additional criteria  
19 regarding how and when scholarship funds shall be distributed, and may elect to distribute funds to  
20 an individual in a lump sum or over a period of months or years.

21 4-C:33 Eligibility.

22 I. Any person who meets the following requirements shall be eligible for a scholarship:

23 (a) A person shall meet the residency requirements of RSA 193:12, and be a graduate of  
24 a high school, public academy, chartered public school, or a high school-level home education  
25 program as defined in RSA 193-A, have completed at least 3 years of high school in this state, be  
26 pursuing a certificate, associate, or bachelor degree at a public or private postsecondary educational  
27 institution in this state, and be eligible to receive a Pell grant; or

28 (b) A person shall be a graduate of a preparatory high school outside of this state while  
29 a dependent of a parent or legal guardian who is a legal resident of this state and who has custody  
30 of the dependent; or

31 (c) A person shall have a parent or guardian who has served in or has retired from the  
32 United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a  
33 resident of this state; or

34 (d) A person shall be a graduate of a high school, public academy, chartered public high  
35 school, or a high school-level home education program outside of this state but have maintained his  
36 or her primary residence in this state for not less than 5 years preceding the date of application for  
37 a scholarship.



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1           II. A person shall meet the qualifications for academic performance or work experience as  
2 established by the office.

3           III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo  
4 contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the  
5 laws of this or any other state, or under the laws of the United States, except that an otherwise  
6 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo  
7 contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible  
8 or continue to be eligible for a scholarship after the expiration of one academic year from the date of  
9 adjudication, conviction, or plea.

10           4-C:34 Governor's Scholarship Fund Established.

11           I. There is hereby established in the office of the state treasurer the governor's scholarship  
12 fund which shall be kept distinct and separate from all other funds. The fund shall provide  
13 scholarships for the benefit of eligible residents of the state pursuing programs of study or training  
14 at a postsecondary educational institution or training program within the state.

15           II. The state treasurer shall credit to the fund any appropriation relating to the governor's  
16 scholarship program made to the department of education, division of higher education for each  
17 fiscal year. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on  
18 trust fund moneys shall be added to the fund.

19           III. All moneys in the fund shall be nonlapsing.

20           IV. The office may institute promotional programs and solicit and receive gifts or donations  
21 of any kind for the purpose of supporting educational scholarships from the fund. The office may  
22 accept gifts to the fund including, but not limited to, cash gifts, and real or personal property,  
23 without the approval of the governor and council.

24           V. All gifts, grants, and donations of any kind shall be credited to the fund.

25           4-C:35 Procedures.

26           I. All scholarship funds shall be distributed by the postsecondary educational institution.  
27 The institution shall include the scholarship in the student's financial aid package and may seek  
28 subsequent reimbursement. The state shall provide the reimbursements twice per year to each  
29 institution for the number of eligible students enrolled in the current semester or term who are  
30 receiving a scholarship in the amount of \$1,000. An institution shall submit the list of scholarship  
31 students to the office or its designee no later than November 30 and April 30 of each academic year,  
32 and shall be reimbursed within 30 days of those submittal dates.

33           II. An eligible person may receive a scholarship in the amount of \$1,000 per year provided  
34 he or she maintains at least a 2.0 grade point average. An eligible person who earned the New  
35 Hampshire scholar designation at the time of high school graduation shall be eligible to receive a  
36 scholarship in the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point  
37 average. In all cases the postsecondary educational institution shall agree to not reduce any merit

1 or need based grant aid that would have otherwise been provided to the eligible person. An eligible  
2 person may receive an annual scholarship for a maximum of 4 years.

3 III. In the event the state does not reimburse a postsecondary educational institution for  
4 scholarship amounts paid to an eligible person receiving an award, the institution shall agree not to  
5 seek additional payments from the eligible person and to absorb the loss of funds without any  
6 consequence to the student.

7 IV. The office shall determine procedures for distributing scholarship funds to an eligible  
8 person enrolled in an approved training program.

9 109 Appropriation; Governor's Scholarship Fund. The sum of \$5,000,000 for the fiscal year  
10 ending June 30, 2017 is hereby appropriated to the governor's scholarship fund established under  
11 RSA 4-C:34 for the purposes set forth in that section for use in the fiscal year ending June 30, 2018.  
12 Said funds shall not lapse, and the governor is authorized to draw a warrant for said sums out of  
13 any money in the treasury not otherwise appropriated.

14 110 New Subdivision; Dual and Concurrent Enrollment Program. Amend RSA 188-E by  
15 inserting after section 24 the following new subdivision:

Dual and Concurrent Enrollment Program

16 188-E:25 Definitions. In this subdivision:

17 I. "Concurrent enrollment" means courses taught at the high school by high school teachers  
18 approved by the community college system of New Hampshire (CCSNH) in which high school  
19 students earn both high school and college or university credit while students are still attending  
20 high school or a career technical education center.

21 II. "Dual enrollment" means college courses taught by instructors from the community  
22 college system of New Hampshire (CCSNH) in which high school students earn college credit while  
23 students are still enrolled in high school or a career technical education center.

24 188-E:26 Program Established. There is established a dual and concurrent enrollment program  
25 in the department of education. Participation in the program shall be offered to high school and  
26 career technical education center students in grades 11 and 12. The program shall provide  
27 opportunities for qualified New Hampshire high school students to gain access and support for dual  
28 and concurrent enrollment in STEM (science, technology, engineering, and mathematics) and  
29 STEM-related courses that are fundamental for success in postsecondary education and to meet  
30 New Hampshire's emerging workforce needs.

31 188-E:27 Enrollment Requirements.

32 I. An interested high school student in grade 11 or 12 may enroll in a course that is  
33 designated by the CCSNH as part of the dual and concurrent enrollment program.

34 II. A student in the program shall be provided funding for enrollment in no more than 2  
35 dual or concurrent enrollment courses taken in grade 11 and no more than 2 dual or concurrent  
36 enrollment courses taken in grade 12. A student may take more than 2 dual or concurrent  
37 enrollment courses taken in grade 12.

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1 enrollment courses per year at his or her own expense.

2 III. The state shall pay up to \$250 to the CCSNH institution where a high school or career  
3 and technical education student successfully completes an approved course and the CCSNH shall  
4 accept such amount as full payment for course tuition.

5 IV. Each high school should provide a designated individual to serve as the point of contact  
6 on matters related to the program, including but not limited to, student counseling, support  
7 services, course scheduling, managing course forms and student registration, program evaluation,  
8 course transferability, and assisting with online courses. Each high school shall annually notify all  
9 high school students and their parents of dual and concurrent enrollment opportunities.

10 188-E:28 School Board Policy.

11 I. No later than July 1, 2018, the school board of each school district shall develop and  
12 adopt a policy permitting students residing in the district who are in grade 11 or 12 to participate in  
13 the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance  
14 with measurable educational standards and criteria approved by the CCSNH and that meet the  
15 same standard of quality and rigor as courses offered on campus by the CCSNH. The policy shall  
16 also comply with the standards for accreditation and program development established by the  
17 National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be  
18 limited to, student eligibility criteria, standards for course content, standards for faculty approval,  
19 program coordination and communication requirements, tuition and fees, textbooks and materials,  
20 course grading policy, data collection, maintenance, and security, revenue and expenditure  
21 reporting, and process for renewal of the agreement.

22 II. The department of education and the CCSNH shall develop and approve a model dual  
23 and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a  
24 school district participating in the dual and concurrent enrollment agreement program. The model  
25 agreement shall include standards established by the CCSNH, shall include elements, standards,  
26 and criteria that have been approved by the department of education and CCSNH, and shall serve  
27 as the framework for the development, implementation, and administration of the dual and  
28 concurrent enrollment program in each school district by clearly defining the procedures related to  
29 concurrent and dual enrollment of high school students in college classes. The department shall  
30 further develop guidelines for the program relating to reporting, accountability, and payment of  
31 available funds to the CCSNH.

32 188-E:29 Budget Requests. The commissioner of the department of education shall submit  
33 expenditure requests in accordance with RSA 9:4 to fund the dual and concurrent enrollment  
34 program established in this subdivision.

35 111 Appropriation. The sum of \$850,000 for the fiscal year ending June 30, 2018 and the sum  
36 of \$950,000 for the fiscal year ending June 30, 2019 are hereby appropriated from the governor's  
37 scholarship fund established in RSA 4-C:34 to the department of education to fund student

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1 participation in the dual and concurrent enrollment program established in RSA 188-E:25-29.

2 112 New Subparagraph; Application of Receipts; Governor's Scholarship Fund. Amend RSA  
3 6:12, I(b) by inserting after paragraph (333) the following new subparagraph:

4 (334) Moneys deposited into the governor's scholarship fund established in RSA 4-  
5 C:34.

6 113 Department of Revenue Administration; Reference Change; Document Processing to  
7 Taxpayer Services. Amend RSA 21-J:2, II and III to read as follows:

8 II. The commissioner shall nominate a director, division of audits, a director, division of  
9 ~~[document processing]~~ **taxpayer services**, a director, division of collections, and a director, division  
10 of municipal and property, for appointment by the governor, with the consent of the council. These  
11 division directors shall serve at the pleasure of the commissioner. The directors of the divisions  
12 shall be qualified by reason of professional competence, education, and experience.

13 III. The salaries of the commissioner and the director, division of audits, the director,  
14 division of ~~[document processing]~~ **taxpayer services**, the director, division of collections, and the  
15 director, division of municipal and property, shall be as specified in RSA 94:1-a.

16 114 Department of Revenue Administration; Taxpayer Services Division Created; Document  
17 Process Division Eliminated. RSA 21-J:12 is repealed and reenacted to read as follows:

18 21-J:12 Taxpayer Services Division. There is established within the department the division of  
19 taxpayer services, under the supervision of an unclassified director of taxpayer services who shall  
20 be responsible for:

21 (a) Processing all tax returns and payments filed with the government.

22 (b) Providing general assistance to the public for all taxes administered by the  
23 department.

24 (c) Maintaining and reconciling taxpayer accounts within the department's account  
25 management systems.

26 115 Department of Revenue Administration; Director of Taxpayer Services Division; Position  
27 Established.

28 I. There is established within the department of revenue administration the unclassified  
29 position of director of the taxpayer services division. The salary for the position shall be as set forth  
30 in RSA 94:1-a.

31 II. The salary of the director of the taxpayer services division shall be determined after  
32 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for  
33 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of  
34 this action and appointment of the director of the taxpayer services division, position 9U104 shall be  
35 abolished to allow for the transition of its available appropriations into the unclassified position of  
36 director of the taxpayer services division. Funding shall be transferred into the division of taxpayer  
37 services accounting unit. The incumbent in the abolished unclassified position shall be offered the

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1 opportunity to seek the commissioner's nomination for the unclassified position of director of the  
2 division of taxpayer services.

3 116 Repeal. RSA 21-J:6-c, central tax services unit within the department of revenue  
4 administration, is repealed.

5 117 Department of Safety; Places of Assembly; Definitions. Amend RSA 155:17, II to read as  
6 follows:

7 II. "Licensing agency" shall mean the chief of the fire department, the firewards or  
8 engineers, if any, otherwise the selectmen of the town or the commissioners of village district as the  
9 case may be~~[, or in the case of assemblies occurring on state waters, or ice formed on state waters,~~  
10 ~~the commissioner of the department of safety or designee].~~

11 118 Department of Safety; Places of Assembly; Licensing. Amend RSA 155:18 to read as  
12 follows:

13 155:18 License Required. No person shall own or operate a place of assembly within this state  
14 unless licensed so to do by the licensing agency of the city, town, or village district where said place  
15 of assembly is located, ~~[or in the case of]~~ **including** assemblies occurring on state waters~~;~~ or ice  
16 formed on state waters, ~~[the commissioner of the department of safety or designee,]~~ in accordance  
17 with the regulations herein promulgated. In the application of this act to existing places of  
18 assembly the licensing agency may modify such of its provisions as would require structural  
19 changes if in his or her opinion adequate safety may be obtained otherwise and provided that a  
20 permanent record is kept of such modifications and the reasons therefor.

21 119 Transportation; Definitions. Amend RSA 228:1, VII to read as follows:

22 VII. "Project" means any construction, reconstruction, alteration, or maintenance of any  
23 highway, bridge, **building, plant, fixture, facility** or other item directly related to transportation.  
24 The term shall not include construction, reconstruction, alteration, or maintenance of buildings,  
25 plants, fixtures, or facilities formerly administered through the department of transportation,  
26 division of public works, or matters managed by the department of administrative services, division  
27 of public works design and construction.

28 120 Department of Transportation; Eminent Domain; Occasion for Layout by Governor and  
29 Council. Amend RSA 230:13, I to read as follows:

30 I. The governor, with advice of the council, may determine upon hearing whether there is  
31 occasion for the laying out or alteration of a class I or class II highway or a highway within the state  
32 included in the national system of interstate highways as proposed by the commissioner of  
33 transportation, and, if so, ~~[shall appoint a commission of 3 persons who]~~ **the commissioner** may  
34 purchase land or other property that is reasonably necessary for the construction, reconstruction, or  
35 alteration and who shall lay out the remainder of such highway or alteration. Any such land or  
36 property which cannot be acquired by agreement with the owner or owners thereof may be acquired  
37 in accordance with RSA 498-A and all issues that are appealed relating to necessity, public use, and

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1 net public benefit shall be determined in accordance with RSA 230:19. Property rights acquired  
2 under the provisions of this section shall be in fee simple or in the form of easements, including  
3 property acquired by condemnation proceedings.

4 121 Layout of State Highways; Notice of Hearing. Amend RSA 230:17 to read as follows:

5 230:17 Layout of State Highways; Notice of Hearing. The governor with the advice of the  
6 council, or the commission appointed by the governor with advice of the council, at least 14 days  
7 previous to **a public hearing as provided in RSA 230:19**, shall cause notice in writing of the time  
8 and place of hearing appointed by them, together with a description of the proposed location, to be  
9 given to each owner of land or other property over which such highway may pass, and to the clerk  
10 of any city or town in which such highway or alteration may be laid out. **Other meetings shall be**  
11 **noticed in accordance with RSA 91-A.**

12 122 Limited Access Highways; Occasion for Layout; Layout. Amend RSA 230:45 to read as  
13 follows:

14 230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on the  
15 governor's own motion or a special committee of 3 persons appointed by the governor and council for  
16 the purpose, may determine, upon hearing, whether there is occasion for the laying out or  
17 alteration of a limited access facility including service roads as proposed by the commissioner of  
18 transportation; and, if so, ~~[the governor, with the advice of the council, shall appoint a commission~~  
19 ~~of 3 persons who]~~ **the commissioner** may purchase land or other property as proposed and ~~[who]~~  
20 shall lay out the remainder of such facility, service roads, or alteration thereof. The commission  
21 appointed by the governor and council to lay out any limited access facility may acquire private or  
22 public property and property rights for such facility and service roads, including rights of access,  
23 air, view, and light, by gift, devise, purchase, or condemnation in the same manner as provided for  
24 acquiring property for class I highways. Property rights acquired under the provisions of this  
25 section may be in fee simple or in the form of easements, including property acquired by  
26 condemnation proceedings. The ~~[commission]~~ **commissioner**, in ~~[its]~~ **his or her** discretion, may  
27 acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best  
28 served even though the entire lot, block, or tract is not immediately needed for the right-of-way  
29 proper. The commissioner of transportation, with the approval of the governor and council, may  
30 sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

31 123 Highways; Definition. Amend RSA 229:1 to read as follows:

32 229:1 Highways Defined. Highways are only such as are laid out in the mode prescribed  
33 therefor by statute, or roads which have been constructed for **or are currently used for motor**  
34 **vehicle, bicycle, or pedestrian** public travel over land which has been conveyed to a city or town  
35 or to the state by deed of a fee or easement interest, or roads which have been dedicated to the  
36 public use and accepted by the city or town in which such roads are located, or roads which have  
37 been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years

1 prior to January 1, 1968, and shall include the bridges thereon. **Highway does not include any**  
2 **bridge, trail, or path intended for use by off highway recreational vehicles, as defined in**  
3 **RSA 215-A:1, or snowmobiles, as defined in RSA 215-C:1.**

4 124 Discontinuance of Relocated Portions of Class I and Class II Highways Acquired in 1945 or  
5 Earlier. Amend RSA 230:55 through RSA 230:58 to read as follows:

6 230:55 Notice of Finding. Whenever the commissioner of transportation shall alter or relocate  
7 any portion of any class I or class II highway, and finds that there is no further occasion to use such  
8 portion for class I or class II highway purposes **for property acquired by the state in 1945 or**  
9 **earlier, the commissioner** [~~he~~] shall post notice of such finding in 2 public places in the town in  
10 which land is situate and give notice in writing to the selectmen of such town. **Notwithstanding**  
11 **any provision of law to the contrary, the commissioner may discontinue and declare**  
12 **property acquired after 1945 as surplus and dispose of it in accordance with RSA 4:39.**

13 230:56 Determination by Selectmen. The selectmen of such town within 60 days after receiving  
14 such notice **regarding property acquired by the state in 1945 or earlier**, shall determine, after  
15 notice to the owners of land or abutting owners given in the same manner as provided for in the  
16 laying out of highways by selectmen, and hearing, whether there is occasion for the use of such  
17 portion for town highway purposes and shall notify the commissioner of transportation, in writing,  
18 of their determination.

19 230:57 Reversion to Town. Upon the filing of notice with the commissioner of transportation  
20 that such occasion exists, or, in the event that the selectmen fail to take any action or notify the  
21 commissioner of transportation in writing of their determination within 60 days after the receipt of  
22 notice from [~~him~~] **the commissioner regarding property acquired by the state in 1945 or**  
23 **earlier**, the right-of-way over such portion of land and title to any interest held by the state in such  
24 portion shall thereupon revert to or vest in such town, and the commissioner of transportation shall  
25 so certify in writing under oath to the selectmen, and the highway shall thereupon become a class V  
26 or class VI highway.

27 230:58 Notice of Discontinuance. **Regarding property acquired by the state in 1945 or**  
28 **earlier**, upon the filing of notice with the commissioner of transportation that such occasion does  
29 not exist, the commissioner shall post notice in 2 public places in such town that such portion of  
30 highway is thereupon discontinued.

31 125 Discontinuance of Relocated Portions of Class I and Class II Highways; Assessment of  
32 Damages. Amend RSA 230:61 to read as follows:

33 230:61 Assessment of Damages. Any person who sustains damages because of such  
34 discontinuance **of property acquired by the state in 1945 or earlier** may petition for the  
35 assessment of damages to the superior court in the county in which such discontinued portion of  
36 highway is located within 60 days from the posting of notice of discontinuance, and not thereafter,  
37 and the court shall assess such damages, if any, by jury.

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1       126 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The  
2 commissioner of the department of health and human services shall submit a Title XIX Medicaid  
3 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all  
4 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2019.

5       127 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The  
6 provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the division of  
7 travel and tourism development, are hereby suspended for the biennium ending June 30, 2019.

8       128 Joint Committee on Legislative Facilities; Meetings; Transfers. Amend RSA 17-E:4 and 17-  
9 E:5 to read as follows:

10       17-E:4 Meetings. The committee shall meet [~~on a regular stated date monthly~~] **as needed** and  
11 at such other times at the call of the chair or upon written request of 4 members and any such  
12 special meeting shall be held within 5 days of such call or request.

13       17-E:5 House and Senate Subcommittees. The house members, with the speaker as  
14 chairperson, shall be a subcommittee for legislative management for the house; and the senate  
15 members, with the president as chairperson, shall be a subcommittee for legislative management of  
16 the senate. All **individual** transfers within the house or senate appropriations **in excess of**  
17 **\$75,000** and all salaries of legislative attaches and other employees unless otherwise specifically  
18 provided by statute shall require the approval of the respective subcommittee. The salaries as  
19 determined hereunder shall be a charge upon the appropriation made for the legislature.

20       129 Legislative Branch; Special Account. Amend 2011, 224:217, II, as amended by 2013,  
21 144:102 and 2015, 276:214, to read as follows:

22       II.(a) The legislative accountant shall allocate the original \$3,000,000 special legislative  
23 account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the  
24 senate, the house of representatives, the joint offices, and the office of legislative budget assistant.  
25 Beginning in fiscal year 2013 and for fiscal year 2014, any unexpended and unencumbered  
26 appropriations shall be transferred to the appropriate subaccount, provided that no subaccount  
27 balance shall exceed \$750,000. All unexpended and unencumbered appropriations remaining at the  
28 close of the fiscal year shall lapse to the general fund.

29       (b) [~~Beginning in~~] **For** fiscal year 2015 and [~~each year thereafter~~] **fiscal year 2016**,  
30 unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount,  
31 provided that no subaccount balance shall exceed \$750,000. Any remaining unexpended and  
32 unencumbered appropriations shall not lapse.

33       (c) **Beginning in fiscal year 2017 and for each fiscal year thereafter,**  
34 **unexpended and unencumbered appropriations shall be transferred to the appropriate**  
35 **subaccount.**

36       130 Joint Committee on Legislative Facilities; Funds. Amend 2011, 224:217, III to read as  
37 follows:



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1           III. Funds may be transferred from the senate's subaccount with [~~prior approval~~]  
2 **notification** of the senate subcommittee established pursuant to RSA 17-E:5. Funds may be  
3 transferred from the house of representatives' subaccount with [~~prior approval~~] **notification** of the  
4 house subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the joint  
5 offices' subaccount with [~~prior approval~~] **notification** of the joint committee on legislative facilities  
6 established pursuant to RSA 17-E:1. Funds may be transferred from the office of legislative budget  
7 assistant's subaccount with [~~prior approval~~] **notification** of the fiscal committee of the general  
8 court established pursuant to RSA 14:30-a. **Any individual transfer from a subaccount in**  
9 **excess of \$75,000 shall require the prior approval of the applicable subcommittee or**  
10 **committee.**

11           131 Governor's Commission on Disability; Newline for the Blind; Funding. Amend RSA 275-  
12 C:8-a to read as follows:

13           275-C:8-a Newline for the Blind; Funding. Beginning July 1, [~~2007~~] **2017**, and in each fiscal  
14 year thereafter, the sum of [~~\$28,000~~] **\$31,500** is hereby appropriated to the governor's commission  
15 on disability for the purpose of funding the National Federation of the Blind's "Newline for the  
16 Blind," an information and news service that provides individuals who are otherwise unable to read  
17 newsprint with access to existing newspapers and other printed materials. Said funds shall be a  
18 charge against the telecommunications relay service trust fund established by the public utilities  
19 commission.

20           132 Revenue Stabilization Reserve Account. Amend RSA 9:13-e, V to read as follows:

21           V. If, after the requirements of paragraphs II-IV have been met and the balance remaining  
22 in the revenue stabilization reserve account is in excess of an amount equal to 10 percent of the  
23 actual general fund unrestricted revenues for the most recently completed fiscal year, then such  
24 excess, **less any amounts deposited pursuant to RSA 7:6-e**, shall be transferred, without further  
25 action, to the general fund surplus account.

26           133 New Subparagraphs; Revenue Information Management System Account; State Heating  
27 System Savings Account. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following  
28 new subparagraphs:

29                   (334) Money deposited in the revenue information management system account  
30 under RSA 21-J:1-b.

31                   (335) Money deposited in the state heating system savings account established  
32 under RSA 21-I:19-ff.

33           134 New Section; Revenue Information Management System Account. Amend RSA 21-J by  
34 inserting after section 1-a the following new section:

35           21-J:1-b Revenue Information Management System Account.

36           I. There is hereby established a nonlapsing revenue information management system  
37 account. The state treasurer shall credit the additional revenue from existing taxes collected by the

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1 department attributable to implementation of the department's revenue information management  
2 system (RIMS), as calculated by the commissioner of the department of revenue administration, to  
3 the revenue information management system account from which the treasurer shall pay principal  
4 and interest on bonds and notes issued to fund the RIMS project. Said funds shall not be used for  
5 any other purpose.

6 II. The revenue increase from existing taxes attributable to the RIMS collected by the  
7 department and deposited in the revenue information management system account shall be no  
8 greater than \$4,000,000 each fiscal year beginning in the fiscal year ending June 30, 2022, and  
9 ending in the fiscal year ending June 30, 2031. The commissioner shall report annually on the  
10 methodology used to determining the revenue increase to the capital budget overview committee  
11 and house and senate ways and means committees.

12 III. In addition to the amounts in paragraph II for the biennium ending June 30, 2019, the  
13 state treasurer shall deposit any excess general fund appropriation for debt service into the revenue  
14 information management system account for prepayment of bonds issued to finance RIMS once the  
15 bonds can be called.

16 IV. Any moneys remaining in the account after the final payments have been made shall  
17 lapse to the general fund.

18 135 New Section; Department of Administrative Services; State Heating System Savings  
19 Account. Amend RSA 21-I by inserting after section 19-f the following new section:

20 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating  
21 system savings account for the transfer of unexpended state heating system appropriations due to  
22 reduced heating system costs resulting from the 26 state buildings served by the Concord Steam  
23 project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year,  
24 the commissioner of administrative services shall identify the unexpended appropriations in the  
25 accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam  
26 facility. The commissioner shall deposit such sums into the account established by this section.  
27 Funds in the state heating system savings account shall be nonlapsing and appropriated to the  
28 department of administrative services for the biennium ending June 30, 2019 and the fiscal year  
29 ending 2020 and may be used to pay principal and interest on bonds and notes issued to fund the  
30 capital project for the heating of state facilities located at the Governor Hugh J. Gallen state office  
31 park and state-owned buildings in downtown Concord.

32 136 Appropriation; Office of Professional Licensure and Certification; Controlled Drug  
33 Prescription Health and Safety Program. Amend 2016, 329:1 to read as follows:

34 329:1 Appropriation; Office of Professional Licensure and Certification; Controlled Drug  
35 Prescription Health and Safety Program. The sum of \$130,000 is hereby appropriated to the office  
36 of professional licensure and certification for the biennium ending June 30, [2017] **2019** for the  
37 purposes of [~~technology upgrades for~~] the controlled drug prescription health and safety program,

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1 established in RSA 318-B:32. The governor is authorized to draw a warrant for said sum out of any  
2 money in the treasury not otherwise appropriated.

3 137 Contingent Appropriation; Office of Professional Licensure and Certification; Controlled  
4 Drug Prescription Health and Safety Program. The sum of up to \$100,000 is hereby appropriated to  
5 the office of professional licensure and certification for the biennium ending June 30, 2019 for the  
6 controlled drug prescription health and safety program, established in RSA 318-B:32, and  
7 contingent upon approval of the legislative fiscal committee. The governor is authorized to draw a  
8 warrant for said sum out of any money in the treasury not otherwise appropriated.

9 138 Plan for Funding Required. The administrator of the controlled drug prescription health  
10 and safety program shall develop a plan for sustainable funding, which shall not include moneys  
11 from the general fund, by November 1, 2017. The plan shall be presented in the form of a report to  
12 the speaker of the house of representatives, the president of the senate, and the governor on or  
13 before November 2, 2017.

14 139 Revenue for the National Guard Scholarship Fund. Amend RSA 110-B:61 to read as  
15 follows:

16 110-B:61 Revenue for Scholarship Fund. All revenue received from sources other than  
17 governmental agencies during any fiscal year from the rental of all national guard armories in this  
18 state shall be credited by the state treasurer to the New Hampshire national guard scholarship fund  
19 as established in RSA 110-B:60. ***Revenues for the national guard scholarship fund shall***  
20 ***include an annual appropriation, as determined by the general court, to be awarded by***  
21 ***the scholarship committee under this subdivision.***

22 140 Department of Corrections; Appropriation for Scanners in State Correctional Facilities.  
23 Amend 2016, 263:4 to read as follows:

24 263:4 Appropriation; Department of Corrections; Scanners for State Correctional Facilities. In  
25 addition to any other funds appropriated to the department of corrections, the sum of \$1,110,000 for  
26 the [fiscal year] ***biennium*** ending June 30, [2017] ***2019*** is hereby appropriated to the department,  
27 ***\$1,000,000 of which shall be used*** for the purchase and installation of [6] full body security  
28 scanners in [the] state correctional facilities, ***and \$110,000 of which shall be used to fund 2***  
29 ***canine teams at the department of corrections.*** [~~Three of the scanners shall be installed in the~~  
30 ~~state prison for men in Concord, 2 scanners shall be installed in the northern New Hampshire~~  
31 ~~correctional facility in Berlin, and one scanner shall be installed in the new state prison for women.]  
32 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
33 otherwise appropriated.~~

34 141 Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, XI to read as follows:

35 XI. The state shall reimburse the sheriff's office for prisoner custody and control, within  
36 available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus  
37 traveling expenses to attend any official business, for any person employed as a sheriff for prisoner

1 custody and control. For the purpose of this paragraph, a half day shall be defined as a day in  
2 which a sheriff works 4 hours or less. The state shall reimburse the counties, within available  
3 funds appropriated by the legislature, for all costs associated with employing sheriffs, if those costs  
4 are the result of job requirements imposed by federal and state governments. ***Billing for***  
5 ***reimbursement of costs associated with video arraignments shall not be allowed under***  
6 ***this paragraph. Custody and control of prisoners for the purpose of video arraignments***  
7 ***shall be the responsibility of the county in which the video arraignment occurs, and such***  
8 ***custody and control may be exercised by county correctional officers.***

9 142 Department of Justice; Collections Related to the Merrimack River Flood Control Compact.  
10 The department of justice shall undertake every reasonable legal effort to collect all amounts due to  
11 the state of New Hampshire as a result of the Merrimack River flood control compact.

12 143 Integrated Land Development Permits; Procedure Suspended. Due to budgetary and  
13 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development  
14 permit from the department of environment services, is suspended for the biennium ending June  
15 30, 2019.

16 144 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for  
17 the biennium ending June 30, 2019, no state aid grants shall be made for any new infrastructure  
18 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or  
19 RSA 149-M, except that infrastructure projects that had local authorization by December 31, 2008  
20 to construct, but were not listed in 2013, 144:101, shall continue to be eligible for state aid grants  
21 subject to availability of funding. Nothing in this section shall affect the provision of the future  
22 water supply land protection grants under RSA 486-A if funding is available for such purposes.

23 145 Workers' Compensation; Definitions. Amend RSA 281-A:2, VII(a)(5) to read as follows:

24 (5)(A) Any person who assists in a search for or an attempted rescue or rescue of  
25 another pursuant to RSA 206:26, XII, after January 1, 1982, and who is voluntarily under the  
26 direction of those authorized to give direction in searching for or attempting to rescue or rescuing  
27 another. A person who assists in the search for or attempted rescue or rescue of another shall,  
28 solely for the purposes of this chapter and not otherwise, be deemed to be an employee of the state  
29 with respect to such activity. Any payments required to be made as a result of this paragraph shall  
30 be a charge against the general fund.

31 (B) ***Any person who is a regularly enrolled volunteer member or trainee***  
32 ***of a volunteer search and rescue group recognized by the fish and game department who***  
33 ***participates in a coordinated training exercise preapproved by the fish and game search***  
34 ***and rescue coordinator or participates in a search and rescue mission or attempted***  
35 ***search and rescue mission of another, pursuant to RSA 206:26, XII shall, solely for the***  
36 ***purposes of this chapter and not otherwise, be deemed to be an employee of the state with***  
37 ***respect to such activity. Any payments to be made as a result of this subparagraph shall***

1 *be a charge against the general fund.*

2 146 Appropriation; Department of Safety; Fire Standards and Training and Emergency Medical  
3 Services Fund; Funding.

4 I. The sum of \$250,000 for the fiscal year ending June 30, 2018 is hereby appropriated to  
5 the department of safety for deposit in the fire standards and training and emergency medical  
6 services fund established in RSA 21-P:12-d. The state treasurer shall transfer said sum to the fund  
7 not later than August 1, 2017. The governor is authorized to draw a warrant for said sum out of  
8 any money in the treasury not otherwise appropriated.

9 II. It is the intent of the general court to consider future funding options for the fire  
10 standards and training and emergency medical services fund during the 2018 regular legislative  
11 session.

12 147 Department of Transportation and Liquor Commission; Feasibility Assessment. The  
13 commissioners of the department of transportation and the liquor commission may conduct a  
14 feasibility assessment of the existing northbound and southbound liquor and wine outlets sites in  
15 the town of Hampton on Interstate 95 to determine the financial viability of constructing, operating,  
16 and maintaining a turnpike service plaza for motorists.

17 148 Department of Transportation; Acquisition of Land. The commissioner of the department  
18 of transportation is authorized to acquire land as required for the purpose of constructing,  
19 operating, and maintaining a turnpike service plaza for motorists at the existing northbound and  
20 southbound liquor and wine outlets in the town of Hampton on Interstate 95. Each turnpike service  
21 plaza is intended to be a full service rest area that may include a fueling station, food and beverage  
22 service, a convenience store, and a liquor and wine outlet. Any real estate acquired pursuant to this  
23 authority shall be exempt from the requirements of RSA 4:40. The value of the land to be acquired  
24 shall be based upon an independent appraisal. As part of this conveyance, the liquor commission  
25 shall retain title to sufficient land for the future construction of its liquor and wine outlets, which  
26 shall be exempt from future taxation or rent in perpetuity.

27 149 Liquor Commission; Proceeds From Sale of Land. All proceeds from the sale of any land  
28 owned by the liquor commission for the purpose of constructing, operating, and maintaining a  
29 turnpike service plaza for motorists at the existing northbound and southbound state liquor and  
30 wine outlets in the town of Hampton on Interstate route 95 shall be deposited into the liquor  
31 commission fund pursuant to RSA 176:16 and shall be used exclusively to retire existing debt.

32 150 Airways Toll. Amend RSA 422:34, III to read as follows:

33 III. The amount of motor fuel or fuel sold to and used in the propulsion of aircraft shall be  
34 determined by, and the toll shall be collected by, the director of motor vehicles, under the authority  
35 and procedure established by the provisions of RSA 260:30-65-a and the director of motor vehicles  
36 may further promulgate and establish such additional rules, regulations, and procedures as the  
37 director may deem necessary in the collection and allocation of the airways toll provided herein. In

1 the case of sales of fuel, the airways toll shall be collected at the time of the sale of such fuel, and  
2 payment made to the director in the same manner as in the case of motor fuel. The director shall  
3 pay monthly to the state treasurer all revenue collected in accordance with the foregoing provisions.  
4 ***The treasurer shall credit the revenue to the department as restricted revenue, which***  
5 ***shall not lapse.***

6 151 Lottery Commission; Authority to Purchase Real Property Granted. The lottery  
7 commission, in consultation with the department of administrative services, is hereby authorized to  
8 purchase, in the name of the state, land and buildings to serve as the lottery commission's  
9 headquarters. Such purchase shall be completed during the biennium ending June 30, 2019 and  
10 shall require approval of the fiscal committee of the general court and the governor and council. If  
11 the lottery commission so chooses, the commission is hereby authorized to secure a commercial loan  
12 for the purchase of land in order to build buildings, and to secure a contract to build suitable  
13 buildings to serve as the lottery commission's headquarters. If the lottery commission is unable to  
14 secure a commercial loan, the commission shall apply for funds through the capital budget process  
15 in the next biennium.

16 152 Screening and Intervention for Dyslexia and Related Disorders; Reading Specialist.  
17 Amend RSA 200:60 to read as follows:

18 200:60 Reading Specialist.

19 I. ~~[There is hereby established in the department of education the position of reading~~  
20 ~~specialist, a temporary classified position until June 30, 2017, which shall be funded by existing~~  
21 ~~sources available to the department.~~

22 ~~H. No later than January 1, 2017,]~~ The commissioner of the department of education shall  
23 ~~[designate]~~ ***issue a request for proposals pursuant to RSA 21-G to secure the contract***  
24 ***services of*** a reading specialist to enable the department to provide school districts with the  
25 support and resources necessary to assist students with dyslexia and related disorders and their  
26 families. The reading specialist shall ***be qualified by education and experience in accordance***  
27 ***with paragraph II and shall*** provide technical assistance for dyslexia and related disorders to  
28 school districts.

29 ~~[H.]~~ ***II.*** The reading specialist shall:

30 (a) Be trained and certified in best practice interventions and treatment models for  
31 dyslexia, with expertise in related disorders, and dysgraphia.

32 (b) Have a minimum of 3 years of field experience in screening, identifying, and  
33 treating dyslexia and related disorders.

34 (c) Be responsible for the implementation of professional awareness.

35 (d) Serve as the primary source of information and support for school districts to  
36 address the needs of students with dyslexia and related disorders, and dysgraphia.

37 ***III. The commissioner shall submit a report assessing the effectiveness of the***

1 *reading specialist in complying with the requirements of this section, to the speaker of the*  
2 *house of representatives, the senate president, the chairpersons of the house and senate*  
3 *education committees, and the governor no later than November 1, 2018, and annually*  
4 *thereafter.*

5 153 School Money; Distribution Schedule of Adequate Education Grants. Amend RSA 198:42 to  
6 read as follows:

7 198:42 Distribution Schedule of Adequate Education Grants; Appropriation.

8 I. The adequate education grant determined in RSA 198:41 shall be distributed to each  
9 municipality's school district or districts from the education trust fund in 4 payments of 20 percent  
10 on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of  
11 each school year; provided that for a dependent school district, the grant determined in RSA 198:41  
12 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its  
13 dependent school department.

14 II. For the fiscal year beginning July 1, 2005, and every fiscal year thereafter, the amount  
15 necessary to fund the grants under RSA 198:41 is hereby appropriated to the department from the  
16 education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from  
17 the education trust fund to satisfy the state's obligation under this section. Such warrant for  
18 payment shall be issued regardless of the balance of funds available in the education trust fund. If  
19 the balance in the education trust fund, after the issuance of any such warrant, is less than zero,  
20 *the comptroller shall transfer sufficient funds from the general fund to eliminate such*  
21 *deficit. The* commissioner of the department of administrative services shall inform the fiscal  
22 committee and the governor and council of such balance. This reporting shall not in any way  
23 prohibit or delay the distribution of adequate education grants.

24 III. The department of education shall certify the amount of each grant to the state  
25 treasurer and direct the payment thereof to the school district or municipality.

26 ~~[IV. For chartered public schools approved by the state board of education, the department~~  
27 ~~of education may expend budgeted amounts to fund chartered public school payments under RSA~~  
28 ~~194-B:11, I. Said amounts are hereby appropriated to the department from the education trust fund~~  
29 ~~established under RSA 198:39. The education trust fund shall be used to satisfy the state's~~  
30 ~~obligation under this paragraph. The payment shall be issued regardless of the balance of funds~~  
31 ~~available in the education trust fund. The department of education may request additional funds~~  
32 ~~from the fiscal committee of the general court, with the approval of governor and council, for a new~~  
33 ~~chartered public school approved for initial operation by the state board of education pursuant to~~  
34 ~~RSA 194-B:3-a.]~~

35 154 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(d) to read as follows:

36 (d) The source of funds for payments under this section shall be moneys from the  
37 education trust fund established in RSA 198:39. *The governor is authorized to draw a warrant*

1 *from the education trust fund to satisfy the state's obligation under this section. Such*  
2 *warrant for payment shall be issued regardless of the balance of funds available in the*  
3 *education trust fund. If the balance in the education trust fund, after the issuance of any*  
4 *such warrant, is less than zero, the state comptroller shall transfer sufficient funds from*  
5 *the general fund to eliminate such deficit. The commissioner of the department of*  
6 *administrative services shall inform the fiscal committee and the governor and council of*  
7 *such balance. This reporting shall not in any way prohibit or delay the distribution of*  
8 *payments. The department of education may request additional funds from the fiscal*  
9 *committee of the general court, with the approval of governor and council, for a new*  
10 *chartered public school approved for initial operation by the state board of education*  
11 *pursuant to RSA 194-B:3-a.*

12 155 Robotics Education Fund. The subdivision heading preceding RSA 188-E:24 and RSA 188-  
13 E:24 are repealed and reenacted to read as follows:

14 Robotics Education Development Program and Robotics Education Fund

15 188-E:24 Robotics Education Fund Established. There is established in the office of the state  
16 treasurer a nonlapsing fund to be known as the robotics education fund which shall be kept distinct  
17 and separate from all other funds. The fund shall be administered by the commissioner of the  
18 department of education. The commissioner may accept and expend funds from any public or  
19 private source, including private gifts, grants, and donations.

20 156 New Section; Robotics Education Development Program. Amend RSA 188-E by inserting  
21 after section 24 the following new section:

22 188-E:25 Robotics Education Development Program.

23 I. There is established a robotics education development program in the department of  
24 education. The purpose of the program is to motivate public school students to pursue education  
25 and career opportunities in science, technology, engineering, and mathematics, while building  
26 critical life and work-related skills. Grants from the robotics education fund established in RSA  
27 188-E:24 shall be available to any eligible public school or chartered public school for the purpose of  
28 financing the establishment of a robotics team and its participation in competitive events. Grant  
29 funds shall be limited to the purchase of robotics kits, stipends for coaches, and the payment of  
30 associated costs from participation in competitions.

31 II. The commissioner shall establish eligibility criteria for grants to public schools and  
32 chartered public schools which require that the applying school demonstrates:

33 (a) That it has established a partnership with at least one sponsor, business entity,  
34 institution of higher education, or technical school for the purpose of participation in a robotics  
35 program; and

36 (b) That it has developed a budget.

37 III. A school shall submit a grant application to the department of education, division of



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1 career technology and adult learning, bureau of career development, between September 1 and  
2 September 30 of each year. Grants shall be awarded no later than October 31 of each year.

3 IV. The amount of the grant shall be sufficient to cover the costs of establishing and  
4 supporting a team for 2 years and shall be disbursed by the commissioner as a single payment.

5 V. No school shall receive more than one grant every 2 years, however, a school district  
6 may receive multiple grant awards.

7 VI. If the amount of grant funds requested exceeds the balance in the robotics education  
8 fund available in any year, the commissioner shall not prorate the grant awards, but shall assign  
9 preference to those schools with a higher percentage of students in the school's average daily  
10 membership in attendance who are eligible for a free or reduced-price meal as defined in RSA  
11 198:38. Secondary preference shall be given to schools which did not receive a grant in the previous  
12 year due to lack of funds.

13 VII. The commissioner shall adopt rules pursuant to RSA 541-A, relative to developing  
14 grant application forms and procedures, and establishing criteria for awarding and disbursing  
15 grants.

16 VIII. No later than July 15, 2018, and annually thereafter, the department shall issue a  
17 report to the governor, senate president, speaker of the house of representatives, and the state  
18 library, detailing the number of grants awarded, the schools receiving grants and the grant amount,  
19 the schools that applied for grants but did not receive a grant due to insufficient funds, and the  
20 unencumbered balance of the robotics education fund.

21 157 Controlled Drug Act; Professional Use of Narcotic Drugs. Amend RSA 318-B:10, VII(c) to  
22 read as follows:

23 (c) Providers may operate a methadone detoxification or methadone maintenance  
24 program, or both, in the state of New Hampshire only if the providers are certified to operate  
25 pursuant to rules adopted under subparagraph VII(b). ~~[In implementing subparagraph VII(b), the~~  
26 ~~commissioner shall not use the interim rulemaking process in RSA 541-A:19.]~~

27 158 New Subparagraph; Delinquent Children; Release or Detention Pending Adjudicatory  
28 Hearing. Amend RSA 169-B:14, I(e) by inserting after subparagraph (2) the following new  
29 subparagraph:

30 (3) Secure detention shall not be ordered for delinquency charges which may not  
31 form the basis for commitment under RSA 169-B:19, I(j).

32 159 Dispositional Hearing. Amend RSA 169-B:19, VI to read as follows:

33 VI. A minor committed to the youth development center for the remainder of minority may  
34 be placed at any facility certified by the commissioner of the department of health and human  
35 services for the commitment of minors. The commissioner of the department of health and human  
36 services shall be responsible for notifying the court, within 5 business days, of any such placement  
37 and of any subsequent changes in placement made within 60 days of the original placement. *The*

1 *commissioner shall maintain certification of at least one Medicaid-eligible residential*  
2 *treatment facility for the transfer pursuant to this paragraph of offenders other than*  
3 *serious violent offenders beginning January 1, 2018, and no fewer than 2 such facilities no*  
4 *later than July 1, 2018. For purposes of this section, a "serious violent offender" is a minor*  
5 *subject to a commitment order for a serious violent offense as defined in RSA 169-B:31-c.*  
6 *The process for identification and certification of residential treatment facilities under*  
7 *this subparagraph may include consultation with the operators of existing facilities in the*  
8 *state about their physical and programmatic capacity and the identification of any*  
9 *necessary enhancements in programming or rate structure to develop the resources*  
10 *required by this subparagraph.*

11 160 New Section; Limits on Extended Detention. Amend RSA 169-B by inserting after section  
12 16 the following new section:

13 169-B:16-a Limits on Extended Detention Following Adjudicatory Hearing. Following the  
14 initial dispositional order issued pursuant to RSA 169-B:19 regarding a charge or charges arising  
15 out of a single incident, a child shall not be securely detained for a period or periods totaling longer  
16 than 21 days while awaiting placement or a hearing regarding a change of disposition, or for any  
17 other purpose. The court may permit extended detention beyond this limit if it finds by clear and  
18 convincing evidence that extended detention is necessary for the safety of the child or the public  
19 and the child consents with the assistance of counsel. In any case involving a child who is detained,  
20 the court shall ensure that the child is continuously represented by counsel during any period of  
21 detention. In cases where extended detention is permitted pursuant to this section, the court shall  
22 hold review hearings with the child and counsel present on a weekly basis to determine whether  
23 detention continues to be justified.

24 161 Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

25 (j) Commit the minor to the custody of the department of health and human services for  
26 the remainder of minority. Commitment under this subparagraph may only be made following  
27 written findings of fact by the court, supported by clear and convincing evidence, that commitment  
28 is necessary to protect the safety of the minor or of the community, and may only be made if the  
29 minor has not waived the right to counsel at any stage of the proceedings. Commitment may not be  
30 based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding  
31 or at any stage of the proceedings from which the contempt arises. Commitment may include, but is  
32 not limited to, placement by the department of health and human services at a facility certified for  
33 the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant  
34 to RSA 621:19, or administrative release consistent with the cap on youth development center  
35 population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is  
36 notified. *Commitment under this subparagraph shall not be ordered as a disposition for a*  
37 *violation of RSA 262 or 637, possession of a controlled drug without intent to sell under*

1 *RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if*  
2 *committed by an adult. However, commitment may be ordered under this subparagraph*  
3 *for any offense which would be a felony or class A misdemeanor if committed by an adult*  
4 *if the minor has previously been adjudicated under this chapter for at least 3 offenses*  
5 *which would be felonies or class A misdemeanors if committed by an adult. A court shall*  
6 *only commit a minor based on previous adjudications if it finds by clear and convincing*  
7 *evidence that each of the prior offenses relied upon was not part of a common scheme or*  
8 *factual transaction with any of the other offenses relied upon, that the adjudications of*  
9 *all of the prior offenses occurred before the date of the offense for which the minor is*  
10 *before the court, and that the minor was represented by counsel at each stage of the prior*  
11 *proceedings following arraignment.*

12 162 New Section; Dispositions and Case Closure in Certain Cases. Amend RSA 169-B by  
13 inserting after section 31-b the following new section:

14 169-B:31-c Dispositions and Case Closure in Certain Cases.

15 I. Notwithstanding any other provision of this chapter, the court shall close all cases other  
16 than those involving serious violent offenses no later than 2 years after the date of adjudication.  
17 This section shall not apply if, with the assistance of counsel, the minor consents to continued  
18 jurisdiction.

19 II. In this section, "serious violent offenses" mean first degree murder, second degree  
20 murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree  
21 assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious  
22 sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery  
23 punishable as a class A felony, burglary while armed or involving the infliction of bodily harm  
24 under RSA 635:1, II, or arson punishable as a felony.

25 163 Youth Development Center; Releases and Discharges. Amend RSA 621:19, I-a to read as  
26 follows:

27 I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a  
28 delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-  
29 B:35-a no later than 6 months from the date of the child's commitment pursuant to RSA 169-B:19,  
30 I(j), unless the board determines that continued commitment is necessary in order to protect the  
31 safety of the child or the community, and in such case declines to release the child. ***Such release***  
32 ***shall occur no later than 3 months from the date of the child's commitment if the offense***  
33 ***would be a misdemeanor if committed by an adult.*** If the board declines to release a child  
34 pursuant to this paragraph, it shall provide written notice to the child of his or her right to seek  
35 review of the board's decision, of his or her right to the assistance of counsel during the review  
36 process, and of the procedure the child may follow to initiate such a review. ***If the board declines***  
37 ***to release a child pursuant to this paragraph, it shall consider the child for release no***

1 *later than 2 months after its initial decision, and every 2 months thereafter until the child*  
2 *is released. If the board declines to release a child pursuant to this paragraph on a*  
3 *second or subsequent occasion, it shall notify the court that committed the child, and the*  
4 *court shall appoint counsel in each such case to assist the child in filing a petition*  
5 *pursuant to paragraph I-b.* Parole review and release under this paragraph are not required  
6 during the period that a child is the subject of a delinquency petition which is awaiting adjudication  
7 or disposition.

8 164 New Paragraph; Youth Services Center; Releases and Discharges. Amend RSA 621:19 by  
9 inserting after paragraph III the following new paragraph:

10 IV. The department shall review, on a quarterly basis, the case of every child committed to  
11 the Sununu youth services center who is not a serious violent offender to determine if the child can  
12 safely be placed outside the Sununu youth services center. The department shall petition the court  
13 to modify the disposition of those cases in which a safe placement outside of the Sununu youth  
14 services center is possible. In this paragraph, "serious violent offender" means an offender  
15 adjudicated for a violent crime as defined in RSA 169-B:35-a, I(c) or any other felony which has as  
16 an element the actual or attempted infliction of injury upon another person within the previous 2  
17 years or adjudicated for an offense within the last year that created a substantial risk of serious  
18 bodily injury to another.

19 165 Alternative Placement Capacity for Youth; Reporting Requirement.

20 I. In furtherance of the duty of the department of health and human services under RSA  
21 170-G:4 to provide services for all children and youth referred to it by the district courts pursuant to  
22 RSA 169-B, the commissioner shall evaluate the adequacy of the service system and ensure that  
23 sufficient alternative placement capacity is in place for those children who are not serious violent  
24 offenders who prior to this act would have been placed at the Sununu youth services center. On or  
25 before September 1, 2017, a plan for development of such capacity for minors who are not serious  
26 violent offenders shall be provided to the fiscal committee of the general court, and the plan shall be  
27 updated on a monthly basis until it is fully implemented. The plan shall provide for an increase in  
28 the state's capacity for placement in Medicaid-eligible settings of no fewer than 35 minors. The  
29 increase in capacity for minors who are not serious violent offenders shall be implemented no later  
30 than January 1, 2018, and include a rate structure which supports the staffing ratios and other  
31 resources necessary for the safe and effective treatment of such children in residential and other  
32 treatment settings. The rate structure shall be submitted to the fiscal committee of the general  
33 court for approval prior to December 1, 2017. If necessary, the plan shall provide for a process for  
34 re-establishing cost-based rate-setting rules and procedures which may have expired.

35 II. Unless prior approval of the fiscal committee of the general court is provided, no later  
36 than November 1, 2017, the plan required by this section shall be updated to include the following  
37 elements:

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1           (a) Dissemination of information to judicial branch employees.

2           (b) Training and education of and dissemination of information to:

3               (1) Juvenile probation and parole officers and related law enforcement.

4               (2) Sununu youth services center and other division for children youth and families  
5 staff.

6           (c) Programming changes at the Sununu youth services center to facilitate the  
7 successful release of youth other than serious violent offenders according to the timetables in RSA  
8 621:19, I-a, as amended by this act.

9           (d) Programming changes and enhancements to provider services necessary for the  
10 successful housing and treatment of youth other than serious violent offenders.

11           (e) Changes necessary for the successful diversion from secure detention of children  
12 other than serious violent offenders, including the development of additional alternatives to  
13 detention, modifications to detention screening instruments, and changes to programming at the  
14 Sununu youth services center and other facilities.

15           III. No later than November 1, 2017, the department shall establish an advisory group to  
16 assist with the implementation of the juvenile justice reform provisions of this act. The group shall  
17 consist, at a minimum, of department staff, providers of residential and other services, and juvenile  
18 justice reform advocates. The group shall meet no less than once per month, receive reports from  
19 the department, and advise and work with the department during the implementation process. The  
20 reports provided to the advisory group shall also be provided to the fiscal committee of the general  
21 court and include the following:

22               (a) The number, offense characteristics, and treatment needs of children at the Sununu  
23 youth services center in both detained and committed status.

24               (b) The number and results of proceedings before the juvenile parole board, separated  
25 by offense type and whether they are parole release hearings, parole revocation hearings, or  
26 reconsideration hearings as required by RSA 621:19, I-a, as amended by this act.

27               (c) The availability of services for the treatment of children not held at the Sununu  
28 youth services center and subject to proceedings under RSA 169-B, including:

29                   (1) The number of residential treatment beds certified for placement, by category, as  
30 well as whether they are filled or available for placement of children.

31                   (2) The number and category of children placed in facilities in other states.

32                   (3) The number of residential treatment beds certified under RSA 169-B:19, VI, as  
33 amended by this act, as well as whether they are filled or available for placement of children.

34                   (4) The availability of non-residential services for the treatment of children subject  
35 to proceedings under RSA 169-B, including projections of need and plans to meet that need.

36           166 Youth Drug Treatment Center. The commissioner of the department of health and human  
37 services, in consultation with the governor's commission on alcohol and drug abuse prevention,

1 treatment, and recovery, established in RSA 12-J, shall redevelop the excess capacity at the Sununu  
2 youth services center, to be used for an inpatient and outpatient drug treatment facility for persons  
3 under the age of 18, including Medicaid eligible youth under age 18. All contracts, plans, and  
4 specifications for the redevelopment required by this section shall be awarded in accordance with  
5 the provisions of RSA 21-I. The drug treatment facility shall be operated by a non-governmental  
6 entity, and the commissioner shall issue an RFP for the purpose of operating the new inpatient and  
7 outpatient drug treatment facility for persons under the age of 18, including Medicaid eligible youth  
8 under age 18, located in unused portions of the Sununu youth services center building now used for  
9 placement of minors pursuant to RSA 169-B.

10 167 Appropriation; Department of Health and Human Services. The sum of \$2,000,000 is  
11 hereby appropriated for the fiscal year ending June 30, 2018 to the department of health and  
12 human services for the purpose of implementing section 166 of this act. This sum shall be a charge  
13 against amounts appropriated to accounting unit 05-95-49-491510-2989, governor commission  
14 funds, in fiscal year 2017. Funds appropriated in this section and not spent during the fiscal year  
15 ending June 30, 2018 shall not lapse to the general fund and shall be deposited in the alcohol abuse  
16 prevention and treatment fund established by RSA 176-A:1.

17 168 Funding for Alcohol and Drug Abuse Treatment Services at the Sununu Youth Services  
18 Center; Funding for Operational Costs of the Sununu Youth Services Center.

19 I. For the biennium ending June 30, 2019, funds determined by the governor to be  
20 necessary for services provided at the alcohol and drug abuse treatment facility at the Sununu  
21 youth services center may be funded from the amounts appropriated to account 05-95-92-920510-  
22 3382, governor commission funds, and shall be used exclusively for payment for contracted services.

23 II. For the biennium ending June 30, 2019, in the event of an emergency funds determined  
24 by the governor to be necessary for the operational costs of the Sununu youth services center may  
25 be funded from the amounts appropriated to account 05-95-92-920510-3382, governor commission  
26 funds. Transfers from account 05-95-92-920510-3382 deemed by the governor to be necessary for  
27 this purpose shall require prior approval of the fiscal committee of the general court.

28 169 Transfer of Funds for Operation of the Sununu Youth Services Center. In the case of  
29 transfers affecting the funding for any of the functions of the Sununu Youth Services Center subject  
30 to RSA 621, the prior approval of the fiscal committee of the general court shall be required. Prior  
31 to acting on transfer requests to which this section applies, the fiscal committee of the general court  
32 shall solicit the advice of the advisory group established in section 165 of this act. The  
33 commissioner may only seek a transfer which is subject to the requirements of this section if there  
34 has been full compliance with the requirements of section 165 of this act and RSA 169-B:19, VI, as  
35 amended by this act.

36 170 New Paragraph; Delinquent Children; Dispositional Hearing; Alcohol or Drug Treatment  
37 Facility Placement. Amend RSA 169-B:19 by inserting after paragraph II-a the following new

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1 paragraph:

2 II-b. No minor may be placed in inpatient treatment at an alcohol or drug treatment facility  
3 unless a finding is made that the child requires substance use disorder services pursuant to an  
4 evaluation by any licensed health care professional making the decision based on American Society  
5 of Addiction Medicine criteria. In addition, no placement at such a facility may be made without the  
6 consent of the operator of such facility, and in the case of a serious violent offender as defined in  
7 RSA 621:19, IV, unless such consent is made in writing and transmitted to the court.

8 171 New Paragraph; Children in Need of Services; Dispositional Hearing; Alcohol or Drug  
9 Treatment Facility Placement. Amend RSA 169-D:17 by inserting after paragraph II-b the  
10 following new paragraph:

11 II-c. A dispositional order for inpatient treatment at an alcohol or drug treatment facility  
12 may only be issued following a finding that the child requires substance use disorder services  
13 pursuant to an evaluation by any licensed health care professional making the decision based on  
14 American Society of Addiction Medicine criteria.

15 172 Worker Displacement. To the extent permitted by existing law and collective bargaining  
16 agreements, employees affected by the provisions of sections 158-173 of this act shall be given the  
17 highest priority for transfer to vacant positions, job retraining, and recall rights. In addition,  
18 employees who are within 5 years of regular retirement eligibility with the New Hampshire  
19 retirement system may request and shall be granted early retirement. Any required retirement  
20 payments under this provision shall be funded by the state of New Hampshire. Employees  
21 receiving early retirement under this provision shall relinquish future recall rights.

22 173 Applicability.

23 I. RSA 169-B:19, I(j), as amended by section 161 of this act, shall apply to cases pending on  
24 or after March 1, 2018 in which a dispositional order has not yet been entered.

25 II. RSA 169-B:31-c, as inserted by section 162 of this act, shall apply to cases commenced  
26 after July 1, 2016.

27 III. RSA 621:19, I-a, as amended by section 163 of this act, shall apply to minors confined  
28 pursuant to a commitment order issued pursuant to RSA 169-B:19, I(j) after October 1, 2017.

29 IV. RSA 621:19, IV, as inserted by section 164 of this act, shall apply to cases in which a  
30 minor is committed to the Sununu youth services center or any successor facility after October 1,  
31 2017.

32 174 Rate-Setting. To the extent possible within available appropriations, the department of  
33 health and human services shall engage in a rate-setting process which is based on providers'  
34 reasonable costs of providing those services needed to implement the provisions of sections 158  
35 through 173 of this act.

36 175 Funding of Alternative Placement Capacity for Youth. Notwithstanding any other  
37 provision of law, no less than \$8,714,632 of the funds appropriated in account 05-95-42-421010-

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1 2958, class 535, shall be expended during the biennium ending June 30, 2019, to fund rate increases  
2 and additional capacity for out-of-home placements pursuant to the duties of the commissioner of  
3 health and human services in section 165 of this act. These funds may not be transferred or utilized  
4 for any other purpose, including to satisfy a lapse requirement or appropriation reduction.

5 176 New Hampshire Partnership for Long-Term Care Plan. The New Hampshire Association  
6 of Counties, in consultation with the county-state finance commission, shall develop a New  
7 Hampshire partnership for long-term care plan. The plan shall address services for New  
8 Hampshire's population that is eligible for Medicaid for nursing home level of care, including those  
9 services provided under the choices for independence program. The plan shall account for  
10 demographic changes in New Hampshire, availability of non-nursing home community based  
11 services, and ensuring the least restrictive care available. The plan shall include methods for  
12 funding and management of programs that balance the interests of county, state, and federal payers  
13 into the system. Development of the plan shall include a process for meaningful input from affected  
14 persons. The New Hampshire Association of Counties shall submit to the governor, the speaker of  
15 the house of representatives, and the president of the senate a preliminary report by March 1, 2018  
16 and a final report by July 1, 2018.

17 177 Appropriation; Health and Human Services; New Hampshire Partnership for Long-Term  
18 Care Plan. The sum of \$100,000 is hereby appropriated to the department of health and human  
19 services for the biennium ending June 30, 2019 for the purpose of funding the New Hampshire  
20 Association of Counties, development of a New Hampshire partnership for long-term care plan.  
21 This appropriation shall be contingent upon a 50 percent match by the county governments. The  
22 New Hampshire Association of Counties shall notify the commissioner of the department of health  
23 and human services once the match has been obtained. Upon notification, the commissioner shall  
24 distribute the appropriation to the New Hampshire Association of Counties. The governor is  
25 authorized to draw a warrant for said sum out of any money in the treasury not otherwise  
26 appropriated.

27 178 New Subparagraph; Commissioner's Duties; Medicaid Managed Care Program; Prior  
28 Authorization. Amend RSA 126-A:5, XIX by inserting after subparagraph (f) the following new  
29 subparagraph:

30 (g)(1) By July 15, 2017, the commissioner shall develop a universal online prior  
31 authorization form for drugs used to treat mental illness and require community mental health  
32 centers and managed care organizations to use such form by September 1, 2017. A reasonably  
33 completed prior authorization request submitted using the online form shall be approved or denied  
34 by the close of the next business day. Failure to meet this time frame shall be deemed automatic  
35 approval. If the prior authorization is denied, the prescribing provider may request a peer-to-peer  
36 review with a licensed psychiatric specialist with prescribing privileges by the close of the next  
37 business day. Failure by the managed care organization to provide such review by the close of the



1 next business day shall be deemed automatic approval unless the prescribing provider fails to  
2 participate in the peer-to-peer review within that time period.

3 (2) Prior authorization for drugs prescribed by community mental health centers for  
4 treatment of severe mental illness shall be suspended if the deadlines under this subparagraph are  
5 not met, or if the commissioner determines there is a pattern of missed deadlines for peer-to-peer  
6 reviews following denials, or if at any time the commissioner determines such suspension is  
7 necessary to promote the behavioral health and well-being of New Hampshire's citizens being  
8 served under Medicaid managed care.

9 (3) The commissioner shall monitor compliance under this subparagraph and shall  
10 report quarterly through December 31, 2018 to the fiscal committee of the general court relative to  
11 adherence to all such requirements including the rate of denial.

12 179 Special Medicaid Representatives; Applicability. Amend 2016, 265:2 to read as follows:

13 265:2 Applicability. The implementation of RSA 151-I as inserted by section 1 of this act shall  
14 be subject to written approval by the Centers for Medicare and Medicaid Services. If required, the  
15 commissioner of the department of health and human services shall develop and prepare  
16 amendments to the state Medicaid plan for submission and approval to the Centers for Medicare  
17 and Medicaid Services (CMS). [~~The commissioner shall seek and have in place approval from the~~  
18 ~~CMS by December 31, 2016.] The commissioner shall certify the date of approval to the secretary of  
19 state and the director of legislative services.~~

20 180 Department of Health and Human Services; Division for Children, Youth, and Families.

21 I. For the biennium ending June 30, 2019, the rates for services, placements, and programs  
22 that are payable by the department pursuant to RSA 169-B:40, RSA 169-C:27, and RSA 169-D:29  
23 may be increased provided that total expenditures do not exceed the appropriations for these  
24 services contained within the operating budget for fiscal year 2018 and fiscal year 2019.

25 II. Notwithstanding paragraph I, upon the department's implementation of managed care,  
26 the rate of reimbursement for Medicaid eligible services and programs for a Medicaid eligible child  
27 shall be the rate agreed to by the provider and the managed care organization.

28 181 Advisory Board on Services for Children, Youth, and Families; Legislative Members.  
29 Amend RSA 170-G:6-a, I to read as follows:

30 I. There is hereby established a board to advise the department of health and human  
31 services on services for children, youth, and families. The board shall consist of 12 members and  
32 such additional members as may be necessary to comply with federal regulations for the acceptance  
33 of federal funds or to ensure representation of every county. Each member shall serve a term of 3  
34 years; ***provided that legislative members shall serve a term coterminous with their term in***  
35 ***office.*** A member shall continue to serve until a successor is appointed in the same manner as the  
36 original appointment. The board shall be representative of persons from community youth service  
37 agencies; from the juvenile justice field, such as law enforcement, probation, police, courts, and

1 attorneys; and from appropriate professional fields such as psychology, social services, education,  
2 and health. Members of the board shall serve without compensation but shall receive mileage  
3 payments at the state employee rate within the limits of funds appropriated to the department.

4 182 Advisory Board on Services for Children, Youth, and Families; Legislative Members.  
5 Amend RSA 170-G:6-a, II(b) and (c) to read as follows:

6 (b) The senate president shall appoint 4 members, no 2 of whom shall be from the same  
7 county, and one of whom shall be from a family that has been affected by the department of *health*  
8 *and human services, division for* children, youth and families.

9 (c) The speaker of the house shall appoint 4 members, no 2 of whom shall be from the  
10 same county, and one of whom shall be from a family that has been affected by the department of  
11 *health and human services, division for* children, youth and families.

12 183 Department of Health and Human Services; Unfunded Positions; Authorization.  
13 Notwithstanding any other provision of law to the contrary, the department of health and human  
14 services, with prior approval of the fiscal committee of the general court, may fill unfunded  
15 positions during the biennium ending June 30, 2019, provided that the total expenditure for such  
16 positions shall not exceed the amount appropriated for personal services.

17 184 Designated Receiving Facility for Persons with Developmental Disabilities on the Grounds  
18 of the Laconia State School Property; Plan for Relocation Required. The commissioner of the  
19 department of health and human services shall develop a plan to relocate the individuals with  
20 developmental disabilities currently placed at the designated receiving facility on the grounds of the  
21 Laconia state school property by June 30, 2021. The plan shall be submitted to the speaker of the  
22 house of representatives, the president of the senate, and the governor on or before September 1,  
23 2019, with the intention that it be implemented during the biennium ending June 30, 2021.

24 185 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of  
25 Appropriation. The appropriation for the administration of the client assistance program received  
26 by the governor's commission on disability pursuant to 29 U.S.C. section 732 for the fiscal years  
27 ending June 30, 2018 and June 30, 2019 may be transferred to another qualified agency upon  
28 certification by the governor to the commissioner of the department of administrative services that  
29 the program has been redesignated. If the redesignation occurs and the governor's certification is  
30 made after July 1, 2017, the unexpended portion of the appropriation shall be transferred.

31 186 Designated Receiving Facilities; Residential Beds.

32 I. The commissioner of the department of health and human services shall issue a request  
33 for applications (RFA) from qualified vendors to establish up to 20 designated receiving facility beds  
34 for up to 2 years. The designated receiving facilities, as defined in RSA 135-C:26, shall service  
35 individuals with severe mental illness who meet the criteria for involuntary emergency admission.  
36 The RFA shall be issued no later than June 30, 2017.

37 II. The commissioner of the department of health and human services shall issue a request

1 for applications (RFA) from qualified vendors for 20 transitional and community residential beds for  
2 the fiscal year ending June 30, 2018 and up to 40 transitional and community residential beds for  
3 the fiscal year ending June 30, 2019 with wrap-around services and supports for individuals,  
4 prioritizing those who are transitioning from New Hampshire hospital and designated receiving  
5 facilities. The RFA shall be issued no later than June 30, 2017 and the housing shall be operational  
6 by October 1, 2017.

7 187 Plan Required for Removal of Certain Persons From New Hampshire Hospital. The  
8 commissioner of the department of health and human services shall develop a plan to safely remove  
9 the remaining 24 youths from the New Hampshire hospital and to ensure that they continue to  
10 receive the care they need by November 1, 2017. The commissioner shall make a report relative to  
11 the plan which shall be submitted to the speaker of the house of representatives, the president of  
12 the senate, the chairs of the house and senate committees having jurisdiction over health and  
13 human services, and the governor on or before November 2, 2017.

14 188 Mobile Crisis Teams and Apartments. The commissioner of the department of health and  
15 human services shall issue a request for proposals (RFP) for a mobile crisis team and apartments  
16 from qualified vendors. The RFP for the mobile crisis team and apartments shall be issued no later  
17 than June 30, 2017 and operational no later than January 1, 2018. Any new mobile crisis teams  
18 shall be established in geographic locations that have high rates of admissions to and discharges  
19 from New Hampshire hospital.

20 189 Integrated Data Management System. The commissioner of the department of health and  
21 human services and the commissioner of the department of information technology shall issue a  
22 request for proposals (RFP) from vendors to develop and implement an integrated data  
23 management system that provides real-time information about the availability of involuntary and  
24 voluntary inpatient psychiatric beds in the state of New Hampshire. The RFP shall be issued no  
25 later than September 1, 2017. The system shall be operational no later than January 1, 2018.

26 190 Evaluation Required. The commissioner of the department of health and human services  
27 shall issue a request for proposals (RFP) for an independent evaluation of the capacity of the  
28 current health system in New Hampshire to respond to the inpatient, acute care psychiatric needs  
29 of patients, including, but not limited to, those patients who require involuntary emergency  
30 admissions, as defined in RSA 135-C. The commissioner shall seek non-state general funds to pay  
31 for the evaluation. The RFP shall be issued no later than June 30, 2017 and the evaluation shall be  
32 completed by November 1, 2017.

33 191 Department of Health and Human Services; Associate Commissioner of Health and Human  
34 Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

35 (a) Subject to the approval of the governor and council, the commissioner of health and  
36 human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The  
37 associate commissioner shall perform such duties as may be assigned by the commissioner, which

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1 shall include oversight of the division for children, youth and families and assigned responsibilities  
2 of the department under RSA 170-G. The annual salary of the associate commissioner shall be as  
3 prescribed in RSA 94:1-a.

4 192 Department of Health and Human Services; Salaries; Reference to Associate Commissioner  
5 Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

6 126-A:10 Salaries. The annual salaries of the commissioner of health and human services,  
7 deputy commissioner of health and human services, [~~senior division director~~] **associate**  
8 **commissioner**, division directors, and unclassified employees of the department shall be as  
9 prescribed by RSA 94:1-a.

10 193 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

11 Delete:

12 JJ Department of health and human services senior division director

13 Insert:

14 JJ Department of health and human services associate commissioner

15 194 New Subparagraph; Department of Health and Human Services; Position Established.  
16 Amend RSA 126-A:9, I by inserting after subparagraph (b) the following new subparagraph:

17 (c) The commissioner shall appoint an unclassified mental health medical supervisor  
18 who shall perform such duties as may be assigned by the commissioner. These duties shall include,  
19 but not be limited to, collecting and reporting information regarding patients in need of high acuity  
20 mental health treatment and information regarding treatment options. The mental health medical  
21 supervisor shall be clinically qualified to assist in the triage for appropriate inpatient, partial  
22 hospitalization, and/or community based services. The mental health medical supervisor shall be a  
23 psychiatrist or psychiatric nurse practitioner licensed or qualified to practice in New Hampshire.  
24 The salary of the mental health medical supervisor shall be determined after assessment and  
25 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position  
26 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

27 195 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after  
28 section 16 the following new subdivision:

Office of the Child Advocate

30 170-G:17 Office of the Child Advocate.

31 I. The office of the child advocate shall be an independent agency, administratively  
32 attached to the department of administrative services pursuant to RSA 21-G:10.

33 II. The office shall be under the supervision of an unclassified director of the office of the  
34 child advocate. The director shall serve a term of 4 years and until a successor is appointed and  
35 qualified. Any vacancy in the office shall be filled in the same manner as the original appointment  
36 for the remainder of the unexpired term. The director shall be appointed by the governor and  
37 council, upon the recommendation of the oversight commission established in RSA 170-G:18. The

1 director shall possess a professional graduate degree in law, social work, public health, or a related  
2 field and be qualified by reason of education, experience, and expertise to perform the duties of the  
3 office.

4 III. The office of the child advocate shall:

5 (a) Provide independent oversight of the division for children, youth, and families to  
6 assure that the best interests of children are being protected.

7 (b) Regularly consult with the department of health and human services and the  
8 oversight commission established in RSA 170-G:18.

9 (c) Have access to all case records, all third party records, and all records submitted to  
10 the courts, and maintain confidentiality pursuant to RSA 169-C:25 and RSA 170-G:8-a.

11 (d) Have prompt electronic access to records within the scope of its mission, except for  
12 department of justice records that are part of a pending criminal investigation or prosecution, and  
13 judicial branch records to the extent that such access does not violate the constitutional separation  
14 of powers.

15 (e) Have the authority to subpoena witnesses and/or records.

16 (f) Have the authority to review and investigate any aspect of the department's child  
17 protection policies or practices.

18 (g) Provide information and referral services to the public regarding the department's  
19 child protection services; provided that case specific complaints shall be handled by the department.

20 (h) Perform educational outreach and advocacy activities in furtherance of the mission  
21 and responsibilities of the office.

22 (i) Investigate and report on issues related to department's child protection services  
23 upon the request of the governor, commissioner of health and human services, speaker of the house  
24 of representatives, senate president, or oversight commission. A written report of these findings  
25 shall be issued in a timely manner.

26 IV.(a) The department of health and human services shall provide the office with a copy of  
27 all incident or other reports related to actual physical injury to children or a significant risk of such  
28 harm, as well as other incidents which may affect the safety and well-being of children in the  
29 custody or control of the department not later than 48 hours after the occurrence; provided that any  
30 child fatality or serious injury shall be immediately communicated to the office by telephone.

31 (b) The department of health and human services shall provide any records or reports  
32 requested by the office, subject to the exclusions in this section.

33 V. Beginning November 1, 2017, and each November 1 thereafter, the director of the office  
34 of the child advocate shall submit an annual report of its activity, findings, and recommendations to  
35 the commissioner of the department of health and human services, the governor, the speaker of the  
36 house of representatives, the senate president, and the state library. The director shall make the  
37 annual report available to the public on a state Internet website.

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1           170-G:18 Oversight Commission on Children's Services Established.

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

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

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

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

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

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

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

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

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

19           III. The oversight commission shall:

20                   (a) Recommend at least 3 qualified candidates to the governor for appointment as  
21 director of the office of the child advocate; except that in the case of reappointment, a single  
22 recommendation shall be sufficient.

23                   (b) Provide oversight to the office of the child advocate to support an effective,  
24 comprehensive, and coordinated system of services and programs for children, youth, and families.

25                   (c) Analyze the efficacy of selected programs and services of the department, including  
26 the characteristics of target populations, trends affecting program costs and participation, and  
27 alternative approaches to programmatic and administrative concerns.

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

30                   (e) Monitor and review implementation of the memorandum of understanding entered  
31 into by the department of health and human services and the department of justice regarding the  
32 collaboration between the 2 departments in the department of health and human services'  
33 investigation and prosecution of abuse and neglect cases.

34           IV. The oversight commission shall elect a chairperson from among the members. The first  
35 meeting of the commission shall be called by the first-named senate member. The first meeting of  
36 the commission shall be held within 45 days of the effective date of this section. Nine members of  
37 the commission shall constitute a quorum.

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1           V. On or before November 1, 2017 and May 1, 2018, and not later than each November 1  
2 thereafter, the commission shall submit a report of its activity, findings, and any recommendations  
3 for proposed legislation to the commissioner of the department of health and human services, the  
4 director of the office of the child advocate, the president of the senate, the speaker of the house of  
5 representatives, the senate clerk, the house clerk, the governor, and the state library. The  
6 commission shall make all reports available to the public on a state Internet website.

7           196 Department of Health and Human Services; Director of Legal Services; Memorandum of  
8 Understanding Between the Department of Health and Human Services and the Department of  
9 Justice.

10           I. On the effective date of this section, the director of legal services, position number 9U468,  
11 shall be physically located in the department of justice. The director of legal services shall be under  
12 the supervision of the attorney general and shall be responsible for the supervision of all attorneys  
13 in the department of health and human services, division for children, youth and families. Funding  
14 for the position shall remain with the department of health and human services.

15           II.(a) On or before August 1, 2017, the commissioner of the department of health and  
16 human services and the attorney general of the department of justice shall enter into a  
17 memorandum of understanding that provides for the ongoing communication and collaboration by  
18 and between the 2 departments in connection with the department of health and human services'  
19 investigation and prosecution of abuse and neglect cases. The memorandum of understanding  
20 shall:

21                   (1) Provide for joint case consultation, oversight, and review of the department of  
22 health and human services, division for children, youth and families cases in appropriate instances;

23                   (2) Outline the roles and responsibilities of each agency in the prosecution of these  
24 cases; and

25                   (3) Establish a process to address any identified training needs for the division for  
26 children, youth and families attorneys, including, but not limited to, monthly meetings with the  
27 department of justice and supervisory attorneys representing the division for children, youth and  
28 families and quarterly meetings with the department of justice and all attorneys representing the  
29 division for children, youth and families.

30           (b) The department of health and human services, in collaboration with the department  
31 of justice, shall provide an interim report on or before December 31, 2017 and an annual report  
32 beginning on or before June 30, 2018, to the oversight commission on children's services and  
33 juvenile justice established in RSA 170-G:18 regarding implementation and progress under the  
34 memorandum of understanding. The report shall address whether additional attorney positions in  
35 the division for children, youth and families should be transferred to the department of justice.

36           197 Child Protection Act; Purpose. Amend RSA 169-C:2 to read as follows:

37           169-C:2 Purpose.

1 I. It is the *primary* purpose of this chapter, through the mandatory reporting of suspected  
2 instances of child abuse or neglect, to provide protection to children whose life, health or welfare is  
3 endangered. ~~[and]~~

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

12 (a) Protect the safety of the child.

13 (b) ~~[Preserve the unity of the family whenever possible.~~

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

16 ~~(d) Take such action as may be necessary to prevent abuse or neglect of children.~~

17 ~~(e) Provide protection, treatment, and rehabilitation, as needed, to children placed in  
18 alternative care.]~~ **Take such action as may be necessary to prevent the abuse or neglect of  
19 children.**

20 **(c) Preserve the unity of the family.**

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

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

25 ~~[H:]~~ **III.** This chapter shall be liberally construed to the end that its purpose may be carried  
26 out, to wit:

27 (a) To encourage the mental, emotional, and physical development of each child coming  
28 within the provisions of this chapter, by providing ~~[him]~~ **the child** with the protection, care,  
29 treatment, ~~[counseling]~~ **counseling**, supervision, and rehabilitative resources which ~~[he]~~ **the child**  
30 needs and has a right to receive.

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

37 (c) To provide effective judicial procedures through which the provisions of this chapter



1 are executed and enforced and which recognize and enforce the constitutional and other rights of  
2 the parties and assures them a fair hearing.

3 198 Child Protection Act; Definitions. Amend RSA 169-C:3, XIX(a)-(b) to read as follows:

4 (a) Who has been abandoned by his **or her** parents, guardian, or custodian; or

5 (b) Who is without proper parental care or control, subsistence, education as required  
6 by law, or other care or control necessary for [his] **the child's** physical, mental, or emotional health,  
7 when it is established that [his] **the child's** health has suffered or is [very] likely to suffer serious  
8 impairment; and the deprivation is not due primarily to the lack of financial means of the parents,  
9 guardian, or custodian; or

10 199 Child Protection Act; Definitions. Amend RSA 169-C:3, XXVII-a and XXVIII to read as  
11 follows:

12 XXVII-a. ***"Serious impairment" means a substantial weakening or diminishment of***  
13 ***a child's emotional, physical, or mental health or of a child's safety and general well-***  
14 ***being. The following circumstances shall be considered in determining the likelihood that***  
15 ***a child may suffer serious impairment:***

16 (a) ***The age and developmental level of the child.***

17 (b) ***Any recognized mental, emotional, or physical disabilities.***

18 (c) ***School attendance and performance.***

19 (d) ***The child's illegal use of controlled substances, or the child's contact with***  
20 ***other persons involved in the illegal use or sale of controlled substances or the abuse of***  
21 ***alcohol.***

22 (e) ***Exposure to incidents of domestic or sexual violence.***

23 (f) ***Any documented failure to thrive.***

24 (g) ***Any history of frequent illness or injury.***

25 (h) ***Findings in other proceedings.***

26 (i) ***The condition of the child's place of residence.***

27 (j) ***Assessments or evaluations of the child conducted by qualified professionals.***

28 (k) ***Such other factors that may be determined to be appropriate or relevant.***

29 XXVII-b. "Sexual abuse" means the employment, use, persuasion, inducement, enticement,  
30 or coercion of any child to engage in, or having a child assist any other person to engage in, any  
31 sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual  
32 depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation  
33 of children, or incest with children. With respect to the definition of sexual abuse, the term "child"  
34 or "children" means any individual who is under the age of 18 years.

35 XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the  
36 department [finds] ***determines*** that there is [~~no probable cause to believe~~] ***insufficient evidence***  
37 ***to substantiate a finding*** that the child is abused or neglected.

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1           200 Determination of Parental Rights and Responsibilities. Amend RSA 461-A:6, IV(b) to read  
2 as follows:

3                   (b) In this paragraph, "sexual abuse" shall mean sexual abuse as defined in RSA 169-  
4 C:3, [~~XXVII-a~~] **XXVII-b**, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2,  
5 RSA 632-A:3, and RSA 632-A:4.

6           201 Child Protection Act; Evidence. Amend RSA 169-C:12 to read as follows:

7           169-C:12 Evidence. In any hearing under this chapter, the court shall not be bound by the  
8 technical rules of evidence and may admit evidence which it considers relevant and material.  
9 ***Evidence of prior founded or unfounded reports of abuse or neglect shall be admissible in***  
10 ***proceedings under this chapter in order to establish a relevant pattern or course of***  
11 ***conduct.***

12           202 New Section; Public Assistance; Home and Community Based Behavioral Health Services  
13 Program. Amend RSA 167 by inserting after section 3-j the following new section:

14           167:3-k Home and Community-Based Behavioral Health Services for Children. The  
15 department shall establish a Medicaid home and community-based behavioral health services  
16 program for children with severe emotional disturbances whose service needs cannot be met  
17 through traditional behavioral health services. The department may establish such services  
18 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a  
19 waiver under other provisions of the Act. If the department proceeds with a waiver, it shall not  
20 limit the geographic availability of services. Such services shall include the following services or  
21 their functional equivalent:

- 22                   (a) Wraparound care coordination.
- 23                   (b) Wraparound participation.
- 24                   (c) In home respite care.
- 25                   (d) Out of home respite care.
- 26                   (e) Customizable goods and services.
- 27                   (f) Family peer support.
- 28                   (g) Youth peer support.

29           203 Budget and Appropriations; Transfers Authorized. Amend RSA 9:16-a to read as follows:

30           9:16-a Transfers Authorized.

31                   ***I.*** Notwithstanding any other provision of law, every department as defined in RSA 9:1 is  
32 hereby authorized to transfer funds within and among all accounting units within said department,  
33 provided that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of  
34 the general court and the governor and council, and provided that no funds may be transferred in  
35 violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions  
36 otherwise provided by law or to or from any account, except accounts in the department of health  
37 and human services ***and the department of transportation***, which is not composed of the same

1 funding source mix.

2 *II. Notwithstanding any other provision of law except RSA 9:17-c, and subject to*  
3 *the approval of the fiscal committee of the general court and the governor and council, the*  
4 *commissioner of the department of administrative services is hereby authorized to*  
5 *transfer funds within and among all accounting units and/or class codes within the*  
6 *department, and is further authorized to create new class codes within the department*  
7 *into which funds may be transferred or placed, as the commissioner deems necessary and*  
8 *appropriate to address present or projected budget deficits, or to respond to changes in*  
9 *federal laws, regulations, or programs, and otherwise as necessary for the efficient*  
10 *management of the department; provided that if a transfer does not include new class*  
11 *codes, only transfers over \$75,000 shall require prior approval of the fiscal committee of*  
12 *the general court and the governor and council.*

13 *III. The \$75,000 threshold under paragraphs I-II shall be applied at the*  
14 *accounting unit level on a cumulative basis within the fiscal year. Once the threshold has*  
15 *been reached, the approval of the fiscal committee of the general court and the governor*  
16 *and council shall be required for subsequent transfers within the fiscal year.*

17 *IV. Notwithstanding any other provision of law, the governor is hereby authorized*  
18 *to transfer funds within and among all accounting units within the governor's office,*  
19 *provided that any transfer of \$75,000 or more shall require prior approval of the fiscal*  
20 *committee of the general court, and provided that no funds may be transferred in*  
21 *violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions*  
22 *otherwise provided by law or to or from any account. The \$75,000 threshold shall be*  
23 *applied at the accounting unit level on a cumulative basis within the fiscal year. Once the*  
24 *threshold has been reached, the approval of the fiscal committee of the general court shall*  
25 *be required for subsequent transfers within the fiscal year.*

26 204 Budget and Appropriations; Limitations of Transfers. Amend RSA 9:17-a to read as  
27 follows:

28 9:17-a Limitations.

29 *I. Notwithstanding the provisions of RSA 9:17, no transfer shall be made [:*

30 ~~*I. From appropriation items for equipment to any other use or purpose.*~~

31 ~~*II. To or from any out of state travel appropriation and the state treasurer and state*~~  
32 ~~*commissioner of administrative services shall maintain separate appropriation accounts for all out*~~  
33 ~~*of state travel appropriations.*~~

34 ~~*H-a:] from any appropriation items for permanent personal services to any other use or*~~  
35 ~~*purpose, provided however that this provision shall not supersede the provisions of RSA 99:4.*~~

36 ~~*[III. Repealed.*~~

37 ~~*IV:]*~~ *II. The provisions of this section shall apply to transfers in general appropriations,*

1 capital budget appropriations and in any other special appropriations.

2 ***III. The department of health and human services may be exempt from the***  
3 ***limitations set forth in paragraph I, subject to approval by the fiscal committee of the***  
4 ***general court of any transfer of appropriations from permanent personal services to any***  
5 ***other use or purpose.***

6 205 Reference Corrected. Amend RSA 9:17-d to read as follows:

7 9:17-d Transfer of Appropriations, Judicial Branch. The supreme court may transfer funds for  
8 any specific purposes to funds for other purposes in the general appropriations for any accounting  
9 unit within the judicial branch, provided that any transfer of \$75,000 or more shall require prior  
10 approval of the fiscal committee of the general court, and provided that no funds may be transferred  
11 in violation of the provisions of RSA 9:17-a, 491-A:2, or any other restriction provided by law. The  
12 judicial branch shall certify such transfers to the commissioner of administrative services. The  
13 certification shall state that the transfers are necessary to efficiently carry out the functions of the  
14 courts and that the legislative fiscal committee has approved the transfers. The provisions of this  
15 section shall not supersede the provisions of RSA 99:4, 9:17-a, ~~[I, II, and II-a and IV,]~~ and 491-A:2.

16 206 Department of Health and Human Services; Contracts for Family Planning Services.  
17 Notwithstanding any law or administrative rule to the contrary, the commissioner of health and  
18 human services shall establish and utilize a competitive bidding process for family planning  
19 services.

20 207 Administrative Procedure Act; Filing of Proposed Rule Text; Newly Enacted Authority.  
21 Amend RSA 541-A:10, I to read as follows:

22 I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the  
23 text of the proposed rule with the director of legislative services. ~~[The first time a rule is proposed~~  
24 ~~under RSA 541-A:3 to implement newly enacted state authority, the agency shall send an electronic~~  
25 ~~copy of the notice and proposed rule to the chair of each house and senate standing policy~~  
26 ~~committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy~~  
27 ~~committees. "Newly enacted state authority" means a state statute or session law adopted or~~  
28 ~~amended after July 30, 2011. If the newly enacted state authority was not referred originally to a~~  
29 ~~standing policy committee, the agency shall send an electronic copy of the notice and proposed rule~~  
30 ~~to the speaker of the house and senate president for appropriate distribution. The members of the~~  
31 ~~standing policy committees receiving proposed rules may review the proposed rules to determine~~  
32 ~~whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing~~  
33 ~~policy committee concludes that the proposed rule is not consistent with the intent of the~~  
34 ~~authorizing legislation, the standing policy committee shall send written notice to the agency, with~~  
35 ~~a copy to the director of legislative services, identifying the provision or provisions the committee~~  
36 ~~believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via~~  
37 ~~e-mail and shall be delivered so as to be received by the agency no later than the deadline for public~~

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1 ~~comment specified in the rulemaking notice. If the agency does not receive notice from any~~  
2 ~~standing policy committee by the end of the public comment period, the agency may proceed on the~~  
3 ~~basis that the rule is consistent with the intent of the authorizing legislation.]~~ The text of the  
4 proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the  
5 hearing held pursuant to RSA 541-A:11, I(a).

6 208 Implementation of Drinking Water and Groundwater Protection; New Hampshire Drinking  
7 Water and Groundwater Advisory Commission Established. Amend RSA 485-F:3 and 485-F:4 to  
8 read as follows:

9 485-F:3 Implementation of Drinking Water and Groundwater Protection.

10 I. The ~~[department]~~ ***New Hampshire drinking water and groundwater advisory***  
11 ***commission, established in RSA 485-F:4,*** shall administer the drinking water and groundwater  
12 trust fund through the MTBE remediation bureau. Subject to the approval of the fiscal committee  
13 of the general court, trust fund proceeds sufficient to fund the department's MTBE remediation  
14 bureau and qualifying projects shall be transferred to the department and maintained in a separate,  
15 nonlapsing account, continually appropriated to the department for the purpose of paying all costs  
16 of this program. The department shall ***provide administrative support to the drinking water***  
17 ***and groundwater advisory commission by performing the following duties, including but***  
18 ***not limited to:***

19 (a) ~~[Investigate]~~ ***Investigating***, ~~[manage]~~ ***managing***, and ~~[remediate]~~ ***remediating***  
20 contaminated groundwater.

21 (b) ~~[Protect against future contamination or impacted drinking water sources through~~  
22 ~~measures including, but not limited to, the expansion of drinking water infrastructure or drinking~~  
23 ~~water source protection.~~

24 (c) ~~[Assist]~~ ***Assisting*** local and regional entities in the development and administration  
25 of local wellhead protection programs, including delineation of wellhead protection areas and the  
26 inventory and management of activities which have a potential effect on groundwater quality.

27 (d) ~~[Maintain]~~ (c) ***Maintaining*** a statewide map identifying the classes of  
28 groundwater.

29 (e) ~~[Measure]~~ (d) ***Measuring*** levels of contamination statewide and ~~[generate]~~  
30 ***generating*** maps to show the areas of greatest contamination.

31 (f) ~~[Maintain]~~ (e) ***Maintaining*** an inventory of wells serving public water supply  
32 systems, and to the extent practicable other wells, and ~~[establish]~~ ***establishing*** a priority list for  
33 delineation of systems that are currently contaminated with MTBE.

34 (g) ~~[Provide funding through cost-sharing grants to municipalities, municipally-owned~~  
35 ~~water utilities, and water utilities regulated by the public utilities commission for the design,~~  
36 ~~construction, and extension of public water systems, and the establishment and expansion of~~  
37 ~~wellhead protection areas where they provide the most cost-effective method for providing safe and~~

1 ~~clean drinking water.]~~

2 II. The department shall adopt rules, under RSA 541-A, [~~necessary to implement this~~  
3 ~~chapter. Such rules may include~~ ***a competitive grant application process, revolving loan***  
4 ***funds, matching funds,*** ~~funding qualifications, funding application requirements, provisions for~~  
5 ~~cost-sharing related to municipal projects, and other provisions consistent with the purposes and~~  
6 ~~requirements of this chapter.] relative to:~~

7 ***(a) Defining and administering a competitive grant program for drinking***  
8 ***water protection projects, including application requirements, criteria for selection,***  
9 ***approval process, and matching fund requirements.***

10 ***(b) Administering the revolving loan fund, including application requirements,***  
11 ***provisions for cost-sharing, criteria for selection, approval process, and funding***  
12 ***qualifications.***

13 485-F:4 New Hampshire Drinking Water and Groundwater Advisory Commission Established.

14 I. There is hereby established the New Hampshire drinking water and groundwater  
15 advisory commission which shall consult with and advise the department relative to the proper  
16 administration and management of the drinking water and ground water trust fund, as established  
17 in RSA 6-D. The commission shall consist of the following members:

18 (a) The state treasurer, or designee.

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

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

22 (d) The governor, or designee.

23 (e) The director of the division of public health services, department of health and  
24 human services, or designee.

25 ***(f) The commissioner of the department of environmental services, or designee.***

26 ***(g) The director of economic development, department of resources and***  
27 ***economic development, or designee.***

28 ***(h) The executive director of the fish and game department, or designee.***

29 ***(i) One representative of the New Hampshire Water Pollution Control***  
30 ***Association, appointed by the association.***

31 ***(j) One representative of the New Hampshire business community, appointed by***  
32 ***the president of the senate.***

33 ***(k) One representative of a state or regional land trust, appointed by the***  
34 ***governor.***

35 ***(l) One representative of the New Hampshire Water Works Association,***  
36 ***appointed by the association.***

37 ~~(m)~~ ***(m) One public member, who shall have business experience related to the creation***

1 and/or delivery of clean and safe drinking water, appointed by the speaker of the house of  
2 representatives.

3           ~~[(g)]~~**(n)** One public member, who shall represent the interests of citizens receiving their  
4 drinking water from private wells, appointed by the governor.

5           **(o) Two members from a board of selectmen, a town or city council, or a board**  
6 **of alderman, one of whom shall be from a municipality without a public drinking water**  
7 **system, appointed by the governor.**

8           ~~[(h) One municipal official, who shall represent municipalities with public water~~  
9 ~~systems, appointed by the governor.]~~

10           ~~[(i)]~~**(p)** One public member, appointed by the president of the senate.

11           II. The commission shall elect a chairperson from among the members. **Ten members of**  
12 **the commission shall constitute a quorum.**

13           III. **Members appointed under subparagraphs (a)-(e) shall serve terms that are**  
14 **coterminous with their term in office.**

15           IV. Except for the members appointed under subparagraphs (a)-(e), members shall be  
16 appointed for 2-year staggered terms.

17           ~~[IV].~~ V. Members of the commission shall serve without compensation, except that  
18 legislative members shall receive mileage at the legislative rate when attending to the duties of the  
19 commission.

20           ~~[V.]~~ VI. The department shall provide an annual report to the commission that includes  
21 information on expenditures for the fiscal year, projects begun or completed during the year, and  
22 projections on future program costs.

23           VII. **The commission shall:**

24           **(a) Award grants, revolving loan funds, and matching funds to projects on a**  
25 **competitive basis from the drinking water and groundwater trust fund in a manner**  
26 **consistent with the purpose statement. All disbursements or grants shall require approval**  
27 **of the governor and council. Funds may be awarded if the project meets one of the**  
28 **following criteria:**

29                   **(1) Emergency remediation is necessary, where contamination to drinking**  
30 **water or groundwater is prevalent.**

31                   **(2) Planning, design, and building of aging water infrastructure is**  
32 **involved.**

33                   **(3) The project protects against future contamination or impacted drinking**  
34 **water sources through measures including, but not limited to, the expansion of drinking**  
35 **water infrastructure or drinking water source protection.**

36                   **(4) The project assists local and regional entities in the development and**  
37 **administration of local wellhead protection programs, including delineation of wellhead**

1 *protection areas and the inventory and management of activities which have a potential*  
2 *effect on groundwater quality.*

3 (5) *The project provides funding through cost-sharing grants to*  
4 *municipalities, municipally-owned water utilities, and water utilities regulated by the*  
5 *public utilities commission for the design, construction, and extension of public water*  
6 *systems, and the establishment and expansion of wellhead protection areas where they*  
7 *provide the most cost effective method for providing safe and clean drinking water.*

8 (b) *Take land preservation into consideration.*

9 (c) *Encourage all applicants to provide matching funds beyond the minimum.*

10 [~~VI.~~] VIII. The commission shall meet at least [~~annually~~] **quarterly**. The commission shall,  
11 at least annually, provide a report to the general court with information on the progress of the  
12 MTBE efforts, expenditures for the year, projects begun or completed during the previous year, the  
13 balance in the trust fund, and any other information the commission deems appropriate.

14 [~~VII.~~] IX. The commission shall, at least annually, review the work and projects funded by  
15 the trust fund during the previous year. The commission shall, at least annually, consult with the  
16 department regarding these activities, and provide advice and counsel relative to future work and  
17 project priorities, as outlined in RSA 485-F:3, I.

18 [~~VIII.~~] X. At least every 5 years, the commission shall prepare and file a report with the  
19 general court evaluating the progress made relative to MTBE contamination, the efficiency of the  
20 program established under this chapter, and whether it continues to provide the maximum benefit  
21 to New Hampshire citizens, and providing any recommendations on potential additional tasks for  
22 which the trust fund could be used to improve access to safe and clean drinking water.

23 209 Department of Education; Chartered Public School Program Officer. There is established  
24 within the department of education the classified position of administrator II to serve as chartered  
25 public school program officer consistent with the duties and charges specified in RSA 21-N:4, XII.  
26 The commissioner may transfer available appropriations from within the department's budget to  
27 fund this position, with prior approval of the fiscal committee of the general court and governor and  
28 executive council.

29 210 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium  
30 ending June 30, 2019, the state shall reimburse the sheriff's office for court security at the rates  
31 provided in the collective bargaining agreement applicable to per diem court security officers  
32 employed by the judicial branch to attend any official business, for any person employed as a bailiff  
33 by the sheriff's office.

34 211 Reproductive Health Care Facilities; Funding Restriction. No state funds awarded by the  
35 department of health and human services to a reproductive health care facility, as defined in RSA  
36 132:37, I, shall be used to provide abortion services. This section shall not apply to funding  
37 available from the state pursuant to Title XIX of the Social Security Act to the minimum extent



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1 necessary to comply with federal conditions for the state's participation in the Medicaid program.

2 212 Division of Motor Vehicle; Milford Substation.

3 I. To ensure minimal disruption of existing services, the commissioner of safety is  
4 authorized to obtain a suitable temporary location to serve as the Milford division of motor vehicles  
5 substation until a permanent location is constructed and fully operational.

6 II. The sum of \$150,000 is hereby appropriated to the department of safety, division of  
7 motor vehicles, for biennium ending June 30, 2019, for the purposes of paragraph I of this section.  
8 This appropriation shall be treated as costs associated with the collection and administration of  
9 highway funds under RSA 9:9-a.

10 213 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to  
11 read as follows:

12 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.7 percent upon the taxable  
13 business profits of every business organization.

14 214 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to  
15 read as follows:

16 77-E:2 Imposition of Tax. A tax is imposed at the rate of .60 percent upon the taxable  
17 enterprise value tax base of every business enterprise.

18 215 Business Profits Tax; Imposition of Tax; 2021. Amend RSA 77-A:2 to read as follows:

19 77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~7.7~~] **7.5** percent upon the taxable  
20 business profits of every business organization.

21 216 Business Enterprise Tax; Imposition of Tax; 2021. Amend RSA 77-E:2 to read as follows:

22 77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~.60~~] **.50** percent upon the taxable  
23 enterprise value tax base of every business enterprise.

24 217 Applicability.

25 I. Sections 213 and 214 of this act shall apply to taxable periods ending on or after  
26 December 31, 2019.

27 II. Sections 215 and 216 of this act shall apply to taxable periods ending on or after  
28 December 31, 2021.

29 218 Business Profits Tax; Expense Deduction; Amount. Amend RSA 77-A:3-a to read as  
30 follows:

31 77-A:3-a Expense Deductions. In determining gross business profits before net operating loss  
32 and special deductions, a business organization shall calculate expense deductions as permitted  
33 under Section 179 of the Internal Revenue Code as provided in RSA 77-A:1, XX, except that for  
34 property placed in service on or after [~~January 1, 2017~~] **January 1, 2018**, a business organization  
35 shall calculate expense deductions not to exceed [~~\$100,000~~] **\$500,000**.

36 219 Department of Health and Human Services; New Hampshire Health Protection Program;  
37 Medicaid Wavier; Work Requirements. RSA 126-A:5, XXX(a) is repealed and reenacted to read as

1 follows:

2 XXX.(a) The commissioner of the department of health and human services shall seek any  
3 new waiver or state plan amendments required to implement the provisions of this paragraph.  
4 Specifically the commissioner shall require that:

5 (1) Newly eligible adults who are unemployed shall be eligible to receive benefits  
6 under RSA 126-A:5 XXIV-XXV, if the commissioner finds that the individual is engaging in at least  
7 20 hours per week upon application of benefits, 25 hours per week after receiving 12 months of  
8 benefits over the lifetime of the applicant and 30 hours per week after receiving 24 months of  
9 benefits over the lifetime of the applicant of one or a combination of the following activities:

10 (A) Unsubsidized employment.

11 (B) Subsidized private sector employment.

12 (C) Subsidized public sector employment.

13 (D) Work experience, including work associated with the refurbishing of  
14 publicly assisted housing, if sufficient private sector employment is not available.

15 (E) On-the-job training.

16 (F) Job search and job readiness assistance.

17 (G) Vocational educational training not to exceed 12 months with respect to any  
18 individual.

19 (H) Job skills training directly related to employment.

20 (I) Education directly related to employment, in the case of a recipient who has  
21 not received a high school diploma or a certificate of high school equivalency.

22 (J) Satisfactory attendance at secondary school or in a course of study leading to  
23 a certificate of general equivalence, in the case of a recipient who has not completed secondary  
24 school or received such a certificate.

25 (2) If an individual in a family receiving benefits under this subparagraph refuses  
26 to engage in work required in accordance with subparagraph (a), the assistance shall be terminated.  
27 The commissioner of the department of health and human services shall adopt rules under RSA  
28 541-A, with approval of the governor and the fiscal committee of the general court, to determine  
29 good cause and other exceptions to termination.

30 (3) This subparagraph shall only apply to those considered, abled-bodied adults as  
31 defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C.  
32 section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a  
33 dependent child which includes a child under 18 years of age or under 20 years of age if the child is  
34 a full-time student in a secondary school or the equivalent.

35 (4) This subparagraph shall not apply to:

36 (A) A person who is temporarily unable to participate in the requirements under  
37 subparagraph (a) due to illness or incapacity as certified by a licensed physician, an advanced

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1 practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician  
2 assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health  
3 professional, licensed physician assistant, or psychologist shall certify, on a form provided by the  
4 department, the duration and limitations of the disability.

5 (B) A person participating in a state-certified drug court program, as certified  
6 by the administrative office of the superior court.

7 (C) A parent or caretaker as identified in RSA 167:82, II(g) where the required  
8 care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician  
9 assistant, or licensed behavioral health professional who shall certify the duration that such care is  
10 required.

11 (D) A parent or caretaker of a dependent child under 6 years of age.

12 (5) Any waivers or amendments pursuant to this subparagraph shall be in place by  
13 April 30, 2018. Prior to submitting the waiver or state plan amendments to the CMS, the  
14 commissioner shall present the waiver or state plan amendments to the governor and the fiscal  
15 committee of the general court for approval. The program shall not be reauthorized until such  
16 waivers or state plan amendments have been approved by CMS. If the waiver or state plan is not  
17 approved, the commissioner shall immediately, no later than April 30, 2018, notify all program  
18 participants that the program has not been reauthorized beyond December 31, 2018.

19 220 Incorporation by Reference. All appropriations and sections of amendments 2017-1179h to  
20 HB 1 of the 2017 regular legislative session, and 2017-1163h to HB 2 of the 2017 regular legislative  
21 session as proposed by the house finance committee shall be incorporated by reference into HB 144  
22 and HB 517 of the 2017 regular legislative session for purposes of committees of conference.

23 221 State Police Trooper Positions. During the biennium ending June 30, 2019, the  
24 commissioner of safety is authorized to establish up to 5 state police trooper I positions, upon fiscal  
25 committee and governor and council approval. For said purpose, the department is authorized to  
26 transfer funds from within its budget, provided that if sufficient funds are not available, the  
27 governor is authorized to draw a warrant from the general, highway, and turnpike funds to  
28 maintain the source of funding mix in accounting unit 02-23-23-234015-4003. The commissioner  
29 shall make a report which includes, but is not limited to, a summary of the authorized positions  
30 including vacant positions and an update on recruitment efforts.

31 222 New Section; Adequate Representation for Indigent Defendants in Criminal Cases;  
32 Additional Funding from State Departments and Agencies. Amend RSA 604-A by inserting after  
33 section 1-b the following new section:

34 604-A:1-c Additional Funding From State Departments and Agencies. Every state department,  
35 board, institution, commission, or agency which receives general fund grants or supplemental  
36 appropriations outside of the state biennial operating budget for the purpose of conducting law  
37 enforcement activities that may result in increased costs for indigent defense as determined by the

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1 court, shall transfer 5 percent of such funds received to the judicial council to be used to pay for  
2 indigent defense costs resulting from such law enforcement activities. Payment for expenses of  
3 indigent representation under this section shall be made pursuant to RSA 604-A:8.

4 223 New Paragraph; Food Service Licensure; Fee Revenues. Amend RSA 143-A:6 by inserting  
5 after paragraph V the following new paragraph:

6 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000  
7 each fiscal year may be included in the state biennial operating budget as restricted revenue to  
8 support the activities required in this chapter.

9 224 Repeal; 2018. RSA 83-E, relative to the electricity consumption tax, is repealed.

10 225 Reference Deleted. Amend RSA 21-J:31 to read as follows:

11 21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an  
12 extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount  
13 of the tax due or \$10, whichever is greater, for each month or part of a month during which the  
14 return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of  
15 the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any  
16 case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-  
17 A:9, RSA 77-E:8, RSA 83-C:6, ~~[RSA 83-E:5,]~~ RSA 84-A:7, or RSA 84-C:7, or the failure to file was  
18 due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is  
19 determined by applying the percentages specified to the net amount of any tax due after crediting  
20 any timely payments made through estimating or other means.

21 226 Reference Deleted. Amend RSA 21-J:33-a, I to read as follows:

22 I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-  
23 E, RSA 78-A, RSA 78-C, RSA 82-A, RSA 83-C, ~~[RSA 83-E,]~~ or RSA 84-A for any taxable period, there  
24 shall be added to the tax an amount equal to 25 percent of the amount of any underpayment  
25 attributable to such understatement.

26 227 References Deleted. Amend RSA 71-C:4, I and II to read as follows:

27 I. On or before December 15 of every fiscal year the commissioner of the department of  
28 revenue administration shall certify in a report to the general court and the governor an analysis of  
29 each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed  
30 under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, RSA 82-A, ~~[RSA 83-E,]~~  
31 RSA 84-A, RSA 84-C, and RSA 400-A.

32 II. The report shall be divided into the following parts:

33 (a) Tax expenditures as determined by the joint committee on tax expenditure review  
34 under RSA 71-C:3;

35 (b) Potential liabilities against the state's revenues, specifically:

36 (1) Other credits allowed under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78,  
37 RSA 78-A, RSA 78-B, RSA 82, RSA 82-A, ~~[RSA 83-E,]~~ RSA 84-A, RSA 84-C, and RSA 400-A against

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1 the business profits tax imposed by RSA 77-A; and

2 (2) Credit carryovers from overpaid taxes.

3 228 Study Required; Office of Strategic Initiatives. By December 1, 2018, the office of strategic  
4 initiatives, formerly the office of energy and planning, shall produce a study on the economic  
5 viability of electric renewable portfolio standard Class III biomass electric generation resources in  
6 New Hampshire. The study shall be filed with the senate president, the speaker of the house of  
7 representatives, the governor, and the state library, and:

8 I. Shall analyze at what wholesale electricity rate the majority of New Hampshire Class III  
9 biomass facilities would be able to operate economically without reliance on other ratepayer-funded  
10 revenue mechanisms;

11 II. Shall assess the number of jobs and economic activity directly attributable to the  
12 operation of biomass plants, including only such economic activities or wood product resources that  
13 have no alternate use other than purchase by or relation to a Class III biomass plant; and

14 III. May compile the ratepayer costs attributable to Class III biomass plants beyond the  
15 wholesale electricity commodity cost from 2014 through 2017.

16 229 New Subparagraph; Business Profits Tax; Definition of Internal Revenue Code. Amend  
17 RSA 77-A:1, XX by inserting after subparagraph (m) the following new subparagraph:

18 (n) For all taxable periods beginning on or after January 1, 2018, the United States  
19 Internal Revenue Code of 1986 in effect on December 31, 2016, subject to RSA 77-A:3-b.

20 230 New Subparagraph; State Treasurer; Application of Receipts; Uncompensated Care Fund.  
21 Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

22 (334) Moneys deposited in the uncompensated care and Medicaid fund established  
23 in RSA 167:64.

24 231 Judicial Branch; Collective Bargaining Agreement. Pursuant to RSA 273-A:3, II(b), the  
25 general court approves the cost items in collective bargaining agreements between the New  
26 Hampshire judicial branch and the State Employees' Association of New Hampshire, SEIU Local  
27 1984, ratified on February 23, 2016, and effective until June 30, 2019, and between the New  
28 Hampshire Judicial Branch and Teamsters Local 633, ratified on May 5, 2017, and effective until  
29 June 30, 2019. The judicial branch may pay the cost items in those agreements from its  
30 appropriation in the operating budget for fiscal years 2018 and 2019.

31 232 General Fund Transfer to Highway Fund. The sum of \$13,900,000 for the fiscal year  
32 ending June 30, 2017 is hereby appropriated to the highway fund. The governor is authorized to  
33 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

34 233 Department of Agriculture; Pet Vending. RSA 437:1 through RSA 437:13-a are repealed  
35 and reenacted to read as follows:

36 Transfer of Animals and Birds

37 437:1 Definitions. In this subdivision:

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1           I. "Animal shelter facility" means a facility, including the building and the immediate  
2 surrounding area, which is used to house or contain animals and which is owned, operated and  
3 maintained by a duly incorporated humane society, animal welfare society, society for the  
4 prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection  
5 and humane treatment of animals, and also a public pound for the housing of strays or a pound  
6 operated by any person, excluding veterinarians, who contracts with a municipality to serve that  
7 function.

8           II. "Commercial kennel" means any person, business, corporation, or other entity that  
9 transfers 10 or more litters or 50 or more puppies in any 12-month period.

10           III. "Commissioner" means the commissioner of the department of agriculture, markets,  
11 and food.

12           IV. "Pet vendor" means any person, firm, corporation, or other entity engaged in the  
13 business of transferring live animals or birds customarily used as household pets to the public, with  
14 or without a fee or donation required, and whether or not a physical facility is owned by the licensee  
15 in New Hampshire, when transfer to the final owner occurs within New Hampshire.

16           V. "Transfer" means transfer of ownership of live animals or birds from any person, firm,  
17 corporation, or other entity to a member of the public.

18           437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal  
19 health that are consistent with the pattern established throughout statute by the general court.  
20 Animal health regulation shall focus either on those conditions that pose a threat to public health or  
21 that would require regulatory intervention to protect the economy of the state, or both.

22           437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet  
23 vendor shall apply to the commissioner for a license, giving such information as the commissioner  
24 shall require. The application shall include proof that the zoning enforcement official of the  
25 municipality wherein any facility is to be maintained has certified that the facility conforms to the  
26 municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee.  
27 All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new  
28 application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

29           I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures  
30 used in the business of dealing in live animals or birds customarily used as household pets.

31           II. Submit premises, buildings and other enclosures to unannounced inspection by  
32 department employees or local animal control, law enforcement, or health officials at reasonable  
33 times.

34           III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law  
35 enforcement, or any member of the public, a proper record in which all live animals or birds  
36 customarily used as household pets obtained or transferred shall be listed, giving the breed, date  
37 the animal was obtained and transferred, and from whom the animal or bird was obtained and to

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1 whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo  
2 number of each animal or bird, where applicable. Animals or birds that do not bear such  
3 identification shall be identified by recording markings, a physical description and any other  
4 information as the commissioner deems necessary to identify such animals or birds.

5 IV. Keep records of all animals or birds intended for transfer indicating identification, point  
6 of origin, and recipient, and shall submit said records to the commissioner upon request.

7 V. Abide by such other rules as the commissioner may adopt to control disease.

8 437:4 Refusal to Issue; Revocation of License. The commissioner, after notice to the licensee  
9 and opportunity for hearing, as set forth in the rules adopted under RSA 437:9, may deny an  
10 application or revoke a license for any of the following reasons:

11 I. The applicant or licensee violated the statutes of the state of New Hampshire or of the  
12 United States or any rule adopted by the commissioner pursuant to this chapter;

13 II. The applicant made false or misleading statements in his or her application for a license;

14 III. The licensee knowingly transferred any animal affected with a communicable disease  
15 except as allowed under RSA 437:5 and RSA 437:8, II;

16 IV. The licensee ceased to operate the business for which the license was issued; or

17 V. The applicant or licensee held any similar license issued in another jurisdiction which  
18 was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA  
19 437 during the preceding 5 years.

20 437:5 Prohibition. No licensee under this subdivision shall transfer, other than to a qualified  
21 veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other  
22 than as permitted under RSA 437:8, II nor shall any licensee treat inhumanely any animal or bird  
23 in his or her care or possession or under his or her control.

24 437:6 Health Management; Dogs, Cats, and Ferrets.

25 I. Medical treatment and use of controlled drugs on any animal or bird under the care or  
26 possession or under the control of any licensee other than a veterinarian may be administered only  
27 under the direction and supervision of a veterinarian for the purposes of this subdivision.

28 II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may  
29 have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and,  
30 unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be  
31 entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog,  
32 cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business  
33 days of said examination, accompanied by the veterinarian's statement that the animal is not free of  
34 disease.

35 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs  
36 that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of  
37 livestock or poultry.

1           437:8 Health Certificates for Dogs, Cats, and Ferrets.

2           I. For purposes of this chapter, an official health certificate means a certificate signed by a  
3 licensed veterinarian, containing the name and address of the entity transferring ownership of the  
4 dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or  
5 physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog,  
6 cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list  
7 of all vaccines and medication administered to the dog, cat, or ferret shall be included on or  
8 attached to the certificate.

9           II. The original of the official health certificate accompanying the dog, cat, or ferret offered  
10 for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed,  
11 and made available for inspection by the department, local officials, or a member of the public upon  
12 request up to one year after the animal has left the facility. The public shall be informed of their  
13 right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in  
14 the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that  
15 animal's health certificate shall be given to the transferee in addition to any other documents which  
16 are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has  
17 a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has  
18 caused it to fail its examination by a licensed veterinarian for an official health certificate. The  
19 transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or  
20 ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send  
21 a copy to the state veterinarian.

22           III. No person, firm, corporation, or other entity shall ship or bring into the state of New  
23 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8  
24 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or  
25 ferret less than 8 weeks of age.

26           IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at  
27 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed  
28 veterinarian separated from other animals on the premises before being offered for transfer.

29           437:9 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,  
30 relative to:

- 31           I. The information required from an applicant for a license as a pet vendor;  
32           II. The health and sanitation standards to effectuate the purposes of this subdivision;  
33           III. Information required to be maintained in records of pet vendors regarding identifying  
34 features of animals or birds obtained and transferred;  
35           IV. Notice and hearing on the refusal to issue or the revocation of a license; and  
36           V. Any other matter the commissioner may deem necessary to carry out the provisions of  
37 this subdivision.



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1           437:10 Penalty.

2           I. Any pet vendor who transfers live animals or birds customarily used as household pets in  
3 this state without having a license to do so as required by this chapter shall be guilty of a  
4 misdemeanor.

5           II. In addition to the penalty under paragraph I, any pet vendor who violates any of the  
6 provisions of this subdivision or rule adopted under it may be subject to an administrative fine  
7 levied by the commissioner, not to exceed \$1,000 for each violation.

8           234 Department of Agriculture; Pet Vendors; Cross Reference Changed. Amend RSA 437:22, I  
9 to read as follows:

10           I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined  
11 in [~~RSA 437:2, I~~] **RSA 437:1, I**, or an animal care center as defined in RSA 437:18, III, to give,  
12 release, sell, trade or transfer with or without a fee any live animal brought, caught, detained,  
13 obtained or procured by any means, to any association, corporation, individual, educational  
14 institution, laboratory, medical facility, or anyone else, for the purpose of experimentation or  
15 vivisection.

16           235 Department of Health and Human Services; Foster Grandparent Program. The  
17 reimbursements to the foster grandparent program through the senior volunteer grant program,  
18 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2019.

19           236 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

20           (b) The forest management and protection fund shall be a nonlapsing fund administered  
21 by the treasurer of the state of New Hampshire. The fund shall be [~~continually appropriated and~~]  
22 expended at the discretion of the director of the division and the commissioner. Any funds in excess  
23 of that appropriated from the fund may be expended by the commissioner, with prior approval of  
24 the fiscal committee and governor and council, in accordance with RSA 227-G:5, I(a). Revenues  
25 shall be derived from the proceeds of the sale of timber and other forest products from state-owned  
26 forestlands, less 13 percent which shall be deposited into the general fund. Revenues shall also be  
27 derived from the lease of state-owned forestlands, or billable services provided by the division of  
28 forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund  
29 shall also be derived from administrative fines collected pursuant to RSA 227-J:1.

30           237 Division of Accounting Services; Department of Administrative Services. Amend the  
31 introductory paragraph of RSA 21-I:8 to read as follows:

32           21-I:8 Division of Accounting Services. There is hereby established within the department the  
33 division of accounting services under the supervision of an unclassified director of accounting  
34 services, who shall also be known as the comptroller. The comptroller shall direct the state's  
35 accounting functions, using generally accepted accounting principles and taking full advantage of  
36 all benefits of automated data processing applications, to the end that the fiscal affairs of all state  
37 agencies and departments will be adequately and uniformly serviced and that periodic financial and

1 management reports will be available to serve the various needs of all state agencies and the  
2 executive and legislative branches in their decision making processes. ~~[If the commissioner of~~  
3 ~~administrative services and the respective state agencies are unable to generate any required~~  
4 ~~information that, in accordance with generally accepted accounting principles, should be provided~~  
5 ~~with the comprehensive annual financial report and any stand-alone financial statements identified~~  
6 ~~in subparagraphs II(b) and II(c), the commissioner shall communicate this deviation in advance to~~  
7 ~~the legislative budget assistant as soon as the deviation is known.]~~ ***The commissioner of***  
8 ***administrative services may authorize deviations from generally accepted accounting***  
9 ***principles if the commissioner deems it is in the best interest of the state, provided that the***  
10 ***explanation for the deviation is provided in the annual report required by subparagraph***  
11 ***II(a).*** The division shall include the following internal organizational units:

12 238 Repeal. RSA 21-I:8, II(b) and (c), relative to duties of the bureau of financial services on  
13 audited financial statements of agencies, are repealed.

14 239 Administrative Services; Funding and Staffing Resource Limitations.

15 I. Due to inadequate funding and staffing resources at the department of administrative  
16 services, the commissioner of the department of administrative services is authorized to suspend the  
17 following requirements or obligations of the department for each fiscal year of the biennium ending  
18 June 30, 2019:

19 (a) RSA 21-I:7-c as it applies to addressing performance and financial legislative budget  
20 assistant audit findings from 2006, 2011, and 2014 regarding management of the employee and  
21 retiree health benefit program, including establishing rules and operational policies for the  
22 program.

23 (b) RSA 21-I:11, I(c)(1).

24 II. Due to inadequate funding and staffing resources at the department of administrative  
25 services, the commissioner of the department of administrative services is authorized to suspend the  
26 following requirements or obligations of the department for each fiscal year of the biennium ending  
27 June 30, 2019:

28 (a) The provisions relating to identification and implementation of energy efficiency  
29 projects in compliance with the governor's executive order 2016-03.

30 (b) The provisions relating to data analysis and the development of performance metrics  
31 for buildings and vehicles to monitor energy and water usage, use of fossil fuels, and greenhouse  
32 gas emissions in compliance with governor's executive order 2016-03.

33 240 Administration of Alcohol Concentration Tests. Amend RSA 265-A:5, IV to read as follows:

34 IV. No tests of blood, urine, or breath authorized by RSA 265-A:4 shall be considered as  
35 evidence in any proceeding before any administrative officer or court unless such test is performed  
36 in accordance with methods prescribed by the commissioner of the department of safety. ***The***  
37 ***commissioner of the department of safety shall have exclusive authority for equipment***

1 *testing, law enforcement training, and administration of grant programs relating to*  
2 *alcohol concentration tests.*

3 241 Federal and State Highway Aid; Apportionment. Amend RSA 235:23, I to read as follows:

4 I. Apportionment A. In each fiscal year, the commissioner shall allocate an amount not less  
5 than 12 percent of the gross road toll revenue and motor vehicle fees collected in the preceding  
6 fiscal year to a local highway aid fund. This fund shall be distributed to each city, town, and  
7 unincorporated place on a formula in which 1/2 of the amount is based on the proportion which the  
8 mileage of regularly maintained class IV and class V highways in each municipality, as of January  
9 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount is based  
10 on the proportion which the office of energy and planning population estimate of each municipality  
11 bears to the latest estimate of the total population of the state as of July 1 of the year of the  
12 estimate. The aid to be distributed under this paragraph shall be in addition to all other state and  
13 federal aid specifically authorized by statute. *In the event the appropriation for the*  
14 *disbursement required under this paragraph is insufficient, the governor is authorized to*  
15 *draw a warrant in the amount of the shortfall. Such warrant shall be a charge against*  
16 *the highway fund.*

17 242 Sale of Lottery Tickets; Internet Sales Added. Amend RSA 284:21-h, II(e) to read as  
18 follows:

19 (e) *May be sold by or for the lottery commission through the use of mobile*  
20 *applications by mobile devices or over the Internet. With respect to such sales, the lottery*  
21 *commission shall provide:*

22 (1) *Age verification measures to be undertaken to block access to and*  
23 *prevent sales of lottery tickets to people under the age of 18 years. Such measures shall*  
24 *include requiring players to register for an account at a lottery retailer licensed pursuant*  
25 *to this chapter.*

26 (2) *That lottery purchases shall be limited to transactions initiated and*  
27 *completed within the geographic borders of the state of New Hampshire.*

28 (3) *Wager limits for daily, weekly, and monthly amounts for each player*  
29 *and account consistent with the best practices in addressing problem gambling.*

30 (4) *A voluntary self-exclusion program for players to self-exclude themselves*  
31 *from wagering for set periods of time.*

32 *II-a.* Owners of retail establishments who have been convicted of a felony within the  
33 previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or  
34 dishonesty within the previous 5 years which has not been annulled by a court, shall not be allowed  
35 to sell lottery tickets in their retail establishment.

36 243 Sale of Lottery Tickets; Reference Removed. Amend RSA 284:21-h, VI to read as follows:

37 VI. The commission shall not authorize the use of any electronic gaming device in any

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1 game, lottery, or other offering which was not in use by the commission on or before January 1,  
2 2011, unless specific authorization for such electronic gaming device is enacted by the general court.  
3 Electronic gaming devices shall mean and include all electro-mechanical instruments and device  
4 used for the purpose of gaming[, whether in physical presence or through the Internet,] and shall  
5 include video slot machines and other gambling devices which function or are designed to emulate a  
6 video slot machine or other gambling machine, historic racing machine, and computer technology to  
7 reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from  
8 replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new  
9 offerings, games, or equipment which are the functional equivalent of those offerings, games, or  
10 equipment which are being replaced.

11 244 Joint Legislative Committee to Examine the Independent Review of the Division for  
12 Children, Youth and Families. There is established a committee to examine the independent review  
13 of the division for children, youth and families.

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

15 (a) Three members of the house of representatives, appointed by the speaker of the  
16 house of representatives.

17 (b) Three members of the senate, appointed by the president of the senate.

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

20 III. The committee shall examine the independent review of the division for children, youth  
21 and families and assess the state's progress in addressing issues raised by the Center for the  
22 Support of Children in the center's report dated December 19, 2016. In consultation with the  
23 commissioner of health and human services, the committee shall develop any draft legislation  
24 necessary to implement recommendations from the report and review for inclusion in the 2020/2021  
25 biennial budget.

26 IV. The members of the study committee shall elect a chairperson from among the  
27 members. The first meeting of the committee shall be called by the first-named house member. The  
28 first meeting of the committee shall be held within 45 days of the effective date of this section. Four  
29 members of the committee shall constitute a quorum.

30 V. The committee shall report its findings and any recommendations for proposed  
31 legislation to the speaker of the house of representatives, the president of the senate, the house  
32 clerk, the senate clerk, the governor, and the state library on or before July 1, 2020.

33 245 Contingency. If HB 144 of the 2017 regular legislative session does not become law, then  
34 this bill shall not take effect.

35 246 Effective Date.

36 I. Sections 1, 67, 68, 69, 71, 109, 136, 167, and 232 of this act shall take effect June 30,  
37 2017.

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- 1           II. Section 10 of this act shall take effect October 1, 2017.
- 2           III. Section 158 of this act shall take effect May 1, 2018.
- 3           IV. Section 161 of this act shall take effect March 1, 2018.
- 4           V. Sections 162, 165, 217, 229, 237, and 238 of this act shall take effect upon its passage.
- 5           VI. Sections 6, 7, 8, 9, 159, 160, 163, 164, 166, 172, 173, 202, and 218 of this act shall take  
6 effect January 1, 2018.
- 7           VII. Sections 72, 213, and 214 of this act shall take effect July 1, 2019.
- 8           VIII. Sections 215 and 216 of this act shall take effect July 1, 2021.
- 9           IX. Sections 224-227 of this act shall take effect January 1, 2019.
- 10          X. The remainder of this act shall take effect July 1, 2017.

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The signatures below attest to the authenticity of this Report on HB 517, relative to the function and organization of the department of administrative services risk management unit and division of personnel.

Conferees on the Part of the Senate

Conferees on the Part of the House

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Sen. Daniels, Dist. 11

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Rep. Kurk, Hills. 2

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Sen. Reagan, Dist. 17

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Rep. Jasper, Hills. 37

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Sen. Morse, Dist. 22

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Rep. Hinch, Hills. 21

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Sen. Giuda, Dist. 2

---

Rep. L. Ober, Hills. 37

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Rep. Umberger, Carr. 2

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Rep. Weyler, Rock. 13

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2017-2358-CofC

AMENDED ANALYSIS

This bill:

1. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
2. Clarifies that information in a state employee's health risk appraisal is protected health information.
3. Provides for application of the state employees health plan to unrepresented active state employees.
4. Authorizes the commissioner of administrative services to collect a premium contribution of at least 10 percent from the retirement allowance of a retired state employee or spouse, or a retired judge or spouse in the judicial retirement plan, who is eligible for Medicare and who was born on or after January 1, 1949.
5. Increases the minimum premium contribution percentage for retired state employees or spouses receiving medical benefits who are not Medicare eligible.
6. Excludes medications available without a prescription from the New Hampshire retiree health care program.
7. Limits the number of judges on the superior court and the number of full time judges on the circuit court and suspends the authorization to convert marital master positions to full time judicial positions for the biennium ending June 30, 2019.
8. Permits the supreme court to transfer funds among judicial branch accounts.
9. Changes the name of the department of resources and economic development to the department of natural and cultural resources.
10. Eliminates the department of cultural resources, and transfers that department's operations to the department of natural and cultural resources.
11. Creates the department of business and economic affairs.
12. Transfers the functions of the division of economic development and the division of travel and tourism development in the former department of resources and economic development to the department of business and economic affairs.
13. Adjusts the salaries for the division directors within the departments of natural and cultural resources and business and economic affairs and requires a salary review for the positions of commissioner of the 2 departments.
14. Changes the name of the office of energy and planning to the office of strategic initiatives.
15. Repeals the authorization for the department of health and human services to pay funeral expenses of a recipient of public assistance.
16. Provides that federal emergency assistance grants shall be collected by the appropriate agency and appropriated to the department of transportation.

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17. Establishes a public school infrastructure fund and commission for the biennium ending June 30, 2019 and suspends school building aid from the department of education for the biennium ending June 30, 2019.

18. Permits all agencies to provide documents by electronic mail in lieu of mail.

19. Increases annual funding for the alcohol abuse prevention and treatment fund to 3.4 percent of the previous fiscal year gross profits derived from liquor sales.

20. Maintains distribution of meals and rooms tax revenue to cities and towns at no more than the amount of the fiscal year 2017 distribution.

21. Provides that the department of health and human services shall not authorize, without prior consultation with the house health, human services and elderly affairs committee and the senate health and human services committee and the approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase or decrease enrollment in the program or increase expenditures from any source of funds.

22. Suspends home health services rate setting for the biennium ending June 30, 2019.

23. Suspends provisions of congregate housing and congregate services for the biennium ending June 30, 2019.

24. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2019.

25. Requires the commissioner of the department of health and human services to make quarterly reports to the governor, speaker of the house of representatives, and senate president on the status of estimated Medicaid payments and their relation to actual costs.

26. Caps the maximum monthly temporary assistance for needy families cash benefit at 60 percent of federal poverty guidelines.

27. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2019.

28. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2019.

29. Establishes an Internet crimes against children fund and makes an appropriation for each year of the biennium ending June 30, 2019.

30. Establishes the position of financial research analyst I within the department of justice.

31. Redesignates the banking department's general counsel as an unclassified position.

32. Permits departments and agencies, with permission of the department of administrative services, to rent, lease, or lease-purchase vehicles from outside vendors.

33. Amends definitions for chartered public schools and revises funding levels for chartered public schools.

34. Amends the additional grant amount for chartered public schools and establishes a funding formula for the Virtual Learning Academy Charter School.



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35. Removes references to "catastrophic aid" in the special education statutes.
36. Consolidates information technology functions between the department of health and human services and the department of information technology.
37. For the biennium ending June 30, 2019, authorizes the liquor commission to implement business strategies, enter into contracts, and hire support personnel to support merchant card activity.
38. Prohibits the public utilities commission from expending funds on the implementation of the energy efficiency resource standard or changing the system benefits charge without prior approval of the fiscal committee of the general court, except as authorized by a certain public utilities order.
39. Removes a reference to a 2016 disaster response appropriation from the renewable energy fund.
40. Permits the department of education to accept gifts to fund the New Hampshire scholars program.
41. Establishes the governor's scholarship program.
42. Establishes a dual and concurrent enrollment program allowing certain high school students to enroll in courses for college credit.
43. Creates a division of taxpayer services within the department of revenue administration.
44. Eliminates the document processing division within the department of revenue administration.
45. Transfers jurisdiction over licensing of assemblies on state waters or ice from the commissioner of the department of safety to local fire department chiefs.
46. Revises certain provisions relating to the layout of state highways.
47. Amends provisions relating to the acquisition and relocation of certain highways acquired in 1945 or earlier.
48. Suspends the crediting of a portion of meals and rooms tax revenue to the department of business and economic affairs for the biennium ending June 30, 2019.
49. Allows the joint committee on legislative facilities to meet as needed, removes the cap on the house and senate subaccount balances in the legislative account, and modifies requirements for prior approval by the respective committees for funds to be transferred from subaccounts.
50. Increases the appropriation to the governor's commission on disability for funding the "Newslines for the Blind."
51. Provides that settlement funds received by the state and deposited in the revenue stabilization reserve account shall not be included in any amount subsequently transferred to the general fund.
52. Establishes dedicated accounts for the purpose of paying for costs of the capital budget projects related to a revenue information management system in the department of revenue

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administration and state heating system savings in the department of administrative services.

53. Makes an appropriation to the office of professional licensure and certification for the purposes of the controlled drug prescription health and safety program, and makes an additional appropriation to the office of professional licensure and certification for the purposes of the controlled drug prescription health and safety program contingent upon approval of the fiscal committee of the general court.

54. Requires an annual appropriation from the general court to the national guard scholarship fund.

55. Makes an appropriation to the department of corrections to purchase body scanners for use in state correctional facilities and to fund 2 canine teams at the department of corrections.

56. Clarifies funding responsibility for custody and control of prisoners for purposes of video arraignments.

57. Requires the department of justice to undertake every reasonable legal effort to collect all amounts due to the state of New Hampshire as a result of the Merrimack River flood control compact.

58. Suspends RSA 489, relative to integrated land development permits, for the biennium ending June 30, 2019.

59. Places a moratorium on new infrastructure projects that would have been eligible for state aid grants under RSA 486, RSA 486-A, and RSA 149-M.

60. Provides workers' compensation coverage to certain volunteers for the fish and game department.

61. Makes an appropriation to the fire standards and training and emergency medical services fund.

62. Authorizes the commissioner of the department of transportation to acquire land to build a turnpike service plaza in the town of Hampton on Interstate 95.

63. Directs the treasurer to credit revenue collected from the airways toll to the department of transportation.

64. Grants the lottery commission the authority to purchase real property for use as the lottery commission's headquarters.

65. Requires the commissioner of the department of education to issue a request for proposals to secure a reading specialist to provide technical assistance for dyslexia and related disorders to school districts and to submit a report assessing the effectiveness of the reading specialist.

66. Authorizes the comptroller to transfer sufficient funds from the general fund to eliminate a deficit in the education trust fund.

67. Amends the chartered public school funding statute to add provisions for payments to chartered public schools.

68. Establishes a robotics education development program to encourage students to pursue education in science, technology, engineering, and mathematics.

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69. Removes the interim rulemaking provision relating to methadone detoxification or methadone maintenance programs.

70. Revises the procedures for placement and detention of minors at the Sununu youth services center and other appropriate placements and makes an appropriation therefor.

71. Provides that funds determined by the governor for alcohol and drug abuse treatment services shall be used exclusively for payment for contracted services and provides that expenditures for operational costs of the Sununu youth services center may be funded from governor's commission funds with the prior approval of the fiscal committee.

72. Establishes evaluation criteria for placement of a minor in an alcohol or drug treatment facility under the delinquency or CHINS statute.

73. Makes an appropriation for development of a New Hampshire partnership for long-term care plan.

74. Requires the commissioner of the department of health and human services to develop a universal online prior authorization form for drugs used to treat mental illness by July 15, 2017 and require community mental health centers and managed care organizations to begin using it by September 1, 2017.

75. Increases the rates for certain services, placements, and programs that are payable by the department of health and human services.

76. Provides that legislative members of the advisory board on services for children, youth and families shall serve a term coterminous with their term in office.

77. Authorizes the commissioner of the department of health and human services to fill unfunded positions for the biennium ending June 30, 2019 under certain circumstances.

78. Requires the department of health and human services to develop a plan to relocate the individuals with developmental disabilities currently placed at the designated receiving facility on the Laconia state school property.

79. Permits the transfer of the appropriation for the administration of the client assistance program that is received by the governor's commission on disability for fiscal years 2018 and 2019 to another qualified agency.

80. Requires the commissioner of the department of health and human services to issue certain requests for applications and requests for proposals.

81. Replaces the position of senior division director with the position of associate commissioner, whose responsibilities shall include oversight of the division for children, youth, and families.

82. Establishes the position of mental health medical supervisor in the department of health and human services, requires the position of director of legal services to be physically located in the department of justice, and requires the 2 departments to enter into a memorandum of understanding regarding abuse and neglect cases.

83. Establishes an independent office of the child advocate and an oversight commission on children's services and juvenile justice.

84. Amends the purpose of the child protection act.

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85. Amends the definition of an unfounded report by replacing "no probable cause to believe" with "insufficient evidence to substantiate a finding."

86. Inserts a definition of "serious impairment."

87. Amends the evidentiary standards for abuse and neglect cases by allowing into evidence prior founded or unfounded reports of abuse or neglect in order to establish pattern or course of conduct.

88. Directs the department of health and human services to establish a Medicaid home and community-based behavioral health services program for children with severe emotional disturbances.

89. Establishes requirements for budget transfers by agencies.

90. Requires the commissioner of the department of health and human services to establish and utilize a competitive bidding process for family planning services.

91. Removes the requirement in the administrative procedure act for agencies to give notice to legislative committees for proposed rules on newly enacted authority.

92. Requires the New Hampshire drinking water and groundwater advisory commission to administer the drinking water and groundwater trust fund and makes changes to the membership and duties of the New Hampshire drinking water and groundwater advisory commission.

93. Establishes a chartered public school program officer position in the department of education.

94. Requires the state to reimburse the sheriff's office for court security at rates provided in the collective bargaining agreement.

95. Prohibits reproductive health care facilities from using state funds to provide abortion services.

96. Authorizes a temporary Milford substation for the division of motor vehicles.

97. Reduces the rates of the business profits tax and the business enterprise tax in 2019 and in 2021.

98. Increases the amount of the expense deduction under the business profits tax.

99. Directs the department of health and human services to seek a waiver from CMS in order to establish certain work requirements for participation in the New Hampshire health protection program.

100. Incorporates by reference all appropriations and sections of the house finance committee amendments to HB 1-A and HB 2-FN-A of the 2017 regular legislative session.

101. Authorizes the commissioner of safety to establish up to 5 state police trooper I positions.

102. Requires state departments and agencies receiving certain funding from the general fund to transfer a portion of those funds to the judicial council to pay for indigent defense costs.

103. Allows for certain fees collected for food service licensure to be included in the operating budget as restricted revenue.

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104. Repeals the electricity consumption tax.

105. Requires the office of strategic initiatives to study the economic viability of electric renewable portfolio standard Class III biomass electric generation resources in New Hampshire.

106. For taxable periods beginning on or after January 1, 2018, adds a definition of Internal Revenue Code for the purposes of the business profits tax.

107. Amends RSA 6:12 to include the uncompensated care and Medicaid fund established in RSA 167:64.

108. Approves payment for the cost items by the judicial branch in the collective bargaining agreement from its appropriation in the operating budget.

109. Makes an appropriation of fiscal year 2017 general funds to the highway fund.

110. Revises statutory provisions related to pet vendors.

111. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program for the biennium ending June 30, 2019.

112. Removes the continual appropriation for the forest management and protection fund.

113. Authorizes suspension of certain statutory and executive order duties due to inadequate funding and staffing resources at the department of administrative services.

114. Clarifies the authority of the commissioner of the department of safety respecting alcohol concentration testing equipment.

115. Authorizes the governor to draw a warrant from the highway fund to satisfy any shortfall in disbursements required for apportionment A highway projects.

116. Allows the lottery commission to sell lottery tickets on the Internet and by mobile applications and create certain practices to address problem gaming in such sales.

117. Makes an appropriation to the department of health and human services to conduct an independent review of the division for children, youth and families and establishes a joint legislative committee to review the results.

118. Inserts a contingency providing that if HB 144 of the 2017 regular legislative session does not become law, then this bill shall not take effect.