

CHAPTER 156
HB 517 - FINAL VERSION

05/31/2017 2023s
05/31/2017 2120s
22Jun2017... 2358CofC
22Jun2017... 2384EBA

2017 SESSION

17-0676
05/04

HOUSE BILL **517**

AN ACT relative to state fees, funds, revenues, and expenditures.

SPONSORS: Rep. L. Ober, Hills. 37; Rep. Beaudoin, Straf. 9; Rep. Weyler, Rock. 13; Rep. Umberger, Carr. 2; Rep. McGuire, Merr. 29; Sen. D'Allesandro, Dist 20; Sen. Reagan, Dist 17; Sen. Bradley, Dist 3

COMMITTEE: Executive Departments and Administration

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.

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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.
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.

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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.
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.

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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 "Newsline 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 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

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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.

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.

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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.

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.

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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.
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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to state fees, funds, revenues, and expenditures.

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

1 156:1 Department of Administrative Services; Consolidation of Human Resources and Payroll
2 Functions.

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

10 (a) Accounts receivable;

11 (b) Accounts payable;

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

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

17 II. The commissioner of administrative services may establish the number of total
18 personnel required for human resources, payroll and business processing functions in the executive
19 branch of state government and, with the prior approval of the governor and council, may eliminate
20 unnecessary positions and may transfer positions to or from the department of administrative
21 services to or from any other agency if the commissioner of administrative services concludes that
22 such transfers or eliminations are necessary to effectuate the efficient consolidation or
23 deconsolidation of human resources, payroll or business processing functions within state
24 government. Such transfers may, if deemed appropriate by the commissioner of administrative
25 services, include the transfer of all associated books, papers, records, personnel files, and
26 equipment, including, but not limited to, work station and information technology equipment, and
27 may, if deemed appropriate by the commissioner of administrative services, include the transfer of
28 any unexpended appropriations for any of the foregoing, and any unexpended appropriations for

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1 salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.
2 The department of administrative services may also establish new full-time temporary positions
3 within the department, if the commissioner of administrative services deems it necessary to
4 effectuate the efficient consolidation or deconsolidation of human resources, payroll or business
5 processing functions.

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

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

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

31 156:2 New Section; Health Risk Appraisal; Protected Health Information. Amend RSA 21-I by
32 inserting after section 30-e the following new section:

33 21-I:30-f Health Risk Appraisal. All information contained in a state employee's health risk
34 appraisal as referenced in any collective bargaining agreement shall be considered protected health
35 information and entitled to all of the nondisclosure and other restrictions set forth in the Health
36 Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and the Standards for
37 Privacy of Individually Identifiable Health Information at 45 C.F.R. part 160 and subparts A and E

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1 of part 164 (“Privacy Rule”).

2 156:3 State Employee Health Plan; Application. The cost sharing and plan design for
3 unrepresented active state employees who participate in the health plans offered by the state shall
4 be the same as those for individuals covered by the collective bargaining agreement between the
5 state of New Hampshire and the State Employees’ Association of New Hampshire, Inc. The fiscal
6 committee of the general court may approve changes to the above plan design cost sharing
7 provisions consistent with RSA 21-I:30, I. The cost sharing and plan designs for represented active
8 state employees who participate in the health plans offered by the state shall be in accordance with
9 the provisions of the collective bargaining agreements between the state and the employee
10 organizations representing those employees.

11 156:4 Administrative Services; Health Coverage Shared Responsibility. Agencies may use
12 funds in existing class 60 budgets to pay any penalties imposed under the employer shared
13 responsibility for health coverage under section 4980H of the Internal Revenue Code.

14 156:5 Appropriation; Department of Administrative Services; State Retiree Health Benefits.
15 The following sums are hereby appropriated from the following sources to the commissioner of the
16 department of administrative services for the purpose of funding state retiree health care expenses
17 for eligible state retirees and spouses who have a date of birth on or before December 31, 1948, for
18 the fiscal years ending June 30, 2018 and June 30, 2019:

	FY 2018						
All:	Liquor	Highway	Turnpike	Fish & Game	Sweepstakes	Other	
20							
21	\$264,400	\$30,200	\$147,833	\$33,813	\$7,400	\$6,500	\$38,654
22							
	FY 2019						
All:	Liquor	Highway	Turnpike	Fish & Game	Sweepstakes	Other	
23							
24	\$816,000	\$88,400	\$459,754	\$83,835	\$30,100	\$18,800	\$135,111

25 156:6 Department of Administrative Services; State Employees Group Insurance; Retiree
26 Medical Benefits. Amend RSA 21-I:30, II to read as follows:

27 II. The state shall pay a premium *or partial premium* for each Medicare-eligible retired
28 employee, as defined in paragraphs VI and VII of this section, and his or her spouse for their
29 lifetimes, toward group hospitalization, hospital medical care, surgical care and other medical
30 benefits plan or a self-funded alternative within the limits of the funds appropriated at each
31 legislative session and providing any change in plan is approved by the fiscal committee of the
32 general court, after a duly noticed public hearing on any proposed changes to the plan is held before
33 the fiscal committee, prior to its adoption. Retired employees who are eligible for Medicare may
34 voluntarily cease participation in plan benefits at any time and may reenroll without restriction.

35 156:7 Department of Administrative Services; State Employees Group Insurance Retiree
36 Medical Benefits; Premium Contribution for Medicare Eligible. Amend RSA 21-I:30, XIII to read as
37 follows:

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

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

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

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

30 156:8 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA
31 100-A:54, III to read as follows:

32 III.(a) The retirement system shall deduct from the monthly retirement allowance of
33 retired state employees and/or each applicable spouse who are not Medicare eligible and receiving
34 medical and surgical benefits provided pursuant to RSA 21-I:30, a premium contribution amount
35 based on a percentage of the total monthly premium attributable to the applicable retiree and/or
36 spouse, as determined by the commissioner of administrative services, with prior approval by the
37 fiscal committee of the general court provided the percentage is not lower than [~~12.5~~] **20** percent.

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

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

23 156:9 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a
24 to read as follows:

25 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

26 I. Retired judges may participate in state retiree health plans offered under RSA 21-I:30
27 according to eligibility rules established under the judicial branch uniform personnel classification
28 and compensation system.

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

35 ***II. Retired judges and/or spouses who are eligible for Medicare Parts A and B due***
36 ***to age or disability shall be responsible for payment of the premium contribution amount***
37 ***based on a percentage of the total monthly premium attributable to the applicable retiree***

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

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

12 156:10 Department of Administrative Services; State Employees Group Insurance; Retiree
13 Medical Benefits.

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

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

25 156:11 New Paragraph; State Retiree Health Care Program; Prescriptions. Amend RSA 21-I:30
26 by inserting after paragraph XV the following new paragraph:

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

29 156:12 Judicial Appointments; Number Limited; Conversion Suspended.

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

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

35 156:13 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision
36 of law to the contrary, and subject to approval of the fiscal committee of the general court, for the
37 biennium ending June 30, 2019, the supreme court is hereby authorized to transfer funds within

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

7 156:14 References Changed; Resources and Economic Development to Natural and Cultural
8 Resources or Business and Economic Affairs.

9 I. Amend the following RSA provisions by replacing "resources and economic development"
10 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,
11 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;
12 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-
13 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
14 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,
15 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-
16 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;
17 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;
18 214:14-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-
19 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,
20 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;
21 227-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;
22 265:102, 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,
23 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-
24 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-
25 B:1-a; 485-G:2, I(d); and 489:6, I(a).

26 II. Amend the following RSA provisions by replacing "resources and economic development"
27 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
28 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,
29 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-
30 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-
31 a, II; and 481:3, X-X-a.

32 156:15 Department of Natural and Cultural Resources; Establishment. Amend RSA 12-A:1 to
33 read as follows:

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

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1 ~~promotion, a division of travel and tourism development, and] a division of parks and recreation, a~~
2 ***division of libraries, a division of arts, a division of film and digital media, and a division***
3 ***of historical resources, which shall also be known as the state historic preservation office.***

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

11 156:16 Department of Natural and Cultural Resources; General Provisions. Amend RSA 12-
12 A:1-b to read as follows:

13 12-A:1-b General Provisions.

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

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

37 156:17 Department of Natural and Cultural Resources; Powers and Duties RSA 12-A:1-c is

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1 repealed and reenacted to read as follows:

2 12-A:1-c Powers and Duties of Department of Natural and Cultural Resources.

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

5 (a) Providing information services to state government.

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

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

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

11 (e) Sponsoring state historic preservation activities.

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

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

18 156:18 Department of Natural and Cultural Resources; Police Powers. Amend RSA 12-A:1-d to
19 read as follows:

20 12-A:1-d Police Powers.

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

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

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1 ~~economic development~~].

2 156:19 New Section; Department of Natural and Cultural Resources; Duties of Commissioner.
3 Amend RSA 12-A by inserting after section 2-j the following new section:

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

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

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

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

16 IV. Have authority, with regard to the administration of RSA 19-A, and with the approval
17 of a majority of the members of the New Hampshire state council on the arts as established by RSA
18 19-A:2, to:

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

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

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

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

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

34 156:20 Department of Natural and Cultural Resources; Directors of Divisions. Amend RSA 12-
35 A:3 to read as follows:

36 12-A:3 Directors of Divisions. The commissioner shall nominate for appointment by the
37 governor and council a director of forests and lands, ~~[a director of economic development, a director~~

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

8 156:21 Department of Natural and Cultural Resources; Advisory Commission. Amend RSA 12-
9 A:5, III to read as follows:

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

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

19 156:22 Director of Division of Forests and Lands. Amend RSA 12-A:9-a, I to read as follows:

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

30 156:23 Director of Parks and Recreation. Amend RSA 12-A:10 to read as follows:

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

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1 reference is made to the director of recreation in any provision of the statutes it shall henceforth be
2 construed to mean the director, division of parks **and recreation**, within the department of
3 **natural and cultural** resources [~~and economic development~~].

4 156:24 Division of Parks and Recreation. Amend RSA 12-A:10-a to read as follows:

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

10 156:25 Director of Parks and Recreation. Amend RSA 12-A:10-b to read as follows:

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

21 156:26 Reference Deleted. Amend RSA 12-A:10-e, VIII to read as follows:

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

26 156:27 New Sections; Department of Natural and Cultural Resources; Divisions. Amend RSA
27 12-A by inserting after section 10-f the following new sections:

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

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

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1 I. Operating a state library in order to provide general and specific reference services,
2 including, but not limited to, services designed to assist the general court and the judicial branch.

3 II. Operating the New Hampshire automated information system as provided for by RSA
4 201-A:22, I.

5 III. Promoting and coordinating a statewide library system.

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

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

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

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

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

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

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

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

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1 Hampshire.

2 156:28 New Section; Commission on Native American Affairs. Amend RSA 12-A by inserting
3 after section 14 the following new section:

4 12-A:14-a New Hampshire Commission on Native American Affairs Established.

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

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

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

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

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

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

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

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

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

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

33 VI. The commission shall:

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

36 (b) Develop recommendations to assist state agencies with the preservation and
37 protection of Native American artifacts and burial grounds under the Native American Graves

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1 Protection and Repatriation Act of 1990, P.L. 101-601.

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

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

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

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

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

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

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

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

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

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1 156:29 New Section; Film and Television Commission. Amend RSA 12-A by inserting after
2 section 41-a the following new section:

3 12-A:41-b New Hampshire Film and Television Commission Established; Members; Duties.

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

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

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

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

12 II. The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 IV. Members appointed under subparagraph III(a) shall serve as voting members of the

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

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

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

13 156:30 Reference Changed. Amend RSA 21-Q:1 to read as follows:

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

20 156:31 Reference Changed. Amend RSA 201-A:1 to read as follows:

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

23 156:32 Reference Changed. Amend RSA 227-C:2 to read as follows:

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

28 156:33 Reference Changed. Amend RSA 238:23, I to read as follows:

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

36 156:34 Conservation Number Plate Fund. Amend RSA 261:97-b, I to read as follows:

37 I. There is hereby established a conservation number plate fund under the administration

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

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

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

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

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

16 156:35 Conservation Number Plates; Use of Funds. Amend RSA 261:97-c, I to read as follows:

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

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

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

26 (1) Commemorative and historic sculptures and murals.

27 (2) Archaeological or historic artifacts.

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

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

31 **(d) Support of the New Hampshire natural heritage bureau established in RSA**
32 **217-A, within the division of forests and lands. Funds may be used for:**

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

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

1 *species and natural plant communities.*

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

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

5 156:36 Conservation Number Plates; Report. Amend RSA 261:97-f, I to read as follows:

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

13 156:37 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 XXIV. RSA 12-A:38, relative to matching grants.
- 2 XXV. RSA 12-A:39, relative to seminars.
- 3 XXVI. RSA 12-A:40, relative to grant information.
- 4 XXVII. RSA 12-A:43, relative to duties of director of travel and tourism development.
- 5 XXVIII. RSA 12-A:43-a, relative to the travel and tourism development fund.
- 6 XXIX. RSA 12-A:43-b, relative to rest areas and welcome centers.
- 7 XXX. RSA 12-A:45, relative to telecommunications planning and development initiative.
- 8 XXXI. RSA 12-A:45-a, relative to telecommunications planning and development fund.
- 9 XXXII. RSA 12-A:46, relative to telecommunications planning and development advisory
- 10 committee.
- 11 XXXIII. RSA 12-A:47, relative to statutory construction related to telecommunications.
- 12 XXXIV. RSA 12-A:48, relative to authority of director of travel and tourism development to
- 13 acquire information.
- 14 XXXV. RSA 12-A: 49, relative to confidentiality.
- 15 XXXVI. RSA 12-A:51, relative to establishment of job training program for economic
- 16 growth.
- 17 XXXVII. RSA 12-A:52, relative to the purpose of job training program for economic growth.
- 18 XXXVIII. RSA 12-A:53, relative to job training programs.
- 19 XXXIX. RSA 12-A:54, relative administration and review committee.
- 20 XL. RSA 12-A:55, relative to eligibility for training grants.
- 21 XLI. RSA 12-A:56, relative to eligible costs.
- 22 XLII. RSA 12-A:57, relative to training facilities.
- 23 XLIII. RSA 12-A:58, relative to performance reports.
- 24 XLIV. RSA 12-A:59, relative to technology development and communications planning.
- 25 XLV. RSA 12-A:59-a, relative to director of broadband technology planning and
- 26 development.
- 27 XLVI. RSA 12-A:60, relative to New Hampshire workforce opportunity council.
- 28 XLVII. RSA 12-A:61, relative to New Hampshire workforce opportunity fund.
- 29 XLVIII. RSA 12-A:62, relative to economic development strategy and plan.
- 30 XLIX. RSA 12-A:63, relative to definitions.
- 31 L. RSA 12-A:64, relative to goals and objectives.
- 32 LI. RSA 12-A:65, relative to content of the economic development strategy and plan.
- 33 LII. RSA 12-A:66, relative to annual report.
- 34 LIII. RSA12-A:67, relative to division of economic development fund.
- 35 LIV. RSA 21-K, relative to the department of cultural resources.
- 36 LV. RSA 261:97-c, IV, relative to conservation number plate funds.
- 37 LVI. RSA 261:97-d, I(d), relative to the conservation number plate advisory committee.

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1 LVII. RSA 4-F:1, II(a)(11), relative to GIS committee members.

2 156:38 References Changed; Cultural Resources to Natural and Cultural Resources. Amend
3 the following RSA provisions by replacing "cultural resources" with "natural and cultural
4 resources": 4:9-c, I(i); 4-F:1, II(a)(4); 6:12-j, V(d)(1); 17-R:1, II(n); 19-A:5, IV; 19-A:8, II; 19-A:10, IV;
5 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-B:3; 201-D:1,
6 IV; the introductory paragraph of 201-E:7; 202-A:12; 202-A:18; 202-A:19; 216-A:3-c, V; 227-C:1; the
7 introductory paragraph of 227-C:5; 227-C:12-a, II(g); 227-C:28, II; 227-C:29, I(a); 227-C:31; 227-C:33,
8 I; 261:97-d, I(a); and 634:1, V(d).

9 156:39 Transition; Commission on Native American Affairs; Film and Television Commission.
10 The New Hampshire commission on Native American affairs and the New Hampshire film and
11 television commission established in RSA 12-A:14-a and RSA 12-A:41-b shall operate as
12 continuations of the commissions established under former RSA 21-K. Appointments and terms of
13 office of members under RSA 21-K shall continue for the remainder of the terms upon constitution
14 of the commissions under RSA 12-A.

15 156:40 New Chapter; Department of Business and Economic Affairs. Amend RSA by inserting
16 after chapter 12-N the following new chapter:

17 CHAPTER 12-O

18 DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS

19 12-O:1 Definitions. In this chapter:

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

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

23 12-O:2 Establishment; Purpose.

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

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

35 12-O:3 General Provisions.

36 I. Upon the recommendation of the commissioner after consultation with division directors
37 concerned and the council of partner agencies established in RSA 12-O:7, the governor and council

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1 are authorized to approve revisions in internal administrative departmental organization as the
2 governor and council find from time to time may improve or make more economical the
3 administration of the department.

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

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

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

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

35 12-O:7 Council of Partner Agencies Established.

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

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- 1 (a) The executive director of the business finance authority.
- 2 (b) The chancellor of the community college system.
- 3 (c) The executive director of the community development finance authority.
- 4 (d) The executive director of the New Hampshire housing finance authority.

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

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

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

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

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

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

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1 tourism development of the department of business and economic affairs.

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

9 12-O:13 Travel and Tourism Revolving Fund; Transfer; Functions.

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

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

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

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

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

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

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

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

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

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

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1 public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 12-O:16 Travel and Tourism Development Fund.

37 I. There is hereby established in the office of the state treasurer a fund to be known as the

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

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

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

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

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

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

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

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

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1 VI. The commissioner shall adopt rules under RSA 541-A after public hearing governing
2 the joint promotional program. These rules shall include:

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

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

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

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

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

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

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

16 (b) Has a demonstrated need for promotion;

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

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

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

22 12-O:18 Rest Areas and Welcome Centers.

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

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

32 12-O:19 Package Plan Program; Recreational Facilities.

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

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

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1 (b) "Package plan program," a method of selling tickets by which the department, in
2 conjunction with a voluntary corporation, offers for sale to the general public interchangeable or
3 reciprocal tickets for services and accommodations, or both, in connection with recreational facilities
4 of both the state and the voluntary corporation or any of its members. The charges for services and
5 accommodations when sold in this manner may be less than when sold individually.

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

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

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

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

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

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

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

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

36 VII. Plan, develop, and administer programs to assist in the implementation of the
37 Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended,

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1 reauthorized, and in effect from time to time, implement the state plan established by the governor
2 and the Workforce Opportunity Council, and perform the following additional functions:

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

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

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

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

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

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

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

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

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

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

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

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

30 12-O:21 New Hampshire Economic Development Fund.

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

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

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1 12-O:24 Economic Development Strategy and Plan. The division of economic development,
2 with input and assistance from the council of partner agencies established under RSA 12-O:7 and
3 other public and private organizations with whom it chooses to work, shall develop a rolling 10-year
4 economic development strategy and operating plan.

5 12-O:25 Definitions. In this subdivision:

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

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

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

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

22 I. Consideration of the entire state.

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

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

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

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

37 VI. Identification of how economic development ideas, advice, and information from

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

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

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

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

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

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

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

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

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

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

Division of Economic Development Fund

35 12-O:29 Division of Economic Development Fund. There is hereby established in the office of
36 the state treasurer a fund to be known as the division of economic development fund. The
37 commissioner of business and economic affairs is authorized to accept public sector and private

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

9 Job Training Program for Economic Growth

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

15 12-O:31 Purpose. The purpose of this program is to:

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

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

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

23 12-O:32 Training Programs. Training programs may include, but shall not be limited to:

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

25 II. Basic skills.

26 III. Technical skills.

27 IV. Quality improvement.

28 V. Safety.

29 VI. Management and supervision.

30 VII. English as a second language.

31 12-O:33 Administration; Review Committee.

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

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

36 12-O:34 Eligibility for Training Grants.

37 I. In this subdivision, "grant recipient" means the business entity that receives funds from

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1 the department and which provides funds to the training provider.

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

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

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

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

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

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

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

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

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

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

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

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

28 12-O:35 Eligible Costs.

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

31 II. The following costs are not eligible:

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

34 (b) Entertainment costs.

35 (c) Administrative costs.

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

37 III. Funds for training grants shall supplement, and not replace, funds available through

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1 existing programs conducted by the business entity, or other public or private training programs.

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

5 12-O:36 Training Facilities.

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

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

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

12 12-O:37 Performance; Report.

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

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

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

22 International Trade Promotion

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

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

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1 1998, and shall assist the governor in:

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

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

7 (1) Development of linkages in order to assure coordination and non-duplication
8 among the programs and activities described in section 121(b) of the Workforce Investment Act of
9 1998; and

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

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

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

15 (e) Development of the allocation formulas for the distribution of funds for adult
16 employment and training activities and youth activities to local areas as permitted under sections
17 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

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

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

24 (h) Development of the statewide employment statistics system described in section
25 15(e) of the Wagner-Peyser Act.

26 (i) Development of an application for an incentive grant under 20 U.S.C. section 9273.

27 12-O:45 New Hampshire Workforce Opportunity Fund.

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

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

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

36 (b) Workforce Investment Act Youth programs.

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

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1 (d) Workforce Investment Act Disability programs.

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

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

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

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

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

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

33 156:41 Member Added; Reference Corrected; Scenic and Cultural Byways Council. Amend RSA
34 238:20, I(e) to read as follows:

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

37 156:42 Gifts for Historic Sites. Amend RSA 4:8-a to read as follows:

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1 4:8-a Gifts for Historic Sites and the Community College System of New Hampshire.

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

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

29 156:43 Council on Resources and Development; Members. Amend RSA 162-C:1, II to read as
30 follows:

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

33 156:44 Council on Resources and Development; Members. Amend RSA 162-C:1, X to read as
34 follows:

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

37 156:45 Community Heritage Investment Program; Membership. Amend RSA 227-M:4, II(e)

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1 and (f) to read as follows:

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

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

7 156:46 Continuity of Subcommittees of the Site Evaluation Committee.

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

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

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

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

27 156:47 Salaries of Unclassified Officers. Amend the positions in the following salary grades in
28 RSA 94:1-a, I(b) as follows:

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

31 (a) in DD, mountain manager

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

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

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

36 (a) in GG, director of economic development

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

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1 III. Delete:

- 2 (a) DD Department of resources and economic development director of marketing
3 (b) HH Department of cultural resources commissioner
4 (c) KK Department of resources and economic development commissioner

5 156:48 Commissioner Salaries. The commissioner of the department of natural and cultural
6 resources and the commissioner of the department of business and economic affairs, as established
7 in this act, shall receive the salaries as specified in RSA 94:1-a. The salaries for the commissioners
8 shall be determined after assessment and review of the appropriate temporary letter grade
9 allocation for the position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to
10 RSA 94:1-d and RSA 14:14-c.

11 156:49 Rulemaking. Transfer of Rules. Existing rules of the department of resources and
12 economic development shall continue in effect and be enforced by the commissioner of the
13 department of natural and cultural resources or the commissioner of the department of business
14 and economic affairs, as applicable, until they expire or are repealed or amended in accordance with
15 applicable law.

16 156:50 Reference Amended; Travel and Tourism Moneys. Amend RSA 6:12, I(b)(21) to read as
17 follows:

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

21 156:51 Fund Amended; Travel and Tourism. Amend RSA 6:12, I(b)(75) to read as follows:

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

24 156:52 Fund Amended; International Trade Promotion. Amend RSA 6:12, I(b)(106) to read as
25 follows:

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

28 156:53 Fund Amended; Economic Development Fund. Amend RSA 6:12, I(b)(109) to read as
29 follows:

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

32 156:54 Fund Amended; Travel and Tourism Revolving Fund. Amend RSA 6:12, I(b)(111) to
33 read as follows:

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

36 156:55 Fund Amended; Workforce Opportunity Fund. Amend RSA 6:12, I(b)(283) to read as
37 follows:

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1 (283) Moneys deposited into the New Hampshire workforce opportunity fund
2 established in RSA [~~12-A:61~~] **12-O:45**.

3 156:56 Fund Amended; Division of Economic Development Fund. Amend RSA 6:12, I(b)(325) to
4 read as follows:

5 (325) Moneys deposited in the division of economic development fund under RSA
6 [~~12-A:67~~] **12-O:29**.

7 156:57 Dedicated Fund Review. Amend RSA 6:12-j, V(a)(4) to read as follows:

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

10 156:58 Comprehensive State Development Plan. Amend RSA 9-A:1, III(b)(6) to read as follows:

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

16 156:59 Tourism Policy. Amend RSA 162-C:2, VI to read as follows:

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

19 156:60 Unemployment Compensation; Training Fund. Amend RSA 282-A:138-a, I and II to
20 read as follows:

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

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

32 156:61 Energy Facilities; Site Evaluation Committee; Membership. Amend RSA 162-H:3, I(c)
33 through (e) to read as follows:

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

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

37 (e) The commissioner of the department of **natural and** cultural resources, [~~or~~] the

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1 director of the division of historical resources, [as] *or* designee; and

2 156:62 Chapter Heading; Office of Energy and Planning Renamed Office of Strategic
3 Initiatives. Amend the chapter heading of RSA 4-C to read as follows:

4 CHAPTER 4-C

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

6 156:63 Office of Energy and Planning Renamed Office of Strategic Initiatives. Amend RSA 4-
7 C:1, I and the introductory paragraph of RSA 4-C:1, II to read as follows:

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

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

14 156:64 Name Change. Amend the following RSAs by replacing "office of energy and planning"
15 with "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-
16 C:10; 4-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-
17 M:2; 21-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;
18 147-B:4; 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-
19 C:4; 227-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;
20 482-A:32; 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;
21 673:3-a; 674:3; 675:9.

22 156:65 Repeal. The following are repealed:

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

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

26 156:66 New Section; Department of Transportation; Federal Assistance Grant; Appropriation.
27 Amend RSA 228 by inserting after section 8 the following new section:

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

35 156:67 New Subdivision; Public School Infrastructure Fund; Public School Infrastructure
36 Commission. Amend RSA 198 by inserting after section 15-x the following new subdivision:

37 Public School Infrastructure Fund and Public School Infrastructure Commission

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1 198:15-y Public School Infrastructure Fund.

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

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

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

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

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

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

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

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

33 198:15-z Public School Infrastructure Commission Established.

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

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

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1 of representatives.

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

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

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

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

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

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

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

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

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

21 156:68 Revenue Stabilization Reserve Account; Reference Added. Amend RSA 9:13-e, II to read
22 as follows:

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

32 156:69 New Subparagraph; Application of Receipts; Public School Infrastructure Fund. Amend
33 RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

34 (334) Moneys deposited in the public school infrastructure fund established in RSA
35 198:15-y.

36 156:70 School Building Aid; Alternative School Building Aid.

37 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA

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1 198:15-w, the commissioner of the department of education shall issue no school building aid or
2 alternative school building aid for any project approved on or after July 1, 2018 through June 30,
3 2019.

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

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

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

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

16 156:71 Department of Education; Appropriation. There is hereby appropriated to the
17 department of education the sum of \$2,250,000 for the fiscal year ending June 30, 2017, which shall
18 be nonlapsing, for the purpose of making school building aid payments for projects approved for the
19 fiscal year ending June 30, 2018. The governor is authorized to draw a warrant for said sum out of
20 any money in the treasury not otherwise appropriated.

21 156:72 Repeal. The following are repealed:

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

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

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

25 156:73 All Agencies; Administrative Services. Unless restricted by law or administrative rule,
26 upon request of an intended recipient, an agency may provide documents by electronic mailing in
27 lieu of mail.

28 156:74 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

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

35 156:75 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending
36 June 30, 2018 and June 30, 2019, the state treasurer shall fund the distribution of revenue to cities
37 and towns pursuant to the formula for determining the amount of revenue returnable to cities and

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1 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2017 distribution.

2 156:76 Department of Health and Human Services; Program Eligibility; Additional Revenues.
3 For the biennium ending June 30, 2019, the department of health and human services shall not
4 authorize, without prior consultation with the house health, human services and elderly affairs
5 committee and the senate health and human services committee and the approval of the fiscal
6 committee of the general court and governor and council, any change to program eligibility
7 standards or benefit levels that might be expected to increase or decrease enrollment in the
8 program or increase expenditures from any source of funds; provided, however, that no such prior
9 approval shall be required if a change to a federal program in which the state is participating as of
10 the effective date of this section is required by federal law.

11 156:77 Department of Health and Human Services; Suspension of Home Health Services Rate
12 Setting. Notwithstanding any provision of law to the contrary, RSA 126-A:18-a relative to rate
13 settings for home health services shall be suspended for the biennium ending June 30, 2019.
14 Payments for home health services shall be limited to appropriations for home health services as
15 may be restricted or reduced by action of the fiscal committee of the general court or by legislative
16 action.

17 156:78 Department of Health and Human Services; Bureau of Adult and Elderly Services;
18 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
19 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
20 biennium ending June 30, 2019.

21 156:79 Department of Health and Human Services; Suspension of Direct Graduate Medical
22 Education. The commissioner of the department of health and human services shall submit a Title
23 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
24 suspend the provision of direct graduate medical education payments to hospitals as provided in 42
25 U.S.C. section 1396a(a)(30)(A) effective July 1, 2017. Upon approval of the state plan amendment,
26 and as of the effective date of the state plan amendment, any obligations for payment of direct
27 graduate medical education shall be suspended for the biennium ending June 30, 2019.

28 156:80 Department of Health and Human Services; Suspension of Indirect Graduate Medical
29 Education. The commissioner of the department of health and human services shall submit a Title
30 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
31 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,
32 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan
33 amendment, any obligations for payment of indirect graduate medical education shall be suspended
34 for the biennium ending June 30, 2019.

35 156:81 Department of Health and Human Services; Public Safety and Welfare; Medicaid
36 Enhancement for Children and Pregnant Women. If the New Hampshire health protection
37 program established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2018 or

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

7 156:82 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
8 ending June 30, 2019, the commissioner of health and human services shall make quarterly reports
9 to the governor, the speaker of the house, and the senate president on the status of estimated
10 Medicaid payments in relation to actual costs. Further contents of the such reports shall be as
11 specified by the governor.

12 156:83 New Section; New Hampshire Employment Program and Family Assistance Program;
13 Adjustment of TANF Financial Assistance. Amend RSA 167 by inserting after section 77-f the
14 following new section:

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

19 156:84 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a)
20 to read as follows:

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

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

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

25 156:85 Discrimination Prohibited in Determining Eligibility for Services in the State Mental
26 Health Services System; Prospective Repeal Extended. Amend 2011, 209:6, I, as amended by 2013,
27 140:1, as amended by 2015, 276:41 to read as follows:

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

29 156:86 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and
30 towns shall be suspended for the biennium ending June 30, 2019.

31 156:87 New Subdivision; Department of Justice; Internet Crimes Against Children Fund.
32 Amend RSA 21-M by inserting after section 16 the following new subdivision:

Internet Crimes Against Children Fund

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

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

7 156:88 New Subparagraph; Application of Receipts; Internet Crimes Against Children Fund.
8 Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

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

11 156:89 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2018, and the
12 sum of \$250,000 for the fiscal year ending June 30, 2019, are hereby appropriated to the New
13 Hampshire Internet crimes against children fund established in RSA 21-M:17 for the purposes set
14 forth in that section. A plan shall be presented to the fiscal committee of the general court that
15 specifies how said funds shall be expended and shall include associated performance metrics. No
16 money appropriated under this section shall be expended or otherwise distributed until the plan is
17 approved by the fiscal committee of the general court. The governor is authorized to draw a
18 warrant for said sums out of any money in the treasury not otherwise appropriated.

19 156:90 Department of Justice; Position Established. There is established within the
20 department of justice the classified position of financial research analyst I. The financial research
21 analyst I position shall replace the unclassified financial analyst position, 9U098, located in
22 accounting unit 02-20-20-200510-3310. Upon completion of this action, position 9U098 shall be
23 abolished to allow for the transition of this unclassified position into the classified system. The
24 incumbent in the abolished unclassified position shall be offered the opportunity to transfer into the
25 newly established financial research analyst I position.

26 156:91 Position Reclassification; Banking Department. The position of general counsel, position
27 #42404, within the banking department, is hereby designated as an unclassified position.

28 156:92 New Section; Agreements to Lease-Purchase Vehicles Authorized. Amend RSA 21-I by
29 inserting after section 19-i the following new section:

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

34 156:93 Chartered Public Schools; Definitions. Amend RSA 194-B:1 to read as follows:

35 194-B:1 Definitions. In this chapter:

36 I. "Average cost per pupil" means the total of education expenditures in a particular district
37 and at the elementary, middle/junior, and high school levels, less tuition, transportation, capital

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1 outlays, and net debt service, as compiled by the department of education. Kindergarten cost shall
2 be calculated at 1/2 the cost of elementary school.

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

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

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

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

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

23 ***VII. "Full-time equivalent pupil" means a pupil or group of pupils pursuant to RSA***
24 ***194-B:1, XI that have completed 12 half-credit courses.***

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

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

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

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

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

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

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

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

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

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

8 156:94 Chartered Public Schools; Authority and Duties of the Board of Trustees. Amend the
9 introductory paragraph of RSA 194-B:5, III to read as follows:

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

14 156:95 Chartered Public Schools; Funding; Virtual Learning Academy Charter School. Amend
15 RSA 194-B:11, I(b)(1) to read as follows:

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

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

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

7 156:96 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

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

28 156:97 Special Education; State Aid. Amend RSA 186-C:18, V(d)-(e) to read as follows:

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

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

33 156:98 Special Education; State Aid. Amend RSA 186-C:18, VI(a) to read as follows:

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

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1 for the previous year on or before January 1 of each year.

2 156:99 Special Education; State Aid. Amend RSA 186-C:18, VIII to read as follows:

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

10 156:100 Special Education; State Aid. Amend RSA 186-C:18, XI(a) to read as follows:

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

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

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

25 156:101 Property Tax Rates; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35,
26 VII(d) to read as follows:

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

30 156:102 Department of Information Technology; Consolidation of Information Technology
31 Functions.

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

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- 1 (a) Information technology analysis and planning.
- 2 (b) Data management.
- 3 (c) Cybersecurity.
- 4 (d) Information technology applications, services, and support.

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

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

28 156:103 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,
29 2019, the liquor commission, for purposes of supporting merchant card activity, may:

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

37 II. Enter into contracts for technical and hosting services to support retail operations and

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1 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered
2 into to support retail operations and merchant card processing.

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

5 156:104 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard.
6 For the biennium ending June 30, 2019, the public utilities commission shall not expend any
7 funding on the implementation of an energy efficiency resource standard or change the system
8 benefits charge without prior approval of the fiscal committee of the general court, except as
9 consistent with or authorized by Order No. 25,932 issued by the public utilities commission, dated
10 August 2, 2016.

11 156:105 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-
12 F:10, I to read as follows:

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

29 156:106 Department of Education; Acceptance of Gifts. For the biennium ending June 30,
30 2019, the department of education may, subject to the approval of the governor and council, accept
31 gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations,
32 and other organizations or institutions for the purpose of funding appropriations made in
33 accounting unit 06-56-56-562010-7534 (NH Scholars Program).

34 156:107 Regional Career and Technical Education; Program. Amend the introductory
35 paragraph of RSA 188-E:5, V to read as follows:

36 V. Regional career and technical education centers shall, on a space available basis, enroll
37 any student requesting enrollment who has attended ~~[2-years]~~ **one year** of high school regardless of

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1 the number of academic credits earned, except that the Manchester school district shall, on a space
2 available basis, enroll and bear the associated costs for any Manchester school district student in
3 grades 9-12 who resides in the city of Manchester and who requests enrollment in a regional career
4 and technical education center within the district, provided that in either case:

5 156:108 New Subdivision; Governor's Scholarship Program. Amend RSA 4-C by inserting after
6 section 30 the following new subdivision:

7 Governor's Scholarship Program

8 4-C:31 Definitions. In this subdivision:

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

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

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

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

23 4-C:33 Eligibility.

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

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

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

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

36 (d) A person shall be a graduate of a high school, public academy, chartered public high
37 school, or a high school-level home education program outside of this state but have maintained his

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1 or her primary residence in this state for not less than 5 years preceding the date of application for
2 a scholarship.

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

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

12 4-C:34 Governor's Scholarship Fund Established.

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

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

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

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

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

27 4-C:35 Procedures.

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

35 II. An eligible person may receive a scholarship in the amount of \$1,000 per year provided
36 he or she maintains at least a 2.0 grade point average. An eligible person who earned the New
37 Hampshire scholar designation at the time of high school graduation shall be eligible to receive a

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1 scholarship in the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point
2 average. In all cases the postsecondary educational institution shall agree to not reduce any merit
3 or need based grant aid that would have otherwise been provided to the eligible person. An eligible
4 person may receive an annual scholarship for a maximum of 4 years.

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

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

11 156:109 Appropriation; Governor's Scholarship Fund. The sum of \$5,000,000 for the fiscal year
12 ending June 30, 2017 is hereby appropriated to the governor's scholarship fund established under
13 RSA 4-C:34 for the purposes set forth in that section for use in the fiscal year ending June 30, 2018.
14 Said funds shall not lapse, and the governor is authorized to draw a warrant for said sums out of
15 any money in the treasury not otherwise appropriated.

16 156:110 New Subdivision; Dual and Concurrent Enrollment Program. Amend RSA 188-E by
17 inserting after section 24 the following new subdivision:

Dual and Concurrent Enrollment Program

18 188-E:25 Definitions. In this subdivision:

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

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

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

33 188-E:27 Enrollment Requirements.

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

36 II. A student in the program shall be provided funding for enrollment in no more than 2
37

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1 dual or concurrent enrollment courses taken in grade 11 and no more than 2 dual or concurrent
2 enrollment courses taken in grade 12. A student may take more than 2 dual or concurrent
3 enrollment courses per year at his or her own expense.

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

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

12 188-E:28 School Board Policy.

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

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

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

37 156:111 Appropriation. The sum of \$850,000 for the fiscal year ending June 30, 2018 and the

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1 sum of \$950,000 for the fiscal year ending June 30, 2019 are hereby appropriated from the
2 governor's scholarship fund established in RSA 4-C:34 to the department of education to fund
3 student participation in the dual and concurrent enrollment program established in RSA 188-E:25-
4 29.

5 156:112 New Subparagraph; Application of Receipts; Governor's Scholarship Fund. Amend
6 RSA 6:12, I(b) by inserting after paragraph (333) the following new subparagraph:

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

9 156:113 Department of Revenue Administration; Reference Change; Document Processing to
10 Taxpayer Services. Amend RSA 21-J:2, II and III to read as follows:

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

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

19 156:114 Department of Revenue Administration; Taxpayer Services Division Created;
20 Document Process Division Eliminated. RSA 21-J:12 is repealed and reenacted to read as follows:

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

24 I. Processing all tax returns and payments filed with the government.

25 II. Providing general assistance to the public for all taxes administered by the department.

26 III. Maintaining and reconciling taxpayer accounts within the department's account
27 management systems.

28 156:115 Department of Revenue Administration; Director of Taxpayer Services Division;
29 Position Established.

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

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

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1 director of the taxpayer services division. Funding shall be transferred into the division of taxpayer
2 services accounting unit. The incumbent in the abolished unclassified position shall be offered the
3 opportunity to seek the commissioner's nomination for the unclassified position of director of the
4 division of taxpayer services.

5 156:116 Repeal. RSA 21-J:6-c, central tax services unit within the department of revenue
6 administration, is repealed.

7 156:117 Department of Safety; Places of Assembly; Definitions. Amend RSA 155:17, II to read
8 as follows:

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

13 156:118 Department of Safety; Places of Assembly; Licensing. Amend RSA 155:18 to read as
14 follows:

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

23 156:119 Transportation; Definitions. Amend RSA 228:1, VII to read as follows:

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

30 156:120 Department of Transportation; Eminent Domain; Occasion for Layout by Governor
31 and Council. Amend RSA 230:13, I to read as follows:

32 I. The governor, with advice of the council, may determine upon hearing whether there is
33 occasion for the laying out or alteration of a class I or class II highway or a highway within the state
34 included in the national system of interstate highways as proposed by the commissioner of
35 transportation, and, if so, ~~[shall appoint a commission of 3 persons who]~~ **the commissioner** may
36 purchase land or other property that is reasonably necessary for the construction, reconstruction, or
37 alteration and who shall lay out the remainder of such highway or alteration. Any such land or

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1 property which cannot be acquired by agreement with the owner or owners thereof may be acquired
2 in accordance with RSA 498-A and all issues that are appealed relating to necessity, public use, and
3 net public benefit shall be determined in accordance with RSA 230:19. Property rights acquired
4 under the provisions of this section shall be in fee simple or in the form of easements, including
5 property acquired by condemnation proceedings.

6 156:121 Layout of State Highways; Notice of Hearing. Amend RSA 230:17 to read as follows:

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

14 156:122 Limited Access Highways; Occasion for Layout; Layout. Amend RSA 230:45 to read as
15 follows:

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

33 156:123 Highways; Definition. Amend RSA 229:1 to read as follows:

34 229:1 Highways Defined. Highways are only such as are laid out in the mode prescribed
35 therefor by statute, or roads which have been constructed for **or are currently used for motor**
36 **vehicle, bicycle, or pedestrian** public travel over land which has been conveyed to a city or town
37 or to the state by deed of a fee or easement interest, or roads which have been dedicated to the

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1 public use and accepted by the city or town in which such roads are located, or roads which have
2 been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years
3 prior to January 1, 1968, and shall include the bridges thereon. **Highway does not include any**
4 **bridge, trail, or path intended for use by off highway recreational vehicles, as defined in**
5 **RSA 215-A:1, or snowmobiles, as defined in RSA 215-C:1.**

6 156:124 Discontinuance of Relocated Portions of Class I and Class II Highways Acquired in
7 1945 or Earlier. Amend RSA 230:55 through RSA 230:58 to read as follows:

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

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

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

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

33 156:125 Discontinuance of Relocated Portions of Class I and Class II Highways; Assessment of
34 Damages. Amend RSA 230:61 to read as follows:

35 230:61 Assessment of Damages. Any person who sustains damages because of such
36 discontinuance **of property acquired by the state in 1945 or earlier** may petition for the
37 assessment of damages to the superior court in the county in which such discontinued portion of

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1 highway is located within 60 days from the posting of notice of discontinuance, and not thereafter,
2 and the court shall assess such damages, if any, by jury.

3 156:126 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals.
4 The commissioner of the department of health and human services shall submit a Title XIX
5 Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
6 suspend all catastrophic aid payments to hospitals effective for the biennium ending June 30, 2019.

7 156:127 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development.
8 The provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the
9 division of travel and tourism development, are hereby suspended for the biennium ending June 30,
10 2019.

11 156:128 Joint Committee on Legislative Facilities; Meetings; Transfers. Amend RSA 17-E:4
12 and 17-E:5 to read as follows:

13 17-E:4 Meetings. The committee shall meet [~~on a regular stated date monthly~~] **as needed** and
14 at such other times at the call of the chair or upon written request of 4 members and any such
15 special meeting shall be held within 5 days of such call or request.

16 17-E:5 House and Senate Subcommittees. The house members, with the speaker as
17 chairperson, shall be a subcommittee for legislative management for the house; and the senate
18 members, with the president as chairperson, shall be a subcommittee for legislative management of
19 the senate. All **individual** transfers within the house or senate appropriations **in excess of**
20 **\$75,000** and all salaries of legislative attaches and other employees unless otherwise specifically
21 provided by statute shall require the approval of the respective subcommittee. The salaries as
22 determined hereunder shall be a charge upon the appropriation made for the legislature.

23 156:129 Legislative Branch; Special Account. Amend 2011, 224:217, II, as amended by 2013,
24 144:102 and 2015, 276:214, to read as follows:

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

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

36 (c) **Beginning in fiscal year 2017 and for each fiscal year thereafter,**
37 **unexpended and unencumbered appropriations shall be transferred to the appropriate**

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1 **subaccount.**

2 156:130 Joint Committee on Legislative Facilities; Funds. Amend 2011, 224:217, III to read as
3 follows:

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

14 156:131 Governor's Commission on Disability; Newsline for the Blind; Funding. Amend RSA
15 275-C:8-a to read as follows:

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

23 156:132 Revenue Stabilization Reserve Account. Amend RSA 9:13-e, V to read as follows:

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

29 156:133 New Subparagraphs; Revenue Information Management System Account; State
30 Heating System Savings Account. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the
31 following new subparagraphs:

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

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

36 156:134 New Section; Revenue Information Management System Account. Amend RSA 21-J by
37 inserting after section 1-a the following new section:

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

2 I. There is hereby established a nonlapsing revenue information management system
3 account. The state treasurer shall credit the additional revenue from existing taxes collected by the
4 department attributable to implementation of the department's revenue information management
5 system (RIMS), as calculated by the commissioner of the department of revenue administration, to
6 the revenue information management system account from which the treasurer shall pay principal
7 and interest on bonds and notes issued to fund the RIMS project. Said funds shall not be used for
8 any other purpose.

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

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

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

21 156:135 New Section; Department of Administrative Services; State Heating System Savings
22 Account. Amend RSA 21-I by inserting after section 19-f the following new section:

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

35 156:136 Appropriation; Office of Professional Licensure and Certification; Controlled Drug
36 Prescription Health and Safety Program. Amend 2016, 329:1 to read as follows:

37 329:1 Appropriation; Office of Professional Licensure and Certification; Controlled Drug

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1 Prescription Health and Safety Program. The sum of \$130,000 is hereby appropriated to the office
2 of professional licensure and certification for the biennium ending June 30, [2017] **2019** for the
3 purposes of [~~technology upgrades for~~] the controlled drug prescription health and safety program,
4 established in RSA 318-B:32. The governor is authorized to draw a warrant for said sum out of any
5 money in the treasury not otherwise appropriated.

6 156:137 Contingent Appropriation; Office of Professional Licensure and Certification;
7 Controlled Drug Prescription Health and Safety Program. The sum of up to \$100,000 is hereby
8 appropriated to the office of professional licensure and certification for the biennium ending June
9 30, 2019 for the controlled drug prescription health and safety program, established in RSA 318-
10 B:32, and contingent upon approval of the fiscal committee of the general court. The governor is
11 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
12 appropriated.

13 156:138 Plan for Funding Required. The administrator of the controlled drug prescription
14 health and safety program shall develop a plan for sustainable funding, which shall not include
15 moneys from the general fund, by November 1, 2017. The plan shall be presented in the form of a
16 report to the speaker of the house of representatives, the president of the senate, and the governor
17 on or before November 2, 2017.

18 156:139 Revenue for the National Guard Scholarship Fund. Amend RSA 110-B:61 to read as
19 follows:

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

26 156:140 Department of Corrections; Appropriation for Scanners in State Correctional Facilities.
27 Amend 2016, 263:4 to read as follows:

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

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1 156:141 Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, XI to read as follows:

2 XI. The state shall reimburse the sheriff's office for prisoner custody and control, within
3 available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus
4 traveling expenses to attend any official business, for any person employed as a sheriff for prisoner
5 custody and control. For the purpose of this paragraph, a half day shall be defined as a day in
6 which a sheriff works 4 hours or less. The state shall reimburse the counties, within available
7 funds appropriated by the legislature, for all costs associated with employing sheriffs, if those costs
8 are the result of job requirements imposed by federal and state governments. ***Billing for***
9 ***reimbursement of costs associated with video arraignments shall not be allowed under***
10 ***this paragraph. Custody and control of prisoners for the purpose of video arraignments***
11 ***shall be the responsibility of the county in which the video arraignment occurs, and such***
12 ***custody and control may be exercised by county correctional officers.***

13 156:142 Department of Justice; Collections Related to the Merrimack River Flood Control
14 Compact. The department of justice shall undertake every reasonable legal effort to collect all
15 amounts due to the state of New Hampshire as a result of the Merrimack River flood control
16 compact.

17 156:143 Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
18 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
19 permit from the department of environment services, is suspended for the biennium ending June
20 30, 2019.

21 156:144 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486,
22 for the biennium ending June 30, 2019, no state aid grants shall be made for any new infrastructure
23 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
24 RSA 149-M, except that infrastructure projects that had local authorization by December 31, 2008
25 to construct, but were not listed in 2013, 144:101, shall continue to be eligible for state aid grants
26 subject to availability of funding. Nothing in this section shall affect the provision of the future
27 water supply land protection grants under RSA 486-A if funding is available for such purposes.

28 156:145 Workers' Compensation; Definitions. Amend RSA 281-A:2, VII(a)(5) to read as follows:

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

36 ***(B) Any person who is a regularly enrolled volunteer member or trainee***
37 ***of a volunteer search and rescue group recognized by the fish and game department who***

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1 *participates in a coordinated training exercise preapproved by the fish and game search*
2 *and rescue coordinator or participates in a search and rescue mission or attempted*
3 *search and rescue mission of another, pursuant to RSA 206:26, XII shall, solely for the*
4 *purposes of this chapter and not otherwise, be deemed to be an employee of the state with*
5 *respect to such activity. Any payments to be made as a result of this subparagraph shall*
6 *be a charge against the general fund.*

7 156:146 Appropriation; Department of Safety; Fire Standards and Training and Emergency
8 Medical Services Fund; Funding.

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

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

17 156:147 Department of Transportation and Liquor Commission; Feasibility Assessment. The
18 commissioners of the department of transportation and the liquor commission may conduct a
19 feasibility assessment of the existing northbound and southbound liquor and wine outlets sites in
20 the town of Hampton on Interstate 95 to determine the financial viability of constructing, operating,
21 and maintaining a turnpike service plaza for motorists.

22 156:148 Department of Transportation; Acquisition of Land. The commissioner of the
23 department of transportation is authorized to acquire land as required for the purpose of
24 constructing, operating, and maintaining a turnpike service plaza for motorists at the existing
25 northbound and southbound liquor and wine outlets in the town of Hampton on Interstate 95. Each
26 turnpike service plaza is intended to be a full service rest area that may include a fueling station,
27 food and beverage service, a convenience store, and a liquor and wine outlet. Any real estate
28 acquired pursuant to this authority shall be exempt from the requirements of RSA 4:40. The value
29 of the land to be acquired shall be based upon an independent appraisal. As part of this
30 conveyance, the liquor commission shall retain title to sufficient land for the future construction of
31 its liquor and wine outlets, which shall be exempt from future taxation or rent in perpetuity.

32 156:149 Liquor Commission; Proceeds From Sale of Land. All proceeds from the sale of any
33 land owned by the liquor commission for the purpose of constructing, operating, and maintaining a
34 turnpike service plaza for motorists at the existing northbound and southbound state liquor and
35 wine outlets in the town of Hampton on Interstate route 95 shall be deposited into the liquor
36 commission fund pursuant to RSA 176:16 and shall be used exclusively to retire existing debt.

37 156:150 Airways Toll. Amend RSA 422:34, III to read as follows:

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1 III. The amount of motor fuel or fuel sold to and used in the propulsion of aircraft shall be
2 determined by, and the toll shall be collected by, the director of motor vehicles, under the authority
3 and procedure established by the provisions of RSA 260:30-65-a and the director of motor vehicles
4 may further promulgate and establish such additional rules, regulations, and procedures as the
5 director may deem necessary in the collection and allocation of the airways toll provided herein. In
6 the case of sales of fuel, the airways toll shall be collected at the time of the sale of such fuel, and
7 payment made to the director in the same manner as in the case of motor fuel. The director shall
8 pay monthly to the state treasurer all revenue collected in accordance with the foregoing provisions.
9 ***The treasurer shall credit the revenue to the department as restricted revenue, which***
10 ***shall not lapse.***

11 156:151 Lottery Commission; Authority to Purchase Real Property Granted. The lottery
12 commission, in consultation with the department of administrative services, is hereby authorized to
13 purchase, in the name of the state, land and buildings to serve as the lottery commission's
14 headquarters. Such purchase shall be completed during the biennium ending June 30, 2019 and
15 shall require approval of the fiscal committee of the general court and the governor and council. If
16 the lottery commission so chooses, the commission is hereby authorized to secure a commercial loan
17 for the purchase of land in order to build buildings, and to secure a contract to build suitable
18 buildings to serve as the lottery commission's headquarters. If the lottery commission is unable to
19 secure a commercial loan, the commission shall apply for funds through the capital budget process
20 in the next biennium.

21 156:152 Screening and Intervention for Dyslexia and Related Disorders; Reading Specialist.
22 Amend RSA 200:60 to read as follows:

23 200:60 Reading Specialist.

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

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

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

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

37 (b) Have a minimum of 3 years of field experience in screening, identifying, and

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1 treating dyslexia and related disorders.

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

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

5 **III. The commissioner shall submit a report assessing the effectiveness of the**
6 **reading specialist in complying with the requirements of this section, to the speaker of the**
7 **house of representatives, the senate president, the chairpersons of the house and senate**
8 **education committees, and the governor no later than November 1, 2018, and annually**
9 **thereafter.**

10 156:153 School Money; Distribution Schedule of Adequate Education Grants. Amend RSA
11 198:42 to read as follows:

12 198:42 Distribution Schedule of Adequate Education Grants; Appropriation.

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

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

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

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

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1 ~~chartered public school approved for initial operation by the state board of education pursuant to~~
2 ~~RSA 194-B:3-a.]~~

3 156:154 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(d) to read as follows:

4 (d) The source of funds for payments under this section shall be moneys from the
5 education trust fund established in RSA 198:39. ***The governor is authorized to draw a warrant***
6 ***from the education trust fund to satisfy the state's obligation under this section. Such***
7 ***warrant for payment shall be issued regardless of the balance of funds available in the***
8 ***education trust fund. If the balance in the education trust fund, after the issuance of any***
9 ***such warrant, is less than zero, the state comptroller shall transfer sufficient funds from***
10 ***the general fund to eliminate such deficit. The commissioner of the department of***
11 ***administrative services shall inform the fiscal committee and the governor and council of***
12 ***such balance. This reporting shall not in any way prohibit or delay the distribution of***
13 ***payments. The department of education may request additional funds from the fiscal***
14 ***committee of the general court, with the approval of governor and council, for a new***
15 ***chartered public school approved for initial operation by the state board of education***
16 ***pursuant to RSA 194-B:3-a.***

17 156:155 Robotics Education Fund. The subdivision heading preceding RSA 188-E:24 and RSA
18 188-E:24 are repealed and reenacted to read as follows:

19 Robotics Education Development Program and Robotics Education Fund

20 188-E:24 Robotics Education Fund Established. There is established in the office of the state
21 treasurer a nonlapsing fund to be known as the robotics education fund which shall be kept distinct
22 and separate from all other funds. The fund shall be administered by the commissioner of the
23 department of education. The commissioner may accept and expend funds from any public or
24 private source, including private gifts, grants, and donations.

25 156:156 New Section; Robotics Education Development Program. Amend RSA 188-E by
26 inserting after section 24 the following new section:

27 188-E:25 Robotics Education Development Program.

28 I. There is established a robotics education development program in the department of
29 education. The purpose of the program is to motivate public school students to pursue education
30 and career opportunities in science, technology, engineering, and mathematics, while building
31 critical life and work-related skills. Grants from the robotics education fund established in RSA
32 188-E:24 shall be available to any eligible public school or chartered public school for the purpose of
33 financing the establishment of a robotics team and its participation in competitive events. Grant
34 funds shall be limited to the purchase of robotics kits, stipends for coaches, and the payment of
35 associated costs from participation in competitions.

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

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

4 (b) That it has developed a budget.

5 III. A school shall submit a grant application to the department of education, division of
6 career technology and adult learning, bureau of career development, between September 1 and
7 September 30 of each year. Grants shall be awarded no later than October 31 of each year.

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

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

12 VI. If the amount of grant funds requested exceeds the balance in the robotics education
13 fund available in any year, the commissioner shall not prorate the grant awards, but shall assign
14 preference to those schools with a higher percentage of students in the school's average daily
15 membership in attendance who are eligible for a free or reduced-price meal as defined in RSA
16 198:38. Secondary preference shall be given to schools which did not receive a grant in the previous
17 year due to lack of funds.

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

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

26 156:157 Controlled Drug Act; Professional Use of Narcotic Drugs. Amend RSA 318-B:10, VII(c)
27 to read as follows:

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

32 156:158 New Subparagraph; Delinquent Children; Release or Detention Pending Adjudicatory
33 Hearing. Amend RSA 169-B:14, I(e) by inserting after subparagraph (2) the following new
34 subparagraph:

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

37 156:159 Dispositional Hearing. Amend RSA 169-B:19, VI to read as follows:

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1 VI. A minor committed to the youth development center for the remainder of minority may
2 be placed at any facility certified by the commissioner of the department of health and human
3 services for the commitment of minors. The commissioner of the department of health and human
4 services shall be responsible for notifying the court, within 5 business days, of any such placement
5 and of any subsequent changes in placement made within 60 days of the original placement. *The*
6 *commissioner shall maintain certification of at least one Medicaid-eligible residential*
7 *treatment facility for the transfer pursuant to this paragraph of offenders other than*
8 *serious violent offenders beginning January 1, 2018, and no fewer than 2 such facilities no*
9 *later than July 1, 2018. For purposes of this section, a "serious violent offender" is a minor*
10 *subject to a commitment order for a serious violent offense as defined in RSA 169-B:31-c.*
11 *The process for identification and certification of residential treatment facilities under*
12 *this subparagraph may include consultation with the operators of existing facilities in the*
13 *state about their physical and programmatic capacity and the identification of any*
14 *necessary enhancements in programming or rate structure to develop the resources*
15 *required by this subparagraph.*

16 156:160 New Section; Limits on Extended Detention. Amend RSA 169-B by inserting after
17 section 16 the following new section:

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

29 156:161 Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

30 (j) Commit the minor to the custody of the department of health and human services for
31 the remainder of minority. Commitment under this subparagraph may only be made following
32 written findings of fact by the court, supported by clear and convincing evidence, that commitment
33 is necessary to protect the safety of the minor or of the community, and may only be made if the
34 minor has not waived the right to counsel at any stage of the proceedings. Commitment may not be
35 based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding
36 or at any stage of the proceedings from which the contempt arises. Commitment may include, but is
37 not limited to, placement by the department of health and human services at a facility certified for

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1 the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant
2 to RSA 621:19, or administrative release consistent with the cap on youth development center
3 population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is
4 notified. *Commitment under this subparagraph shall not be ordered as a disposition for a*
5 *violation of RSA 262 or 637, possession of a controlled drug without intent to sell under*
6 *RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if*
7 *committed by an adult. However, commitment may be ordered under this subparagraph*
8 *for any offense which would be a felony or class A misdemeanor if committed by an adult*
9 *if the minor has previously been adjudicated under this chapter for at least 3 offenses*
10 *which would be felonies or class A misdemeanors if committed by an adult. A court shall*
11 *only commit a minor based on previous adjudications if it finds by clear and convincing*
12 *evidence that each of the prior offenses relied upon was not part of a common scheme or*
13 *factual transaction with any of the other offenses relied upon, that the adjudications of*
14 *all of the prior offenses occurred before the date of the offense for which the minor is*
15 *before the court, and that the minor was represented by counsel at each stage of the prior*
16 *proceedings following arraignment.*

17 156:162 New Section; Dispositions and Case Closure in Certain Cases. Amend RSA 169-B by
18 inserting after section 31-b the following new section:

19 169-B:31-c Dispositions and Case Closure in Certain Cases.

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

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

30 156:163 Youth Development Center; Releases and Discharges. Amend RSA 621:19, I-a to read
31 as follows:

32 I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a
33 delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-
34 B:35-a no later than 6 months from the date of the child's commitment pursuant to RSA 169-B:19,
35 I(j), unless the board determines that continued commitment is necessary in order to protect the
36 safety of the child or the community, and in such case declines to release the child. *Such release*
37 *shall occur no later than 3 months from the date of the child's commitment if the offense*

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1 *would be a misdemeanor if committed by an adult.* If the board declines to release a child
2 pursuant to this paragraph, it shall provide written notice to the child of his or her right to seek
3 review of the board's decision, of his or her right to the assistance of counsel during the review
4 process, and of the procedure the child may follow to initiate such a review. *If the board declines*
5 *to release a child pursuant to this paragraph, it shall consider the child for release no*
6 *later than 2 months after its initial decision, and every 2 months thereafter until the child*
7 *is released. If the board declines to release a child pursuant to this paragraph on a*
8 *second or subsequent occasion, it shall notify the court that committed the child, and the*
9 *court shall appoint counsel in each such case to assist the child in filing a petition*
10 *pursuant to paragraph I-b.* Parole review and release under this paragraph are not required
11 during the period that a child is the subject of a delinquency petition which is awaiting adjudication
12 or disposition.

13 156:164 New Paragraph; Youth Services Center; Releases and Discharges. Amend RSA 621:19
14 by inserting after paragraph III the following new paragraph:

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

24 156:165 Alternative Placement Capacity for Youth; Reporting Requirement.

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

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1 court for approval prior to December 1, 2017. If necessary, the plan shall provide for a process for
2 re-establishing cost-based rate-setting rules and procedures which may have expired.

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

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

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

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

9 (2) Sununu youth services center and other division for children youth and families
10 staff.

11 (c) Programming changes at the Sununu youth services center to facilitate the
12 successful release of youth other than serious violent offenders according to the timetables in RSA
13 621:19, I-a, as amended by this act.

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

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

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

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

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

32 (c) The availability of services for the treatment of children not held at the Sununu
33 youth services center and subject to proceedings under RSA 169-B, including:

34 (1) The number of residential treatment beds certified for placement, by category, as
35 well as whether they are filled or available for placement of children.

36 (2) The number and category of children placed in facilities in other states.

37 (3) The number of residential treatment beds certified under RSA 169-B:19, VI, as

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1 amended by this act, as well as whether they are filled or available for placement of children.

2 (4) The availability of non-residential services for the treatment of children subject
3 to proceedings under RSA 169-B, including projections of need and plans to meet that need.

4 156:166 Youth Drug Treatment Center. The commissioner of the department of health and
5 human services, in consultation with the governor's commission on alcohol and drug abuse
6 prevention, treatment, and recovery, established in RSA 12-J, shall redevelop the excess capacity at
7 the Sununu youth services center, to be used for an inpatient and outpatient drug treatment facility
8 for persons under the age of 18, including Medicaid-eligible youth under age 18. All contracts,
9 plans, and specifications for the redevelopment required by this section shall be awarded in
10 accordance with the provisions of RSA 21-I. The drug treatment facility shall be operated by a non-
11 governmental entity, and the commissioner shall issue an RFP for the purpose of operating the new
12 inpatient and outpatient drug treatment facility for persons under the age of 18, including
13 Medicaid-eligible youth under age 18, located in unused portions of the Sununu youth services
14 center building now used for placement of minors pursuant to RSA 169-B.

15 156:167 Appropriation; Department of Health and Human Services. The sum of \$2,000,000 is
16 hereby appropriated for the fiscal year ending June 30, 2018 to the department of health and
17 human services for the purpose of implementing section 166 of this act. This sum shall be a charge
18 against amounts appropriated to accounting unit 05-95-49-491510-2989, governor commission
19 funds, in fiscal year 2017. Funds appropriated in this section and not spent during the fiscal year
20 ending June 30, 2018 shall not lapse to the general fund and shall be deposited in the alcohol abuse
21 prevention and treatment fund established by RSA 176-A:1.

22 156:168 Funding for Alcohol and Drug Abuse Treatment Services at the Sununu Youth
23 Services Center; Funding for Operational Costs of the Sununu Youth Services Center.

24 I. For the biennium ending June 30, 2019, funds determined by the governor to be
25 necessary for services provided at the alcohol and drug abuse treatment facility at the Sununu
26 youth services center may be funded from the amounts appropriated to account 05-95-92-920510-
27 3382, governor commission funds, and shall be used exclusively for payment for contracted services.

28 II. For the biennium ending June 30, 2019, in the event of an emergency funds determined
29 by the governor to be necessary for the operational costs of the Sununu youth services center may
30 be funded from the amounts appropriated to account 05-95-92-920510-3382, governor commission
31 funds. Transfers from account 05-95-92-920510-3382 deemed by the governor to be necessary for
32 this purpose shall require prior approval of the fiscal committee of the general court.

33 156:169 Transfer of Funds for Operation of the Sununu Youth Services Center. In the case of
34 transfers affecting the funding for any of the functions of the Sununu Youth Services Center subject
35 to RSA 621, the prior approval of the fiscal committee of the general court shall be required. Prior
36 to acting on transfer requests to which this section applies, the fiscal committee of the general court
37 shall solicit the advice of the advisory group established in section 165 of this act. The

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1 commissioner may only seek a transfer which is subject to the requirements of this section if there
2 has been full compliance with the requirements of section 165 of this act and RSA 169-B:19, VI, as
3 amended by this act.

4 156:170 New Paragraph; Delinquent Children; Dispositional Hearing; Alcohol or Drug
5 Treatment Facility Placement. Amend RSA 169-B:19 by inserting after paragraph II-a the
6 following new paragraph:

7 II-b. No minor may be placed in inpatient treatment at an alcohol or drug treatment facility
8 unless a finding is made that the child requires substance use disorder services pursuant to an
9 evaluation by any licensed health care professional making the decision based on American Society
10 of Addiction Medicine criteria. In addition, no placement at such a facility may be made without the
11 consent of the operator of such facility, and in the case of a serious violent offender as defined in
12 RSA 621:19, IV, unless such consent is made in writing and transmitted to the court.

13 156:171 New Paragraph; Children in Need of Services; Dispositional Hearing; Alcohol or Drug
14 Treatment Facility Placement. Amend RSA 169-D:17 by inserting after paragraph II-b the
15 following new paragraph:

16 II-c. A dispositional order for inpatient treatment at an alcohol or drug treatment facility
17 may only be issued following a finding that the child requires substance use disorder services
18 pursuant to an evaluation by any licensed health care professional making the decision based on
19 American Society of Addiction Medicine criteria.

20 156:172 Worker Displacement. To the extent permitted by existing law and collective
21 bargaining agreements, employees affected by the provisions of sections 158-173 of this act shall be
22 given the highest priority for transfer to vacant positions, job retraining, and recall rights. In
23 addition, employees who are within 5 years of regular retirement eligibility with the New
24 Hampshire retirement system may request and shall be granted early retirement. Any required
25 retirement payments under this provision shall be funded by the state of New Hampshire.
26 Employees receiving early retirement under this provision shall relinquish future recall rights.

27 156:173 Applicability.

28 I. RSA 169-B:19, I(j), as amended by section 161 of this act, shall apply to cases pending on
29 or after March 1, 2018 in which a dispositional order has not yet been entered.

30 II. RSA 169-B:31-c, as inserted by section 162 of this act, shall apply to cases commenced
31 after July 1, 2016.

32 III. RSA 621:19, I-a, as amended by section 163 of this act, shall apply to minors confined
33 pursuant to a commitment order issued pursuant to RSA 169-B:19, I(j) after October 1, 2017.

34 IV. RSA 621:19, IV, as inserted by section 164 of this act, shall apply to cases in which a
35 minor is committed to the Sununu youth services center or any successor facility after October 1,
36 2017.

37 156:174 Rate-Setting. To the extent possible within available appropriations, the department of

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1 health and human services shall engage in a rate-setting process which is based on providers'
2 reasonable costs of providing those services needed to implement the provisions of sections 158
3 through 173 of this act.

4 156:175 Funding of Alternative Placement Capacity for Youth. Notwithstanding any other
5 provision of law, no less than \$8,714,632 of the funds appropriated in account 05-95-42-421010-
6 2958, class 535, shall be expended during the biennium ending June 30, 2019, to fund rate increases
7 and additional capacity for out-of-home placements pursuant to the duties of the commissioner of
8 health and human services in section 165 of this act. These funds may not be transferred or utilized
9 for any other purpose, including to satisfy a lapse requirement or appropriation reduction.

10 156:176 New Hampshire Partnership for Long-Term Care Plan. The New Hampshire
11 Association of Counties, in consultation with the county-state finance commission, shall develop a
12 New Hampshire partnership for long-term care plan. The plan shall address services for New
13 Hampshire's population that is eligible for Medicaid for nursing home level of care, including those
14 services provided under the choices for independence program. The plan shall account for
15 demographic changes in New Hampshire, availability of non-nursing home community based
16 services, and ensuring the least restrictive care available. The plan shall include methods for
17 funding and management of programs that balance the interests of county, state, and federal payers
18 into the system. Development of the plan shall include a process for meaningful input from affected
19 persons. The New Hampshire Association of Counties shall submit to the governor, the speaker of
20 the house of representatives, and the president of the senate a preliminary report by March 1, 2018
21 and a final report by July 1, 2018.

22 156:177 Appropriation; Health and Human Services; New Hampshire Partnership for Long-
23 Term Care Plan. The sum of \$100,000 is hereby appropriated to the department of health and
24 human services for the biennium ending June 30, 2019 for the purpose of funding the New
25 Hampshire Association of Counties' development of a New Hampshire partnership for long-term
26 care plan. This appropriation shall be contingent upon a 50 percent match by the county
27 governments. The New Hampshire Association of Counties shall notify the commissioner of the
28 department of health and human services once the match has been obtained. Upon notification, the
29 commissioner shall distribute the appropriation to the New Hampshire Association of Counties.
30 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
31 otherwise appropriated.

32 156:178 New Subparagraph; Commissioner's Duties; Medicaid Managed Care Program; Prior
33 Authorization. Amend RSA 126-A:5, XIX by inserting after subparagraph (f) the following new
34 subparagraph:

35 (g)(1) By July 15, 2017, the commissioner shall develop a universal online prior
36 authorization form for drugs used to treat mental illness and require community mental health
37 centers and managed care organizations to use such form by September 1, 2017. A reasonably

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1 completed prior authorization request submitted using the online form shall be approved or denied
2 by the close of the next business day. Failure to meet this time frame shall be deemed automatic
3 approval. If the prior authorization is denied, the prescribing provider may request a peer-to-peer
4 review with a licensed psychiatric specialist with prescribing privileges by the close of the next
5 business day. Failure by the managed care organization to provide such review by the close of the
6 next business day shall be deemed automatic approval unless the prescribing provider fails to
7 participate in the peer-to-peer review within that time period.

8 (2) Prior authorization for drugs prescribed by community mental health centers for
9 treatment of severe mental illness shall be suspended if the deadlines under this subparagraph are
10 not met, or if the commissioner determines there is a pattern of missed deadlines for peer-to-peer
11 reviews following denials, or if at any time the commissioner determines such suspension is
12 necessary to promote the behavioral health and well-being of New Hampshire's citizens being
13 served under Medicaid managed care.

14 (3) The commissioner shall monitor compliance under this subparagraph and shall
15 report quarterly through December 31, 2018 to the fiscal committee of the general court relative to
16 adherence to all such requirements including the rate of denial.

17 156:179 Special Medicaid Representatives; Applicability. Amend 2016, 265:2 to read as follows:

18 265:2 Applicability. The implementation of RSA 151-I as inserted by section 1 of this act shall
19 be subject to written approval by the Centers for Medicare and Medicaid Services. If required, the
20 commissioner of the department of health and human services shall develop and prepare
21 amendments to the state Medicaid plan for submission and approval to the Centers for Medicare
22 and Medicaid Services (CMS). ~~[The commissioner shall seek and have in place approval from the~~
23 ~~CMS by December 31, 2016.]~~ The commissioner shall certify the date of approval to the secretary of
24 state and the director of legislative services.

25 156:180 Department of Health and Human Services; Division for Children, Youth, and
26 Families.

27 I. For the biennium ending June 30, 2019, the rates for services, placements, and programs
28 that are payable by the department pursuant to RSA 169-B:40, RSA 169-C:27, and RSA 169-D:29
29 may be increased provided that total expenditures do not exceed the appropriations for these
30 services contained within the operating budget for fiscal year 2018 and fiscal year 2019.

31 II. Notwithstanding paragraph I, upon the department's implementation of managed care,
32 the rate of reimbursement for Medicaid eligible services and programs for a Medicaid eligible child
33 shall be the rate agreed to by the provider and the managed care organization.

34 156:181 Advisory Board on Services for Children, Youth, and Families; Legislative Members.
35 Amend RSA 170-G:6-a, I to read as follows:

36 I. There is hereby established a board to advise the department of health and human
37 services on services for children, youth, and families. The board shall consist of 12 members and

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1 such additional members as may be necessary to comply with federal regulations for the acceptance
2 of federal funds or to ensure representation of every county. Each member shall serve a term of 3
3 years; ***provided that legislative members shall serve a term coterminous with their term in***
4 ***office.*** A member shall continue to serve until a successor is appointed in the same manner as the
5 original appointment. The board shall be representative of persons from community youth service
6 agencies; from the juvenile justice field, such as law enforcement, probation, police, courts, and
7 attorneys; and from appropriate professional fields such as psychology, social services, education,
8 and health. Members of the board shall serve without compensation but shall receive mileage
9 payments at the state employee rate within the limits of funds appropriated to the department.

10 156:182 Advisory Board on Services for Children, Youth, and Families; Legislative Members.
11 Amend RSA 170-G:6-a, II(b) and (c) to read as follows:

12 (b) The senate president shall appoint 4 members, no 2 of whom shall be from the same
13 county, and one of whom shall be from a family that has been affected by the department of ***health***
14 ***and human services, division for*** children, youth and families.

15 (c) The speaker of the house shall appoint 4 members, no 2 of whom shall be from the
16 same county, and one of whom shall be from a family that has been affected by the department of
17 ***health and human services, division for*** children, youth and families.

18 156:183 Department of Health and Human Services; Unfunded Positions; Authorization.
19 Notwithstanding any other provision of law to the contrary, the department of health and human
20 services, with prior approval of the fiscal committee of the general court, may fill unfunded
21 positions during the biennium ending June 30, 2019, provided that the total expenditure for such
22 positions shall not exceed the amount appropriated for personal services.

23 156:184 Designated Receiving Facility for Persons with Developmental Disabilities on the
24 Grounds of the Laconia State School Property; Plan for Relocation Required. The commissioner of
25 the department of health and human services shall develop a plan to relocate the individuals with
26 developmental disabilities currently placed at the designated receiving facility on the grounds of the
27 Laconia state school property by June 30, 2021. The plan shall be submitted to the speaker of the
28 house of representatives, the president of the senate, and the governor on or before September 1,
29 2019, with the intention that it be implemented during the biennium ending June 30, 2021.

30 156:185 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer
31 of Appropriation. The appropriation for the administration of the client assistance program
32 received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for the fiscal
33 years ending June 30, 2018 and June 30, 2019 may be transferred to another qualified agency upon
34 certification by the governor to the commissioner of the department of administrative services that
35 the program has been redesignated. If the redesignation occurs and the governor's certification is
36 made after July 1, 2017, the unexpended portion of the appropriation shall be transferred.

37 156:186 Designated Receiving Facilities; Residential Beds.

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1 I. The commissioner of the department of health and human services shall issue a request
2 for applications (RFA) from qualified vendors to establish up to 20 designated receiving facility beds
3 for up to 2 years. The designated receiving facilities, as defined in RSA 135-C:26, shall service
4 individuals with severe mental illness who meet the criteria for involuntary emergency admission.
5 The RFA shall be issued no later than June 30, 2017.

6 II. The commissioner of the department of health and human services shall issue a request
7 for applications (RFA) from qualified vendors for 20 transitional and community residential beds for
8 the fiscal year ending June 30, 2018 and up to 40 transitional and community residential beds for
9 the fiscal year ending June 30, 2019 with wrap-around services and supports for individuals,
10 prioritizing those who are transitioning from New Hampshire hospital and designated receiving
11 facilities. The RFA shall be issued no later than June 30, 2017 and the housing shall be operational
12 by October 1, 2017.

13 156:187 Plan Required for Removal of Certain Persons From New Hampshire Hospital. The
14 commissioner of the department of health and human services shall develop a plan to safely remove
15 the remaining 24 youths from the New Hampshire hospital and to ensure that they continue to
16 receive the care they need by November 1, 2017. The commissioner shall make a report relative to
17 the plan which shall be submitted to the speaker of the house of representatives, the president of
18 the senate, the chairs of the house and senate committees having jurisdiction over health and
19 human services, and the governor on or before November 2, 2017.

20 156:188 Mobile Crisis Teams and Apartments. The commissioner of the department of health
21 and human services shall issue a request for proposals (RFP) for a mobile crisis team and
22 apartments from qualified vendors. The RFP for the mobile crisis team and apartments shall be
23 issued no later than June 30, 2017 and operational no later than January 1, 2018. Any new mobile
24 crisis teams shall be established in geographic locations that have high rates of admissions to and
25 discharges from New Hampshire hospital.

26 156:189 Integrated Data Management System. The commissioner of the department of health
27 and human services and the commissioner of the department of information technology shall issue a
28 request for proposals (RFP) from vendors to develop and implement an integrated data
29 management system that provides real-time information about the availability of involuntary and
30 voluntary inpatient psychiatric beds in the state of New Hampshire. The RFP shall be issued no
31 later than September 1, 2017. The system shall be operational no later than January 1, 2018.

32 156:190 Evaluation Required. The commissioner of the department of health and human
33 services shall issue a request for proposals (RFP) for an independent evaluation of the capacity of
34 the current health system in New Hampshire to respond to the inpatient, acute care psychiatric
35 needs of patients, including, but not limited to, those patients who require involuntary emergency
36 admissions, as defined in RSA 135-C. The commissioner shall seek non-state general funds to pay
37 for the evaluation. The RFP shall be issued no later than June 30, 2017 and the evaluation shall be

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1 completed by November 1, 2017.

2 156:191 Department of Health and Human Services; Associate Commissioner of Health and
3 Human Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as
4 follows:

5 (a) Subject to the approval of the governor and council, the commissioner of health and
6 human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The
7 associate commissioner shall perform such duties as may be assigned by the commissioner, which
8 shall include oversight of the division for children, youth and families and assigned responsibilities
9 of the department under RSA 170-G. The annual salary of the associate commissioner shall be as
10 prescribed in RSA 94:1-a.

11 156:192 Department of Health and Human Services; Salaries; Reference to Associate
12 Commissioner Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to
13 read as follows:

14 126-A:10 Salaries. The annual salaries of the commissioner of health and human services,
15 deputy commissioner of health and human services, [~~senior division director~~] **associate**
16 **commissioner**, division directors, and unclassified employees of the department shall be as
17 prescribed by RSA 94:1-a.

18 156:193 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

19 Delete:

20 JJ Department of health and human services senior division director

21 Insert:

22 JJ Department of health and human services associate commissioner

23 156:194 New Subparagraph; Department of Health and Human Services; Position Established.
24 Amend RSA 126-A:9, I by inserting after subparagraph (b) the following new subparagraph:

25 (c) The commissioner shall appoint an unclassified mental health medical supervisor
26 who shall perform such duties as may be assigned by the commissioner. These duties shall include,
27 but not be limited to, collecting and reporting information regarding patients in need of high acuity
28 mental health treatment and information regarding treatment options. The mental health medical
29 supervisor shall be clinically qualified to assist in the triage for appropriate inpatient, partial
30 hospitalization, and/or community based services. The mental health medical supervisor shall be a
31 psychiatrist or psychiatric nurse practitioner licensed or qualified to practice in New Hampshire.
32 The salary of the mental health medical supervisor shall be determined after assessment and
33 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position
34 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.156:

35 156:195 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after
36 section 17 the following new subdivision:

37 Office of the Child Advocate

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1 170-G:18 Office of the Child Advocate.

2 I. The office of the child advocate shall be an independent agency, administratively
3 attached to the department of administrative services pursuant to RSA 21-G:10.

4 II. The office shall be under the supervision of an unclassified director of the office of the
5 child advocate. The director shall serve a term of 4 years and until a successor is appointed and
6 qualified. Any vacancy in the office shall be filled in the same manner as the original appointment
7 for the remainder of the unexpired term. The director shall be appointed by the governor and
8 council, upon the recommendation of the oversight commission established in RSA 170-G:19. The
9 director shall possess a professional graduate degree in law, social work, public health, or a related
10 field and be qualified by reason of education, experience, and expertise to perform the duties of the
11 office.

12 III. The office of the child advocate shall:

13 (a) Provide independent oversight of the division for children, youth, and families to
14 assure that the best interests of children are being protected.

15 (b) Regularly consult with the department of health and human services and the
16 oversight commission established in RSA 170-G:19.

17 (c) Have access to all case records, all third party records, and all records submitted to
18 the courts, and maintain confidentiality pursuant to RSA 169-C:25 and RSA 170-G:8-a.

19 (d) Have prompt electronic access to records within the scope of its mission, except for
20 department of justice records that are part of a pending criminal investigation or prosecution, and
21 judicial branch records to the extent that such access does not violate the constitutional separation
22 of powers.

23 (e) Have the authority to subpoena witnesses and/or records.

24 (f) Have the authority to review and investigate any aspect of the department's child
25 protection policies or practices.

26 (g) Provide information and referral services to the public regarding the department's
27 child protection services; provided that case specific complaints shall be handled by the department.

28 (h) Perform educational outreach and advocacy activities in furtherance of the mission
29 and responsibilities of the office.

30 (i) Investigate and report on issues related to department's child protection services
31 upon the request of the governor, commissioner of health and human services, speaker of the house
32 of representatives, senate president, or oversight commission. A written report of these findings
33 shall be issued in a timely manner.

34 IV.(a) The department of health and human services shall provide the office with a copy of
35 all incident or other reports related to actual physical injury to children or a significant risk of such
36 harm, as well as other incidents which may affect the safety and well-being of children in the
37 custody or control of the department not later than 48 hours after the occurrence; provided that any

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1 child fatality or serious injury shall be immediately communicated to the office by telephone.

2 (b) The department of health and human services shall provide any records or reports
3 requested by the office, subject to the exclusions in this section.

4 V. Beginning November 1, 2017, and each November 1 thereafter, the director of the office
5 of the child advocate shall submit an annual report of its activity, findings, and recommendations to
6 the commissioner of the department of health and human services, the governor, the speaker of the
7 house of representatives, the senate president, and the state library. The director shall make the
8 annual report available to the public on a state Internet website.

9 170-G:19 Oversight Commission on Children's Services Established.

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

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

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

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

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

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

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

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

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

27 III. The oversight commission shall:

28 (a) Recommend at least 3 qualified candidates to the governor for appointment as
29 director of the office of the child advocate; except that in the case of reappointment, a single
30 recommendation shall be sufficient.

31 (b) Provide oversight to the office of the child advocate to support an effective,
32 comprehensive, and coordinated system of services and programs for children, youth, and families.

33 (c) Analyze the efficacy of selected programs and services of the department, including
34 the characteristics of target populations, trends affecting program costs and participation, and
35 alternative approaches to programmatic and administrative concerns.

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

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1 (e) Monitor and review implementation of the memorandum of understanding entered
2 into by the department of health and human services and the department of justice regarding the
3 collaboration between the 2 departments in the department of health and human services'
4 investigation and prosecution of abuse and neglect cases.

5 IV. The oversight commission shall elect a chairperson from among the members. The first
6 meeting of the commission shall be called by the first-named senate member. The first meeting of
7 the commission shall be held within 45 days of the effective date of this section. Nine members of
8 the commission shall constitute a quorum.

9 V. On or before November 1, 2017 and May 1, 2018, and not later than each November 1
10 thereafter, the commission shall submit a report of its activity, findings, and any recommendations
11 for proposed legislation to the commissioner of the department of health and human services, the
12 director of the office of the child advocate, the president of the senate, the speaker of the house of
13 representatives, the senate clerk, the house clerk, the governor, and the state library. The
14 commission shall make all reports available to the public on a state Internet website.

15 156:196 Department of Health and Human Services; Director of Legal Services; Memorandum
16 of Understanding Between the Department of Health and Human Services and the Department of
17 Justice.

18 I. On the effective date of this section, the director of legal services, position number 9U468,
19 shall be physically located in the department of justice. The director of legal services shall be under
20 the supervision of the attorney general and shall be responsible for the supervision of all attorneys
21 in the department of health and human services, division for children, youth and families. Funding
22 for the position shall remain with the department of health and human services.

23 II.(a) On or before August 1, 2017, the commissioner of the department of health and
24 human services and the attorney general of the department of justice shall enter into a
25 memorandum of understanding that provides for the ongoing communication and collaboration by
26 and between the 2 departments in connection with the department of health and human services'
27 investigation and prosecution of abuse and neglect cases. The memorandum of understanding
28 shall:

29 (1) Provide for joint case consultation, oversight, and review of the department of
30 health and human services, division for children, youth and families cases in appropriate instances;

31 (2) Outline the roles and responsibilities of each agency in the prosecution of these
32 cases; and

33 (3) Establish a process to address any identified training needs for the division for
34 children, youth and families attorneys, including, but not limited to, monthly meetings with the
35 department of justice and supervisory attorneys representing the division for children, youth and
36 families and quarterly meetings with the department of justice and all attorneys representing the
37 division for children, youth and families.

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1 (b) The department of health and human services, in collaboration with the department
2 of justice, shall provide an interim report on or before December 31, 2017 and an annual report
3 beginning on or before June 30, 2018, to the oversight commission on children's services and
4 juvenile justice established in RSA 170-G:19 regarding implementation and progress under the
5 memorandum of understanding. The report shall address whether additional attorney positions in
6 the division for children, youth and families should be transferred to the department of justice.

7 156:197 Child Protection Act; Purpose. Amend RSA 169-C:2 to read as follows:
8 169-C:2 Purpose.

9 I. It is the **primary** purpose of this chapter, through the mandatory reporting of suspected
10 instances of child abuse or neglect, to provide protection to children whose life, health or welfare is
11 endangered. ~~[and]~~

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

20 (a) Protect the safety of the child.

21 (b) ~~[Preserve the unity of the family whenever possible.]~~

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

24 ~~(d) Take such action as may be necessary to prevent abuse or neglect of children.~~

25 ~~(e) Provide protection, treatment, and rehabilitation, as needed, to children placed in
26 alternative care.]~~ **Take such action as may be necessary to prevent the abuse or neglect of
27 children.**

28 **(c) Preserve the unity of the family.**

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

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

33 ~~[H:]~~ **III.** This chapter shall be liberally construed to the end that its purpose may be carried
34 out, to wit:

35 (a) To encourage the mental, emotional, and physical development of each child coming
36 within the provisions of this chapter, by providing ~~[him]~~ **the child** with the protection, care,
37 treatment, ~~[counseling]~~ **counseling**, supervision, and rehabilitative resources which ~~[he]~~ **the child**

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1 needs and has a right to receive.

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

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

11 156:198 Child Protection Act; Definitions. Amend RSA 169-C:3, XIX(a)-(b) to read as follows:

12 (a) Who has been abandoned by his **or her** parents, guardian, or custodian; or

13 (b) Who is without proper parental care or control, subsistence, education as required
14 by law, or other care or control necessary for [his] **the child's** physical, mental, or emotional health,
15 when it is established that [his] **the child's** health has suffered or is [very] likely to suffer serious
16 impairment; and the deprivation is not due primarily to the lack of financial means of the parents,
17 guardian, or custodian; or

18 156:199 Child Protection Act; Definitions. Amend RSA 169-C:3, XXVII-a and XXVIII to read as
19 follows:

20 XXVII-a. ***"Serious impairment" means a substantial weakening or diminishment of***
21 ***a child's emotional, physical, or mental health or of a child's safety and general well-***
22 ***being. The following circumstances shall be considered in determining the likelihood that***
23 ***a child may suffer serious impairment:***

24 (a) ***The age and developmental level of the child.***

25 (b) ***Any recognized mental, emotional, or physical disabilities.***

26 (c) ***School attendance and performance.***

27 (d) ***The child's illegal use of controlled substances, or the child's contact with***
28 ***other persons involved in the illegal use or sale of controlled substances or the abuse of***
29 ***alcohol.***

30 (e) ***Exposure to incidents of domestic or sexual violence.***

31 (f) ***Any documented failure to thrive.***

32 (g) ***Any history of frequent illness or injury.***

33 (h) ***Findings in other proceedings.***

34 (i) ***The condition of the child's place of residence.***

35 (j) ***Assessments or evaluations of the child conducted by qualified professionals.***

36 (k) ***Such other factors that may be determined to be appropriate or relevant.***

37 XXVII-b. "Sexual abuse" means the employment, use, persuasion, inducement, enticement,

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1 or coercion of any child to engage in, or having a child assist any other person to engage in, any
2 sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual
3 depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation
4 of children, or incest with children. With respect to the definition of sexual abuse, the term "child"
5 or "children" means any individual who is under the age of 18 years.

6 XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the
7 department [~~finds~~] **determines** that there is [~~no probable cause to believe~~] **insufficient evidence**
8 **to substantiate a finding** that the child is abused or neglected.

9 156:200 Determination of Parental Rights and Responsibilities. Amend RSA 461-A:6, IV(b) to
10 read as follows:

11 (b) In this paragraph, "sexual abuse" shall mean sexual abuse as defined in RSA 169-
12 C:3, [~~XXVII-a~~] **XXVII-b**, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2,
13 RSA 632-A:3, and RSA 632-A:4.

14 156:201 Child Protection Act; Evidence. Amend RSA 169-C:12 to read as follows:

15 169-C:12 Evidence. In any hearing under this chapter, the court shall not be bound by the
16 technical rules of evidence and may admit evidence which it considers relevant and material.
17 **Evidence of prior founded or unfounded reports of abuse or neglect shall be admissible in**
18 **proceedings under this chapter in order to establish a relevant pattern or course of**
19 **conduct.**

20 156:202 New Section; Public Assistance; Home and Community Based Behavioral Health
21 Services Program. Amend RSA 167 by inserting after section 3-j the following new section:

22 167:3-k Home and Community-Based Behavioral Health Services for Children. The
23 department shall establish a Medicaid home and community-based behavioral health services
24 program for children with severe emotional disturbances whose service needs cannot be met
25 through traditional behavioral health services. The department may establish such services
26 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a
27 waiver under other provisions of the Act. If the department proceeds with a waiver, it shall not
28 limit the geographic availability of services. Such services shall include the following services or
29 their functional equivalent:

- 30 (a) Wraparound care coordination.
- 31 (b) Wraparound participation.
- 32 (c) In-home respite care.
- 33 (d) Out-of-home respite care.
- 34 (e) Customizable goods and services.
- 35 (f) Family peer support.
- 36 (g) Youth peer support.156:

37 156:203 Budget and Appropriations; Transfers Authorized. Amend RSA 9:16-a to read as

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1 follows:

2 9:16-a Transfers Authorized.

3 ***I.*** Notwithstanding any other provision of law, every department as defined in RSA 9:1 is
4 hereby authorized to transfer funds within and among all accounting units within said department,
5 provided that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of
6 the general court and the governor and council, and provided that no funds may be transferred in
7 violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions
8 otherwise provided by law or to or from any account, except accounts in the department of health
9 and human services ***and the department of transportation***, which is not composed of the same
10 funding source mix.

11 ***II.*** ***Notwithstanding any other provision of law except RSA 9:17-c, and subject to***
12 ***the approval of the fiscal committee of the general court and the governor and council, the***
13 ***commissioner of the department of administrative services is hereby authorized to***
14 ***transfer funds within and among all accounting units and/or class codes within the***
15 ***department, and is further authorized to create new class codes within the department***
16 ***into which funds may be transferred or placed, as the commissioner deems necessary and***
17 ***appropriate to address present or projected budget deficits, or to respond to changes in***
18 ***federal laws, regulations, or programs, and otherwise as necessary for the efficient***
19 ***management of the department; provided that if a transfer does not include new class***
20 ***codes, only transfers over \$75,000 shall require prior approval of the fiscal committee of***
21 ***the general court and the governor and council.***

22 ***III.*** ***The \$75,000 threshold under paragraphs I-II shall be applied at the***
23 ***accounting unit level on a cumulative basis within the fiscal year. Once the threshold has***
24 ***been reached, the approval of the fiscal committee of the general court and the governor***
25 ***and council shall be required for subsequent transfers within the fiscal year.***

26 ***IV.*** ***Notwithstanding any other provision of law, the governor is hereby authorized***
27 ***to transfer funds within and among all accounting units within the governor's office,***
28 ***provided that any transfer of \$75,000 or more shall require prior approval of the fiscal***
29 ***committee of the general court, and provided that no funds may be transferred in***
30 ***violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions***
31 ***otherwise provided by law or to or from any account. The \$75,000 threshold shall be***
32 ***applied at the accounting unit level on a cumulative basis within the fiscal year. Once the***
33 ***threshold has been reached, the approval of the fiscal committee of the general court shall***
34 ***be required for subsequent transfers within the fiscal year.***

35 156:204 Budget and Appropriations; Limitations of Transfers. Amend RSA 9:17-a to read as
36 follows:

37 9:17-a Limitations.

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1 I. Notwithstanding the provisions of RSA 9:17, no transfer shall be made [:

2 ~~I. From appropriation items for equipment to any other use or purpose.~~

3 ~~II. To or from any out of state travel appropriation and the state treasurer and state~~
4 ~~commissioner of administrative services shall maintain separate appropriation accounts for all out~~
5 ~~of state travel appropriations.~~

6 ~~II-a.]~~ from any appropriation items for permanent personal services to any other use or
7 purpose, provided however that this provision shall not supersede the provisions of RSA 99:4.

8 ~~[III. Repealed.~~

9 ~~IV.]~~ **II.** The provisions of this section shall apply to transfers in general appropriations,
10 capital budget appropriations and in any other special appropriations.

11 **III. The department of health and human services may be exempt from the**
12 **limitations set forth in paragraph I, subject to approval by the fiscal committee of the**
13 **general court of any transfer of appropriations from permanent personal services to any**
14 **other use or purpose.**

15 156:205 Reference Corrected. Amend RSA 9:17-d to read as follows:

16 9:17-d Transfer of Appropriations, Judicial Branch. The supreme court may transfer funds for
17 any specific purposes to funds for other purposes in the general appropriations for any accounting
18 unit within the judicial branch, provided that any transfer of \$75,000 or more shall require prior
19 approval of the fiscal committee of the general court, and provided that no funds may be transferred
20 in violation of the provisions of RSA 9:17-a, 491-A:2, or any other restriction provided by law. The
21 judicial branch shall certify such transfers to the commissioner of administrative services. The
22 certification shall state that the transfers are necessary to efficiently carry out the functions of the
23 courts and that the legislative fiscal committee has approved the transfers. The provisions of this
24 section shall not supersede the provisions of RSA 99:4, 9:17-a, ~~[I, II, and II-a and IV,]~~ and 491-A:2.

25 156:206 Department of Health and Human Services; Contracts for Family Planning Services.
26 Notwithstanding any law or administrative rule to the contrary, the commissioner of health and
27 human services shall establish and utilize a competitive bidding process for family planning
28 services.

29 156:207 Administrative Procedure Act; Filing of Proposed Rule Text; Newly Enacted Authority.
30 Amend RSA 541-A:10, I to read as follows:

31 I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the
32 text of the proposed rule with the director of legislative services. ~~[The first time a rule is proposed~~
33 ~~under RSA 541-A:3 to implement newly enacted state authority, the agency shall send an electronic~~
34 ~~copy of the notice and proposed rule to the chair of each house and senate standing policy~~
35 ~~committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy~~
36 ~~committees. "Newly enacted state authority" means a state statute or session law adopted or~~
37 ~~amended after July 30, 2011. If the newly enacted state authority was not referred originally to a~~

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1 ~~standing policy committee, the agency shall send an electronic copy of the notice and proposed rule~~
2 ~~to the speaker of the house and senate president for appropriate distribution. The members of the~~
3 ~~standing policy committees receiving proposed rules may review the proposed rules to determine~~
4 ~~whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing~~
5 ~~policy committee concludes that the proposed rule is not consistent with the intent of the~~
6 ~~authorizing legislation, the standing policy committee shall send written notice to the agency, with~~
7 ~~a copy to the director of legislative services, identifying the provision or provisions the committee~~
8 ~~believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via~~
9 ~~e-mail and shall be delivered so as to be received by the agency no later than the deadline for public~~
10 ~~comment specified in the rulemaking notice. If the agency does not receive notice from any~~
11 ~~standing policy committee by the end of the public comment period, the agency may proceed on the~~
12 ~~basis that the rule is consistent with the intent of the authorizing legislation.] The text of the~~
13 ~~proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the~~
14 ~~hearing held pursuant to RSA 541-A:11, I(a).~~

15 156:208 Implementation of Drinking Water and Groundwater Protection; New Hampshire
16 Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:3 and 485-
17 F:4 to read as follows:

18 485-F:3 Implementation of Drinking Water and Groundwater Protection.

19 I. The ~~[department]~~ ***New Hampshire drinking water and groundwater advisory***
20 ***commission, established in RSA 485-F:4***, shall administer the drinking water and groundwater
21 trust fund through the MTBE remediation bureau. Subject to the approval of the fiscal committee
22 of the general court, trust fund proceeds sufficient to fund the department's MTBE remediation
23 bureau and qualifying projects shall be transferred to the department and maintained in a separate,
24 nonlapsing account, continually appropriated to the department for the purpose of paying all costs
25 of this program. The department shall ***provide administrative support to the drinking water***
26 ***and groundwater advisory commission by performing the following duties, including but***
27 ***not limited to:***

28 (a) ~~[Investigate]~~ ***Investigating***, ~~[manage]~~ ***managing***, and ~~[remediate]~~ ***remediating***
29 contaminated groundwater.

30 (b) ~~[Protect against future contamination or impacted drinking water sources through~~
31 ~~measures including, but not limited to, the expansion of drinking water infrastructure or drinking~~
32 ~~water source protection.~~

33 (e) ~~Assist]~~ ***Assisting*** local and regional entities in the development and administration
34 of local wellhead protection programs, including delineation of wellhead protection areas and the
35 inventory and management of activities which have a potential effect on groundwater quality.

36 (d) ~~Maintain]~~ (c) ***Maintaining*** a statewide map identifying the classes of
37 groundwater.

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1 ~~[(e)—Measure]~~ **(d) Measuring** levels of contamination statewide and ~~[generate]~~
2 **generating** maps to show the areas of greatest contamination.

3 ~~[(f)—Maintain]~~ **(e) Maintaining** an inventory of wells serving public water supply
4 systems, and to the extent practicable other wells, and ~~[establish]~~ **establishing** a priority list for
5 delineation of systems that are currently contaminated with MTBE.

6 ~~[(g)—Provide funding through cost-sharing grants to municipalities, municipally-owned~~
7 ~~water utilities, and water utilities regulated by the public utilities commission for the design,~~
8 ~~construction, and extension of public water systems, and the establishment and expansion of~~
9 ~~wellhead protection areas where they provide the most cost-effective method for providing safe and~~
10 ~~clean drinking water.]~~

11 II. The department shall adopt rules, under RSA 541-A, ~~[necessary to implement this~~
12 ~~chapter. Such rules may include~~ **a competitive grant application process, revolving loan**
13 **funds, matching funds,** ~~funding qualifications, funding application requirements, provisions for~~
14 ~~cost-sharing related to municipal projects, and other provisions consistent with the purposes and~~
15 ~~requirements of this chapter.]~~ relative to:

16 **(a) Defining and administering a competitive grant program for drinking**
17 **water protection projects, including application requirements, criteria for selection,**
18 **approval process, and matching fund requirements.**

19 **(b) Administering the revolving loan fund, including application requirements,**
20 **provisions for cost-sharing, criteria for selection, approval process, and funding**
21 **qualifications.**

22 485-F:4 New Hampshire Drinking Water and Groundwater Advisory Commission Established.

23 I. There is hereby established the New Hampshire drinking water and groundwater
24 advisory commission which shall consult with and advise the department relative to the proper
25 administration and management of the drinking water and ground water trust fund, as established
26 in RSA 6-D. The commission shall consist of the following members:

27 (a) The state treasurer, or designee.

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

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

31 (d) The governor, or designee.

32 (e) The director of the division of public health services, department of health and
33 human services, or designee.

34 **(f) The commissioner of the department of environmental services, or designee.**

35 **(g) The director of economic development, department of resources and**
36 **economic development, or designee.**

37 **(h) The executive director of the fish and game department, or designee.**

1 (i) *One representative of the New Hampshire Water Pollution Control*
2 *Association, appointed by the association.*

3 (j) *One representative of the New Hampshire business community, appointed by*
4 *the president of the senate.*

5 (k) *One representative of a state or regional land trust, appointed by the*
6 *governor.*

7 (l) *One representative of the New Hampshire Water Works Association,*
8 *appointed by the association.*

9 ~~(f)~~(m) One public member, who shall have business experience related to the creation
10 and/or delivery of clean and safe drinking water, appointed by the speaker of the house of
11 representatives.

12 ~~(g)~~(n) One public member, who shall represent the interests of citizens receiving their
13 drinking water from private wells, appointed by the governor.

14 (o) *Two members from a board of selectmen, a town or city council, or a board*
15 *of alderman, one of whom shall be from a municipality without a public drinking water*
16 *system, appointed by the governor.*

17 ~~(h) One municipal official, who shall represent municipalities with public water~~
18 ~~systems, appointed by the governor.]~~

19 ~~(i)~~(p) One public member, appointed by the president of the senate.

20 II. The commission shall elect a chairperson from among the members. *Ten members of*
21 *the commission shall constitute a quorum.*

22 III. *Members appointed under subparagraphs (a)-(h) shall serve terms that are*
23 *coterminous with their term in office.*

24 IV. Except for the members appointed under subparagraphs (a)-~~(e)~~ (h), members shall be
25 appointed for 2-year staggered terms

26 ~~[IV].~~ V. Members of the commission shall serve without compensation, except that
27 legislative members shall receive mileage at the legislative rate when attending to the duties of the
28 commission.

29 ~~[V.]~~ VI. The department shall provide an annual report to the commission that includes
30 information on expenditures for the fiscal year, projects begun or completed during the year, and
31 projections on future program costs.

32 VII. *The commission shall:*

33 (a) *Award grants, revolving loan funds, and matching funds to projects on a*
34 *competitive basis from the drinking water and groundwater trust fund in a manner*
35 *consistent with the purpose statement. All disbursements or grants shall require approval*
36 *of the governor and council. Funds may be awarded if the project meets one of the*
37 *following criteria:*

1 (1) *Emergency remediation is necessary, where contamination to drinking*
2 *water or groundwater is prevalent.*

3 (2) *Planning, design, and building of aging water infrastructure is*
4 *involved.*

5 (3) *The project protects against future contamination or impacted drinking*
6 *water sources through measures including, but not limited to, the expansion of drinking*
7 *water infrastructure or drinking water source protection.*

8 (4) *The project assists local and regional entities in the development and*
9 *administration of local wellhead protection programs, including delineation of wellhead*
10 *protection areas and the inventory and management of activities which have a potential*
11 *effect on groundwater quality.*

12 (5) *The project provides funding through cost-sharing grants to*
13 *municipalities, municipally-owned water utilities, and water utilities regulated by the*
14 *public utilities commission for the design, construction, and extension of public water*
15 *systems, and the establishment and expansion of wellhead protection areas where they*
16 *provide the most cost effective method for providing safe and clean drinking water.*

17 **(b) Take land preservation into consideration.**

18 **(c) Encourage all applicants to provide matching funds beyond the minimum.**

19 ~~[VI.]~~ **VIII.** The commission shall meet at least ~~[annually]~~ **quarterly**. The commission shall,
20 at least annually, provide a report to the general court with information on the progress of the
21 MTBE efforts, expenditures for the year, projects begun or completed during the previous year, the
22 balance in the trust fund, and any other information the commission deems appropriate.

23 ~~[VII.]~~ **IX.** The commission shall, at least annually, review the work and projects funded by
24 the trust fund during the previous year. The commission shall, at least annually, consult with the
25 department regarding these activities, and provide advice and counsel relative to future work and
26 project priorities, as outlined in RSA 485-F:3, I.

27 ~~[VIII.]~~ **X.** At least every 5 years, the commission shall prepare and file a report with the
28 general court evaluating the progress made relative to MTBE contamination, the efficiency of the
29 program established under this chapter, and whether it continues to provide the maximum benefit
30 to New Hampshire citizens, and providing any recommendations on potential additional tasks for
31 which the trust fund could be used to improve access to safe and clean drinking water.

32 156:209 Department of Education; Chartered Public School Program Officer. There is
33 established within the department of education the classified position of administrator II to serve as
34 chartered public school program officer consistent with the duties and charges specified in RSA 21-
35 N:4, XII. The commissioner may transfer available appropriations from within the department's
36 budget to fund this position, with prior approval of the fiscal committee of the general court and
37 governor and executive council.

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1 156:210 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the
2 biennium ending June 30, 2019, the state shall reimburse the sheriff's office for court security at the
3 rates provided in the collective bargaining agreement applicable to per diem court security officers
4 employed by the judicial branch to attend any official business, for any person employed as a bailiff
5 by the sheriff's office.

6 156:211 Reproductive Health Care Facilities; Funding Restriction. No state funds awarded by
7 the department of health and human services to a reproductive health care facility, as defined in
8 RSA 132:37, I, shall be used to provide abortion services. This section shall not apply to funding
9 available from the state pursuant to Title XIX of the Social Security Act to the minimum extent
10 necessary to comply with federal conditions for the state's participation in the Medicaid program.

11 156:212 Division of Motor Vehicle; Milford Substation.

12 I. To ensure minimal disruption of existing services, the commissioner of safety is
13 authorized to obtain a suitable temporary location to serve as the Milford division of motor vehicles
14 substation until a permanent location is constructed and fully operational.

15 II. The sum of \$150,000 is hereby appropriated to the department of safety, division of
16 motor vehicles, for the biennium ending June 30, 2019, for the purposes of paragraph I of this
17 section. This appropriation shall be treated as costs associated with the collection and
18 administration of highway funds under RSA 9:9-a.

19 156:213 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to
20 read as follows:

21 77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.7 percent upon the taxable
22 business profits of every business organization.

23 156:214 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and
24 reenacted to read as follows:

25 77-E:2 Imposition of Tax. A tax is imposed at the rate of .60 percent upon the taxable
26 enterprise value tax base of every business enterprise.

27 156:215 Business Profits Tax; Imposition of Tax; 2021. Amend RSA 77-A:2 to read as follows:

28 77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~7.7~~] **7.5** percent upon the taxable
29 business profits of every business organization.

30 156:216 Business Enterprise Tax; Imposition of Tax; 2021. Amend RSA 77-E:2 to read as
31 follows:

32 77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~.60~~] **.50** percent upon the taxable
33 enterprise value tax base of every business enterprise.

34 156:217 Applicability.

35 I. Sections 213 and 214 of this act shall apply to taxable periods ending on or after
36 December 31, 2019.

37 II. Sections 215 and 216 of this act shall apply to taxable periods ending on or after

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1 December 31, 2021.

2 156:218 Business Profits Tax; Expense Deduction; Amount. Amend RSA 77-A:3-a to read as
3 follows:

4 77-A:3-a Expense Deductions. In determining gross business profits before net operating loss
5 and special deductions, a business organization shall calculate expense deductions as permitted
6 under Section 179 of the Internal Revenue Code as provided in RSA 77-A:1, XX, except that for
7 property placed in service on or after [~~January 1, 2017~~] **January 1, 2018**, a business organization
8 shall calculate expense deductions not to exceed [~~\$100,000~~] **\$500,000**.

9 156:219 Department of Health and Human Services; New Hampshire Health Protection
10 Program; Medicaid Wavier; Work Requirements. RSA 126-A:5, XXX(a) is repealed and reenacted to
11 read as follows:

12 XXX.(a) The commissioner of the department of health and human services shall seek any
13 new waiver or state plan amendments required to implement the provisions of this paragraph.
14 Specifically the commissioner shall require that:

15 (1) Newly eligible adults who are unemployed shall be eligible to receive benefits
16 under RSA 126-A:5 XXIV-XXV, if the commissioner finds that the individual is engaging in at least
17 20 hours per week upon application of benefits, 25 hours per week after receiving 12 months of
18 benefits over the lifetime of the applicant and 30 hours per week after receiving 24 months of
19 benefits over the lifetime of the applicant of one or a combination of the following activities:

20 (A) Unsubsidized employment.
21 (B) Subsidized private sector employment.
22 (C) Subsidized public sector employment.
23 (D) Work experience, including work associated with the refurbishing of
24 publicly assisted housing, if sufficient private sector employment is not available.
25 (E) On-the-job training.
26 (F) Job search and job readiness assistance.
27 (G) Vocational educational training not to exceed 12 months with respect to any
28 individual.

29 (H) Job skills training directly related to employment.
30 (I) Education directly related to employment, in the case of a recipient who has
31 not received a high school diploma or a certificate of high school equivalency.

32 (J) Satisfactory attendance at secondary school or in a course of study leading to
33 a certificate of general equivalence, in the case of a recipient who has not completed secondary
34 school or received such a certificate.

35 (2) If an individual in a family receiving benefits under this subparagraph refuses
36 to engage in work required in accordance with subparagraph (a), the assistance shall be terminated.
37 The commissioner of the department of health and human services shall adopt rules under RSA

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1 541-A, with approval of the governor and the fiscal committee of the general court, to determine
2 good cause and other exceptions to termination.

3 (3) This subparagraph shall only apply to those considered, abled-bodied adults as
4 defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C.
5 section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a
6 dependent child which includes a child under 18 years of age or under 20 years of age if the child is
7 a full-time student in a secondary school or the equivalent.

8 (4) This subparagraph shall not apply to:

9 (A) A person who is temporarily unable to participate in the requirements under
10 subparagraph (a) due to illness or incapacity as certified by a licensed physician, an advanced
11 practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician
12 assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health
13 professional, licensed physician assistant, or psychologist shall certify, on a form provided by the
14 department, the duration and limitations of the disability.

15 (B) A person participating in a state-certified drug court program, as certified
16 by the administrative office of the superior court.

17 (C) A parent or caretaker as identified in RSA 167:82, II(g) where the required
18 care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician
19 assistant, or licensed behavioral health professional who shall certify the duration that such care is
20 required.

21 (D) A parent or caretaker of a dependent child under 6 years of age.

22 (5) Any waivers or amendments pursuant to this subparagraph shall be in place by
23 April 30, 2018. Prior to submitting the waiver or state plan amendments to the CMS, the
24 commissioner shall present the waiver or state plan amendments to the governor and the fiscal
25 committee of the general court for approval. The program shall not be reauthorized until such
26 waivers or state plan amendments have been approved by CMS. If the waiver or state plan is not
27 approved, the commissioner shall immediately, no later than April 30, 2018, notify all program
28 participants that the program has not been reauthorized beyond December 31, 2018.

29 156:220 Incorporation by Reference. All appropriations and sections of amendments 2017-
30 1179h to HB 1 of the 2017 regular legislative session, and 2017-1163h to HB 2 of the 2017 regular
31 legislative session as proposed by the house finance committee shall be incorporated by reference
32 into HB 144 and HB 517 of the 2017 regular legislative session for purposes of committees of
33 conference.

34 156:221 State Police Trooper Positions. During the biennium ending June 30, 2019, the
35 commissioner of safety is authorized to establish up to 5 state police trooper I positions, upon fiscal
36 committee and governor and council approval. For said purpose, the department is authorized to
37 transfer funds from within its budget, provided that if sufficient funds are not available, the

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1 governor is authorized to draw a warrant from the general, highway, and turnpike funds to
2 maintain the source of funding mix in accounting unit 02-23-23-234015-4003. The commissioner
3 shall make a report which includes, but is not limited to, a summary of the authorized positions
4 including vacant positions and an update on recruitment efforts.

5 156:222 New Section; Adequate Representation for Indigent Defendants in Criminal Cases;
6 Additional Funding from State Departments and Agencies. Amend RSA 604-A by inserting after
7 section 1-b the following new section:

8 604-A:1-c Additional Funding From State Departments and Agencies. Every state department,
9 board, institution, commission, or agency which receives general fund grants or supplemental
10 appropriations outside of the state biennial operating budget for the purpose of conducting law
11 enforcement activities that may result in increased costs for indigent defense as determined by the
12 court, shall transfer 5 percent of such funds received to the judicial council to be used to pay for
13 indigent defense costs resulting from such law enforcement activities. Payment for expenses of
14 indigent representation under this section shall be made pursuant to RSA 604-A:8.

15 156:223 New Paragraph; Food Service Licensure; Fee Revenues. Amend RSA 143-A:6 by
16 inserting after paragraph V the following new paragraph:

17 VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000
18 each fiscal year may be included in the state biennial operating budget as restricted revenue to
19 support the activities required in this chapter.

20 156:224 Repeal; 2019. RSA 83-E, relative to the electricity consumption tax, is repealed.

21 156:225 Reference Deleted. Amend RSA 21-J:31 to read as follows:

22 21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an
23 extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount
24 of the tax due or \$10, whichever is greater, for each month or part of a month during which the
25 return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of
26 the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any
27 case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-
28 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
29 due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is
30 determined by applying the percentages specified to the net amount of any tax due after crediting
31 any timely payments made through estimating or other means.

32 156:226 Reference Deleted. Amend RSA 21-J:33-a, I to read as follows:

33 I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-
34 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
35 shall be added to the tax an amount equal to 25 percent of the amount of any underpayment
36 attributable to such understatement.

37 156:227 References Deleted. Amend RSA 71-C:4, I and II to read as follows:

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1 I. On or before December 15 of every fiscal year the commissioner of the department of
2 revenue administration shall certify in a report to the general court and the governor an analysis of
3 each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed
4 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,]~~
5 RSA 84-A, RSA 84-C, and RSA 400-A.

6 II. The report shall be divided into the following parts:

7 (a) Tax expenditures as determined by the joint committee on tax expenditure review
8 under RSA 71-C:3;

9 (b) Potential liabilities against the state's revenues, specifically:

10 (1) Other credits allowed under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78,
11 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
12 the business profits tax imposed by RSA 77-A; and

13 (2) Credit carryovers from overpaid taxes.

14 156:228 Study Required; Office of Strategic Initiatives. By December 1, 2018, the office of
15 strategic initiatives, formerly the office of energy and planning, shall produce a study on the
16 economic viability of electric renewable portfolio standard Class III biomass electric generation
17 resources in New Hampshire. The study shall be filed with the senate president, the speaker of the
18 house of representatives, the governor, and the state library, and:

19 I. Shall analyze at what wholesale electricity rate the majority of New Hampshire Class III
20 biomass facilities would be able to operate economically without reliance on other ratepayer-funded
21 revenue mechanisms;

22 II. Shall assess the number of jobs and economic activity directly attributable to the
23 operation of biomass plants, including only such economic activities or wood product resources that
24 have no alternate use other than purchase by or relation to a Class III biomass plant; and

25 III. May compile the ratepayer costs attributable to Class III biomass plants beyond the
26 wholesale electricity commodity cost from 2014 through 2017.

27 156:229 New Subparagraph; Business Profits Tax; Definition of Internal Revenue Code.
28 Amend RSA 77-A:1, XX by inserting after subparagraph (m) the following new subparagraph:

29 (n) For all taxable periods beginning on or after January 1, 2018, the United States
30 Internal Revenue Code of 1986 in effect on December 31, 2016, subject to RSA 77-A:3-b.

31 156:230 New Subparagraph; State Treasurer; Application of Receipts; Uncompensated Care
32 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new
33 subparagraph:

34 (334) Moneys deposited in the uncompensated care and Medicaid fund established
35 in RSA 167:64.

36 156:231 Judicial Branch; Collective Bargaining Agreement. Pursuant to RSA 273-A:3, II(b),
37 the general court approves the cost items in collective bargaining agreements between the New

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1 Hampshire judicial branch and the State Employees' Association of New Hampshire, SEIU Local
2 1984, ratified on February 23, 2016, and effective until June 30, 2019, and between the New
3 Hampshire Judicial Branch and Teamsters Local 633, ratified on May 5, 2017, and effective until
4 June 30, 2019. The judicial branch may pay the cost items in those agreements from its
5 appropriation in the operating budget for fiscal years 2018 and 2019.

6 156:232 General Fund Transfer to Highway Fund. The sum of \$13,900,000 for the fiscal year
7 ending June 30, 2017 is hereby appropriated to the highway fund. The governor is authorized to
8 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 156:233 Department of Agriculture; Pet Vending. RSA 437:1 through RSA 437:13-a are
10 repealed and reenacted to read as follows:

11 Transfer of Animals and Birds

12 437:1 Definitions. In this subdivision:

13 I. "Animal shelter facility" means a facility, including the building and the immediate
14 surrounding area, which is used to house or contain animals and which is owned, operated and
15 maintained by a duly incorporated humane society, animal welfare society, society for the
16 prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection
17 and humane treatment of animals, and also a public pound for the housing of strays or a pound
18 operated by any person, excluding veterinarians, who contracts with a municipality to serve that
19 function.

20 II. "Commercial kennel" means any person, business, corporation, or other entity that
21 transfers 10 or more litters or 50 or more puppies in any 12-month period.

22 III. "Commissioner" means the commissioner of the department of agriculture, markets,
23 and food.

24 IV. "Pet vendor" means any person, firm, corporation, or other entity engaged in the
25 business of transferring live animals or birds customarily used as household pets to the public, with
26 or without a fee or donation required, and whether or not a physical facility is owned by the licensee
27 in New Hampshire, when transfer to the final owner occurs within New Hampshire.

28 V. "Transfer" means transfer of ownership of live animals or birds from any person, firm,
29 corporation, or other entity to a member of the public.

30 437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal
31 health that are consistent with the pattern established throughout statute by the general court.
32 Animal health regulation shall focus either on those conditions that pose a threat to public health or
33 that would require regulatory intervention to protect the economy of the state, or both.

34 437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet
35 vendor shall apply to the commissioner for a license, giving such information as the commissioner
36 shall require. The application shall include proof that the zoning enforcement official of the
37 municipality wherein any facility is to be maintained has certified that the facility conforms to the

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1 municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee.
2 All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new
3 application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

4 I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures
5 used in the business of dealing in live animals or birds customarily used as household pets.

6 II. Submit premises, buildings and other enclosures to unannounced inspection by
7 department employees or local animal control, law enforcement, or health officials at reasonable
8 times.

9 III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law
10 enforcement, or any member of the public, a proper record in which all live animals or birds
11 customarily used as household pets obtained or transferred shall be listed, giving the breed, date
12 the animal was obtained and transferred, and from whom the animal or bird was obtained and to
13 whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo
14 number of each animal or bird, where applicable. Animals or birds that do not bear such
15 identification shall be identified by recording markings, a physical description and any other
16 information as the commissioner deems necessary to identify such animals or birds.

17 IV. Keep records of all animals or birds intended for transfer indicating identification, point
18 of origin, and recipient, and shall submit said records to the commissioner upon request.

19 V. Abide by such other rules as the commissioner may adopt to control disease.

20 437:4 Refusal to Issue; Revocation of License. The commissioner, after notice to the licensee
21 and opportunity for hearing, as set forth in the rules adopted under RSA 437:9, may deny an
22 application or revoke a license for any of the following reasons:

23 I. The applicant or licensee violated the statutes of the state of New Hampshire or of the
24 United States or any rule adopted by the commissioner pursuant to this chapter;

25 II. The applicant made false or misleading statements in his or her application for a license;

26 III. The licensee knowingly transferred any animal affected with a communicable disease
27 except as allowed under RSA 437:5 and RSA 437:8, II;

28 IV. The licensee ceased to operate the business for which the license was issued; or

29 V. The applicant or licensee held any similar license issued in another jurisdiction which
30 was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA
31 437 during the preceding 5 years.

32 437:5 Prohibition. No licensee under this subdivision shall transfer, other than to a qualified
33 veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other
34 than as permitted under RSA 437:8, II nor shall any licensee treat inhumanely any animal or bird
35 in his or her care or possession or under his or her control.

36 437:6 Health Management; Dogs, Cats, and Ferrets.

37 I. Medical treatment and use of controlled drugs on any animal or bird under the care or

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1 possession or under the control of any licensee other than a veterinarian may be administered only
2 under the direction and supervision of a veterinarian for the purposes of this subdivision.

3 II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may
4 have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and,
5 unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be
6 entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog,
7 cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business
8 days of said examination, accompanied by the veterinarian's statement that the animal is not free of
9 disease.

10 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
11 that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of
12 livestock or poultry.

13 437:8 Health Certificates for Dogs, Cats, and Ferrets.

14 I. For purposes of this chapter, an official health certificate means a certificate signed by a
15 licensed veterinarian, containing the name and address of the entity transferring ownership of the
16 dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or
17 physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog,
18 cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list
19 of all vaccines and medication administered to the dog, cat, or ferret shall be included on or
20 attached to the certificate.

21 II. The original of the official health certificate accompanying the dog, cat, or ferret offered
22 for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed,
23 and made available for inspection by the department, local officials, or a member of the public upon
24 request up to one year after the animal has left the facility. The public shall be informed of their
25 right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in
26 the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that
27 animal's health certificate shall be given to the transferee in addition to any other documents which
28 are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has
29 a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has
30 caused it to fail its examination by a licensed veterinarian for an official health certificate. The
31 transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or
32 ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send
33 a copy to the state veterinarian.

34 III. No person, firm, corporation, or other entity shall ship or bring into the state of New
35 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
36 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
37 ferret less than 8 weeks of age.

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1 IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
2 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed
3 veterinarian separated from other animals on the premises before being offered for transfer.

4 437:9 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,
5 relative to:

6 I. The information required from an applicant for a license as a pet vendor;

7 II. The health and sanitation standards to effectuate the purposes of this subdivision;

8 III. Information required to be maintained in records of pet vendors regarding identifying
9 features of animals or birds obtained and transferred;

10 IV. Notice and hearing on the refusal to issue or the revocation of a license; and

11 V. Any other matter the commissioner may deem necessary to carry out the provisions of
12 this subdivision.

13 437:10 Penalty.

14 I. Any pet vendor who transfers live animals or birds customarily used as household pets in
15 this state without having a license to do so as required by this chapter shall be guilty of a
16 misdemeanor.

17 II. In addition to the penalty under paragraph I, any pet vendor who violates any of the
18 provisions of this subdivision or rule adopted under it may be subject to an administrative fine
19 levied by the commissioner, not to exceed \$1,000 for each violation.

20 156:234 Department of Agriculture; Pet Vendors; Cross Reference Changed. Amend RSA
21 437:22, I to read as follows:

22 I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined
23 in ~~[RSA 437:2, I]~~ **RSA 437:1, I**, or an animal care center as defined in RSA 437:18, III, to give,
24 release, sell, trade or transfer with or without a fee any live animal brought, caught, detained,
25 obtained or procured by any means, to any association, corporation, individual, educational
26 institution, laboratory, medical facility, or anyone else, for the purpose of experimentation or
27 vivisection.

28 156:235 Department of Health and Human Services; Foster Grandparent Program. The
29 reimbursements to the foster grandparent program through the senior volunteer grant program,
30 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2019.

31 156:236 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

32 (b) The forest management and protection fund shall be a nonlapsing fund administered
33 by the treasurer of the state of New Hampshire. The fund shall be ~~[continually appropriated and]~~
34 expended at the discretion of the director of the division and the commissioner. Any funds in excess
35 of that appropriated from the fund may be expended by the commissioner, with prior approval of
36 the fiscal committee and governor and council, in accordance with RSA 227-G:5, I(a). Revenues
37 shall be derived from the proceeds of the sale of timber and other forest products from state-owned

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1 forestlands, less 13 percent which shall be deposited into the general fund. Revenues shall also be
2 derived from the lease of state-owned forestlands, or billable services provided by the division of
3 forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund
4 shall also be derived from administrative fines collected pursuant to RSA 227-J:1.

5 156:237 Division of Accounting Services; Department of Administrative Services. Amend the
6 introductory paragraph of RSA 21-I:8 to read as follows:

7 21-I:8 Division of Accounting Services. There is hereby established within the department the
8 division of accounting services under the supervision of an unclassified director of accounting
9 services, who shall also be known as the comptroller. The comptroller shall direct the state's
10 accounting functions, using generally accepted accounting principles and taking full advantage of
11 all benefits of automated data processing applications, to the end that the fiscal affairs of all state
12 agencies and departments will be adequately and uniformly serviced and that periodic financial and
13 management reports will be available to serve the various needs of all state agencies and the
14 executive and legislative branches in their decision making processes. ~~[If the commissioner of~~
15 ~~administrative services and the respective state agencies are unable to generate any required~~
16 ~~information that, in accordance with generally accepted accounting principles, should be provided~~
17 ~~with the comprehensive annual financial report and any stand-alone financial statements identified~~
18 ~~in subparagraphs II(b) and II(e), the commissioner shall communicate this deviation in advance to~~
19 ~~the legislative budget assistant as soon as the deviation is known.]~~ ***The commissioner of***
20 ***administrative services may authorize deviations from generally accepted accounting***
21 ***principles if the commissioner deems it is in the best interest of the state, provided that the***
22 ***explanation for the deviation is provided in the annual report required by subparagraph***
23 ***II(a).*** The division shall include the following internal organizational units:

24 156:238 Repeal. RSA 21-I:8, II(b) and (c), relative to duties of the bureau of financial services
25 on audited financial statements of agencies, are repealed.

26 156:239 Administrative Services; Funding and Staffing Resource Limitations.

27 I. Due to inadequate funding and staffing resources at the department of administrative
28 services, the commissioner of the department of administrative services is authorized to suspend the
29 following requirements or obligations of the department for each fiscal year of the biennium ending
30 June 30, 2019:

31 (a) RSA 21-I:7-c as it applies to addressing performance and financial legislative budget
32 assistant audit findings from 2006, 2011, and 2014 regarding management of the employee and
33 retiree health benefit program, including establishing rules and operational policies for the
34 program.

35 (b) RSA 21-I:11, I(c)(1).

36 II. Due to inadequate funding and staffing resources at the department of administrative
37 services, the commissioner of the department of administrative services is authorized to suspend the

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1 following requirements or obligations of the department for each fiscal year of the biennium ending
2 June 30, 2019:

3 (a) The provisions relating to identification and implementation of energy efficiency
4 projects in compliance with the governor's executive order 2016-03.

5 (b) The provisions relating to data analysis and the development of performance metrics
6 for buildings and vehicles to monitor energy and water usage, use of fossil fuels, and greenhouse
7 gas emissions in compliance with governor's executive order 2016-03.

8 156:240 Administration of Alcohol Concentration Tests. Amend RSA 265-A:5, IV to read as
9 follows:

10 IV. No tests of blood, urine, or breath authorized by RSA 265-A:4 shall be considered as
11 evidence in any proceeding before any administrative officer or court unless such test is performed
12 in accordance with methods prescribed by the commissioner of the department of safety. ***The***
13 ***commissioner of the department of safety shall have exclusive authority for equipment***
14 ***testing, law enforcement training, and administration of grant programs relating to***
15 ***alcohol concentration tests.***

16 156:241 Federal and State Highway Aid; Apportionment. Amend RSA 235:23, I to read as
17 follows:

18 I. Apportionment A. In each fiscal year, the commissioner shall allocate an amount not less
19 than 12 percent of the gross road toll revenue and motor vehicle fees collected in the preceding
20 fiscal year to a local highway aid fund. This fund shall be distributed to each city, town, and
21 unincorporated place on a formula in which 1/2 of the amount is based on the proportion which the
22 mileage of regularly maintained class IV and class V highways in each municipality, as of January
23 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount is based
24 on the proportion which the office of energy and planning population estimate of each municipality
25 bears to the latest estimate of the total population of the state as of July 1 of the year of the
26 estimate. The aid to be distributed under this paragraph shall be in addition to all other state and
27 federal aid specifically authorized by statute. ***In the event the appropriation for the***
28 ***disbursement required under this paragraph is insufficient, the governor is authorized to***
29 ***draw a warrant in the amount of the shortfall. Such warrant shall be a charge against***
30 ***the highway fund.***

31 156:242 Sale of Lottery Tickets; Internet Sales Added. Amend RSA 284:21-h, II(e) to read as
32 follows:

33 (e) ***May be sold by or for the lottery commission through the use of mobile***
34 ***applications by mobile devices or over the Internet. With respect to such sales, the lottery***
35 ***commission shall provide:***

36 (1) ***Age verification measures to be undertaken to block access to and***
37 ***prevent sales of lottery tickets to people under the age of 18 years. Such measures shall***

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1 *include requiring players to register for an account at a lottery retailer licensed pursuant*
2 *to this chapter.*

3 *(2) That lottery purchases shall be limited to transactions initiated and*
4 *completed within the geographic borders of the state of New Hampshire.*

5 *(3) Wager limits for daily, weekly, and monthly amounts for each player*
6 *and account consistent with the best practices in addressing problem gambling.*

7 *(4) A voluntary self-exclusion program for players to self-exclude themselves*
8 *from wagering for set periods of time.*

9 *II-a.* Owners of retail establishments who have been convicted of a felony within the
10 previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or
11 dishonesty within the previous 5 years which has not been annulled by a court, shall not be allowed
12 to sell lottery tickets in their retail establishment.

13 156:243 Sale of Lottery Tickets; Reference Removed. Amend RSA 284:21-h, VI to read as
14 follows:

15 VI. The commission shall not authorize the use of any electronic gaming device in any
16 game, lottery, or other offering which was not in use by the commission on or before January 1,
17 2011, unless specific authorization for such electronic gaming device is enacted by the general court.
18 Electronic gaming devices shall mean and include all electro-mechanical instruments and device
19 used for the purpose of gaming[~~, whether in physical presence or through the Internet,~~] and shall
20 include video slot machines and other gambling devices which function or are designed to emulate a
21 video slot machine or other gambling machine, historic racing machine, and computer technology to
22 reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from
23 replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new
24 offerings, games, or equipment which are the functional equivalent of those offerings, games, or
25 equipment which are being replaced.

26 156:244 Joint Legislative Committee to Examine the Independent Review of the Division for
27 Children, Youth and Families. There is established a committee to examine the independent review
28 of the division for children, youth and families.

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

30 (a) Three members of the house of representatives, appointed by the speaker of the
31 house of representatives.

32 (b) Three members of the senate, appointed by the president of the senate.

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

35 III. The committee shall examine the independent review of the division for children, youth
36 and families and assess the state's progress in addressing issues raised by the Center for the
37 Support of Children in the center's report dated December 19, 2016. In consultation with the

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1 commissioner of health and human services, the committee shall develop any draft legislation
2 necessary to implement recommendations from the report and review for inclusion in the 2020/2021
3 biennial budget.

4 IV. The members of the study committee shall elect a chairperson from among the
5 members. The first meeting of the committee shall be called by the first-named house member. The
6 first meeting of the committee shall be held within 45 days of the effective date of this section. Four
7 members of the committee shall constitute a quorum.

8 V. The committee shall report its findings and any recommendations for proposed
9 legislation to the speaker of the house of representatives, the president of the senate, the house
10 clerk, the senate clerk, the governor, and the state library on or before July 1, 2020.

11 156:245 Contingency. If HB 144 of the 2017 regular legislative session does not become law,
12 then this bill shall not take effect.

13 156:246 Contingent Renumbering:

14 I. If HB 405 of the 2017 regular legislative session becomes law, then RSA 21-I:30-f as
15 inserted by section 2 of this act shall be renumbered as RSA 21-I:30-g.

16 II. If SB 101-FN of the 2017 regular legislative session becomes law, then RSA 188-E:25 as
17 inserted by section 156 of this act shall be renumbered as RSA 188-E:24-a.

18 III. If SB 235 of the 2017 regular legislative session becomes law, then RSA 167-3-k as
19 inserted by section 202 of this act shall be renumbered as RSA 167:3-l.

20 156:247 Contingent Amendment; HB 332 Changes. RSA 9:17-d is repealed and reenacted to
21 read as follows:

22 9:17-d Transfer of Appropriations, Judicial Branch. The supreme court may transfer funds for
23 any specific purposes to funds for other purposes in the general appropriations for any accounting
24 unit within the judicial branch, provided that any transfer of \$75,000 or more shall require prior
25 approval of the fiscal committee of the general court, and provided that no funds may be transferred
26 in violation of the provisions of RSA 9:17-a or any other restriction provided by law. The judicial
27 branch shall certify such transfers to the commissioner of administrative services. The certification
28 shall state that the transfers are necessary to efficiently carry out the functions of the courts and
29 that the legislative fiscal committee has approved the transfers. The provisions of this section shall
30 not supersede the provisions of RSA 99:4 and RSA 9:17-a.

31 156:248 Contingency. If HB 332 of the 2017 regular legislative session becomes law then
32 section 247 of this act shall take effect at 12:01 am on the date that HB 332 takes effect.

33 156:249 Effective Date.

34 I. Sections 1, 67, 68, 69, 71, 109, 136, 167, 186, 188, 190, and 232 of this act shall take effect
35 June 30, 2017.

36 II. Section 10 of this act shall take effect October 1, 2017.

37 III. Section 158 of this act shall take effect May 1, 2018.

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- 1 IV. Section 161 of this act shall take effect March 1, 2018.
- 2 V. Sections 162, 165, 217, 229, 237, and 238 of this act shall take effect upon its passage.
- 3 VI. Sections 6, 7, 8, 9, 159, 160, 163, 164, 166, 172, 173, 202, and 218 of this act shall take
- 4 effect January 1, 2018.
- 5 VII. Sections 72, 213, and 214 of this act shall take effect July 1, 2019.
- 6 VIII. Sections 215 and 216 of this act shall take effect July 1, 2021.
- 7 IX. Sections 224-227 of this act shall take effect January 1, 2019.
- 8 X. Section 247 of this act shall take effect as provided in section 248 of this act.
- XI. The remainder of this act shall effect July 1, 2017.

Approved: June 28, 2017

Effective Date:

- I. Sections 1, 67, 68, 69, 71, 109, 136, 167, 186, 188, 190, and 232 of this act shall take effect June 30, 2017.
- II. Section 10 of this act shall take effect October 1, 2017.
- III. Section 158 of this act shall take effect May 1, 2018.
- IV. Section 161 of this act shall take effect March 1, 2018.
- V. Sections 162, 165, 217, 229, 237, and 238 of this act shall take effect June 28, 2017.
- VI. Sections 6, 7, 8, 9, 159, 160, 163, 164, 166, 172, 173, 202, and 218 of this act shall take effect January 1, 2018.
- VII. Sections 72, 213, and 214 of this act shall take effect July 1, 2019.
- VIII. Sections 215 and 216 of this act shall take effect July 1, 2021.
- IX. Sections 224-227 of this act shall take effect January 1, 2019.
- X. Section 247 of this act shall take effect as provided in section 248 of this act.
- XI. The remainder of this act shall effect July 1, 2017.