

HB 517 - AS AMENDED BY THE SENATE

05/31/2017 2023s

05/31/2017 2120s

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

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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. Requires the liquor commission to reimburse the cost for any legal services provided by the department of justice to the commission that would not normally be included as part of the statewide cost allocation paid by the commission.

8. 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.

9. Permits the supreme court to transfer funds among judicial branch accounts.

10. Changes the name of the department of resources and economic development to the department of natural and cultural resources.

11. Eliminates the department of cultural resources, and transfers that department's operations to the department of natural and cultural resources.

## HB 517 - AS AMENDED BY THE SENATE

12. Creates the department of business and economic affairs.
13. 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.
14. 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.
15. Changes the name of the office of energy and planning to the office of strategic initiatives.
16. Repeals the authorization for the department of health and human services to pay funeral expenses of a recipient of public assistance.
17. Provides that federal emergency assistance grants shall be collected by the appropriate agency and appropriated to the department of transportation.
18. Establishes a public school infrastructure revitalization trust fund and commission, and suspends school building aid from the department of education for the biennium.
19. Permits all agencies to provide documents by electronic mail in lieu of mail.
20. 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.
21. Maintains distribution of meals and rooms tax revenue to cities and towns at no more than the amount of the fiscal year 2017 distribution.
22. 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.
23. Suspends home health services rate setting for the biennium ending June 30, 2019.
24. Suspends provisions of congregate housing and congregate services for the biennium ending June 30, 2019.
25. 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.
26. 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.
27. Permits the governor to transfer funds among office accounts.
28. Caps the maximum monthly temporary assistance for needy families cash benefit at 60 percent of federal poverty guidelines.
29. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2019.

**HB 517 - AS AMENDED BY THE SENATE**

30. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2019.
31. Establishes an Internet crimes against children fund and makes an appropriation for each year of the biennium ending June 30, 2019.
32. Establishes the position of financial research analyst I within the department of justice.
33. Redesignates the banking department's general counsel as an unclassified position.
34. Permits departments and agencies, with permission of the department of administrative services, to rent, lease, or lease-purchase vehicles from outside vendors.
35. Amends definitions for chartered public schools and revises funding levels for chartered public schools.
36. Amends the additional grant amount for chartered public schools and establishes a funding formula for the Virtual Learning Academy Charter School.
37. Removes references to "catastrophic aid" in the special education statutes.
38. Consolidates information technology functions between the department of health and human services and the department of information technology.
39. 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.
40. 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.
41. Removes a reference to a 2016 disaster response appropriation from the renewable energy fund.
42. Permits the department of education to accept gifts to fund the New Hampshire scholars program.
43. Establishes the governor's scholarship program.
44. Repeals a statutory provision governing revenue shortfalls within the liquor commission.
45. Creates a division of taxpayer services within the department of revenue administration.
46. Eliminates the document processing division within the department of revenue administration.
47. Transfers jurisdiction over licensing of assemblies on state waters or ice from the commissioner of the department of safety to local fire department chiefs.
48. Revises certain provisions relating to the layout of state highways.
49. Amends provisions relating to the acquisition and relocation of certain highways acquired in 1945 or earlier.
50. 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.

## **HB 517 - AS AMENDED BY THE SENATE**

51. 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.

52. Increases the appropriation to the governor's commission on disability for funding the "Newslines for the Blind."

53. 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.

54. 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.

55. 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.

56. Requires an annual appropriation from the general court to the national guard scholarship fund.

57. Repeals the milk producers emergency relief fund.

58. Allows the commissioner of the department of agriculture to set milk prices in consultation with the agricultural advisory board.

59. 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.

60. Allows the department of corrections to fill certain unfunded positions.

61. Clarifies funding responsibility for custody and control of prisoners for purposes of video arraignments.

62. 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.

63. Clarifies the terms "usual and customary price" and "contracted copayment" for the purposes of filling prescriptions.

64. Suspends RSA 489, relative to integrated land development permits, for the biennium ending June 30, 2019.

65. 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.

66. Provides workers' compensation coverage to certain volunteers for the fish and game department.

67. Makes an appropriation to the fire standards and training and emergency medical services fund.

68. 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.

## HB 517 - AS AMENDED BY THE SENATE

69. Authorizes the commissioner of the department of transportation to lease, develop, and/or reconstruct state liquor and wine outlets along the turnpikes and highways of the state.

70. Directs the treasurer to credit revenue collected from the airways toll to the department of transportation.

71. Grants the lottery commission the authority to purchase real property for use as the lottery commission's headquarters.

72. Requires the commissioner of the department of education to issue a request for proposals to secure a reading specialist to provide technical assistance for dyslexia and related disorders to school districts and to submit a report assessing the effectiveness of the reading specialist.

73. Authorizes the comptroller to transfer sufficient funds from the general fund to eliminate a deficit in the education trust fund.

74. Amends the chartered public school funding statute to add provisions for payments to chartered public schools.

75. Establishes a robotics education development program to encourage students to pursue education in science, technology, engineering, and mathematics.

76. Removes the interim rulemaking provision relating to methadone detoxification or methadone maintenance programs.

77. Makes an appropriation to the department of administrative services to mitigate the impact to the Concord school district due to the closure of Concord Steam Corporation.

78. Revises the procedures for placement and detention of minors at the Sununu youth services center and other appropriate placements and makes an appropriation therefor.

79. Provides that expenditures for operational costs of the Sununu youth services center and the alcohol and drug abuse treatment facility at the center which the commissioner of the department of health and human services determines to be necessary may be funded from governor's commission funds without the prior approval of the fiscal committee.

80. Makes an appropriation for development of a New Hampshire partnership for long-term care plan.

81. 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.

82. Increases the rates for certain services, placements, and programs that are payable by the department of health and human services.

83. 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.

84. 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.

85. 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.

## **HB 517 - AS AMENDED BY THE SENATE**

86. 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.

87. Requires the commissioner of the department of health and human services to issue certain requests for applications and requests for proposals.

88. 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.

89. 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.

90. Establishes an independent office of the child advocate and an oversight commission on children's services and juvenile justice.

91. Amends the purpose of the child protection act.

92. Amends the definition of an unfounded report by replacing "no probable cause to believe" with "insufficient evidence to substantiate a finding."

93. Inserts a definition of "serious impairment."

94. 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.

95. 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.

96. Establishes requirements for budget transfers by agencies for salaries and benefits.

97. Requires the commissioner of the department of health and human services to establish and utilize a competitive bidding process for family planning services.

98. Removes the requirement in the administrative procedure act for agencies to give notice to legislative committees for proposed rules on newly enacted authority.

99. 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.

100. Establishes a chartered public school program officer position in the department of education.

101. Requires the department of transportation to address safety concerns at a certain intersection in Ossipee.

102. Requires the state to reimburse the sheriff's office for court security at rates provided in the collective bargaining agreement.

103. Prohibits reproductive health care facilities from using state funds to provide abortion services.

104. Authorizes a temporary Milford substation for the division of motor vehicles.

**HB 517 - AS AMENDED BY THE SENATE**

105. Reduces the rates of the business profits tax and the business enterprise tax in 2019 and in 2021.

106. Increases the amount of the expense deduction under the business profits tax.

107. 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.

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

HB 517 - AS AMENDED BY THE SENATE

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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 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  
29 salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.  
30 The department of administrative services may also establish new full-time temporary positions  
31 within the department, if the commissioner of administrative services deems it necessary to



1 effectuate the efficient consolidation or deconsolidation of human resources, payroll or business  
2 processing functions.

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

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

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

28 2 New Section; Health Risk Appraisal; Protected Health Information. Amend RSA 21-I by  
29 inserting after section 30-e the following new section:

30 21-I:30-f Health Risk Appraisal. All information contained in a state employee's health risk  
31 appraisal as referenced in any collective bargaining agreement shall be considered protected health  
32 information and entitled to all of the nondisclosure and other restrictions set forth in the Health  
33 Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and the Standards for  
34 Privacy of Individually Identifiable Health Information at 45 C.F.R. part 160 and subparts A and E  
35 of part 164 ("Privacy Rule").

36 3 State Employee Health Plan; Application. The cost sharing and plan design for  
37 unrepresented active state employees who participate in the health plans offered by the state shall  
38 be the same as those for individuals covered by the collective bargaining agreement between the

HB 517 - AS AMENDED BY THE SENATE

- Page 3 -

1 state of New Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal  
2 committee of the general court may approve changes to the above plan design cost sharing  
3 provisions consistent with RSA 21-I:30, I. The cost sharing and plan designs for represented active  
4 state employees who participate in the health plans offered by the state shall be in accordance with  
5 the provisions of the collective bargaining agreements between the state and the employee  
6 organizations representing those employees.

7 4 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds in  
8 existing class 60 budgets to pay any penalties imposed under the employer shared responsibility for  
9 health coverage under section 4980H of the Internal Revenue Code.

10 5 Appropriation; Department of Administrative Services; State Retiree Health Benefits. The  
11 following sums are hereby appropriated from the following sources to the commissioner of the  
12 department of administrative services for the purpose of funding state retiree health care expenses  
13 for eligible state retirees and spouses who have a date of birth on or before December 31, 1948, for  
14 the fiscal years ending June 30, 2018 and June 30, 2019:

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

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

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

31 7 Department of Administrative Services; State Employees Group Insurance Retiree Medical  
32 Benefits; Premium Contribution for Medicare Eligible. Amend RSA 21-I:30, XIII to read as follows:

33 XIII.(a) The commissioner of administrative services shall invoice and collect from retired  
34 state employees and/or each applicable spouse who are not Medicare eligible and receiving medical  
35 and surgical benefits provided under this section, who do not receive a retirement allowance as  
36 defined in RSA 100-A:1, XXII, a premium contribution amount based on a percentage of the total  
37 monthly premium attributable to the applicable retiree and/or spouse, as determined by the  
38 commissioner of administrative services, with prior approval by the fiscal committee of the general

1 court, provided the percentage is not lower than [~~12.5~~] 20 percent.

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

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

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

24 8 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-  
 25 A:54, III to read as follows:

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

32 ***(b) The retirement system shall deduct from the monthly retirement allowance***  
 33 ***of a retired state employee and/or spouse who are eligible for Medicare Parts A and B due***  
 34 ***to age or disability receiving medical and surgical benefits provided pursuant to RSA 21-***  
 35 ***I:30, a premium contribution amount based on a percentage of the total monthly premium***  
 36 ***attributable to the applicable retiree and/or spouse, as determined by the commissioner of***  
 37 ***administrative services, with prior approval by the fiscal committee of the general court,***  
 38 ***provided the percentage is not lower than 10 percent. Such premium contribution shall***

1 *only be collected from eligible state retirees and spouses with a date of birth on or after*  
 2 *January 1, 1949.*

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

16 9 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to  
 17 read as follows:

18 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

19 *I. Retired judges and their applicable spouses who are not Medicare eligible and receiving*  
 20 *medical and surgical benefits shall be responsible for payment of a premium contribution amount*  
 21 *based on a percentage of the total monthly premium attributable to the applicable retiree and/or*  
 22 *spouse, as determined by the commissioner of administrative services, with prior approval by the*  
 23 *fiscal committee of the general court, provided the percentage is not lower than [12-5] 20 percent.*

24 *II. Retired judges and/or spouses who are eligible for Medicare Parts A and B due*  
 25 *to age or disability shall be responsible for payment of the premium contribution amount*  
 26 *based on a percentage of the total monthly premium attributable to the applicable retiree*  
 27 *and/or spouse, as determined by the commissioner of administrative services, with prior*  
 28 *approval by the fiscal committee of the general court, provided the percentage is not lower*  
 29 *than 10 percent. Such premium contribution shall only be collected from eligible retired*  
 30 *judges and spouses with a date of birth on or after January 1, 1949.*

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

38 10 Department of Administrative Services; State Employees Group Insurance; Retiree Medical

1 Benefits.

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

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

13 11 New Paragraph; State Retiree Health Care Program; Prescriptions. Amend RSA 21-I:30 by  
14 inserting after paragraph XV the following new paragraph:

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

17 12 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any  
18 provision of law to the contrary, for the biennium ending June 30, 2019, the liquor commission shall  
19 reimburse the cost for any legal services provided by the department of justice to the commission  
20 that would not normally be included as part of the statewide cost allocation paid by the commission.

21 13 Judicial Appointments; Number Limited; Conversion Suspended.

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

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

27 14 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of  
28 law to the contrary, and subject to approval of the fiscal committee of the general court, for the  
29 biennium ending June 30, 2019, the supreme court is hereby authorized to transfer funds within  
30 and among all accounting units within the judicial branch as the supreme court deems necessary  
31 and appropriate to address budget reductions or to respond to changes in federal laws, regulations,  
32 or programs, and otherwise as necessary for the efficient management of the judicial branch. If the  
33 supreme court intends to transfer funds which would otherwise meet the transfer requirements as  
34 set forth in RSA 9:17-d, prior approval of the fiscal committee shall be required for transfers of  
35 \$75,000 or more.

36 15 References Changed; Resources and Economic Development to Natural and Cultural  
37 Resources or Business and Economic Affairs.

38 I. Amend the following RSA provisions by replacing "resources and economic development"

HB 517 - AS AMENDED BY THE SENATE

- Page 7 -

1 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,  
2 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;  
3 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-  
4 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  
5 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,  
6 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-  
7 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;  
8 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;  
9 214:14-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-  
10 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,  
11 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;  
12 227-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;  
13 265:102, 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,  
14 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-  
15 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-  
16 B:1-a; 485-G:2, I(d); and 489:6, I(a).

17 II. Amend the following RSA provisions by replacing "resources and economic development"  
18 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  
19 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,  
20 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-  
21 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-  
22 a, II; and 481:3, X-X-a.

23 16 Department of Natural and Cultural Resources; Establishment. Amend RSA 12-A:1 to read  
24 as follows:

25 12-A:1 Establishment. There shall be a department of *natural and cultural* resources [~~and~~  
26 ~~economic development~~] under the executive direction of a commissioner of *natural and cultural*  
27 resources [~~and economic development~~], consisting of a division of forests and lands, [~~a division of~~  
28 ~~economic development which shall include but not be limited to subdivisions of development and~~  
29 ~~promotion, a division of travel and tourism development, and~~] a division of parks and recreation, *a*  
30 *division of libraries, a division of arts, a division of film and digital media, and a division*  
31 *of historical resources, which shall also be known as the state historic preservation office.*  
32 [Its] *The department's* purpose shall be to ensure the efficient coordinated function of the [4] **6**  
33 divisions, whereby the interests of [~~economic development,~~] protection and responsible management  
34 of natural *and cultural* resources, public enjoyment of state parks and forests, [~~and promotion of~~  
35 ~~travel and tourism development~~] *the state library, arts, film and digital media, and historic*  
36 *resources* are each held to be of integral importance in the overall functioning of the department.  
37 *All functions of the former department of cultural resources are hereby transferred, as of*  
38 *July 1, 2017, to the department of natural and cultural resources.*

1 17 Department of Natural and Cultural Resources; General Provisions. Amend RSA 12-A:1-b  
2 to read as follows:

3 12-A:1-b General Provisions.

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

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

27 18 Department of Natural and Cultural Resources; Powers and Duties RSA 12-A:1-c is repealed  
28 and reenacted to read as follows:

29 12-A:1-c Powers and Duties of Department of Natural and Cultural Resources.

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

32 (a) Providing information services to state government.

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

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

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

38 (e) Sponsoring state historic preservation activities.

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

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

7 19 Department of Natural and Cultural Resources; Police Powers. Amend RSA 12-A:1-d to  
8 read as follows:

9 12-A:1-d Police Powers.

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

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

28 20 New Section; Department of Natural and Cultural Resources; Duties of Commissioner.  
29 Amend RSA 12-A by inserting after section 2-j the following new section:

30 12-A:2-k Duties of Commissioner. In addition to the powers, duties, and functions otherwise  
31 vested by law in the commissioner of the department of natural and cultural resources, the  
32 commissioner shall:

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

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



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

4           IV. Have authority, with regard to the administration of RSA 19-A, and with the approval  
5 of a majority of the members of the New Hampshire state council on the arts as established by RSA  
6 19-A:2, to:

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

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

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

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

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

22           21 Department of Natural and Cultural Resources; Directors of Divisions. Amend RSA 12-A:3  
23 to read as follows:

24           12-A:3 Directors of Divisions. The commissioner shall nominate for appointment by the  
25 governor and council a director of forests and lands, ~~[a director of economic development, a director~~  
26 ~~of travel and tourism development, and]~~ a director of parks and recreation, ***a director of libraries,***  
27 ***a director of arts, a director of film and digital media, and a director of historical***  
28 ***resources***, each of whom shall serve, subject to the provisions of RSA 4:1, for a term of 4 years from  
29 the date of appointment and until a successor is appointed and qualified. Any vacancy in such office  
30 shall be filled for the unexpired term in the same manner as the original appointment. Directors of  
31 divisions shall be responsible for the administration and operation of their respective divisions  
32 subject to the supervisory authority of the commissioner as set forth in RSA 12-A:2.

33           22 Department of Natural and Cultural Resources; Advisory Commission. Amend RSA 12-A:5,  
34 III to read as follows:

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

37           (a) ~~[Manufacturing]~~ ***Fine arts;***

38           (b) Agriculture;

- 1 (c) Recreation;
- 2 (d) Forestry;
- 3 (e) The general public;
- 4 (f) ~~[Commerce]~~ **History or historical resources**; and
- 5 (g) Public relations.

6 23 Director of Division of Forests and Lands. Amend RSA 12-A:9-a, I to read as follows:

7 I. ~~[The]~~ **There shall be a** director of ~~[the division of resources development in office on the~~  
8 ~~effective date of this section shall continue in office as director of]~~ the division of forests and lands  
9 subject to the provisions of this chapter. ~~[His]~~ **The director's** tenure and salary shall be as ~~[has~~  
10 ~~been established for the director of the division of resources development. All of the powers, duties~~  
11 ~~and functions heretofore performed by the director of the division of resources development~~  
12 ~~pursuant to any provisions of the statutes shall henceforth be performed by the director of the~~  
13 ~~division of forests and lands subject to the provisions of this chapter. Wherever reference is made to~~  
14 ~~the director of the division of resources development, it shall henceforth be construed to mean the~~  
15 ~~director, division of forests and lands, department of resources and economic development]~~  
16 **established in this chapter.**

17 24 Director of Parks and Recreation. Amend RSA 12-A:10 to read as follows:

18 12-A:10 Director of Parks **and Recreation** ~~[- Initial Appointment and Tenure]. [The director of~~  
19 ~~recreation in office on the effective date of this act shall continue in office as]~~ **There shall be a**  
20 director of the division of parks **and recreation** subject to the provisions of this ~~[act]~~ **chapter.**  
21 ~~[His]~~ **The director's** tenure and salary shall be as herein established for the director of the division  
22 of parks **and recreation**. All of the powers, duties, and functions ~~[heretofore]~~ **formerly** performed  
23 by the director of recreation pursuant to any provision of the statutes shall henceforth be performed  
24 by the director of parks **and recreation** subject to the provisions of this ~~[act]~~ **chapter**. Wherever  
25 reference is made to the director of recreation in any provision of the statutes it shall henceforth be  
26 construed to mean the director, division of parks **and recreation**, within the department of  
27 **natural and cultural** resources ~~[and economic development].~~

28 25 Division of Parks and Recreation. Amend RSA 12-A:10-a to read as follows:

29 12-A:10-a Division of Parks **and Recreation**; Transfer of Functions, Powers, Duties. All of the  
30 functions, powers, duties, personnel, records, and property of the **former** division of parks are  
31 hereby transferred to the division of parks and recreation of the department of **natural and**  
32 **cultural** resources ~~[and economic development]~~. Whenever reference is made to the division of  
33 parks in the statutes, it shall henceforth be construed to mean the division of parks and recreation.

34 26 Director of Parks and Recreation. Amend RSA 12-A:10-b to read as follows:

35 12-A:10-b Director of Parks and Recreation; Initial Appointment and Tenure. ~~[The director of~~  
36 ~~the division of parks in office on the effective date of this section shall continue in office as]~~ **There**  
37 **shall be a** director of the division of parks and recreation subject to the provisions of this chapter.  
38 ~~[His]~~ **The director's** tenure and salary shall be as has been established ~~[for the director of the~~

1 ~~division of parks]~~ ***in this chapter***. All of the powers, duties, and functions [~~heretofore~~] ***formerly***  
2 performed by the director of the division of parks pursuant to any provisions of the statutes shall  
3 henceforth be performed by the director of the division of parks and recreation subject to the  
4 provisions of this chapter. Wherever reference is made to the director of the division of parks, it  
5 shall henceforth be construed to mean the director, division of parks and recreation, department of  
6 ***natural and cultural*** resources [~~and economic development~~].

7 27 Reference Deleted. Amend RSA 12-A:10-e, VIII to read as follows:

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

12 28 New Sections; Department of Natural and Cultural Resources; Divisions. Amend RSA 12-A  
13 by inserting after section 10-f the following new sections:

14 12-A:10-g Division of Libraries; Transfer of Functions, Powers, Duties. The division of  
15 libraries, with all of its functions, powers, duties, personnel, records, and property, is hereby  
16 transferred from the department of cultural resources to the department of natural and cultural  
17 resources. Whenever reference is made to the division of libraries in the statutes, it shall  
18 henceforth be construed to mean the division of libraries in the department of natural and cultural  
19 resources.

20 12-A:10-h Division of Libraries; State Librarian. The division of libraries, which shall also be  
21 known as the state library, shall be under the supervision of an unclassified director of libraries,  
22 who shall also be known as the state librarian, and who shall be responsible for the following  
23 functions in accordance with applicable law:

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

26 II. Operating the New Hampshire automated information system as provided for by RSA  
27 201-A:22, I.

28 III. Promoting and coordinating a statewide library system.

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

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

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

33 12-A:10-i Division of Arts; Transfer of Functions, Powers, Duties. The division of arts, with all  
34 of its functions, powers, duties, personnel, records, and property, is hereby transferred from the  
35 department of cultural resources to the department of natural and cultural resources. Whenever  
36 reference is made to the division of arts in the statutes, it shall henceforth be construed to mean the  
37 division of arts in the department of natural and cultural resources.

38 12-A:10-j Division of Arts; Duties of Director. There is hereby established within the

1 department the division of the arts, under the supervision of an unclassified director of arts. The  
2 director of arts shall have either a masters degree in art administration and 3 years of experience in  
3 nonprofit arts administration or at least 5 years' experience administering a major arts organization  
4 or at least 5 years' experience in public administration of a major program within a local, state, or  
5 federal arts agency. The director of arts shall be responsible for administering the provisions of  
6 RSA 19-A, with the primary goal of supporting and promoting the arts in all of their manifestations.

7 12-A:10-k Division of Historical Resources; Transfer of Functions, Powers, Duties. The division  
8 of historical resources, with all of its functions, powers, duties, personnel, records, and property, is  
9 hereby transferred from the department of cultural resources to the department of natural and  
10 cultural resources. Whenever reference is made to the division of historical resources in the  
11 statutes, it shall henceforth be construed to mean the division of historical resources in the  
12 department of natural and cultural resources.

13 12-A:10-l Division of Historical Resources; Director. There is hereby established within the  
14 department the division of historical resources, which shall also be known as the state historic  
15 preservation office, under the supervision of an unclassified director of historical resources. The  
16 director of historical resources shall be responsible for administering the state historic preservation  
17 program in accordance with RSA 227-C.

18 12-A:10-m Division of Film and Digital Media Established. There is hereby established within  
19 the department the division of film and digital media, which shall also be known as the state film  
20 office, under the supervision of an unclassified director of film and digital media, with the primary  
21 goal of marketing and promotion of film, video, and digital media production for the purpose of  
22 strengthening the cultural, educational, and economic impact of media production in New  
23 Hampshire.

24 29 New Section; Commission on Native American Affairs. Amend RSA 12-A by inserting after  
25 section 14 the following new section:

26 12-A:14-a New Hampshire Commission on Native American Affairs Established.

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

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

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

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

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

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

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

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

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

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

17 VI. The commission shall:

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

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

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

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

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

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

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

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

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

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

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

21 30 New Section; Film and Television Commission. Amend RSA 12-A by inserting after section  
22 41-a the following new section:

23 12-A:41-b New Hampshire Film and Television Commission Established; Members; Duties.

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

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

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

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

32 II. The commission shall:

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

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

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

38 (d) Secure sites, as appropriate, within the state suitable for filming by the motion

1 picture industry, the television industry, independent film producers, and other filmmakers.

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

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

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

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

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

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

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

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

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

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

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

17 (i) A member of the house of representatives, appointed by the speaker of the house of  
18 representatives.

19 IV. Members appointed under subparagraph III(a) shall serve as voting members of the  
20 commission; all other members shall serve as nonvoting members of the commission. The term of  
21 office for members shall be 3 years and until a successor is appointed, except that members of the  
22 executive branch and legislature shall serve a term coterminous with their appointment or term in  
23 office. The initial members of the commission shall serve staggered terms. Vacancies shall be filled  
24 in the same manner and for the unexpired terms. The members of the commission shall serve  
25 without compensation, but shall be reimbursed for necessary travel and other necessary expenses.  
26 Legislative members shall receive mileage at the legislative rate when attending to the duties of the  
27 commission.

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

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

32 31 Reference Changed. Amend RSA 21-Q:1 to read as follows:

33 21-Q:1 State Promotional Initiatives. In consultation with the New Hampshire film and  
34 television commission, established in RSA [~~21-K:23~~] **12-A:41-b**, a state agency that contracts with  
35 the private sector for the use of film or video in an advertising, promotional, or educational program  
36 shall use New Hampshire talent whenever possible. In this section, "New Hampshire talent" means  
37 the people used both in front of and behind the camera associated with the film and television  
38 industry.

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

201-A:1 State Library. There shall be a state library as provided for in RSA ~~[21-K:5]~~ **12-A:10-h**.

The state library shall be the official clearinghouse of state government information.

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

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

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

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

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

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

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

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

(c) **Twenty percent** to the state conservation committee~~;~~]; and

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

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

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

(a) The preservation of significant publicly-owned historic properties. Such properties



1 shall be at least 50 years old and listed or eligible for listing in the National Register of Historic  
2 Places.

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

6 (1) Commemorative and historic sculptures and murals.

7 (2) Archaeological or historic artifacts.

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

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

11 ***(d) Support of the New Hampshire natural heritage bureau established in RSA***  
12 ***217-A, within the division of forests and lands. Funds may be used for:***

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

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

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

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

22 37 Conservation Number Plates; Report. Amend RSA 261:97-f, I to read as follows:

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

30 38 Repeal. The following are repealed:

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

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

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

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

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

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

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

**HB 517 - AS AMENDED BY THE SENATE**  
**- Page 19 -**

- 1 VIII RSA 12-A:7, relative to the planning and development commission.
- 2 IX. RSA 12-A:8, relative to the forestry and recreation commission.
- 3 X. RSA 12-A:8-a, relative to the division of resources development.
- 4 XI. RSA 12-A:13, relative to northern county area industrial agent.
- 5 XII. RSA 12-A:15-a, relative to the travel and tourism revolving fund.
- 6 XIII. RSA 12-A:22, relative to director of economic development.
- 7 XIV. RSA 12-A:22-a, relative to economic development advisory council.
- 8 XV. RSA 12-A:23, relative to New Hampshire tourism policy.
- 9 XVI. RSA 12-A:30, relative to the advisory committee on international trade.
- 10 XVII. RSA 12-A:31, relative to the international trade promotion fund.
- 11 XVIII. RSA 12-A:32, relative to the economic development matching grants program.
- 12 XIX. RSA 12-A:33, relative to reports on economic development program loans and grants.
- 13 XX. RSA 12-A:34, relative to requirement for review of reports.
- 14 XXI. RSA 12-A:35, relative to limitation on application.
- 15 XXII. RSA 12-A:36, relative to small business innovation research support.
- 16 XXIII. RSA 12-A:37, relative to recognition of federal grant recipients.
- 17 XXIV. RSA 12-A:38, relative to matching grants.
- 18 XXV. RSA 12-A:39, relative to seminars.
- 19 XXVI. RSA 12-A:40, relative to grant information.
- 20 XXVII. RSA 12-A:43, relative to duties of director of travel and tourism development.
- 21 XXVIII. RSA 12-A:43-a, relative to the travel and tourism development fund.
- 22 XXIX. RSA 12-A:43-b, relative to rest areas and welcome centers.
- 23 XXX. RSA 12-A:45, relative to telecommunications planning and development initiative.
- 24 XXXI. RSA 12-A:45-a, relative to telecommunications planning and development fund.
- 25 XXXII. RSA 12-A:46, relative to telecommunications planning and development advisory  
26 committee.
- 27 XXXIII. RSA 12-A:47, relative to statutory construction related to telecommunications.
- 28 XXXIV. RSA 12-A:48, relative to authority of director of travel and tourism development to  
29 acquire information.
- 30 XXXV. RSA 12-A: 49, relative to confidentiality.
- 31 XXXVI. RSA 12-A:51, relative to establishment of job training program for economic  
32 growth.
- 33 XXXVII. RSA 12-A:52, relative to the purpose of job training program for economic growth.
- 34 XXXVIII. RSA 12-A:53, relative to job training programs.
- 35 XXXIX. RSA 12-A:54, relative administration and review committee.
- 36 XL. RSA 12-A:55, relative to eligibility for training grants.
- 37 XLI. RSA 12-A:56, relative to eligible costs.
- 38 XLII. RSA 12-A:57, relative to training facilities.

- 1 XLIII. RSA 12-A:58, relative to performance reports.  
2 XLIV. RSA 12-A:59, relative to technology development and communications planning.  
3 XLV. RSA 12-A:59-a, relative to director of broadband technology planning and  
4 development.  
5 XLVI. RSA 12-A:60, relative to New Hampshire workforce opportunity council.  
6 XLVII. RSA 12-A:61, relative to New Hampshire workforce opportunity fund.  
7 XLVIII. RSA 12-A:62, relative to economic development strategy and plan.  
8 XLIX. RSA 12-A:63, relative to definitions.  
9 L. RSA 12-A:64, relative to goals and objectives.  
10 LI. RSA 12-A:65, relative to content of the economic development strategy and plan.  
11 LII. RSA 12-A:66, relative to annual report.  
12 LIII. RSA12-A:67, relative to division of economic development fund.  
13 LIV. RSA 21-K, relative to the department of cultural resources.  
14 LV. RSA 261:97-c, IV, relative to conservation number plate funds.  
15 LVI. RSA 261:97-d, I(d), relative to the conservation number plate advisory committee.  
16 LVII. RSA 4-F:1, II(a)(11), relative to GIS committee members.

17 39 References Changed; Cultural Resources to Natural and Cultural Resources. Amend the  
18 following RSA provisions by replacing "cultural resources" with "natural and cultural resources":  
19 4:8-a, I; 4:9-c, I(i); 4-F:1, II(a)(4); 6:12-j, V(d)(1); 12-A:10-e, VIII; 17-R:1, II(n); 19-A:5, IV; 19-A:8, II;  
20 19-A:10, IV; 79-D:14, II; 79-G:3, IV(b); 94:1-a, I(b) grades DD and GG; 201-A:22, I; 201-A:23, II; 201-  
21 B:3; 201-D:1, IV; the introductory paragraph of 201-E:7; 202-A:12; 202-A:18; 202-A:19; 216-A:3-c, V;  
22 227-C:1; the introductory paragraph of 227-C:5; 227-C:12-a, II(g); 227-C:28, II; 227-C:29, I(a); 227-  
23 C:31; 227-C:33, I; 261:97-d, I(a); and 634:1, V(d).

24 40 Transition; Commission on Native American Affairs; Film and Television Commission. The  
25 New Hampshire commission on Native American affairs and the New Hampshire film and  
26 television commission established in RSA 12-A:14-a and RSA 12-A:41-a shall operate as  
27 continuations of the commissions established under former RSA 21-K. Appointments and terms of  
28 office of members under RSA 21-K shall continue for the remainder of the terms upon constitution  
29 of the commissions under RSA 12-A.

30 41 New Chapter; Department of Business and Economic Affairs. Amend RSA by inserting after  
31 chapter 12-N the following new chapter:

32 CHAPTER 12-O

33 DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS

34 12-O:1 Definitions. In this chapter:

35 I. "Commissioner" means the commissioner of the department of business and economic  
36 affairs.

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

38 12-O:2 Establishment; Purpose.

1           I. There shall be a department of business and economic affairs under the executive  
2 direction of a commissioner of business and economic affairs, consisting of a division of economic  
3 development which shall include but not be limited to a bureau of workforce development, and a  
4 division of travel and tourism development which shall include but not be limited to a bureau of  
5 visitor service. The commissioner is authorized to establish or eliminate additional bureaus within  
6 either division. The department's purpose shall be to ensure the efficient coordinated function of  
7 the department, economic development policies of the state of New Hampshire and the collaborative  
8 participation of all related state departments, agencies, and authorities.

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

13           12-O:3 General Provisions.

14           I. Upon the recommendation of the commissioner the governor and council are authorized  
15 to approve revisions in internal administrative departmental organization as the governor and  
16 council find from time to time may improve or make more economical the administration of the  
17 department.

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

22           12-O:4 Powers and Duties of Department. In addition to any other powers and duties set forth  
23 in this chapter or as otherwise provided by statute, the department of business and economic affairs  
24 shall have the power and duty to plan and conduct a program of information and publicity to attract  
25 tourists, visitors, industrial concerns, and other interested persons from outside the state to the  
26 state of New Hampshire, and to encourage, coordinate, and participate in the efforts of other public  
27 and private organizations or groups of citizens in order to publicize the facilities, industrial  
28 advantages, and other attractions of the state for the same purposes. The commissioner shall  
29 assign such duties and functions as in her or his discretion will best effectuate the purposes,  
30 powers, and duties set forth in this section and as otherwise provided by statute. The department is  
31 authorized to set its logo and to establish and maintain any websites.

32           12-O:5 Commissioner of Business and Economic Affairs. There shall be a commissioner of  
33 business and economic affairs who shall be appointed by the governor and council and shall serve  
34 until removed by the governor. It shall be the responsibility of the commissioner to organize and  
35 direct the work of the department, subject to the direct supervisory authority of the governor. The  
36 commissioner shall appoint one member of his or her staff who shall act in the commissioner's stead  
37 when said commissioner is absent from the state and at such other times as directed by the  
38 commissioner. When acting for the commissioner said person shall have all the power, duties, and

1 authority of the commissioner. Directors of departmental divisions shall be subject to the  
2 supervisory authority of the commissioner, which authority shall include power to establish  
3 department and divisional policy as well as to control the actual operations of the department and  
4 all divisions therein. The commissioner is authorized to establish any advisory commissions and  
5 programs which the commissioner may deem necessary to carry out the mission and operations of  
6 the department.

7 12-O:6 Reports and Publications. The commissioner of business and economic affairs is  
8 authorized to prepare, publish, and distribute reports, charts, surveys, or other documents  
9 consistent with the responsibilities of the department. The commissioner may charge reasonable  
10 fees for such documents. Fees for documents distributed by the department shall be adopted as  
11 rules under RSA 541-A.

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

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

- 15 (a) The executive director of the business finance authority.  
16 (b) The chancellor of the community college system.  
17 (c) The Executive director of the community development finance authority.  
18 (d) The executive director of the New Hampshire housing finance authority.

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

20 III. The commissioner of the department of business and economic affairs shall chair the  
21 council.

22 12-O:8 Council of Partner Agencies; Duties. The council established in RSA 12-O:7 shall  
23 consult with and advise the commissioner of business and economic affairs with respect to the  
24 policy, programs, and operations of the department upon a continuing basis and for said purposes  
25 shall meet with the commissioner not less frequently than quarterly. Each agency represented on  
26 the council shall make reasonable efforts to coordinate its economic development activities with  
27 those of the department, provided that nothing in this section shall be construed to deprive  
28 represented agencies of their authority to operate autonomously. The council shall submit to the  
29 governor and council biennially a written report of the activities of the department covering the  
30 previous 2 calendar years, which report shall be a public document. A nonpublic session of the  
31 council may be called at any time for any of the reasons specified in RSA 91-A:3, II upon majority  
32 vote and shall consist solely of the members thereof.

33 12-O:9 Directors of Divisions. The commissioner shall nominate for appointment by the  
34 governor and council a director of economic development and a director of travel and tourism  
35 development, each of whom shall serve, subject to the provisions of RSA 4:1, for a term of 4 years  
36 from the date of appointment and until a successor is appointed and qualified. The directors of the  
37 divisions of economic development and travel and tourism development who are in office on the  
38 effective date of the transfer of those divisions to the department of business and economic affairs

1 shall serve for the remainder their terms, at which time they may be reappointed in accordance  
2 with the provisions of this chapter. Any vacancy in such office shall be filled for the unexpired term  
3 in the same manner as the original appointment. Directors of divisions shall be responsible for the  
4 administration and operation of their respective divisions subject to the supervisory authority of the  
5 commissioner as set forth in RSA 12-O:5.

6 12-O:10 Salaries. The annual salaries of the commissioner of business and economic affairs,  
7 and of the directors of the divisions, shall be as provided in RSA 94.

8 12-O:11 Division of Travel and Tourism Development; Transfer of Functions, Powers, and  
9 Duties. All of the functions, powers, duties, personnel, records, and property of the division of  
10 travel and tourism development of the former department of resources and economic development  
11 are hereby transferred to the division of travel and tourism development of the department of  
12 business and economic affairs. Whenever reference is made to the division of travel and tourism  
13 development in the statutes, it shall henceforth be construed to mean the division of travel and  
14 tourism development of the department of business and economic affairs.

15 12-O:12 Division of Economic Development; Transfer of Functions, Powers, and Duties. All of  
16 the functions, powers, duties, personnel, records, and property of the division of economic  
17 development are hereby transferred from the former department of resources and economic  
18 development to the division of economic development of the department of business and economic  
19 affairs. Whenever reference is made to the division of economic development in the statutes, it shall  
20 henceforth be construed to mean the division of economic development of the department of  
21 business and economic affairs.

22 12-O:13 Travel and Tourism Revolving Fund; Transfer; Functions.

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

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

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

35 12-O:14 New Hampshire Tourism Policy. It is the intent of the general court that all agencies  
36 and departments of state government and, specifically, the director of travel and tourism  
37 development, under the supervision of the commissioner of business and economic affairs, shall  
38 implement their statutory responsibilities in a manner consistent with promoting and encouraging

1 the orderly growth and development of tourism within the state. This policy shall include efforts to:

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

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

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

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

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

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

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

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

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

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

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

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

28 12-O:15 Director of Travel and Tourism Development; Duties. The director of travel and  
29 tourism development, under the supervision of the commissioner of business and economic affairs  
30 and consistent with the New Hampshire tourism policy under RSA 12-O:14, shall:

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

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

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

38 IV. Encourage partnerships among the tourism industry, business and industry, and state

1 and local officials to expand the state's travel promotion strategy.

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

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

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

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

10 12-O:16 Travel and Tourism Development Fund.

11 I. There is hereby established in the office of the state treasurer a fund to be known as the  
12 travel and tourism development fund. Any appropriations received shall be deposited in the fund.  
13 Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting  
14 and developing appropriate travel and tourism initiatives through the division of travel and tourism  
15 development and shall not be used for any other purpose. The director of travel and tourism  
16 development shall oversee expenditures from the fund. The moneys in the fund shall be nonlapsing  
17 and shall be continually appropriated to the department of business and economic affairs.

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

24 12-O:17 Joint Promotional Program. A joint promotional advertising program is hereby  
25 established to carry out the duties of the department of business and economic affairs as set forth in  
26 RSA 12-O:4 to publicize the advantages of the state of New Hampshire for tourism and to encourage  
27 continuous partnership with private industry in this promotion in order to maintain a viable and  
28 strong economic base in the state.

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

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

38 III. Grant awards shall require 50 percent matching funds from private sources. Grants



1 shall not be used for the administrative salaries or overhead expenses of any applicant selected for a  
2 grant.

3 IV. Grant applications shall be reviewed by appropriate staff which shall recommend  
4 approval or disapproval of applications to the commissioner of business and economic affairs. A  
5 recommendation for disapproval by the commissioner shall be in writing with the reasons for  
6 disapproval stated.

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

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

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

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

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

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

20 (e) Procedures for the administration of grants by recipients including reporting  
21 requirements.

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

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

26 (b) Has a demonstrated need for promotion;

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

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

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

32 12-O:18 Rest Areas and Welcome Centers.

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

38 II. Notwithstanding paragraph I, the department of transportation and the liquor

1 commission may undertake and/or participate in the development of the welcome centers in  
2 Hooksett on the northbound and southbound lanes of Interstate Route 93 as authorized by the  
3 legislature.

4 12-O:19 Package Plan Program; Recreational Facilities.

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

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

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

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

31 12-O:20 Director of Economic Development; Duties. The director of economic development,  
32 under the supervision of the commissioner of business and economic affairs shall:

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

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

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

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

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

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

7           VII. Establish a small business innovation research support program pursuant to RSA 12-  
8 O:45 through 12-O:49.

9           VIII. Plan, develop, and administer programs to assist in the implementation of the  
10 Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended,  
11 reauthorized, and in effect from time to time, implement the state plan established by the governor  
12 and the Workforce Opportunity Council, and perform the following additional functions:

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

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

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

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

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

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

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

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

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

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

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

1 IX. Perform any other duties and functions as assigned by the commissioner.

2 12-O:21 New Hampshire Economic Development Fund.

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

8 II. Said fund shall be distributed or expended by the commissioner with the approval of the  
9 governor and council for any of the following purposes:

10 (a) Business financing and expansion initiatives.

11 (b) Job retention and creation.

12 (c) International trade.

13 (d) Research and development activities.

14 (e) Other projects or programs recognized as being beneficial to business activity in New  
15 Hampshire.

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

19 (a) New Hampshire Business Development Corporation.

20 (b) Small Business Investment Corporation.

21 (c) Innovation Research Center.

22 (d) Small Business Development Center.

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

28 12-O:22 New Hampshire Canadian Trade Council. The commissioner of business and economic  
29 affairs and the secretary of state shall have the authority to establish a New Hampshire trade  
30 council to meet with one or more trade councils established by the Canadian provinces, either  
31 separately or collectively. The members of the council shall include 2 senators appointed by the  
32 president of the senate, 2 house members appointed by the speaker of the house of representatives,  
33 the commissioner or designee, the secretary of state or designee, and such other members as the  
34 commissioner and secretary of state may appoint.

35 12-O:23 Northern County Area Industrial Agent. A special position shall be provided, in the  
36 division of economic development of the department of business and economic affairs, to be known  
37 as area industrial agent for the counties of Coos, Grafton, and Carroll. The commissioner shall,  
38 subject to the personnel laws of the state, employ such area industrial agent for said counties, who

1 shall be fully qualified by specific training and experience and who shall work under the  
2 supervision of the director. She or he shall maintain a residence in one of said 3 counties and her or  
3 his duties shall be primarily concerned with, but not limited to, assisting the political subdivisions  
4 of the state, regional development organizations or groups, and individuals to maintain and expand  
5 existing industries and to encourage, assist, and aid new industries to establish operations in said  
6 Coos, Grafton and Carroll counties, and the agent's efforts shall be directed to the economic  
7 development of said 3 counties.

8 Economic Development Strategy and Plan

9 12-O:24 Economic Development Strategy and Plan. The division of economic development,  
10 with input and assistance from the council of partner agencies established under RSA 12-O:7 and  
11 other public and private organizations with whom it chooses to work, shall develop a rolling 10-year  
12 economic development strategy and operating plan.

13 12-O:25 Definitions. In this subdivision:

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

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

24 12-O:26 Goals and Objectives. The plan shall identify both goals and objectives for the 10-year  
25 period and shall track measurable results so as to be able to assess the plan. Goals and objectives  
26 may be added, amended, or deleted as both existing and emerging economic conditions and  
27 opportunities warrant. The plan shall also benchmark key economic indicators.

28 12-O:27 Content of the Economic Development Strategy and Plan. The following, as a  
29 minimum, shall be considered in constructing the economic development strategy and plan:

30 I. Consideration of the entire state.

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

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

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

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

7           VI. Identification of how economic development ideas, advice, and information from  
8 relevant entities throughout the state will be solicited to strengthen strategies and plans; and how  
9 potential partners for the implementation of the strategies and plans, including, without limitation,  
10 the United States government, local governments, regional planning commissions, regional  
11 economic development corporations, chambers of commerce, business associations, investors, and  
12 other relevant entities will be integrated and engaged. Other states should also be studied to build  
13 an understanding of best practices that may be emulated.

14           VII. Innovative programs to position and market the state to aid business recruitment and  
15 retention.

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

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

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

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

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

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

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

34           12-O:28 Annual Report. The division of economic development shall complete the initial  
35 economic development strategy and plan by December 31, 2018, and submit the plan to the  
36 governor, senate president, senate majority leader, senate minority leader, speaker of the house of  
37 representatives, house majority leader, and house minority leader. On or before December 31 of  
38 each year, thereafter the division shall similarly provide results and validation from the previous

1 fiscal year and a comprehensive update of the plan so that each annual report shall extend the time  
2 frame of the plan by one year, thereby ensuring that a 2-year plan is always in effect.

3 Division of Economic Development Fund

4 12-O:29 Division of Economic Development Fund. There is hereby established in the office of  
5 the state treasurer a fund to be known as the division of economic development fund. The  
6 commissioner of business and economic affairs is authorized to accept public sector and private  
7 sector grants, gifts, or donations of any kind for the purpose of funding initiatives associated with  
8 the activities set forth in RSA 12-O:20. Such grants, gifts, and donations shall be deposited in the  
9 division of economic development fund and may only be expended by the commissioner of business  
10 and economic affairs to accomplish the purposes of this section. Other than acknowledgment for  
11 promotional purposes, donations shall not be used as fees for services in a manner that primarily  
12 benefits the party providing the funds. The state treasurer may invest moneys in the fund as  
13 provided by law, with interest received on such investment credited to the fund. The moneys in this  
14 fund shall be nonlapsing and shall be continually appropriated to the department of business and  
15 economic affairs.

16 Job Training Program for Economic Growth

17 12-O:30 Program Transferred. The job training program for economic growth established in  
18 the former department of resources and economic development is hereby transferred to the  
19 department of business and economic affairs, subject to the provisions of this chapter. The program  
20 is designed to attract new business, assist in the expansion of business, and retain existing business  
21 in the state of New Hampshire.

22 12-O:31 Purpose. The purpose of this program is to:

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

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

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

30 12-O:32 Training Programs. Training programs may include, but shall not be limited to:

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

32 II. Basic skills.

33 III. Technical skills.

34 IV. Quality improvement.

35 V. Safety.

36 VI. Management and supervision.

37 VII. English as a second language.

38 12-O:33 Administration; Review Committee.

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

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

5 12-O:34 Eligibility for Training Grants.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 12-O:35 Eligible Costs.

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

37 II. The following costs are not eligible:

38 (a) Costs resulting from violations of or failure to comply with federal, state, or local



1 laws and regulations.

2 (b) Entertainment costs.

3 (c) Administrative costs.

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

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

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

10 12-O:36 Training Facilities.

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

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

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

17 12-O:37 Performance; Report.

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

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

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

27 International Trade Promotion

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

36 12-O:39 International Trade Promotion Fund. There is hereby established in the office of the  
37 state treasurer a fund to be known as the international trade promotion fund. The commissioner of  
38 business and economic affairs is authorized to accept public sector and private sector grants, gifts,

1 or donations of any kind for the purpose of funding programs associated with the promotion of  
2 international trade. Such grants, gifts, and donations shall be deposited in the international trade  
3 promotion fund and may be expended by the commissioner of business and economic affairs to  
4 accomplish the purposes of RSA 12-O:38. The moneys in this fund shall be nonlapsing and shall be  
5 continually appropriated to the department of business and economic affairs.

6 Economic Development Matching Grants Program

7 12-O:40 Economic Development Matching Grants Program; Transfer. The economic  
8 development matching grants program originally established in the former department of resources  
9 and economic development is hereby transferred to the department of business and economic  
10 affairs, subject to the provisions of this chapter.

11 12-O:41 Economic Development Matching Grants Program. An economic development  
12 matching grants program is established to assist municipalities and counties in promoting  
13 themselves to prospective businesses. For the purposes of this subdivision, "program" means the  
14 economic development matching grants program.

15 I. The department of business and economic affairs shall administer an economic  
16 development matching grants program. The funds appropriated for this program shall be expended  
17 for grants for programs entered into by municipalities, counties, and organizations which are  
18 designed to promote the location of new businesses in the state of New Hampshire or to encourage  
19 workforce recruitment efforts.

20 II. Funds appropriated to the program shall only be made available to municipalities,  
21 counties, and with the approval of the commissioner of the department of business and economic  
22 affairs.

23 III. Grant awards shall require 50 percent matching funds from other sources. Grants  
24 shall not be used for the administrative salaries or overhead expenses of any applicant selected for a  
25 grant. Grants may be used for workforce recruitment efforts and related travel costs.

26 IV. Grant applications shall be reviewed by the commissioner. A recommendation for  
27 disapproval by the commissioner shall be in writing with the reasons for disapproval stated.

28 V. Funds appropriated for the program for the first fiscal year of any biennium shall not  
29 lapse and shall be available for expenditure during the second fiscal year of the biennium. All funds  
30 which have not been expended by the end of the second fiscal year of a biennium shall lapse to the  
31 general fund.

32 VI. The commissioner shall adopt rules under RSA 541-A after public hearing governing  
33 the program. These rules shall include:

34 (a) A description of the program, stating the general course and method of its  
35 operations and the methods by which the proposed grantee may obtain proposed grantee  
36 information or make submissions or requests.

37 (b) The procedures and criteria used to certify municipalities, counties, and  
38 organizations eligible for matching grants.

1 (c) The application process, including the information required of applicants.

2 (d) The procedures and criteria used to evaluate grant applications.

3 (e) Procedures for the administration of grants by recipients including reporting  
4 requirements.

5 Reports on Economic Development Loans and Grants

6 12-O:42 Reports on Economic Development Program Loans and Grants.

7 I. The department shall include, as part of its annual report or as a separate report  
8 published and made available to the public annually on or before September 1, beginning  
9 September 1, 2018, the following information regarding each economic development program for  
10 which state grants and loans have been awarded:

11 (a) Information regarding the number of jobs to be created or saved as a result of the  
12 award, and the related wages and benefits levels.

13 (b) The growth potential of the program.

14 (c) The environmental impact of the program.

15 (d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives  
16 awarded.

17 II. The annual report shall also include information regarding the criteria for the awarding  
18 of economic development assistance and the means by which the department tracks the progress  
19 which each awardee makes in meeting the job, wage, and benefit projections included in its  
20 application for assistance.

21 12-O:43 Review of Reports Required. For the purpose of ensuring comparability of impact  
22 reports on economic development programs issued under RSA 12-O:42, and RSA 162-A:23-a, the  
23 department of business and economic affairs, in consultation with the legislative budget assistant,  
24 shall periodically review such reports at least once every 5 years and make recommendations to be  
25 utilized by the agencies making such reports for an improved and consistent methodology for  
26 assessing the quantity and quality of jobs created and saved and the growth potential and  
27 environmental impacts of such programs. This section shall not apply to promotional literature.

28 12-O:44 Limitation. This subdivision shall not apply to state loans or state loan guarantees of  
29 less than \$250,000, or to state grants of less than \$50,000.

30 Small Business Innovation Research Support

31 12-O:45 Small Business Innovation Research Support. The director of economic development,  
32 under the supervision of the commissioner of business and economic affairs and pursuant to the  
33 director's duties under RSA 12-O:20, shall establish a small business innovation research support  
34 program.

35 12-O:46 Recognition of Federal Grant Recipients. The director may issue a suitable plaque to  
36 New Hampshire residents that receive federal small business innovation research grants  
37 recognizing their achievement. The director shall also recommend that the governor issue a letter  
38 of commendation to all such recipients.

1 12-O:47 Matching Grants. The director may authorize that first-time federal grant recipients  
2 recognized under RSA 12-O:46 receive a grant from the New Hampshire economic development  
3 fund in RSA 12-O:22 of up to \$50,000 to match the federal support received.

4 12-O:48 Seminars. The director may organize an annual seminar to promote and explain the  
5 small business innovation research program to members of the public. Participants in the seminar  
6 shall include previous grant recipients and representatives of relevant state agencies as determined  
7 by the director.

8 12-O:49 Grant Information. The director shall compile information relative to applying for  
9 federal small business innovation research grants, including the names of appropriate federal  
10 officials. The director shall make the information available on an Internet site created for such  
11 purpose.

12 New Hampshire Workforce Development

13 12-O:50 Workforce Development. The commissioner of business and economic affairs shall  
14 work with the workforce development director to plan, develop, and administer workforce  
15 investment activities, programs, and grants under the federal Workforce Investment Act of 1998, 29  
16 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time,  
17 and shall discharge the day-to-day operational responsibilities and obligations of the New  
18 Hampshire Workforce Opportunity Council established under RSA 12-A:52. The commissioner  
19 shall coordinate with the New Hampshire Workforce Opportunity Council to promote state and  
20 local investment systems that increase the employment, retention, and earnings of participants, and  
21 increase occupational skill attainment by participants, and, as a result, improve the quality of the  
22 workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the  
23 nation.

24 12-O:51 Workforce Development Director. There is established within the bureau of workforce  
25 development the position of workforce development coordinator, which shall be an administrator II  
26 position, classified at labor grade 29. The workforce development director shall lead the workforce  
27 development bureau. The workforce development director shall perform all duties which the  
28 commissioner may assign.

29 12-O:52 New Hampshire Workforce Opportunity Council.

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

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

38 III. The council shall meet no less frequently than semi-annually, shall have the powers

1 and responsibilities of the state workforce investment board under the Workforce Investment Act of  
2 1998, and shall assist the governor in:

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

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

8 (1) Development of linkages in order to assure coordination and non-duplication  
9 among the programs and activities described in section 121(b) of the Workforce Investment Act of  
10 1998; and

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

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

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

16 (e) Development of the allocation formulas for the distribution of funds for adult  
17 employment and training activities and youth activities to local areas as permitted under sections  
18 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

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

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

25 (h) Development of the statewide employment statistics system described in section  
26 15(e) of the Wagner-Peyser Act.

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

28 12-O:53 New Hampshire Workforce Opportunity Fund.

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

34 II. The fund shall be distributed or expended by the commissioner after consultation with  
35 the New Hampshire Workforce Opportunity Council established in RSA 12-O:52 and the approval of  
36 the governor and council for any of the following purposes:

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

38 (b) Workforce Investment Act Youth programs.

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

2 (d) Workforce Investment Act Disability programs.

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

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

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

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

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

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

34 42 Member Added; Reference Corrected; Scenic and Cultural Byways Council. Amend RSA  
35 238:20, I(e) to read as follows:

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

38 43 Gifts for Historic Sites. Amend RSA 4:8-a to read as follows:

**HB 517 - AS AMENDED BY THE SENATE**  
**- Page 40 -**

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           44 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           45 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           46 Community Heritage Investment Program; Membership. Amend RSA 227-M:4, II(e) and (f)  
38 to read as follows:

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

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

6 47 Continuity of Subcommittees of the Site Evaluation Committee.

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

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

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

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

26 48 Salaries of Unclassified Officers. Amend the positions in the following salary grades in RSA  
27 94:1-a, I(b) as follows:

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

30 (a) in DD, mountain manager

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

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

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

35 (a) in GG, director of economic development

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

37 III. Delete:

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



1 (b) HH Department of cultural resources commissioner

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

3 49 Commissioner Salaries. The commissioner of the department of natural and cultural  
4 resources and the commissioner of the department of business and economic affairs, as established  
5 in this act, shall receive the salaries as specified in RSA 94:1-a. The salaries for the commissioners  
6 shall be determined after assessment and review of the appropriate temporary letter grade  
7 allocation for the position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to  
8 RSA 94:1-d and RSA 14:14-c.

9 50 Rulemaking. Transfer of Rules. Existing rules of the department of resources and economic  
10 development shall continue in effect and be enforced by the commissioner of the department of  
11 natural and cultural resources or the commissioner of the department of business and economic  
12 affairs, as applicable, until they expire or are repealed or amended in accordance with applicable  
13 law.

14 51 Reference Amended; Travel and Tourism Moneys. Amend RSA 6:12, I(b)(21) to read as  
15 follows:

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

19 52 Fund Amended; Travel and Tourism. Amend RSA 6:12, I(b)(75) to read as follows:

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

22 53 Fund Amended; International Trade Promotion. Amend RSA 6:12, I(b)(106) to read as  
23 follows:

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

26 54 Fund Amended; Economic Development Fund. Amend RSA 6:12, I(b)(109) to read as  
27 follows:

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

30 55 Fund Amended; Travel and Tourism Revolving Fund. Amend RSA 6:12, I(b)(111) to read as  
31 follows:

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

34 56 Fund Amended; Workforce Opportunity Fund. Amend RSA 6:12, I(b)(283) to read as  
35 follows:

36 (283) Moneys deposited into the New Hampshire workforce opportunity fund  
37 established in RSA [~~12-A:61~~] ***12-O:53***.

38 57 Fund Amended; Division of Economic Development Fund. Amend RSA 6:12, I(b)(325) to

1 read as follows:

2 (325) Moneys deposited in the division of economic development fund under RSA  
3 [~~12-A:67~~] **12-O:29**.

4 58 Dedicated Fund Review. Amend RSA 6:12-j, V(a)(4) to read as follows:

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

7 59 Comprehensive State Development Plan. Amend RSA 9-A:1, III(b)(6) to read as follows:

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

13 60 Tourism Policy. Amend RSA 162-C:2, VI to read as follows:

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

16 61 Unemployment Compensation; Training Fund. Amend RSA 282-A:138-a, I and II to read as  
17 follows:

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

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

29 62 Energy Facilities; Site Evaluation Committee; Membership. Amend RSA 162-H:3, I(c)  
30 through (e) to read as follows:

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

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

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

36 63 Chapter Heading; Office of Energy and Planning Renamed Office of Strategic Initiatives.  
37 Amend the chapter heading of RSA 4-C to read as follows:

38 CHAPTER 4-C

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

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

I. There is established the office of ~~[energy and planning]~~ **strategic initiatives** within the office of the governor. The office of ~~[energy and planning]~~ **strategic initiatives** shall be under the supervision and direction of the governor or the governor's designee. The governor's designee shall be known as the director of the office of ~~[energy and planning]~~ **strategic initiatives**. ***The office of strategic initiatives shall include the division of energy, division of planning, and any other divisions which the governor or director may elect to establish.***

65 Name Change. Amend the following RSAs by replacing "office of energy and planning" 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-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-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; 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-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; 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; 673:3-a; 674:3; 675:9.

66 Repeal. The following are repealed:

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

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

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

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

68 New Chapter; Public School Infrastructure Revitalization Trust Fund. Amend RSA by inserting after chapter 6-D the following new chapter:

CHAPTER 6-E

PUBLIC SCHOOL INFRASTRUCTURE REVITALIZATION TRUST FUND

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

1 6-E:2 Definitions. In this chapter:

2 I. "Commission" means the public school infrastructure revitalization commission  
3 established in RSA 6-E:5.

4 II. "Trust fund" means the public school infrastructure revitalization trust fund established  
5 in RSA 6-E:3.

6 6-E:3 Public School Infrastructure Revitalization Trust Fund Established. There is hereby  
7 established in the office of the state treasurer the public school infrastructure revitalization trust  
8 fund which shall be kept distinct and separate from all other funds. After transferring sufficient  
9 funds to the revenue stabilization reserve account to bring the balance of that account to  
10 \$100,000,000, the state treasurer shall transfer the remainder of the general fund surplus for fiscal  
11 year 2017, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the trust  
12 fund. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund in  
13 accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund. All  
14 moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the state  
15 treasurer. The state treasurer shall disburse funds from the trust fund solely for the purposes and  
16 in the manner set forth in this chapter.

17 6-E:4 Trust Fund Expenditures. The governor may authorize the treasurer to expend trust  
18 funds with approval of the fiscal committee of the general court and the executive council. In  
19 developing proposals for trust fund expenditures, the governor shall consult with the commission  
20 established in RSA 6-E:5. Trust funds may be expended for the following purposes:

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

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

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

31 III. Support of fiber optic connections for schools to enhance and improve reliance on  
32 Internet technology tools, provided matching funds are available.

33 IV. Other school building or infrastructure needs the governor and commission may  
34 identify, except for school building aid projects that are otherwise prohibited by law.

35 6-E:5 Public School Infrastructure Revitalization Commission Established.

36 I. There is hereby established the public school infrastructure revitalization commission,  
37 which shall advise the governor on proposals for expenditures from the trust fund. The commission  
38 shall consist of the following members:

1 (a) Two members of the house of representatives, appointed by the speaker of the house  
2 of representatives.

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

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

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

7 (e) One municipal official, appointed by the governor.

8 (f) Three public members, appointed by the governor.

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

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

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

20 V. The commission shall annually review the work and projects funded by the trust fund  
21 during the previous year.

22 69 Revenue Stabilization Reserve Account; Reference Added. Amend RSA 9:13-e, II to read as  
23 follows:

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

33 70 New Subparagraph; Application of Receipts; Public School Infrastructure Revitalization  
34 Trust Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new  
35 subparagraph:

36 (334) Moneys deposited in the public school infrastructure revitalization trust fund  
37 established in RSA 6-E:3.

38 71 School Building Aid; Alternative School Building Aid.

1 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA  
2 198:15-w, the commissioner of the department of education shall issue no school building aid or  
3 alternative school building aid for any project approved on or after June 30, 2017 through June 30,  
4 2019.

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

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

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

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

17 72 All Agencies; Administrative Services. Unless restricted by law or administrative rule, upon  
18 request of an intended recipient, an agency may provide documents by electronic mailing in lieu of  
19 mail.

20 73 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

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

27 74 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June  
28 30, 2018 and June 30, 2019, the state treasurer shall fund the distribution of revenue to cities and  
29 towns pursuant to the formula for determining the amount of revenue returnable to cities and  
30 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2017 distribution.

31 75 Department of Health and Human Services; Program Eligibility; Additional Revenues. For  
32 the biennium ending June 30, 2019, the department of health and human services shall not  
33 authorize, without prior consultation with the house health, human services and elderly affairs  
34 committee and the senate health and human services committee and the approval of the fiscal  
35 committee of the general court and governor and council, any change to program eligibility  
36 standards or benefit levels that might be expected to increase or decrease enrollment in the  
37 program or increase expenditures from any source of funds; provided, however, that no such prior  
38 approval shall be required if a change to a federal program in which the state is participating as of

1 the effective date of this section is required by federal law.

2 76 Department of Health and Human Services; Suspension of Home Health Services Rate  
3 Setting. Notwithstanding any provision of law to the contrary, RSA 126-A:18-a relative to rate  
4 settings for home health services shall be suspended for the biennium ending June 30, 2019.  
5 Payments for home health services shall be limited to appropriations for home health services as  
6 may be restricted or reduced by action of the fiscal committee of the general court or by legislative  
7 action.

8 77 Department of Health and Human Services; Bureau of Adult and Elderly Services;  
9 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver  
10 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the  
11 fiscal year ending June 30, 2018. During the fiscal year ending June 30, 2018, the department of  
12 health and human services shall prepare and take measures necessary for the resumption of  
13 congregate housing services in the fiscal year ending June 30, 2019.

14 78 Department of Health and Human Services; Suspension of Direct Graduate Medical  
15 Education. The commissioner of the department of health and human services shall submit a Title  
16 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
17 suspend the provision of direct graduate medical education payments to hospitals as provided in 42  
18 U.S.C. section 1396a(a)(30)(A) effective July 1, 2017. Upon approval of the state plan amendment,  
19 and as of the effective date of the state plan amendment, any obligations for payment of direct  
20 graduate medical education shall be suspended for the biennium ending June 30, 2019.

21 79 Department of Health and Human Services; Suspension of Indirect 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 indirect graduate medical education payments to hospitals effective July 1,  
25 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan  
26 amendment, any obligations for payment of indirect graduate medical education shall be suspended  
27 for the biennium ending June 30, 2019.

28 80 Department of Health and Human Services; Public Safety and Welfare; Medicaid  
29 Enhancement for Children and Pregnant Women. If the New Hampshire health protection  
30 program established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2018 or  
31 earlier, the commissioner of the department of health and human services shall reinstate Medicaid  
32 coverage and open enrollment for children and pregnant women under RSA 167:68. The  
33 commissioner of the department of health and human services shall adopt rules pursuant to RSA  
34 541-A to establish the eligibility levels for Medicaid coverage under RSA 167:68 identical to the  
35 eligibility levels which were in effect prior to the effective date of the New Hampshire health  
36 protection program.

37 81 Commissioner of Health and Human Services; Quarterly Reports. During the biennium  
38 ending June 30, 2019, the commissioner of health and human services shall make quarterly reports

1 to the governor, the speaker of the house, and the senate president on the status of estimated  
2 Medicaid payments in relation to actual costs. Further contents of the such reports shall be as  
3 specified by the governor.

4 82 Governor; Transfer Among Accounts and Classes. Subject to the provisions of RSA 9:17-c,  
5 and the approval of the fiscal committee of the general court and governor and council, for the  
6 biennium ending June 30, 2019, the governor is hereby authorized to transfer funds within and  
7 among all accounting units and/or class codes within the office of the governor, and is further  
8 authorized to create new class codes within the office into which funds may be transferred or  
9 placed, as the governor deems necessary and appropriate to address present or projected budget  
10 deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as  
11 necessary for the efficient management of the office; provided if a transfer does not include new  
12 class codes, only transfers over \$75,000 shall require prior approval of the fiscal committee of the  
13 general court and the governor and council.

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

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

21 84 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to  
22 read as follows:

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

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

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

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

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

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

33 87 New Subdivision; Department of Justice; Internet Crimes Against Children Fund. Amend  
34 RSA 21-M by inserting after section 16 the following new subdivision:

35 Internet Crimes Against Children Fund

36 21-M:17 Internet Crimes Against Children Fund Established. There is hereby established in  
37 the office of the state treasurer a nonlapsing fund to be known as the Internet crimes against  
38 children (NH ICAC) fund which shall be kept distinct and separate from all other funds. The fund



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

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

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

12 89 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2018, and the sum of  
13 \$250,000 for the fiscal year ending June 30, 2019, are hereby appropriated to the New Hampshire  
14 Internet crimes against children fund established in RSA 21-M:17 for the purposes set forth in that  
15 section. The governor is authorized to draw a warrant for said sums out of any money in the  
16 treasury not otherwise appropriated.

17 90 Department of Justice; Position Established. There is established within the department of  
18 justice the classified position of financial research analyst I. The financial research analyst I  
19 position shall replace the unclassified financial analyst position, 9U098, located in accounting unit  
20 02-20-20-200510-3310. Upon completion of this action, position 9U098 shall be abolished to allow  
21 for the transition of this unclassified position into the classified system. The incumbent in the  
22 abolished unclassified position shall be offered the opportunity to transfer into the newly  
23 established financial research analyst I position.

24 91 Position Reclassification; Banking Department. The position of general counsel, position  
25 #42404, within the banking department, is hereby designated as an unclassified position.

26 92 Agreements to Lease-Purchase Vehicles Authorized. For the biennium ending June 30,  
27 2019, any state agency or department may, with the prior written approval of the department of  
28 administrative services, enter into an agreement to rent, lease, or lease-purchase vehicles from any  
29 outside vendor, or to rent or lease vehicles from any other state agency or department.

30 93 Chartered Public Schools; Definitions. Amend RSA 194-B:1 to read as follows:

31 194-B:1 Definitions. In this chapter:

32 I. "Average cost per pupil" means the total of education expenditures in a particular district  
33 and at the elementary, middle/junior, and high school levels, less tuition, transportation, capital  
34 outlays, and net debt service, as compiled by the department of education. Kindergarten cost shall  
35 be calculated at 1/2 the cost of elementary school.

36 ***II. "Average daily membership in attendance" or "ADMA" relative to charter***  
37 ***schools means the average daily membership in attendance, as defined in RSA 189:1-d, III,***  
38 ***of pupils in kindergarten through grade 12, in the determination year, provided that no***

1 *kindergarten pupil shall count as more than ½ day attendance per school year. ADMA*  
2 *shall only include pupils who are legal residents of New Hampshire pursuant to RSA*  
3 *193:12 and educated at the charter school's expense. In this paragraph, "determination*  
4 *year" shall have the same meaning as in RSA 198:38, IV.*

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

7 [HH.] *IV.* "Chartered public school" means an open enrollment public school, operated  
8 independent of any school board and managed by a board of trustees. A chartered public school  
9 shall operate as a nonprofit secular organization under a charter granted by the state board and in  
10 conformance with this chapter.

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

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

18 *VII. "Full-time equivalent pupil" means a pupil or group of pupils pursuant to RSA*  
19 *194-B:1, XI that have completed 12 half-credit courses.*

20 [V.] *VIII.* "Host school district" means the school district in which the chartered public  
21 school is physically located.

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

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

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

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

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

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

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

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

37 [XIV.] *XVII.* "Teacher" means any individual providing or capable of providing direct  
38 instructional services to pupils, and who meets requirements prescribed in the Elementary and

1 Secondary Education Act and the Individuals With Disabilities Education Act.

2 94 Chartered Public Schools; Authority and Duties of the Board of Trustees. Amend the  
3 introductory paragraph of RSA 194-B:5, III to read as follows:

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

8 95 Chartered Public Schools; Funding; Virtual Learning Academy Charter School. Amend RSA  
9 194-B:11, I(b) to read as follows:

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

24 (B) *For the Virtual Learning Academy Charter School authorized*  
25 *pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a, II(a)-(c)*  
26 *and (e), plus an additional grant of \$2,036 directly to the Virtual Learning Academy*  
27 *Charter School for each eligible full-time enrolled pupil in the charter school's ADMA.*  
28 *The state shall pay amounts required pursuant to RSA 198:40-a, II(d) directly to the*  
29 *resident district. The state shall also pay tuition pursuant to RSA 198:40-a, II(a) plus an*  
30 *additional grant of \$2,036 directly to the Virtual Learning Academy Charter School for*  
31 *each full-time equivalent pupil. Beginning July 1, 2017 and every July 1 thereafter, the*  
32 *department of education shall adjust the per pupil amount of the additional grant based*  
33 *on the average change in the Consumer Price Index for All Urban Consumers, Northeast*  
34 *Region, using the "services less medical care services" special aggregate index, as*  
35 *published by the Bureau of Labor Statistics, United States Department of Labor. The*  
36 *average change shall be calculated using the 3 calendar years ending 18 months before*  
37 *the beginning of the fiscal year for which the calculation is to be performed.*

38 96 Special Education; State Aid. Amend RSA 186-C:18, III to read as follows:

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

21 97 Special Education; State Aid. Amend RSA 186-C:18, V(d)-(e) to read as follows:

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

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

26 98 Special Education; State Aid. Amend RSA 186-C:18, VI(a) to read as follows:

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

32 99 Special Education; State Aid. Amend RSA 186-C:18, VIII to read as follows:

33 VIII. A school district shall raise, appropriate and expend funds, reflecting the total cost in  
 34 meeting [catastrophe] special education student costs as provided under [RSA 186-C:18] **this**  
 35 **section**, including the school district and department of education liability. A school district may  
 36 issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon  
 37 receipt of reimbursement from the state. The department of education shall be liable for the cost of  
 38 the school districts borrowing of any funds for special education student costs over 3-1/2 times the

1 estimated state average expenditure per pupil for the school year preceding the year of distribution.

2 100 Special Education; State Aid. Amend RSA 186-C:18, XI(a) to read as follows:

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

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

11 (2) The amount the school district received to educate the child in an out-of-district  
12 program, with the school district receiving in year one, 70 percent of the [~~eatastrophie~~] **special**  
13 **education** aid the school district received from the previous school year, which would constitute  
14 the base year; in year 2, 50 percent of the [~~eatastrophie~~] **special education** aid the school district  
15 received during the base year, and in year 3, 30 percent of the [~~eatastrophie~~] **special education** aid  
16 the school district received during the base year.

17 101 Property Tax Rates; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, VII(d) to  
18 read as follows:

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

22 102 Department of Information Technology; Consolidation of Information Technology  
23 Functions.

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

30 (a) Information technology analysis and planning.

31 (b) Data management.

32 (c) Cybersecurity.

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

34 II. The commissioner of the department of information technology may establish the  
35 number and classification of personnel required for information technology functions in the  
36 department of health and human services with the prior approval of the governor and council. The  
37 commissioner of the department of information technology may eliminate unnecessary positions and  
38 transfer to the department of information technology any position in the department of health and

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

13 III. The commissioner of the department of information technology may locate personnel  
14 whose positions have been transferred in such work spaces as the commissioner determines will  
15 efficiently effectuate the consolidation of information technology functions. Such work spaces may  
16 include either space currently owned or rented by the state, or space which may be rented by the  
17 commissioner utilizing amounts which may be saved by the state as the result of the consolidation  
18 of information technology functions.

19 103 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,  
20 2019, the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

33 104 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For  
34 the biennium ending June 30, 2019, the public utilities commission shall not expend any funding on  
35 the implementation of an energy efficiency resource standard or change the system benefits charge  
36 without prior approval of the fiscal committee of the general court, except as consistent with or  
37 authorized by Order No. 25,932 issued by the public utilities commission, dated August 2, 2016.

38 105 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, I

1 to read as follows:

2 I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall  
3 be continually appropriated to the commission to be expended in accordance with this section. The  
4 state treasurer shall invest the moneys deposited therein as provided by law. Income received on  
5 investments made by the state treasurer shall also be credited to the fund. All payments to be made  
6 under this section shall be deposited in the fund. [~~Of the moneys paid into the fund, the amount of~~  
7 ~~\$520,000 for fiscal year 2016 shall be transferred to the division of homeland security and~~  
8 ~~emergency management for the purpose of disaster and emergency response preparedness and~~  
9 ~~coordination to help minimize utility and other disruptions resulting from natural or manmade~~  
10 ~~disasters.] Any remaining moneys paid into the fund under paragraph II of this section, excluding~~  
11 ~~class II moneys, shall be used by the commission to support thermal and electrical renewable~~  
12 ~~energy initiatives. Class II moneys shall primarily be used to support solar energy technologies in~~  
13 ~~New Hampshire. All initiatives supported out of these funds shall be subject to audit by the~~  
14 ~~commission as deemed necessary. All fund moneys including those from class II may be used to~~  
15 ~~administer this chapter, but all new employee positions shall be approved by the fiscal committee of~~  
16 ~~the general court. No new employees shall be hired by the commission due to the inclusion of useful~~  
17 ~~thermal energy in class I production.~~

18 106 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2019, the  
19 department of education may, subject to the approval of the governor and council, to accept gifts,  
20 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and  
21 other organizations or institutions for the purpose of funding appropriations made in accounting  
22 unit 06-56-56-562010-7534 (NH Scholars Program).

23 107 Regional Career and Technical Education; Program. Amend the introductory paragraph of  
24 RSA 188-E:5, V to read as follows:

25 V. Regional career and technical education centers shall, on a space available basis, enroll  
26 any student requesting enrollment who has attended [~~2 years~~] **one year** of high school regardless of  
27 the number of academic credits earned, except that the Manchester school district shall, on a space  
28 available basis, enroll and bear the associated costs for any Manchester school district student in  
29 grades 9-12 who resides in the city of Manchester and who requests enrollment in a regional career  
30 and technical education center within the district, provided that in either case:

31 108 New Subdivision; Governor's Scholarship Program. Amend RSA 4-C by inserting after  
32 section 30 the following new subdivision:

33 Governor's Scholarship Program

34 4-C:31 Definitions. In this subdivision:

35 I. "Eligible educational or training program" means any institution within the university  
36 system of New Hampshire as defined in RSA 187-A, any institution within the community college  
37 system of New Hampshire as defined in RSA 188-F, or any post-secondary training or education  
38 program within this state that is approved by the office.

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

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

3           4-C:32 Program Established. There is hereby established the governor's scholarship program  
4 in the office of strategic initiatives which shall be administered by the office. The program shall  
5 provide scholarships of up to \$5,000 toward the costs of an eligible educational or training program.  
6 The office shall determine how and when scholarship funds shall be distributed, and may elect to  
7 distribute funds to an individual in a lump sum or over a period of months or years. All  
8 scholarships granted under this subdivision shall be applied toward the costs of an eligible  
9 education or training program.

10          4-C:33 Eligibility.

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

12           (a)(1) A person shall meet the residency requirements of RSA 193:12, and be a graduate  
13 of a high school, public academy, chartered public school, or a high school-level home education  
14 program as defined in RSA 193-A, and have completed at least 3 years of high school in this state;  
15 or

16           (2) A person shall be a graduate of a preparatory high school outside of this state  
17 while a dependent of a parent or legal guardian who is a legal resident of this state and who has  
18 custody of the dependent; or

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

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

26           (b) A person shall meet the qualifications for academic performance or work experience  
27 as established by the office.

28           (c) A person shall not have been adjudicated delinquent or convicted or pled guilty or  
29 nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under  
30 the laws of this or any other state, or under the laws of the United States, except that an otherwise  
31 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo  
32 contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible  
33 or continue to be eligible for a scholarship after the expiration of one academic year from the date of  
34 adjudication, conviction, or plea.

35          4-C:34 Governor's Scholarship Fund Established.

36           I. There is hereby established in the office of the state treasurer the governor's scholarship  
37 fund which shall be kept distinct and separate from all other funds. The fund shall provide  
38 scholarships for the benefit of eligible residents of the state pursuing programs of study or training



1 at an eligible educational or training program within the state.

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

6 III. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the  
7 office for purposes of providing scholarships under this subdivision.

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

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

13 4-C:35 Procedures. The office shall adopt procedures necessary to administer the provisions of  
14 this subdivision.

15 109 New Subparagraph; Application of Receipts; Governor's Scholarship Fund. Amend RSA  
16 6:12, I(b) by inserting after paragraph (333) the following new subparagraph:

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

19 110 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls and reports, is  
20 repealed.

21 111 Department of Revenue Administration; Reference Change; Document Processing to  
22 Taxpayer Services. Amend RSA 21-J:2, II and III to read as follows:

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

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

31 112 Department of Revenue Administration; Taxpayer Services Division Created; Document  
32 Process Division Eliminated. RSA 21-J:12 is repealed and reenacted to read as follows:

33 21-J:12 Taxpayer Services Division. There is established within the department the division of  
34 taxpayer services, under the supervision of an unclassified director of taxpayer services who shall  
35 be responsible for:

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

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

**HB 517 - AS AMENDED BY THE SENATE**  
**- Page 59 -**

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

3 113 Department of Revenue Administration; Director of Taxpayer Services Division; Position  
4 Established.

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

8 II. The salary of the director of the taxpayer services division shall be determined after  
9 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for  
10 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of  
11 this action and appointment of the director of the taxpayer services division, position 9U104 shall be  
12 abolished to allow for the transition of its available appropriations into the unclassified position of  
13 director of the taxpayer services division. Funding shall be transferred into the division of taxpayer  
14 services accounting unit. The incumbent in the abolished unclassified position shall be offered the  
15 opportunity to seek the commissioner's nomination for the unclassified position of director of the  
16 division of taxpayer services.

17 114 Repeal. RSA 21-J:6-c, central tax services unit within the department of revenue  
18 administration, is repealed.

19 115 Department of Safety; Places of Assembly; Definitions. Amend RSA 155:17, II to read as  
20 follows:

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

25 116 Department of Safety; Places of Assembly; Licensing. Amend RSA 155:18 to read as  
26 follows:

27 155:18 License Required. No person shall own or operate a place of assembly within this state  
28 unless licensed so to do by the licensing agency of the city, town, or village district where said place  
29 of assembly is located, ~~[or in the case of]~~ **including** assemblies occurring on state waters~~[-]~~ or ice  
30 formed on state waters, ~~[the commissioner of the department of safety or designee,]~~ in accordance  
31 with the regulations herein promulgated. In the application of this act to existing places of  
32 assembly the licensing agency may modify such of its provisions as would require structural  
33 changes if in his or her opinion adequate safety may be obtained otherwise and provided that a  
34 permanent record is kept of such modifications and the reasons therefor.

35 117 Transportation; Definitions. Amend RSA 228:1, VII to read as follows:

36 VII. "Project" means any construction, reconstruction, alteration, or maintenance of any  
37 highway, bridge, **building, plant, fixture, facility** or other item directly related to transportation.  
38 The term shall not include construction, reconstruction, alteration, or maintenance of buildings,

1 plants, fixtures, or facilities formerly administered through the department of transportation,  
 2 division of public works, or matters managed by the department of administrative services, division  
 3 of public works design and construction.

4 118 Department of Transportation; Eminent Domain; Occasion for Layout by Governor and  
 5 Council. Amend RSA 230:13, I to read as follows:

6 I. The governor, with advice of the council, may determine upon hearing whether there is  
 7 occasion for the laying out or alteration of a class I or class II highway or a highway within the state  
 8 included in the national system of interstate highways as proposed by the commissioner of  
 9 transportation, and, if so, ~~[shall appoint a commission of 3 persons who]~~ **the commissioner** may  
 10 purchase land or other property that is reasonably necessary for the construction, reconstruction, or  
 11 alteration and who shall lay out the remainder of such highway or alteration. Any such land or  
 12 property which cannot be acquired by agreement with the owner or owners thereof may be acquired  
 13 in accordance with RSA 498-A and all issues that are appealed relating to necessity, public use, and  
 14 net public benefit shall be determined in accordance with RSA 230:19. Property rights acquired  
 15 under the provisions of this section shall be in fee simple or in the form of easements, including  
 16 property acquired by condemnation proceedings.

17 119 Layout of State Highways; Notice of Hearing. Amend RSA 230:17 to read as follows:

18 230:17 Layout of State Highways; Notice of Hearing. The governor with the advice of the  
 19 council, or the commission appointed by the governor with advice of the council, at least 14 days  
 20 previous to **a public hearing as provided in RSA 230:19**, shall cause notice in writing of the time  
 21 and place of hearing appointed by them, together with a description of the proposed location, to be  
 22 given to each owner of land or other property over which such highway may pass, and to the clerk  
 23 of any city or town in which such highway or alteration may be laid out. **Other meetings shall be**  
 24 **noticed in accordance with RSA 91-A.**

25 120 Limited Access Highways; Occasion for Layout; Layout. Amend RSA 230:45 to read as  
 26 follows:

27 230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on the  
 28 governor's own motion or a special committee of 3 persons appointed by the governor and council for  
 29 the purpose, may determine, upon hearing, whether there is occasion for the laying out or  
 30 alteration of a limited access facility including service roads as proposed by the commissioner of  
 31 transportation; and, if so, ~~[the governor, with the advice of the council, shall appoint a commission~~  
 32 ~~*of 3 persons who]*~~ **the commissioner** may purchase land or other property as proposed and ~~[who]~~  
 33 shall lay out the remainder of such facility, service roads, or alteration thereof. The commission  
 34 appointed by the governor and council to lay out any limited access facility may acquire private or  
 35 public property and property rights for such facility and service roads, including rights of access,  
 36 air, view, and light, by gift, devise, purchase, or condemnation in the same manner as provided for  
 37 acquiring property for class I highways. Property rights acquired under the provisions of this  
 38 section may be in fee simple or in the form of easements, including property acquired by

1 condemnation proceedings. The [~~commissioner~~] **commissioner**, in [~~its~~] **his or her** discretion, may  
 2 acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best  
 3 served even though the entire lot, block, or tract is not immediately needed for the right-of-way  
 4 proper. The commissioner of transportation, with the approval of the governor and council, may  
 5 sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

6 121 Highways; Definition. Amend RSA 229:1 to read as follows:

7 229:1 Highways Defined. Highways are only such as are laid out in the mode prescribed  
 8 therefor by statute, or roads which have been constructed for **or are currently used for motor**  
 9 **vehicle, bicycle, or pedestrian** public travel over land which has been conveyed to a city or town  
 10 or to the state by deed of a fee or easement interest, or roads which have been dedicated to the  
 11 public use and accepted by the city or town in which such roads are located, or roads which have  
 12 been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years  
 13 prior to January 1, 1968, and shall include the bridges thereon. **Highway does not include any**  
 14 **bridge, trail, or path intended for use by off highway recreational vehicles, as defined in**  
 15 **RSA 215-A:1, or snowmobiles, as defined in RSA 215-C:1.**

16 122 Discontinuance of Relocated Portions of Class I and Class II Highways Acquired in 1945 or  
 17 Earlier. Amend RSA 230:55 through RSA 230:58 to read as follows:

18 230:55 Notice of Finding. Whenever the commissioner of transportation shall alter or  
 19 relocate any portion of any class I or class II highway, and finds that there is no further occasion to  
 20 use such portion for class I or class II highway purposes **for property acquired by the state in**  
 21 **1945 or earlier, the commissioner** [~~he~~] shall post notice of such finding in 2 public places in the  
 22 town in which land is situate and give notice in writing to the selectmen of such town.  
 23 **Notwithstanding any provision of law to the contrary, the commissioner may discontinue**  
 24 **and declare property acquired after 1945 as surplus and dispose of it in accordance with**  
 25 **RSA 4:39.**

26 230:56 Determination by Selectmen. The selectmen of such town within 60 days after  
 27 receiving such notice **regarding property acquired by the state in 1945 or earlier**, shall  
 28 determine, after notice to the owners of land or abutting owners given in the same manner as  
 29 provided for in the laying out of highways by selectmen, and hearing, whether there is occasion for  
 30 the use of such portion for town highway purposes and shall notify the commissioner of  
 31 transportation, in writing, of their determination.

32 230:57 Reversion to Town. Upon the filing of notice with the commissioner of  
 33 transportation that such occasion exists, or, in the event that the selectmen fail to take any action  
 34 or notify the commissioner of transportation in writing of their determination within 60 days after  
 35 the receipt of notice from [~~him~~] **the commissioner regarding property acquired by the state in**  
 36 **1945 or earlier**, the right-of-way over such portion of land and title to any interest held by the  
 37 state in such portion shall thereupon revert to or vest in such town, and the commissioner of  
 38 transportation shall so certify in writing under oath to the selectmen, and the highway shall

1 thereupon become a class V or class VI highway.

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

6 123 Discontinuance of Relocated Portions of Class I and Class II Highways; Assessment of  
7 Damages. Amend RSA 230:61 to read as follows:

8 230:61 Assessment of Damages. Any person who sustains damages because of such  
9 discontinuance *of property acquired by the state in 1945 or earlier* may petition for the  
10 assessment of damages to the superior court in the county in which such discontinued portion of  
11 highway is located within 60 days from the posting of notice of discontinuance, and not thereafter,  
12 and the court shall assess such damages, if any, by jury.

13 124 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The  
14 commissioner of the department of health and human services shall submit a Title XIX Medicaid  
15 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all  
16 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2019.

17 125 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The  
18 provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the division of  
19 travel and tourism development, are hereby suspended for the biennium ending June 30, 2019.

20 126 Joint Committee on Legislative Facilities; Meetings; Transfers. Amend RSA 17-E:4 and 17-  
21 E:5 to read as follows:

22 17-E:4 Meetings. The committee shall meet [~~on a regular stated date monthly~~] *as needed* and  
23 at such other times at the call of the chair or upon written request of 4 members and any such  
24 special meeting shall be held within 5 days of such call or request.

25 17-E:5 House and Senate Subcommittees. The house members, with the speaker as  
26 chairperson, shall be a subcommittee for legislative management for the house; and the senate  
27 members, with the president as chairperson, shall be a subcommittee for legislative management of  
28 the senate. All *individual* transfers within the house or senate appropriations *in excess of*  
29 *\$75,000* and all salaries of legislative attaches and other employees unless otherwise specifically  
30 provided by statute shall require the approval of the respective subcommittee. The salaries as  
31 determined hereunder shall be a charge upon the appropriation made for the legislature.

32 127 Legislative Branch; Special Account. Amend 2011, 224:217, II, as amended by 2013,  
33 144:102 and 2015, 276:214, to read as follows:

34 II.(a) The legislative accountant shall allocate the original \$3,000,000 special legislative  
35 account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the  
36 senate, the house of representatives, the joint offices, and the office of legislative budget assistant.  
37 Beginning in fiscal year 2013 and for fiscal year 2014, any unexpended and unencumbered  
38 appropriations shall be transferred to the appropriate subaccount, provided that no subaccount

1 balance shall exceed \$750,000. All unexpended and unencumbered appropriations remaining at the  
2 close of the fiscal year shall lapse to the general fund.

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

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

10 128 Joint Committee on Legislative Facilities; Funds. Amend 2011, 224:217, III to read as  
11 follows:

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

22 129 Governor's Commission on Disability; Newsline for the Blind; Funding. Amend RSA 275-  
23 C:8-a to read as follows:

24 275-C:8-a Newsline for the Blind; Funding. Beginning July 1, ~~[2007]~~ **2017**, and in each  
25 fiscal year thereafter, the sum of ~~[\$28,000]~~ **\$31,500** is hereby appropriated to the governor's  
26 commission on disability for the purpose of funding the National Federation of the Blind's "Newsline  
27 for the Blind," an information and news service that provides individuals who are otherwise unable  
28 to read newsprint with access to existing newspapers and other printed materials. Said funds shall  
29 be a charge against the telecommunications relay service trust fund established by the public  
30 utilities commission.

31 130 Revenue Stabilization Reserve Account. Amend RSA 9:13-e, V to read as follows:

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

37 131 New Subparagraphs; Revenue Information Management System Account; State Heating  
38 System Savings Account. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following

1 new subparagraphs:

2 (334) Money deposited in the revenue information management system account under RSA  
3 21-J:1-b.

4 (335) Money deposited in the state heating system savings account established under RSA  
5 21-I:19-ff.

6 132 New Section; Revenue Information Management System Account. Amend RSA 21-J by  
7 inserting after section 1-a the following new section:

8 21-J:1-b Revenue Information Management System Account.

9 I. There is hereby established a non-lapsing, continually appropriated revenue information  
10 management system account. The state treasurer shall credit the additional revenue from existing  
11 taxes collected by the department attributable to implementation of the department's revenue  
12 information management system (RIMS), as calculated by the commissioner of the department of  
13 revenue administration, to the revenue information management system account from which the  
14 treasurer shall pay principal and interest on bonds and notes issued to fund the RIMS project. Said  
15 funds shall not be used for any other purpose.

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

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

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

28 133 New Section; Department of Administrative Services; State Heating System Savings  
29 Account. Amend RSA 21-I by inserting after section 19-f the following new section:

30 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating  
31 system savings account for the transfer of unexpended state heating system appropriations due to  
32 reduced heating system costs resulting from the 26 state buildings served by the Concord Steam  
33 project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year,  
34 the commissioner of administrative services shall identify the unexpended appropriations in the  
35 accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam  
36 facility. The commissioner shall deposit such sums into the account established by this section.  
37 Funds in the state heating system savings account shall be nonlapsing and continually appropriated  
38 to the department of administrative services and may be used to pay principal and interest on bonds

1 and notes issued to fund the capital project for the heating of state facilities located at the Governor  
2 Hugh J. Gallen state office park and state-owned buildings in downtown Concord.

3 134 Appropriation; Office of Professional Licensure and Certification; Controlled Drug  
4 Prescription Health and Safety Program. Amend 2016, 329:1 to read as follows:

5 329:1 Appropriation; Office of Professional Licensure and Certification; Controlled Drug  
6 Prescription Health and Safety Program. The sum of \$130,000 is hereby appropriated to the office  
7 of professional licensure and certification for the biennium ending June 30, ~~[2017]~~ **2019** for the  
8 purposes of ~~[technology upgrades for]~~ the controlled drug prescription health and safety program,  
9 established in RSA 318-B:32. The governor is authorized to draw a warrant for said sum out of any  
10 money in the treasury not otherwise appropriated.

11 135 Contingent Appropriation; Office of Professional Licensure and Certification; Controlled  
12 Drug Prescription Health and Safety Program. The sum of up to \$100,000 is hereby appropriated to  
13 the office of professional licensure and certification for the biennium ending June 30, 2019 for the  
14 controlled drug prescription health and safety program, established in RSA 318-B:32, and  
15 contingent upon approval of the legislative fiscal committee. The governor is authorized to draw a  
16 warrant for said sum out of any money in the treasury not otherwise appropriated.

17 136 Plan for Funding Required. The administrator of the controlled drug prescription health  
18 and safety program shall develop a plan for sustainable funding, which shall not include moneys  
19 from the general fund, by November 1, 2017. The plan shall be presented in the form of a report to  
20 the speaker of the house of representatives, the president of the senate, and the governor on or  
21 before November 2, 2017.

22 137 Revenue for the National Guard Scholarship Fund. Amend RSA 110-B:61 to read as  
23 follows:

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

30 138 Minimum Prices; Milk. Amend RSA 434:56 to read as follows:

31 434:56 Establishment of Minimum Producer Dairy Prices. ~~[Notwithstanding the provisions~~  
32 ~~of RSA 184:106-110, the]~~ ***The*** commissioner, after consulting with the ~~[milk producers emergency~~  
33 ~~relief fund]~~ ***agricultural advisory*** board, may establish by order an equitable minimum price to be  
34 paid to milk producers for raw milk produced in New Hampshire on the basis of the use thereof in  
35 the various classes, grades and forms. The commissioner, after consulting with the ***agricultural***  
36 ***advisory*** board, may from time to time make, amend or rescind an order if the commissioner finds  
37 that the federal milk marketing order covering New Hampshire is adequate or inadequate as the  
38 case may be to ensure a stable raw milk production and distribution system in the state. ***In no***



1 *case shall the commissioner establish by order a price greater than the average price*  
2 *established for comparable classes, grades and forms of raw milk in the contiguous states.*

3 139 Reference Deleted; Milk Producers Emergency Relief Fund. Amend RSA 425:2-a, II(i) to  
4 read as follows:

5 (i) The New Hampshire dairy industry is vital to the state's economy. It impacts state  
6 and local economies via millions of dollars in total economic output, thousands of jobs and millions  
7 more dollars in labor income. ~~[The dairy industry should be further supported through the milk~~  
8 ~~producers emergency relief fund as specified in RSA 184:107, and other methods that will encourage~~  
9 ~~the success of the state's dairy industry.]~~

10 140 Repeal. The following are repealed:

11 I. RSA 184:106-110, relative to the milk producers emergency relief fund.

12 II. RSA 6:12, I(b)(268), relative to the milk producers emergency relief fund.

13 141 Department of Corrections; Appropriation for Scanners in State Correctional Facilities.  
14 Amend 2016, 263:4 to read as follows:

15 263:4 Appropriation; Department of Corrections; Scanners for State Correctional Facilities. In  
16 addition to any other funds appropriated to the department of corrections, the sum of \$1,110,000 for  
17 the fiscal year ending June 30, ~~[2017]~~ **2019** is hereby appropriated to the department, **\$1,000,000 of**  
18 **which shall be used** for the purchase and installation of [6] full body security scanners in [the]  
19 state correctional facilities, **and \$110,000 of which shall be used to fund 2 canine teams at the**  
20 **department of corrections.** ~~[Three of the scanners shall be installed in the state prison for men~~  
21 ~~in Concord, 2 scanners shall be installed in the northern New Hampshire correctional facility in~~  
22 ~~Berlin, and one scanner shall be installed in the new state prison for women.]~~ The governor is  
23 authorized to draw a warrant for said sum out of any money in the treasury not otherwise  
24 appropriated.

25 142 Department of Corrections; Unfunded Positions. Notwithstanding any provision of law to  
26 the contrary, the department of corrections, with prior approval of the fiscal committee of the  
27 general court, may fill unfunded positions during the biennium ending June 30, 2019, provided that  
28 the total expenditure for such positions shall not exceed the amount appropriated for personal  
29 services.

30 143 Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, XI to read as follows:

31 XI. The state shall reimburse the sheriff's office for prisoner custody and control, within  
32 available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus  
33 traveling expenses to attend any official business, for any person employed as a sheriff for prisoner  
34 custody and control. For the purpose of this paragraph, a half day shall be defined as a day in  
35 which a sheriff works 4 hours or less. The state shall reimburse the counties, within available  
36 funds appropriated by the legislature, for all costs associated with employing sheriffs, if those costs  
37 are the result of job requirements imposed by federal and state governments. **Billing for**  
38 **reimbursement of costs associated with video arraignments shall not be allowed under**

1 *this paragraph. Custody and control of prisoners for the purpose of video arraignments*  
 2 *shall be the responsibility of the county in which the video arraignment occurs, and such*  
 3 *custody and control may be exercised by county correctional officers.*

4 144 Department of Justice; Collections Related to the Merrimack River Flood Control Compact.  
 5 The department of justice shall undertake every reasonable legal effort to collect all amounts due to  
 6 the state of New Hampshire as a result of the Merrimack River flood control compact.

7 145 Regulation of Pharmacies; Price of Filling Prescriptions. Amend RSA 318:47-h, I to read as  
 8 follows:

9 I. A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge  
 10 an enrollee or insured person the pharmacy's usual and customary price of filling the prescription  
 11 or the contracted copayment, whichever is less. *For the purposes of this paragraph, "usual*  
 12 *and customary price" means the price an individual would pay for a prescription at a*  
 13 *retail pharmacy if that individual did not have a prescription drug benefit or insurance.*  
 14 *For the purposes of this paragraph, "contracted copayment" means a fixed amount an*  
 15 *individual is responsible to pay for covered prescriptions as set forth in the health benefit*  
 16 *plan.*

17 146 Managed Care Law; Price of Filling Prescriptions. Amend RSA 420-J:7-b, X(a) to read as  
 18 follows:

19 (a) A pharmacy benefits manager or insurer shall require a contracted pharmacy to  
 20 charge an enrollee or insured person the pharmacy's usual and customary price of filling the  
 21 prescription or the contracted copayment, whichever is less. *For the purposes of this*  
 22 *subparagraph, "usual and customary price" means the price an individual would pay for*  
 23 *a prescription at a retail pharmacy if that individual did not have a prescription drug*  
 24 *benefit or insurance. For the purposes of this subparagraph, "contracted copayment"*  
 25 *means a fixed amount an individual is responsible to pay for covered prescriptions as set*  
 26 *forth in the health benefit plan.*

27 147 Accident and Health Insurance; Price of Filling Prescriptions. Amend RSA 415:26, I to  
 28 read as follows:

29 I. A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge  
 30 an enrollee or insured person the pharmacy's usual and customary price of filling the prescription  
 31 or the contracted copayment, whichever is less. *For the purposes of this paragraph, "usual*  
 32 *and customary price" means the price an individual would pay for a prescription at a*  
 33 *retail pharmacy if that individual did not have a prescription drug benefit or insurance.*  
 34 *For the purposes of this paragraph, "contracted copayment" means a fixed amount an*  
 35 *individual is responsible to pay for covered prescriptions as set forth in the health benefit*  
 36 *plan.*

37 148 Integrated Land Development Permits; Procedure Suspended. Due to budgetary and  
 38 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development

1 permit from the department of environment services, is suspended for the biennium ending June  
2 30, 2019.

3 149 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for  
4 the biennium ending June 30, 2019, no state aid grants shall be made for any new infrastructure  
5 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or  
6 RSA 149-M, except that infrastructure projects that had local authorization by December 31, 2008  
7 to construct, but were not listed in 2013, 144:101, shall continue to be eligible for state aid grants  
8 subject to availability of funding. Nothing in this section shall affect the provision of the future  
9 water supply land protection grants under RSA 486-A if funding is available for such purposes.

10 150 Workers' Compensation; Definitions. Amend RSA 281-A:2, VII(a)(5) to read as follows:

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

18 (B) *Any person who is a regularly enrolled volunteer member or trainee*  
19 *of a volunteer search and rescue group recognized by the fish and game department who*  
20 *participates in a coordinated training exercise preapproved by the fish and game search*  
21 *and rescue coordinator or participates in a search and rescue mission or attempted*  
22 *search and rescue mission of another, pursuant to RSA 206:26, XII shall, solely for the*  
23 *purposes of this chapter and not otherwise, be deemed to be an employee of the state with*  
24 *respect to such activity. Any payments to be made as a result of this subparagraph shall*  
25 *be a charge against the general fund.*

26 151 Appropriation; Department of Safety; Fire Standards and Training and Emergency Medical  
27 Services Fund; Funding.

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

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

36 152 Department of Transportation and Liquor Commission; Feasibility Assessment. The  
37 commissioners of the department of transportation and the liquor commission may conduct a  
38 feasibility assessment of the existing northbound and southbound liquor and wine outlets sites in

1 the town of Hampton on Interstate 95 to determine the financial viability of constructing, operating,  
2 and maintaining a turnpike service plaza for motorists.

3 153 Department of Transportation; Acquisition of Land. The commissioner of the department  
4 of transportation is authorized to acquire land as required for the purpose of constructing,  
5 operating, and maintaining a turnpike service plaza for motorists at the existing northbound and  
6 southbound liquor and wine outlets in the town of Hampton on Interstate 95. Each turnpike service  
7 plaza is intended to be a full service rest area that may include a fueling station, food and beverage  
8 service, a convenience store, and a liquor and wine outlet. Any real estate acquired pursuant to this  
9 authority shall be exempt from the requirements of RSA 4:40. The value of the land to be acquired  
10 shall be based upon an independent appraisal. As part of this conveyance, the liquor commission  
11 shall retain title to sufficient land for the future construction of its liquor and wine outlets, which  
12 shall be exempt from future taxation or rent in perpetuity.

13 154 Department of Transportation; Rest Areas, Welcome Centers, and State Liquor Store Sites.  
14 In order to better serve the public while utilizing revenue-generating opportunities, the general  
15 court supports the idea of commercializing state liquor store sites along the highways and  
16 turnpikes. If deemed financially feasible, the commissioner of the department of transportation,  
17 subsequent to acquiring a fee simple interest in such state liquor store site's real property for  
18 consideration paid, is authorized to issue requests for proposals relative to the leasing,  
19 redevelopment and/or concession of these sites, including the use of public/private partnerships to  
20 develop and reconstruct the rest areas, welcome areas, and state liquor and wine outlets along the  
21 turnpikes and highways as may be necessary to provide full-service centers with food, liquor and  
22 wine sales, fuel, and other retail goods and services for the traveling public. Any proposal received  
23 shall be evaluated by a selection committee. The selection committee shall include members of the  
24 department of transportation, liquor commission, and department of business and economic affairs.  
25 The lease or contract for the redevelopment of said property shall be submitted for approval to the  
26 governor and executive council.

27 155 Liquor Commission; Proceeds From Sale of Land. All proceeds from the sale of any land  
28 owned by the liquor commission for the purpose of constructing, operating, and maintaining a  
29 turnpike service plaza for motorists at the existing northbound and southbound state liquor and  
30 wine outlets in the town of Hampton on Interstate route 95 shall be deposited into the liquor  
31 commission fund pursuant to RSA 176:16 and shall be used exclusively to retire existing debt.

32 156 Airways Toll. Amend RSA 422:34, III to read as follows:

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

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

5 157 Lottery Commission; Authority to Purchase Real Property Granted. The lottery  
6 commission, in consultation with the department of administrative services, is hereby authorized to  
7 purchase, in the name of the state, land and buildings to serve as the lottery commission's  
8 headquarters. Such purchase shall be completed during the biennium ending June 30, 2019 and  
9 shall require approval of the fiscal committee of the general court and the governor and council.

10 158 Screening and Intervention for Dyslexia and Related Disorders; Reading Specialist.  
11 Amend RSA 200:60 to read as follows:

12 200:60 Reading Specialist.

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

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

23 ~~III.]~~ **II.** The reading specialist shall:

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

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

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

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

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

36 159 School Money; Distribution Schedule of Adequate Education Grants. Amend RSA 198:42 to  
37 read as follows:

38 198:42 Distribution Schedule of Adequate Education Grants; Appropriation.

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

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

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

19 ~~[IV. For chartered public schools approved by the state board of education, the department~~  
 20 ~~of education may expend budgeted amounts to fund chartered public school payments under RSA~~  
 21 ~~194-B:11, I. Said amounts are hereby appropriated to the department from the education trust fund~~  
 22 ~~established under RSA 198:39. The education trust fund shall be used to satisfy the state's~~  
 23 ~~obligation under this paragraph. The payment shall be issued regardless of the balance of funds~~  
 24 ~~available in the education trust fund. The department of education may request additional funds~~  
 25 ~~from the fiscal committee of the general court, with the approval of governor and council, for a new~~  
 26 ~~chartered public school approved for initial operation by the state board of education pursuant to~~  
 27 ~~RSA 194-B:3-a.]~~

28 160 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(d) to read as follows:

29 (d) The source of funds for payments under this section shall be moneys from the  
 30 education trust fund established in RSA 198:39. **The governor is authorized to draw a warrant**  
 31 **from the education trust fund to satisfy the state's obligation under this section. Such**  
 32 **warrant for payment shall be issued regardless of the balance of funds available in the**  
 33 **education trust fund. If the balance in the education trust fund, after the issuance of any**  
 34 **such warrant, is less than zero, the state comptroller shall transfer sufficient funds from**  
 35 **the general fund to eliminate such deficit. The commissioner of the department of**  
 36 **administrative services shall inform the fiscal committee and the governor and council of**  
 37 **such balance. This reporting shall not in any way prohibit or delay the distribution of**  
 38 **payments. The department of education may request additional funds from the fiscal**

1 *committee of the general court, with the approval of governor and council, for a new*  
2 *chartered public school approved for initial operation by the state board of education*  
3 *pursuant to RSA 194-B:3-a.*

4 161 Robotics Education Fund. The subdivision heading preceding RSA 188-E:24 and RSA 188-  
5 E:24 are repealed and reenacted to read as follows:

6 Robotics Education Development Program and Robotics Education Fund

7 188-E:24 Robotics Education Fund Established. There is established in the office of the state  
8 treasurer a nonlapsing fund to be known as the robotics education fund which shall be kept distinct  
9 and separate from all other funds. The fund shall be administered by the commissioner of the  
10 department of education. The commissioner may accept and expend funds from any public or  
11 private source, including private gifts, grants, and donations. All moneys in the fund shall be non-  
12 lapsing and shall be continually appropriated to the commissioner of the department of education  
13 for the purposes of this chapter.

14 162 New Section; Robotics Education Development Program. Amend RSA 188-E by inserting  
15 after section 24 the following new section:

16 188-E:25 Robotics Education Development Program.

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

25 II. The commissioner shall establish eligibility criteria for grants to public elementary  
26 schools and elementary chartered public schools which require that the applying school  
27 demonstrates:

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

31 (b) That it has developed a budget.

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

35 IV. The amount of the grant shall be sufficient to cover the costs of establishing and  
36 supporting a team for 2 years and shall be disbursed by the commissioner as a single payment. The  
37 grant amount shall not exceed \$1,250 per elementary school team.

38 V. No school shall receive more than one grant every 2 years, however, a school district

1 may receive multiple grant awards.

2 VI. If the amount of grant funds requested exceeds the balance in the robotics education  
3 fund available in any year, the commissioner shall not prorate the grant awards, but shall assign  
4 preference to those schools with a higher percentage of students in the school's average daily  
5 membership in attendance who are eligible for a free or reduced-price meal as defined in RSA  
6 198:38. Secondary preference shall be given to schools which did not receive a grant in the previous  
7 year due to lack of funds.

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

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

16 163 Controlled Drug Act; Professional Use of Narcotic Drugs. Amend RSA 318-B:10, VII(c) to  
17 read as follows:

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

22 164 Emergency Heat and Hot Water System Purchase and Replacement; Appropriation. The  
23 sum of \$2,500,000 is hereby appropriated to the department of administrative services from the  
24 unexpended appropriations for the fiscal year ending June 30, 2017 in accounting unit 06-56-56-  
25 560010-5137-077, building aid - education, and, if unexpended appropriations in that accounting  
26 unit are insufficient, from any amount not otherwise appropriated in the fiscal year ending June 30,  
27 2017 upon a warrant of the governor, to be disbursed to the Concord school district no later than  
28 September 1, 2017, which shall be used to mitigate the impact to the Concord school district due to  
29 the closure of Concord Steam Corporation. The Concord school district is authorized to expend such  
30 appropriation for the purpose set forth in this section. The Concord school district shall advise the  
31 commissioner of the department of administrative services of the cost and expenditures estimates  
32 relating to the project.

33 165 New Subparagraph; Delinquent Children; Release or Detention Pending Adjudicatory  
34 Hearing. Amend RSA 169-B:14, I(e) by inserting after subparagraph (2) the following new  
35 subparagraph:

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

38 166 Dispositional Hearing. Amend RSA 169-B:19, VI to read as follows:



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.*

16 167 New Section; Limits on Extended Detention. Amend RSA 169-B by inserting after section  
 17 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.

29 168 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  
 38 the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant

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

16 169 New Section; Dispositions and Case Closure in Certain Cases. Amend RSA 169-B by  
 17 inserting after section 31-b the following new section:

18 169-B:31-c Dispositions and Case Closure in Certain Cases.

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

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

29 170 Youth Development Center; Releases and Discharges. Amend RSA 621:19, I-a to read as  
 30 follows:

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

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

11 171 New Paragraph; Youth Services Center; Releases and Discharges. Amend RSA 621:19 by  
12 inserting after paragraph III the following new paragraph:

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

22 172 Alternative Placement Capacity for Youth; Reporting Requirement. In furtherance of the  
23 duty of the department of health and human services under RSA 170-G:4 to "[p]rovide services for  
24 all children and youth referred to it by the district courts pursuant to RSA 169-B," the commissioner  
25 shall evaluate the adequacy of the service system and ensure that sufficient alternative placement  
26 capacity is in place for those children who are not serious violent offenders who prior to this act  
27 would have been placed at the Sununu youth services center. On or before September 1, 2017, a  
28 plan for development of such capacity of minors who are not serious violent offenders shall be  
29 provided to the fiscal committee of the general court, and the plan shall be updated on a monthly  
30 basis until it is fully implemented. The plan shall provide for an increase in the state's capacity for  
31 placement in Medicaid-eligible settings of not less than 35 minors who will no longer be eligible for  
32 placement at the Sununu youth services center. The increase in capacity of minors who are not  
33 serious violent offenders shall be implemented no later than January 1, 2018, and include a rate  
34 structure which supports the staffing ratios and other resources necessary for the safe and effective  
35 treatment of such children in residential and other treatment settings. The rate structure shall be  
36 submitted to the fiscal committee for approval prior to January 1, 2018. If necessary, the plan shall  
37 provide for a process for re-establishing cost-based rate-setting rules and procedures which may  
38 have expired.

1 173 Sununu Youth Services Center. The commissioner of the department of health and human  
2 services, in consultation with the governor's commission on alcohol and drug abuse prevention,  
3 treatment, and recovery, established in RSA 12-J, shall redevelop the excess capacity at the Sununu  
4 youth services center, to be used for an inpatient and outpatient drug treatment facility for eligible  
5 youth. All contracts, plans, and specifications therefor for the redevelopment in this section shall be  
6 awarded in accordance with the provisions of RSA 21-I. The commissioner shall issue an RFP for  
7 the purpose of operating the new inpatient and outpatient drug treatment facility for eligible youth  
8 at the Sununu youth services center.

9 174 Appropriation; Department of Health and Human Services. The sum of \$2,000,000 is  
10 hereby appropriated for the fiscal year ending June 30, 2018 to the department of health and  
11 human services for the purpose of funding the construction of an alcohol and drug abuse treatment  
12 facility at the Sununu youth services center. This sum shall be a charge against amounts  
13 appropriated to accounting unit 05-95-49-491510-2989, governor commission funds, in fiscal year  
14 2017.

15 175 Funding for Operational Costs of the Sununu Youth Services Center. For the biennium  
16 ending June 30, 2019, funds determined by the commissioner of the department of health and  
17 human services to be necessary for the operational costs of the Sununu youth services center and  
18 the alcohol and drug abuse treatment facility at the Sununu youth services center may be funded  
19 from the amounts appropriated to account 05-95-92-920510-3382, governor commission funds.  
20 Transfers from account 05-95-92-920510-3382 deemed by the commissioner of the department of  
21 health and human services to be necessary for this purpose shall not require prior approval of the  
22 fiscal committee of the general court.

23 176 Worker Displacement. To the extent permitted by existing law and collective bargaining  
24 agreements, employees affected by the provisions of sections 165-177 of this act shall be given the  
25 highest priority for transfer to vacant positions, job retraining, and recall rights. In addition,  
26 employees who are within 5 years of regular retirement eligibility with the New Hampshire  
27 retirement system may request and shall be granted early retirement. Any required retirement  
28 payments under this provision shall be funded by the state of New Hampshire. Employees  
29 receiving early retirement under this provision shall relinquish future recall rights.

30 177 Applicability.

31 I. RSA 169-B:19, I(j), as amended by section 168 of this act, shall apply to cases pending on  
32 or after March 1, 2018 in which a dispositional order has not yet been entered.

33 II. RSA 169-B:31-c, as inserted by section 169 of this act, shall apply to cases commenced  
34 after July 1, 2016.

35 III. RSA 621:19, I-a, as amended by section 170 of this act, shall apply to minors confined  
36 pursuant to a commitment order issued pursuant to RSA 169-B:19, I(j) after October 1, 2017.

37 IV. RSA 621:19, IV, as inserted by section 171 of this act, shall apply to cases in which a  
38 minor is committed to the Sununu youth services center or any successor facility after October 1,

1 2017.

2 178 Rate-setting. To the extent possible within available appropriations, the department of  
3 health and human services shall engage in a rate-setting process which is based on providers'  
4 reasonable costs of providing those services needed to implement the provisions of sections 165  
5 through 177 of this act.

6 179 Funding of Alternative Placement Capacity for Youth. Notwithstanding any other  
7 provision of law, no less than \$8,714,632 of the funds appropriated in account 05-95-42-421010-  
8 2958, class 535, shall be expended during the biennium ending June 30, 2019, to fund rate increases  
9 and additional capacity for out-of-home placements pursuant to the duties of the commissioner of  
10 health and human services in section 172 of this act. These funds may not be transferred or utilized  
11 for any other purpose.

12 180 New Hampshire Partnership for Long-Term Care Plan. The New Hampshire Association  
13 of Counties, in consultation with the county-state finance commission, shall develop a New  
14 Hampshire partnership for long-term care plan. The plan shall address services for New  
15 Hampshire's population that is eligible for Medicaid for nursing home level of care, including those  
16 services provided under the choices for independence program. The plan shall account for  
17 demographic changes in New Hampshire, availability of non-nursing home community based  
18 services, and ensuring the least restrictive care available. The plan shall include methods for  
19 funding and management of programs that balance the interests of county, state, and federal payers  
20 into the system. Development of the plan shall include a process for meaningful input from affected  
21 persons. The New Hampshire Association of Counties shall submit to the governor, the speaker of  
22 the house of representatives, and the president of the senate a preliminary report by March 1, 2018  
23 and a final report by September 1, 2018.

24 181 Appropriation; Health and Human Services; New Hampshire Partnership for Long-Term  
25 Care Plan. The sum of \$100,000 is hereby appropriated to the department of health and human  
26 services for the biennium ending June 30, 2019 for the purpose of funding the New Hampshire  
27 Association of Counties, development of a New Hampshire partnership for long-term care plan.  
28 This appropriation shall be contingent upon a 50 percent match by the county governments. The  
29 New Hampshire Association of Counties shall notify the commissioner of the department of health  
30 and human services once the match has been obtained. Upon notification, the commissioner shall  
31 distribute the appropriation to the New Hampshire Association of Counties. The governor is  
32 authorized to draw a warrant for said sum out of any money in the treasury not otherwise  
33 appropriated.

34 182 New Subparagraph; Commissioner's Duties; Medicaid Managed Care Program; Prior  
35 Authorization. Amend RSA 126-A:5, XIX by inserting after subparagraph (f) the following new  
36 subparagraph:

37 (g)(1) By July 15, 2017, the commissioner shall develop a universal online prior  
38 authorization form for drugs used to treat mental illness and require community mental health

1 centers and managed care organizations to use such form by September 1, 2017. A reasonably  
2 completed prior authorization request submitted using the online form shall be approved or denied  
3 by the close of the next business day. Failure to meet this time frame shall be deemed automatic  
4 approval. If the prior authorization is denied, the prescribing provider may request a peer-to-peer  
5 review with a licensed psychiatric specialist with prescribing privileges by the close of the next  
6 business day. Failure by the managed care organization to provide such review by the close of the  
7 next business day shall be deemed automatic approval unless the prescribing provider fails to  
8 participate in the peer-to-peer review within that time period.

9 (2) Prior authorization for drugs prescribed by community mental health centers for  
10 treatment of severe mental illness shall be suspended if the deadlines under this subparagraph are  
11 not met, or if the commissioner determines there is a pattern of missed deadlines for peer-to-peer  
12 reviews following denials, or if at any time the commissioner determines such suspension is  
13 necessary to promote the behavioral health and well-being of New Hampshire's citizens being  
14 served under Medicaid managed care.

15 (3) The commissioner shall monitor compliance under this subparagraph and shall  
16 report quarterly through December 31, 2018 to the fiscal committee of the general court relative to  
17 adherence to all such requirements including the rate of denial.

18 183 Special Medicaid Representatives; Applicability. Amend 2016, 265:2 to read as follows:

19 265:2 Applicability. The implementation of RSA 151-I as inserted by section 1 of this act shall  
20 be subject to written approval by the Centers for Medicare and Medicaid Services. If required, the  
21 commissioner of the department of health and human services shall develop and prepare  
22 amendments to the state Medicaid plan for submission and approval to the Centers for Medicare  
23 and Medicaid Services (CMS). [~~The commissioner shall seek and have in place approval from the~~  
24 ~~CMS by December 31, 2016.~~] The commissioner shall certify the date of approval to the secretary of  
25 state and the director of legislative services.

26 184 Department of Health and Human Services; Division for Children, Youth, and 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.

34 185 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  
38 such additional members as may be necessary to comply with federal regulations for the acceptance

1 of federal funds or to ensure representation of every county. Each member shall serve a term of 3  
 2 years; ***provided that legislative members shall serve a term coterminous with their term in***  
 3 ***office.*** A member shall continue to serve until a successor is appointed in the same manner as the  
 4 original appointment. The board shall be representative of persons from community youth service  
 5 agencies; from the juvenile justice field, such as law enforcement, probation, police, courts, and  
 6 attorneys; and from appropriate professional fields such as psychology, social services, education,  
 7 and health. Members of the board shall serve without compensation but shall receive mileage  
 8 payments at the state employee rate within the limits of funds appropriated to the department.

9 186 Advisory Board on Services for Children, Youth, and Families; Legislative Members.  
 10 Amend RSA 170-G:6-a, II(b) and (c) to read as follows:

11 (b) The senate president shall appoint 4 members, no 2 of whom shall be from the same  
 12 county, and one of whom shall be from a family that has been affected by the department of ***health***  
 13 ***and human services, division for*** children, youth and families.

14 (c) The speaker of the house shall appoint 4 members, no 2 of whom shall be from the  
 15 same county, and one of whom shall be from a family that has been affected by the department of  
 16 ***health and human services, division for*** children, youth and families.

17 187 Department of Health and Human Services; Unfunded Positions; Authorization.  
 18 Notwithstanding any other provision of law to the contrary, the department of health and human  
 19 services, with prior approval of the fiscal committee of the general court, may fill unfunded  
 20 positions during the biennium ending June 30, 2019, provided that the total expenditure for such  
 21 positions shall not exceed the amount appropriated for personal services.

22 188 Designated Receiving Facility for Persons with Developmental Disabilities on the Grounds  
 23 of the Laconia State School Property; Plan for Relocation Required. The commissioner of the  
 24 department of health and human services shall develop a plan to relocate the individuals with  
 25 developmental disabilities currently placed at the designated receiving facility on the grounds of the  
 26 Laconia state school property by June 30, 2021. The plan shall be submitted to the speaker of the  
 27 house of representatives, the president of the senate, and the governor on or before September 1,  
 28 2019, with the intention that it be implemented during the biennium ending June 30, 2021.

29 189 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of  
 30 Appropriation. The appropriation for the administration of the client assistance program received  
 31 by the governor's commission on disability pursuant to 29 U.S.C. section 732 for the fiscal years  
 32 ending June 30, 2018 and June 30, 2019 may be transferred to another qualified agency upon  
 33 certification by the governor to the commissioner of the department of administrative services that  
 34 the program has been redesignated. If the redesignation occurs and the governor's certification is  
 35 made after July 1, 2017, the unexpended portion of the appropriation shall be transferred.

36 190 Designated Receiving Facilities; Residential Beds.

37 I. The commissioner of the department of health and human services shall issue a request  
 38 for applications (RFA) from qualified vendors to establish up to 20 designated receiving facility beds

1 for up to 2 years. The designated receiving facilities, as defined in RSA 135-C:26, shall service  
2 individuals with severe mental illness who meet the criteria for involuntary emergency admission.  
3 The RFA shall be issued no later than June 30, 2017.

4 II. The commissioner of the department of health and human services shall issue a request  
5 for applications (RFA) from qualified vendors for 20 transitional and community residential beds for  
6 the fiscal year ending June 30, 2018 and up to 40 transitional and community residential beds for  
7 the fiscal year ending June 30, 2019 with wrap-around services and supports for individuals,  
8 prioritizing those who are transitioning from New Hampshire hospital and designated receiving  
9 facilities. The RFA shall be issued no later than June 30, 2017 and the housing shall be operational  
10 by October 1, 2017.

11 191 Plan Required for Removal of Certain Persons From New Hampshire Hospital. The  
12 commissioner of the department of health and human services shall develop a plan to safely remove  
13 the remaining 24 youths from the New Hampshire hospital and to ensure that they continue to  
14 receive the care they need by November 1, 2017. The commissioner shall make a report relative to  
15 the plan which shall be submitted to the speaker of the house of representatives, the president of  
16 the senate, the chairs of the house and senate committees having jurisdiction over health and  
17 human services, and the governor on or before November 2, 2017.

18 192 Peer Crisis Respite Beds. The commissioner of the department of health and human  
19 services shall issue a request for proposals (RFP) from peer support agencies for up to 8 peer crisis  
20 respite beds. The RFP shall be issued no later than June 30, 2017.

21 193 Mobile Crisis Teams and Apartments. The commissioner of the department of health and  
22 human services shall issue a request for proposals (RFP) for a mobile crisis team and apartments  
23 from qualified vendors. The RFP for the mobile crisis team and apartments shall be issued no later  
24 than June 30, 2017 and operational no later than January 1, 2018. Any new mobile crisis teams  
25 shall be established in geographic locations that have high rates of admissions to and discharges  
26 from New Hampshire hospital.

27 194 Integrated Data Management System. The commissioner of the department of health and  
28 human services and the commissioner of the department of information technology shall issue a  
29 request for proposals (RFP) from vendors to develop and implement an integrated data  
30 management system that provides real-time information about the availability of involuntary and  
31 voluntary inpatient psychiatric beds in the state of New Hampshire. The RFP shall be issued no  
32 later than September 1, 2017. The system shall be operational no later than January 1, 2018.

33 195 Evaluation Required. The commissioner of the department of health and human services  
34 shall issue a request for proposals (RFP) for an independent evaluation of the capacity of the  
35 current health system in New Hampshire to respond to the inpatient, acute care psychiatric needs  
36 of patients, including, but not limited to, those patients who require involuntary emergency  
37 admissions, as defined in RSA 135-C. The commissioner shall seek non-state general funds to pay  
38 for the evaluation. The RFP shall be issued no later than June 30, 2017 and the evaluation shall be



1 completed by November 1, 2017.

2 196 Department of Health and Human Services; Associate Commissioner of Health and Human  
3 Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

4 (a) Subject to the approval of the governor and council, the commissioner of health and  
5 human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The  
6 associate commissioner shall perform such duties as may be assigned by the commissioner, which  
7 shall include oversight of the division for children, youth and families and assigned responsibilities  
8 of the department under RSA 170-G. The annual salary of the associate commissioner shall be as  
9 prescribed in RSA 94:1-a.

10 197 Department of Health and Human Services; Salaries; Reference to Associate Commissioner  
11 Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

12 126-A:10 Salaries. The annual salaries of the commissioner of health and human services,  
13 deputy commissioner of health and human services, [~~senior division director~~] **associate**  
14 **commissioner**, division directors, and unclassified employees of the department shall be as  
15 prescribed by RSA 94:1-a.

16 198 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

17 Delete:

18 JJ Department of health and human services senior division director

19 Insert:

20 JJ Department of health and human services associate commissioner

21 199 New Subparagraph; Department of Health and Human Services; Position Established.  
22 Amend RSA 126-A:9, I by inserting after subparagraph (b) the following new subparagraph:

23 (c) The commissioner shall appoint an unclassified mental health medical supervisor  
24 who shall perform such duties as may be assigned by the commissioner. These duties shall include,  
25 but not be limited to, collecting and reporting information regarding patients in need of high acuity  
26 mental health treatment and information regarding treatment options. The mental health medical  
27 supervisor shall be clinically qualified to assist in the triage for appropriate inpatient, partial  
28 hospitalization, and/or community based services. The mental health medical supervisor shall be a  
29 psychiatrist or psychiatric nurse practitioner licensed or qualified to practice in New Hampshire.  
30 The salary of the mental health medical supervisor shall be determined after assessment and  
31 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position  
32 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

33 200 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after  
34 section 16 the following new subdivision:

35 Office of the Child Advocate

36 170-G:17 Office of the Child Advocate.

37 I. The office of the child advocate shall be an independent agency, administratively  
38 attached to the department of administrative services pursuant to RSA 21-G:10.

1           II. The office shall be under the supervision of an unclassified director of the office of the  
2 child advocate. The director shall serve a term of 4 years and until a successor is appointed and  
3 qualified. Any vacancy in the office shall be filled in the same manner as the original appointment  
4 for the remainder of the unexpired term. The director shall be appointed by the governor and  
5 council, upon the recommendation of the oversight commission established in RSA 170-G:18. The  
6 director shall possess a professional graduate degree in law, social work, public health, or a related  
7 field and be qualified by reason of education, experience, and expertise to perform the duties of the  
8 office.

9           III. The office of the child advocate shall:

10           (a) Provide independent oversight of the state's child protection system to assure that  
11 the best interests of children are being protected.

12           (b) Regularly consult with the department of health and human services and the  
13 oversight commission established in RSA 170-G:18.

14           (c) Maintain client confidentiality and the confidentiality of all case records as specified  
15 in law.

16           (d) Have access to records within the scope of its mission, except for those records  
17 maintained by the department of justice which are part of a pending legal proceeding.

18           (e) Have the ability to subpoena witnesses and/or records.

19           (f) Have the authority to review and investigate any aspect of the department's child  
20 protection policies or practices.

21           (g) Provide information and referral services to the public regarding the department's  
22 child protection services; provided that case specific complaints shall be handled by the department.

23           (h) Receive a copy of all critical incident reports from the department. The department  
24 shall provide the office with a copy of the report not later than 48 hours after the occurrence;  
25 provided that any child fatality shall be immediately communicated to the office by phone.

26           (i) Perform educational outreach and advocacy activities in furtherance of the mission  
27 and responsibilities of the office.

28           (j) Investigate and report on issues related to child protection upon the request of the  
29 governor, commissioner of health and human services, speaker of the house of representatives,  
30 senate president, or oversight commission.

31           IV. Beginning November 1, 2017, and each November 1 thereafter, the director of the office  
32 of the child advocate shall submit an annual report of its activity, findings, and recommendations to  
33 the commissioner of the department of health and human services, the governor, the speaker of the  
34 house of representatives, the senate president, and the state library.

35           170-G:18 Oversight Commission on Children's Services and Juvenile Justice Established.

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

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

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

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

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

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

8           (f) Four members of child advocacy organizations, appointed by the governor.

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

13           III. The oversight commission shall:

14           (a) Recommend at least 3 qualified candidates to the governor for appointment as  
15 director of the office of the child advocate; except that in the case of reappointment, a single  
16 recommendation shall be sufficient.

17           (b) Provide oversight to the department of health and human services and the office of  
18 the child advocate to support an effective, comprehensive, and coordinated system of services and  
19 programs for children, youth, and families.

20           (c) Analyze the efficacy of selected programs and services of the department, including  
21 the characteristics of target populations, trends affecting program costs and participation, and  
22 alternative approaches to programmatic and administrative concerns.

23           (d) Collaborate with the department of health and human services and the office of the  
24 child advocate to identify and implement best practices on behalf of children and families.

25           (e) Monitor and review implementation of the memorandum of understanding entered  
26 into by the department of health and human services and the department of justice regarding the  
27 collaboration between the 2 departments in the department of health and human services'  
28 investigation and prosecution of abuse and neglect cases.

29           IV. The oversight commission shall elect a chairperson from among the members. The first  
30 meeting of the commission shall be called by the first-named senate member. The first meeting of  
31 the commission shall be held within 45 days of the effective date of this section. Four members of  
32 the commission shall constitute a quorum.

33           V. Not later than November 1, 2017 and May 1, 2018, and not later than each November 1  
34 thereafter, the commission shall submit a report of its activity, findings, and any recommendations  
35 for proposed legislation to the commissioner of the department of health and human services, the  
36 director of the office of the child advocate, the president of the senate, the speaker of the house of  
37 representatives, the senate clerk, the house clerk, the governor, and the state library.

38           201 Department of Health and Human Services; Director of Legal Services; Memorandum of

1 Understanding between the Department of Health and Human Services and the Department of  
2 Justice.

3 I. On the effective date of this section, the director of legal services, position number 9U468,  
4 shall be physically located in the department of justice. The director of legal services shall be under  
5 the supervision of the attorney general and shall be responsible for the supervision of all attorneys  
6 in the department of health and human services, division for children, youth and families. Funding  
7 for the position shall remain with the department of health and human services.

8 II.(a) On or before August 1, 2017, the commissioner of the department of health and  
9 human services and the attorney general of the department of justice shall enter into a  
10 memorandum of understanding that provides for the ongoing communication and collaboration by  
11 and between the 2 departments in connection with the department of health and human services'  
12 investigation and prosecution of abuse and neglect cases. The memorandum of understanding  
13 shall:

14 (1) Provide for joint case consultation, oversight, and review of the department of  
15 health and human services, division for children, youth and families cases in appropriate instances;

16 (2) Outline the roles and responsibilities of each agency in the prosecution of these  
17 cases; and

18 (3) Establish a process to address any identified training needs for the division for  
19 children, youth and families attorneys, including, but not limited to, monthly meetings with the  
20 department of justice and supervisory attorneys representing the division for children, youth and  
21 families and quarterly meetings with the department of justice and all attorneys representing the  
22 division for children, youth and families.

23 (b) The department of health and human services, in collaboration with the department  
24 of justice, shall provide an interim report on or before December 31, 2017 and an annual report  
25 beginning on or before June 30, 2018, to the oversight commission on children's services and  
26 juvenile justice established in RSA 170-G:18 regarding implementation and progress under the  
27 memorandum of understanding. The report shall address whether additional attorney positions in  
28 the division for children, youth and families should be transferred to the department of justice.

29 202 Child Protection Act; Purpose. Amend RSA 169-C:2 to read as follows:  
30 169-C:2 Purpose.

31 I. It is the *primary* purpose of this chapter, through the mandatory reporting of suspected  
32 instances of child abuse or neglect, to provide protection to children whose life, health or welfare is  
33 endangered. [~~and~~]

34 *II. It is a further purpose of this chapter* to establish a judicial framework to protect the  
35 rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming  
36 within the provisions of this chapter shall receive, preferably in [~~his~~] *the child's* own home, the  
37 care, emotional security, guidance, and control that will promote the child's best interest; and, if the  
38 child should be removed from the control of his *or her* parents, guardian, or custodian, adequate

1 care shall be secured for the child. This chapter seeks to coordinate efforts by state and local  
2 authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned  
3 individuals, to:

4 (a) Protect the safety of the child.

5 (b) ~~[Preserve the unity of the family whenever possible.~~

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

8 ~~(d) Take such action as may be necessary to prevent abuse or neglect of children.~~

9 ~~(e) Provide protection, treatment, and rehabilitation, as needed, to children placed in  
10 alternative care.] **Take such action as may be necessary to prevent the abuse or neglect of  
11 children.**~~

12 **(c) Preserve the unity of the family.**

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

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

17 ~~[H.]~~ **III.** This chapter shall be liberally construed to the end that its purpose may be carried  
18 out, to wit:

19 (a) To encourage the mental, emotional, and physical development of each child coming  
20 within the provisions of this chapter, by providing ~~[him]~~ **the child** with the protection, care,  
21 treatment, ~~[counseling]~~ **counseling**, supervision, and rehabilitative resources which ~~[he]~~ **the child**  
22 needs and has a right to receive.

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

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

32 203 Child Protection Act; Definitions. Amend RSA 169-C:3, XIX(a)-(b) to read as follows:

33 (a) Who has been abandoned by his **or her** parents, guardian, or custodian; or

34 (b) Who is without proper parental care or control, subsistence, education as required  
35 by law, or other care or control necessary for ~~[his]~~ **the child's** physical, mental, or emotional health,  
36 when it is established that ~~[his]~~ **the child's** health has suffered or is ~~[very]~~ likely to suffer serious  
37 impairment; and the deprivation is not due primarily to the lack of financial means of the parents,  
38 guardian, or custodian; or

1       204 Child Protection Act; Definitions. Amend RSA 169-C:3, XXVII-a and XXVIII to read as  
2 follows:

3           XXVII-a. *"Serious impairment" means a substantial weakening or diminishment of*  
4 *a child's emotional, physical, or mental health or of a child's safety and general well-*  
5 *being. The following circumstances shall be considered in determining the likelihood that*  
6 *a child may suffer serious impairment:*

7           (a) *The age and developmental level of the child.*

8           (b) *Any recognized mental, emotional, or physical disabilities.*

9           (c) *School attendance and performance.*

10          (d) *The child's illegal use of controlled substances, or the child's contact with*  
11 *other persons involved in the illegal use or sale of controlled substances or the abuse of*  
12 *alcohol.*

13          (e) *Exposure to incidents of domestic or sexual violence.*

14          (f) *Any documented failure to thrive.*

15          (g) *Any history of frequent illness or injury.*

16          (h) *Findings in other proceedings.*

17          (i) *The condition of the child's place of residence.*

18          (j) *Assessments or evaluations of the child conducted by qualified professionals.*

19          (k) *Such other factors that may be determined to be appropriate or relevant.*

20          XXVII-b. "Sexual abuse" means the employment, use, persuasion, inducement, enticement,  
21 or coercion of any child to engage in, or having a child assist any other person to engage in, any  
22 sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual  
23 depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation  
24 of children, or incest with children. With respect to the definition of sexual abuse, the term "child"  
25 or "children" means any individual who is under the age of 18 years.

26          XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the  
27 department [finds] **determines** that there is [~~no probable cause to believe~~] **insufficient evidence**  
28 **to substantiate a finding** that the child is abused or neglected.

29       205 Determination of Parental Rights and Responsibilities. Amend RSA 461-A:6, IV(b) to read  
30 as follows:

31           (b) In this paragraph, "sexual abuse" shall mean sexual abuse as defined in RSA 169-  
32 C:3, [~~XXVII-a~~] **XXVII-b**, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2,  
33 RSA 632-A:3, and RSA 632-A:4.

34       206 Child Protection Act; Evidence. Amend RSA 169-C:12 to read as follows:

35           169-C:12 Evidence. In any hearing under this chapter, the court shall not be bound by the  
36 technical rules of evidence and may admit evidence which it considers relevant and material.  
37 **Evidence of prior founded or unfounded reports of abuse or neglect shall be admissible in**  
38 **proceedings under this chapter in order to establish a relevant pattern or course of**

1 *conduct.*

2 207 New Section; Public Assistance; Home and Community Based Behavioral Health Services  
3 Program. Amend RSA 167 by inserting after section 3-j the following new section:

4 167:3-k Home and Community-Based Behavioral Health Services for Children. The  
5 department shall establish a Medicaid home and community-based behavioral health services  
6 program for children with severe emotional disturbances whose service needs cannot be met  
7 through traditional behavioral health services. The department may establish such services  
8 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a  
9 waiver under other provisions of the Act. If the department proceeds with a waiver, it shall not  
10 limit the geographic availability of services. Such services shall include the following services or  
11 their functional equivalent:

- 12 (a) Wraparound care coordination.
- 13 (b) Wraparound participation.
- 14 (c) In home respite care.
- 15 (d) Out of home respite care.
- 16 (e) Customizable goods and services.
- 17 (f) Family peer support.
- 18 (g) Youth peer support.

19 208 Budget and Appropriations; Transfers. Amend RSA 9:16-a to read as follows:

20 9:16-a Transfers Authorized. Notwithstanding any other provision of law, every  
21 department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all  
22 accounting units ***and establish new accounting units and/or expenditure classes*** within said  
23 department, provided that any transfer of \$75,000 or more shall require prior approval of the fiscal  
24 committee of the general court and the governor and council, and provided that no funds may be  
25 transferred in violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any  
26 restrictions otherwise provided by law or to or from any account, except accounts in the department  
27 of health and human services, which is not composed of the same funding source mix. ***The \$75,000***  
28 ***threshold shall be applied at the accounting unit level on a cumulative basis within the***  
29 ***fiscal year. Once the threshold has been reached, the approval of the fiscal committee of***  
30 ***the general court and the governor and council shall be required for subsequent transfers***  
31 ***within the fiscal year.***

32 209 Budget and Appropriations; Limitations of Transfers. Amend RSA 9:17-a to read as  
33 follows:

34 9:17-a Limitations.

35 ***I. Notwithstanding the provisions of RSA 9:17, ~~no transfer shall be made:~~***

36 ***~~I. From appropriation items for equipment to any other use or purpose.~~***

37 ***~~II. To or from any out of state travel appropriation and the state treasurer and state~~***  
38 ***~~commissioner of administrative services shall maintain separate appropriation accounts for all out~~***

1 of state travel appropriations.

2 ~~II-a. From any appropriation items for permanent personal services to any other use or~~  
3 ~~purpose, provided however that this provision shall not supersede the provisions of RSA 99:4.~~

4 ~~III. [Repealed.]~~

5 ~~IV.] any department, as defined in RSA 9:1, which transfers appropriations for full-~~  
6 ~~time salaries and benefits in accordance with RSA 9:16-a shall not be eligible for funds~~  
7 ~~transferred from the salary adjustment fund pursuant to RSA 99:4 or the employee benefit~~  
8 ~~adjustment account pursuant to RSA 9:17-c.~~

9 **II.** The provisions of this section shall apply to transfers in general appropriations, capital  
10 budget appropriations and in any other special appropriations.

11 210 Employee Benefit Adjustment Account. Amend RSA 9:17-c to read as follows:

12 9:17-c Employee Benefit Adjustment Account. Whereas the appropriations for employee  
13 benefits in state departments and institutions may upon occasion not be totally needed for each  
14 position due to vacancies and personnel turnover, the department of administrative services shall  
15 transfer said amount quarterly from the departmental or institutional appropriation to a special  
16 account to be known as the employee benefit adjustment account. This fund shall lapse at the end  
17 of each fiscal year and revert to the appropriate fund. Upon the certification of the commissioner of  
18 administrative services, subject to the approval of governor and council, the employee benefit  
19 account shall be available for transfer to departments and institutions in amounts that are deemed  
20 necessary to pay the state's required proportionate share of any legally authorized employee benefit.  
21 Notwithstanding the provisions of RSA 9:17, no transfer shall be made from any appropriation for  
22 employee benefits to any other appropriation for any other use or purpose except as provided in this  
23 section. **Departments which have transferred appropriations for benefits in accordance**  
24 **with RSA 9:16-a, and which therefore are subject to RSA 9:17-a, shall not be eligible for**  
25 **transfers from the employee benefit adjustment account.**

26 211 Reference Corrected. Amend RSA 9:17-d to read as follows:

27 9:17-d Transfer of Appropriations, Judicial Branch. The supreme court may transfer funds  
28 for any specific purposes to funds for other purposes in the general appropriations for any  
29 accounting unit within the judicial branch, provided that any transfer of \$75,000 or more shall  
30 require prior approval of the fiscal committee of the general court, and provided that no funds may  
31 be transferred in violation of the provisions of RSA 9:17-a, 491-A:2, or any other restriction provided  
32 by law. The judicial branch shall certify such transfers to the commissioner of administrative  
33 services. The certification shall state that the transfers are necessary to efficiently carry out the  
34 functions of the courts and that the legislative fiscal committee has approved the transfers. The  
35 provisions of this section shall not supersede the provisions of RSA 99:4, 9:17-a, ~~[I, II, and II-a and~~  
36 ~~IV,]~~ and 491-A:2.

37 212 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

38 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state



1 departments and institutions include an annual increment for each position, and whereas upon  
 2 occasion due to vacancies and personnel turnover, salaries, increment increases and longevity as  
 3 provided by the appropriations are not needed for said positions, each quarter the department of  
 4 administrative services shall transfer said amount from the departmental or institutional  
 5 appropriation to a special account to be known as the salary adjustment fund. This fund shall lapse  
 6 at the end of each fiscal year and revert to the appropriate fund. Under no circumstances will this  
 7 fund be used for temporary positions or new positions. Upon the certification of the director of  
 8 personnel, subject to the approval of governor and council, the salary adjustment fund shall be  
 9 available for transfer to departments and institutions in amounts that are deemed necessary to  
 10 comply with ~~[RSA 98]~~ ***RSA 21-I. Departments that have transferred appropriations for full-***  
 11 ***time salaries in accordance with RSA 9:16-a, and which therefore are subject to RSA 9:17-***  
 12 ***a, shall not be eligible for transfers from the salary adjustment fund.***

13 213 Department of Health and Human Services; Contracts for Family Planning Services.  
 14 Notwithstanding any law or administrative rule to the contrary, the commissioner of health and  
 15 human services shall establish and utilize a competitive bidding process for family planning  
 16 services.

17 214 Administrative Procedure Act; Filing of Proposed Rule Text; Newly Enacted Authority.  
 18 Amend RSA 541-A:10, I to read as follows:

19 I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the  
 20 text of the proposed rule with the director of legislative services. ~~[The first time a rule is proposed~~  
 21 ~~under RSA 541-A:3 to implement newly enacted state authority, the agency shall send an electronic~~  
 22 ~~copy of the notice and proposed rule to the chair of each house and senate standing policy~~  
 23 ~~committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy~~  
 24 ~~committees. "Newly enacted state authority" means a state statute or session law adopted or~~  
 25 ~~amended after July 30, 2011. If the newly enacted state authority was not referred originally to a~~  
 26 ~~standing policy committee, the agency shall send an electronic copy of the notice and proposed rule~~  
 27 ~~to the speaker of the house and senate president for appropriate distribution. The members of the~~  
 28 ~~standing policy committees receiving proposed rules may review the proposed rules to determine~~  
 29 ~~whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing~~  
 30 ~~policy committee concludes that the proposed rule is not consistent with the intent of the~~  
 31 ~~authorizing legislation, the standing policy committee shall send written notice to the agency, with~~  
 32 ~~a copy to the director of legislative services, identifying the provision or provisions the committee~~  
 33 ~~believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via~~  
 34 ~~e-mail and shall be delivered so as to be received by the agency no later than the deadline for public~~  
 35 ~~comment specified in the rulemaking notice. If the agency does not receive notice from any~~  
 36 ~~standing policy committee by the end of the public comment period, the agency may proceed on the~~  
 37 ~~basis that the rule is consistent with the intent of the authorizing legislation.]~~ The text of the  
 38 proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the

1 hearing held pursuant to RSA 541-A:11, I(a).

2 215 Implementation of Drinking Water and Groundwater Protection; New Hampshire Drinking  
3 Water and Groundwater Advisory Commission Established. Amend RSA 485-F:3 and 485-F:4 to  
4 read as follows:

5 485-F:3 Implementation of Drinking Water and Groundwater Protection.

6 I. The ~~[department]~~ ***New Hampshire drinking water and groundwater advisory***  
7 ***commission, established in RSA 485-F:4***, shall administer the drinking water and groundwater  
8 trust fund through the MTBE remediation bureau. Subject to the approval of the fiscal committee  
9 of the general court, trust fund proceeds sufficient to fund the department's MTBE remediation  
10 bureau and qualifying projects shall be transferred to the department and maintained in a separate,  
11 nonlapsing account, continually appropriated to the department for the purpose of paying all costs  
12 of this program. The department shall ***provide administrative support to the drinking water***  
13 ***and groundwater advisory commission by performing the following duties, including but***  
14 ***not limited to:***

15 (a) ~~[Investigate]~~ ***Investigating***, ~~[manage]~~ ***managing***, and ~~[remediate]~~ ***remediating***  
16 contaminated groundwater.

17 (b) ~~[Protect against future contamination or impacted drinking water sources through~~  
18 ~~measures including, but not limited to, the expansion of drinking water infrastructure or drinking~~  
19 ~~water source protection.]~~

20 (e) ~~Assist]~~ ***Assisting*** local and regional entities in the development and administration  
21 of local wellhead protection programs, including delineation of wellhead protection areas and the  
22 inventory and management of activities which have a potential effect on groundwater quality.

23 ~~[(d)—Maintain]~~ (c) ***Maintaining*** a statewide map identifying the classes of  
24 groundwater.

25 ~~[(e)—Measure]~~ (d) ***Measuring*** levels of contamination statewide and ~~[generate]~~  
26 ***generating*** maps to show the areas of greatest contamination.

27 ~~[(f)—Maintain]~~ (e) ***Maintaining*** an inventory of wells serving public water supply  
28 systems, and to the extent practicable other wells, and ~~[establish]~~ ***establishing*** a priority list for  
29 delineation of systems that are currently contaminated with MTBE.

30 ~~[(g)—Provide funding through cost-sharing grants to municipalities, municipally-owned~~  
31 ~~water utilities, and water utilities regulated by the public utilities commission for the design,~~  
32 ~~construction, and extension of public water systems, and the establishment and expansion of~~  
33 ~~wellhead protection areas where they provide the most cost-effective method for providing safe and~~  
34 ~~clean drinking water.]~~

35 II. The department shall adopt rules, under RSA 541-A, necessary to implement this  
36 chapter. Such rules may include ***a competitive grant application process, revolving loan***  
37 ***funds, matching funds***, funding qualifications, funding application requirements, provisions for  
38 cost-sharing related to municipal projects, and other provisions consistent with the purposes and

1 requirements of this chapter.

2 485-F:4 New Hampshire Drinking Water and Groundwater Advisory Commission Established.

3 I. There is hereby established the New Hampshire drinking water and groundwater  
4 advisory commission which shall consult with and advise the department relative to the proper  
5 administration and management of the drinking water and ground water trust fund, as established  
6 in RSA 6-D. The commission shall consist of the following members:

7 (a) The state treasurer, or designee.

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

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

11 (d) The governor, or designee.

12 (e) The director of the division of public health services, department of health and  
13 human services, or designee.

14 ***(f) The commissioner of the department of environmental services, or designee.***

15 ***(g) The director of economic development, department of resources and  
16 economic development, or designee.***

17 ***(h) The executive director of the fish and game department, or designee.***

18 ***(i) One representative of the New Hampshire Water Pollution Control  
19 Association, appointed by the association.***

20 ***(j) One representative of the New Hampshire business community, appointed by  
21 the president of the senate.***

22 ***(k) One representative of a state or regional land trust, appointed by the  
23 governor.***

24 ***(l) One representative of the New Hampshire Water Works Association,  
25 appointed by the association.***

26 ~~[(f)]~~***(m)*** One public member, who shall have business experience related to the creation  
27 and/or delivery of clean and safe drinking water, appointed by the speaker of the house of  
28 representatives.

29 ~~[(g)]~~***(n)*** One public member, who shall represent the interests of citizens receiving their  
30 drinking water from private wells, appointed by the governor.

31 ***(o) Two members from a board of selectmen, a town or city council, or a board  
32 of alderman, one of whom shall be from a municipality without a public drinking water  
33 system, appointed by the governor.***

34 ~~[(h) One municipal official, who shall represent municipalities with public water  
35 systems, appointed by the governor.]~~

36 ~~[(i)]~~***(p)*** One public member, appointed by the president of the senate.

37 II. The commission shall elect a chairperson from among the members. ***Ten members of  
38 the commission shall constitute a quorum.***

1           III. *Members appointed under subparagraphs (a)–(e) shall serve terms that are*  
2 *coterminous with their term in office.*

3           IV. Except for the members appointed under subparagraphs (a)-(e), members shall be  
4 appointed for 2-year staggered terms.

5           [IV]. V. Members of the commission shall serve without compensation, except that  
6 legislative members shall receive mileage at the legislative rate when attending to the duties of the  
7 commission.

8           [V.] VI. The department shall provide an annual report to the commission that includes  
9 information on expenditures for the fiscal year, projects begun or completed during the year, and  
10 projections on future program costs.

11           VII. *The commission shall:*

12           (a) *Award grants, revolving loan funds, and matching funds to projects on a*  
13 *competitive basis from the drinking water and groundwater trust fund in a manner*  
14 *consistent with the purpose statement. All disbursements or grants shall require approval*  
15 *of the governor and council. Funds may be awarded if the project meets one of the*  
16 *following criteria:*

17                   (1) *Emergency remediation is necessary, where contamination to drinking*  
18 *water or groundwater is prevalent.*

19                   (2) *Planning, design, and building of aging water infrastructure is*  
20 *involved.*

21                   (3) *The project protects against future contamination or impacted drinking*  
22 *water sources through measures including, but not limited to, the expansion of drinking*  
23 *water infrastructure or drinking water source protection.*

24                   (4) *The project assists local and regional entities in the development and*  
25 *administration of local wellhead protection programs, including delineation of wellhead*  
26 *protection areas and the inventory and management of activities which have a potential*  
27 *effect on groundwater quality.*

28                   (5) *The project provides funding through cost-sharing grants to*  
29 *municipalities, municipally-owned water utilities, and water utilities regulated by the*  
30 *public utilities commission for the design, construction, and extension of public water*  
31 *systems, and the establishment and expansion of wellhead protection areas where they*  
32 *provide the most cost effective method for providing safe and clean drinking water.*

33           (b) *Take land preservation into consideration.*

34           (c) *Encourage all applicants to provide matching funds beyond the minimum.*

35           [VI.] VIII. The commission shall meet at least [~~annually~~] *quarterly*. The commission shall,  
36 at least annually, provide a report to the general court with information on the progress of the  
37 MTBE efforts, expenditures for the year, projects begun or completed during the previous year, the  
38 balance in the trust fund, and any other information the commission deems appropriate.

1           ~~[VII.]~~ **IX.** The commission shall, at least annually, review the work and projects funded by  
2 the trust fund during the previous year. The commission shall, at least annually, consult with the  
3 department regarding these activities, and provide advice and counsel relative to future work and  
4 project priorities, as outlined in RSA 485-F:3, I.

5           ~~[VIII.]~~ **X.** At least every 5 years, the commission shall prepare and file a report with the  
6 general court evaluating the progress made relative to MTBE contamination, the efficiency of the  
7 program established under this chapter, and whether it continues to provide the maximum benefit  
8 to New Hampshire citizens, and providing any recommendations on potential additional tasks for  
9 which the trust fund could be used to improve access to safe and clean drinking water.

10          216 Department of Education; Chartered Public School Program Officer. There is established  
11 within the department of education the classified position of administrator II to serve as chartered  
12 public school program officer consistent with the duties and charges specified in RSA 21-N:4, XII.  
13 The commissioner may transfer available appropriations from within the department's budget to  
14 fund this position, with prior approval of the fiscal committee of the general court and governor and  
15 executive council.

16          217 Department of Transportation; Town of Ossipee. The department of transportation shall  
17 take all practical measures to alleviate safety issues at the intersection of Route 28 and Route 171 in  
18 the town of Ossipee. Such measures shall include, but shall not be limited to, speed reduction and  
19 the installation of a traffic light or rotary.

20          218 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium  
21 ending June 30, 2019, the state shall reimburse the sheriff's office for court security at the rates  
22 provided in the collective bargaining agreement applicable to per diem court security officers  
23 employed by the judicial branch to attend any official business, for any person employed as a bailiff  
24 by the sheriff's office.

25          219 Reproductive Health Care Facilities; Funding Restriction. No state funds awarded by the  
26 department of health and human services to a reproductive health care facility, as defined in RSA  
27 132:37, I, shall be used to provide abortion services. This section shall not apply to funding  
28 available from the state pursuant to Title XIX of the Social Security Act to the minimum extent  
29 necessary to comply with federal conditions for the state's participation in the Medicaid program.

30          220 Division of Motor Vehicle; Milford Substation.

31            I. To ensure minimal disruption of existing services, the commissioner of safety is  
32 authorized to obtain a suitable temporary location to serve as the Milford division of motor vehicles  
33 substation until a permanent location is constructed and fully operational.

34            II. The sum of \$150,000 is hereby appropriated to the department of safety, division of  
35 motor vehicles, for biennium ending June 30, 2019, for the purposes of paragraph I of this section.  
36 This appropriation shall be treated as costs associated with the collection and administration of  
37 highway funds under RSA 9:9-a.

38          221 Business Profits Tax; Imposition of Tax; 2019. RSA 77-A:2 is repealed and reenacted to

1 read as follows:

2           77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.7 percent upon the taxable  
3 business profits of every business organization.

4           222 Business Enterprise Tax; Imposition of Tax; 2019. RSA 77-E:2 is repealed and reenacted to  
5 read as follows:

6           77-E:2 Imposition of Tax. A tax is imposed at the rate of .60 percent upon the taxable  
7 enterprise value tax base of every business enterprise.

8           223 Business Profits Tax; Imposition of Tax; 2021. Amend RSA 77-A:2 to read as follows:

9           77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~7.7~~] **7.5** percent upon the taxable  
10 business profits of every business organization.

11           224 Business Enterprise Tax; Imposition of Tax; 2021. Amend RSA 77-E:2 to read as follows:

12           77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~.60~~] **.50** percent upon the taxable  
13 enterprise value tax base of every business enterprise.

14           225 Applicability.

15           I. Sections 221 and 222 of this act shall apply to taxable periods ending on or after  
16 December 31, 2019.

17           II. Sections 223 and 224 of this act shall apply to taxable periods ending on or after  
18 December 31, 2021.

19           226 Business Profits Tax; Expense Deduction; Amount. Amend RSA 77-A:3-a to read as  
20 follows:

21           77-A:3-a Expense Deductions. In determining gross business profits before net operating  
22 loss and special deductions, a business organization shall calculate expense deductions as permitted  
23 under Section 179 of the Internal Revenue Code as provided in RSA 77-A:1, XX, except that for  
24 property placed in service on or after [~~January 1, 2017~~] **January 1, 2018**, a business organization  
25 shall calculate expense deductions not to exceed [~~\$100,000~~] **\$500,000**.

26           227 Department of Health and Human Services; New Hampshire Health Protection Program;  
27 Medicaid Wavier; Work Requirements.

28           I. The commissioner of the department of health and human services shall seek any new  
29 waiver or state plan amendments required to implement the provisions of RSA 126-A:5, XXX.  
30 Specifically the commissioner shall require that:

31           (a) Newly eligible adults who are unemployed shall be eligible to receive benefits under  
32 RSA 126-A:5 XXIV-XXV, if the commissioner finds that the individual is engaging in at least 30  
33 hours per week of one or a combination of the following activities:

34                   (1) Unsubsidized employment.

35                   (2) Subsidized private sector employment.

36                   (3) Subsidized public sector employment.

37                   (4) Work experience, including work associated with the refurbishing of publicly  
38 assisted housing, if sufficient private sector employment is not available.

- 1                   (5) On-the-job training.
- 2                   (6) Job search and job readiness assistance.
- 3                   (7) Community service programs.
- 4                   (8) Vocational educational training not to exceed 12 months with respect to any  
5 individual.
- 6                   (9) Job skills training directly related to employment.
- 7                   (10) Education directly related to employment, in the case of a recipient who has not  
8 received a high school diploma or a certificate of high school equivalency.
- 9                   (11) Satisfactory attendance at secondary school or in a course of study leading to a  
10 certificate of general equivalence, in the case of a recipient who has not completed secondary school  
11 or received such a certificate.
- 12                   (12) The provision of child care services to an individual who is participating in a  
13 community service program.
- 14                   (b) The requirements under subparagraph (a) shall be consistent with the federal  
15 Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(d).
- 16                   (c) Grounds for disqualification for benefits under this subparagraph shall be consistent  
17 with the federal Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(e).
- 18                   (d) This subparagraph shall only apply to those considered childless, abled-bodied  
19 adults as defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42  
20 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live  
21 with a dependent child which includes a child under 18 years of age or under 20 years of age if the  
22 child is a full-time student in a secondary school or the equivalent.
- 23                   (e) This subparagraph shall not apply to:
- 24                   (1) A person who is temporarily unable to participate in the requirements under  
25 subparagraph (a) due to illness or incapacity as certified by a licensed physician, an advanced  
26 practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician  
27 assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health  
28 professional, licensed physician assistant, or psychologist shall certify, on a form provided by the  
29 department, the duration and limitations of the disability.
- 30                   (2) A person participating in a state-certified drug court program, as certified by the  
31 administrative office of the superior court.
- 32                   (3) A parent or caretaker as identified in RSA 167:82, II(g) where the required care  
33 is considered necessary by a licensed physician, APRN, board-certified psychologist, physician  
34 assistant, or licensed behavioral health professional who shall certify the duration that such care is  
35 required.

36                   II. Any such waivers or amendments shall be in place by November 1, 2017. Prior to  
37 submitting the waiver or state plan amendments to the CMS, the commissioner shall present the  
38 waiver or state plan amendments to the fiscal committee of the general court for approval. The

**HB 517 - AS AMENDED BY THE SENATE**

**- Page 97 -**

1 program shall not be reauthorized until such waivers or state plan amendments have been  
2 approved by CMS. If the waiver or state plan is not approved, the commissioner shall immediately,  
3 no later than November 1, 2017, notify all program participants that the program has not been  
4 reauthorized beyond December 31, 2018.

5 228 Incorporation by Reference. All appropriations and sections of amendments 2017-1179h to  
6 HB 1 of the 2017 regular legislative session, and 2017-1163h to HB 2 of the 2017 regular legislative  
7 session as proposed by the house finance committee shall be incorporated by reference into HB 144  
8 and HB 517 of the 2017 regular legislative session for purposes of committees of conference.

9 229 Effective Date:

10 I. Sections 1, 134, 164, and 174 of this act shall take effect June 30, 2017.

11 II. Section 10 shall take effect October 1, 2017.

12 III. Section 165 of this act shall take effect May 1, 2018.

13 IV. Section 168 of this act shall take effect March 1, 2018.

14 V. Sections 169, 172, and 225 of this act shall take effect upon its passage.

15 VI. Sections 6, 7, 8, 9, 166, 167, 170, 171, 173, 176, 177, and 226 of this act shall take effect  
16 January 1, 2018.

17 VII. Sections 221 and 222 of this act shall take effect July 1, 2019.

18 VIII. Sections 223 and 224 of this act shall take effect July 1, 2021.

19 IX. The remainder of this act shall take effect July 1, 2017.