

HB 561-FN – AS INTRODUCED

2013 SESSION

13-0821
09/04

HOUSE BILL **561-FN**

AN ACT abolishing the department of cultural resources.

SPONSORS: Rep. Vaillancourt, Hills 15; Rep. Warden, Hills 39

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill abolishes the department of cultural resources, transferring the division of libraries and the division of historical resources to the department of state, and transferring the New Hampshire film and television commission to the department of resources and economic development.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT abolishing the department of cultural resources.

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

1 1 Department of Cultural Resources Abolished. Transfer of State Library and Division of
2 Historical Resources Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

3 I. The department of cultural resources shall be abolished effective July 1, 2013.
4 Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties,
5 responsibilities, and funding of the state library and division of historical resources shall be
6 transferred to the secretary of state on July 1, 2013. The transfer provided in this section shall
7 include all of the equipment, books, papers, and records of the department of cultural resources as it
8 relates to the state library and the division of historical resources.

9 II. All existing rules, statutory responsibilities, regulations, and procedures relating to the
10 state library and division of historical resources in effect, in operation, or adopted in or by the
11 department of cultural resources are transferred to the secretary of state, and are declared in effect
12 and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

13 2 Transfer of New Hampshire Film and Television Commission Functions, Positions, Equipment,
14 Records, and Accounts; Rules Continued.

15 I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers,
16 duties, responsibilities, and funding of the New Hampshire film and television commission shall be
17 transferred to the department of resources and economic development on July 1, 2013. The transfer
18 provided in this section shall include all of the equipment, books, papers, and records of the department
19 of cultural resources as it relates to the film and television commission.

20 II. All existing rules, statutory responsibilities, regulations, and procedures relating to the film
21 and television commission in effect, in operation, or adopted in or by the department of cultural resources
22 are transferred to the department of resources and economic development, and are declared in effect and
23 shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

24 3 New Subdivision; Department of State; Division of Libraries and Division of Historical
25 Resources. Amend RSA 5 by inserting after section 51 the following new subdivision:

26 Division of Libraries and Division of Historical Resources

27 5:52 Division of Libraries and Division of Historical Resources Established; Directors.

28 I. There are established within the department of state the division of libraries and the
29 division of historical resources.

30 II. The secretary of state shall nominate each division director for appointment by the
31 governor, with the consent of the council. Division directors shall serve for a term of 4 years. The

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1 director of the division of historical resources shall be qualified by reason of professional competence,
2 education, and experience. The director of the division of libraries, who shall also be known as the
3 state librarian, shall hold a master of library science degree from an accredited library school and
4 shall have had at least 4 years' experience in a library in an administrative capacity. An accredited
5 library school means an institution of higher education which is accredited by the American Library
6 Association to grant a degree of master of library science.

7 III. The salaries of the division directors shall be as specified in RSA 94:1-a.

8 5:53 Division of Libraries. There is hereby established within the department of state the
9 division of libraries, which shall also be known as the state library, under the supervision of an
10 unclassified director of libraries, who shall also be known as the state librarian and who shall be
11 responsible for the following functions in accordance with applicable law:

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

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

16 III. Promoting and coordinating a statewide library system.

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

18 V. Administering all federal funds collected under RSA 201-A:13.

19 VI. Otherwise administering the provisions of title XVI.

20 5:54 Division of Historical Resources. There is hereby established within the department of
21 state, the division of historical resources, which shall also be known as the state historic
22 preservation office, under the supervision of an unclassified director of historical resources, who
23 shall be responsible for administering the state historic preservation program in accordance with
24 RSA 227-C.

25 5:55 Duties of Secretary of State. The secretary of state shall:

26 I. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the
27 continuance or granting of federal funds or other assistance intended to promote library service or
28 historic preservation efforts not otherwise provided for by law.

29 II. Have authority, with regard to the administration of RSA 19-A, and with the approval of
30 a majority of the members of the New Hampshire state council on the arts as established by RSA 19-
31 A:2, to:

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

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

37 (c) Request and receive from any department, division, board, bureau, commission, or

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1 other agency of the state such assistance and data as will enable the commissioner to carry out
2 properly the powers and duties under this subdivision.

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

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

10 5:56 Donations. The secretary of state may receive and accept at any time such sums of money
11 as may be donated for any purpose related to cultural resources. Money so received shall be
12 converted into a continuous fund or funds, which shall not lapse, to be held by the state treasurer
13 from which payments shall be made in accordance with the stipulations of the donor.

14 5:57 Rulemaking Authority. The secretary of state shall adopt rules, pursuant to RSA 541-A,
15 relative to:

- 16 I. The use and control of the state library and its holdings, as authorized by RSA 201-A:9, I.
17 II. The New Hampshire automated information system, as authorized by RSA 201-A:25, II.
18 III. The statewide library development system, as authorized by RSA 201-D:10.
19 IV. Historic preservation activities, as authorized by RSA 227-C:5, provided that the rules
20 shall be subject to ratification by the state historical resources council established by RSA 227-C:13.
21 V. Requirements for selecting art to be funded by the state art fund, as authorized by
22 RSA 19-A:10, I, subject to ratification by the New Hampshire state council on the arts, established
23 by RSA 19-A.
24 VI. Standards for city and town libraries.
25 VII. New Hampshire state government information access libraries and retention schedules
26 for state publications as provided in RSA 202-B.
27 VIII. The administration of the museum property act, as authorized by RSA 201-E:7.

28 4 New Section; Department of Resources and Economic Development; New Hampshire Film and
29 Television Commission. Amend RSA 12-A by inserting after section 41-a the following new section:

30 12-A:41-b New Hampshire Film and Television Commission Established; Members; Duties.

31 I. There is established a New Hampshire film and television commission within the
32 department of resources and economic development. The purposes of the commission shall be:

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

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

37 (c) To increase the use of New Hampshire hotels, restaurants, and local businesses by

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1 visiting film and television production companies.

2 II. The commission shall:

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

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

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

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

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

11 (a) Five members appointed by the commissioner of the department of resources and
12 economic development, including:

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

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

15 (b) The commissioner of the department of resources and economic development, or
16 designee.

17 (c) The secretary of state, or designee.

18 (d) The commissioner of safety, or designee.

19 (e) The executive director of the fish and game department, or designee.

20 (f) A representative of the New Hampshire Association of Chamber of Commerce
21 Executives, appointed by that organization.

22 (g) A representative of the New Hampshire Municipal Association, appointed by that
23 organization.

24 (h) A representative of the New Hampshire Police Chiefs' Association, appointed by that
25 organization.

26 (i) A member of the senate, appointed by the senate president.

27 (j) A member of the house of representatives, appointed by the speaker of the house of
28 representatives.

29 IV. Members appointed under subparagraph III(a) shall serve as voting members of the
30 commission; all other members shall serve as ex-officio members of the commission. The term of
31 office for members shall be 3 years and until a successor is appointed, except that members of the
32 executive branch and legislature shall serve a term coterminous with their appointment or term in
33 office. The initial members of the commission shall serve staggered terms. Vacancies shall be filled
34 in the same manner and for the unexpired terms. The members of the commission shall serve
35 without compensation, but shall be reimbursed for necessary travel and other necessary expenses.
36 Legislative members shall receive mileage at the legislative rate when attending to the duties of the
37 commission.

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

3 VI. The department of resources and economic development shall cooperate with the
4 commission and shall provide necessary information and staff support.

5 5 Reference Change; State Promotional Initiatives. Amend RSA 21-Q:1 to read as follows:

6 21-Q:1 State Promotional Initiatives. In consultation with the New Hampshire film and
7 television commission, established in RSA ~~[21-K:23]~~ **12-A:41-b**, a state agency that contracts with
8 the private sector for the use of film or video in an advertising, promotional, or educational program
9 shall use New Hampshire talent whenever possible. In this section, “New Hampshire talent” means
10 the people used both in front of and behind the camera associated with the film and television
11 industry.

12 6 Reference Change; Special Fund. Amend RSA 6:12, I(b)(222) to read as follows:

13 (222) Moneys deposited in the ~~[department of]~~ cultural resources donations fund
14 under RSA ~~[21-K:4-a]~~ **5:56**.

15 7 Reference Change; Council on Resources and Development. Amend 162-C:1, X to read as
16 follows:

17 X. The ~~[commissioner]~~ **secretary of state** or appropriate division director, ~~[department of~~
18 ~~cultural resources,]~~ or designee.

19 8 Reference Change; State Library. Amend RSA 201-A:1 to read as follows:

20 201-A:1 State Library. There shall be a state library as provided for in RSA ~~[21-K:5]~~ **5:53**. The
21 state library shall be the official clearinghouse of state government information.

22 9 Name Change. Amend the following RSA provisions by replacing “commissioner,”
23 “commissioner of cultural resources” and “commissioner of the department of cultural resources”
24 with “secretary of state”: 4:9-c, I(i); 12-L:4, IV; 19-A:5, IV; 19-A:10 (introductory paragraph); 19-
25 A:11; 79-D:14, II; 162-H:3, II; 201-A:23, II; 201-B:3; 201-D:1, IX; 201-D:2; 201-D:3; 201-D:6; 201-D:9,
26 IV; 201-D:10 (introductory paragraph); 201-E:7 (introductory paragraph); 202-A:12; 202-A:18; 202-
27 A:19; 227-C:3; 227-C:5 (introductory paragraph); 227-C:7; 227-C:8; 227-C:8-d, IV; 227-C:8-g; 227-C:9;
28 227-C:10; 227-C:11; 227-C:29, I(a); 227-M:4, II(e); 238:23, I; and 261:97-d, I(a).

29 10 Name Change. Amend the following RSA provisions by replacing “department of cultural
30 resources” with “department of state:” 4:8-a, I; 12-A:10-e, VIII; 19-A:10, IV; 201-A:22, I; 216-A:3-c, V;
31 227-C:28, II; 227-C:31; 261:97-b, I; 261:97-c, I; 261:97-f, I; and 634:1, V(d).

32 11 Reference Change; State Historic Preservation Office. Amend 227-C:2 to read as follows:

33 227-C:2 State Historic Preservation Office. The division of historical resources, department of
34 ~~[cultural resources]~~ **state** established by RSA ~~[21-K:7]~~ **5:54** shall also be known as the state historic
35 preservation office. The director, division of historical resources shall also be known as the state
36 historic preservation officer.

37 12 Reference Change; Preservation of State Historic Resources. Amend RSA 227-C:4, XI to read

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1 as follows:

2 XI. Providing technical review and comment relative to the [~~commissioner's~~] ***secretary of***
3 ***state's*** powers and duties in the preservation of state historic resources under RSA 227-C:6-8.

4 13 Repeal. The following are repealed:

5 I. RSA 19-A:8, II, relative to the definition of commissioner.

6 II. RSA 21-K, relative to the department of cultural resources.

7 III. RSA 201-A:13, relative to acceptance of federal funds.

8 IV. RSA 201-D:1, IV, relative to the definition of commissioner.

9 V. RSA 227-C:1, I, relative to the definition of commissioner.

10 VI. RSA 227-C:1, III, relative to the definition of department.

11 14 Effective Date. This act shall take effect July 1, 2013.

HB 561-FN - FISCAL NOTE

AN ACT abolishing the department of cultural resources.

FISCAL IMPACT:

The Department of Cultural Resources and the Department of State report this bill, **as introduced**, will have an indeterminable impact on state revenue and expenditures in FY 2014 and each year thereafter. There will be no impact on county and local revenue or expenditures.

METHODOLOGY:

The Department of Cultural Resources (DCR) states this bill would abolish DCR as of July 1, 2013, transfer the State Library and Division of Historical Resources to the Department of State (DOS), and transfer the New Hampshire Film and Television Commission to the Department of Resources and Economic Development (DRED). The Department assumes the adjusted authorized budget for FY 2013 will remain constant in FY 2014 and FY 2015 at \$877,017. As part of FY 2014, the DCR estimates the following additional expenditures associated with abolishing the department;

	FY 2014
Expenditures:	
Commissioner's salary and benefits (Term expires 9/11/13)	\$59,369
Salaries and benefits earned through 6/30/13	\$30,309
Classified employee lay-off costs	\$169,905
OIT costs – June	\$9,000
Telecom and Postage	\$1,200
Total Expenditures	\$269,783

As a result DCR estimates state expenditures will decrease by \$608,234 in FY 2014 and \$877,017 in FY 2015 and thereafter.

This bill would leave no spending authority for the DCR's Office of the Commissioner or the Division of the Arts. The Department anticipated \$998,703 of federal funds from the National Endowment on the Arts (NEA) in FY 2013 and assumes the same amount will be available in FY 2014 and FY 2015. Though the bill provides the Secretary of State the authority to receive

these funds, the Department does not anticipate the State will be able to meet the criteria to receive the funds from the NEA. In addition, DCR states costs related to the State Library, Division of Historical Resource, and the New Hampshire Film and Television Commission, such as transfers to the Department of Information Technology and workers' compensation, are included in the appropriation of the Office of Commissioner, and this bill may result in increased costs to DOS and DRED as they accept said DCR components.

The Department of State (DOS) states this bill would abolish the Department of Cultural Resources (DCR) and transfer the State Library and the Division of Historical Resources to DOS, as well as responsibilities required under RSA 19-A relative to the arts. DOS is unable to determine the fiscal impact, if any, of this bill at this time. DOS states it must first understand the roles of the positions to be eliminated, then determine if it has existing personnel qualified to fill those positions, and if not, determine the appropriate number of positions necessary to meet statutory obligations.

The Department of Resources and Economic Development assumes the budget for the New Hampshire Film and Television Commission, as transferred, will be adequate and no additional funding will be required.