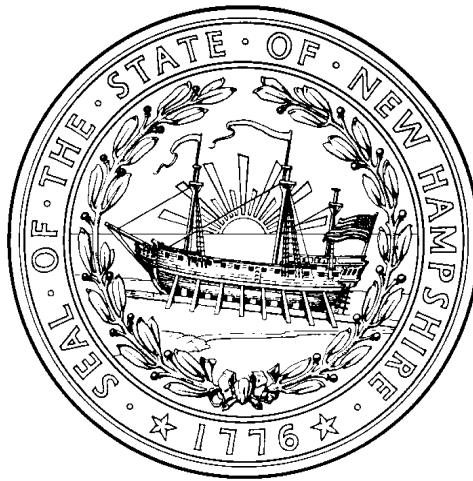


January 28, 2016
No. 4A

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**Second Year of the 164th Session of the
New Hampshire General Court**

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, FEBRUARY 4, 2016 AT 10:00 A.M.**

**THE SENATE WILL MEET IN JOINT CONVENTION WITH THE HOUSE OF
REPRESENTATIVES FOR THE GOVERNOR'S STATE OF THE STATE
ADDRESS ON THURSDAY, FEBRUARY 4, 2016 AT 1:30 P.M.**

REGULAR CALENDAR REPORTS

FINANCE

SB 302-FN-A, relative to an appropriation to the division of homeland security and emergency management.
Ought to Pass with Amendment, Vote 6-0.

Senator D'Allesandro for the committee.

SB 464-FN-A, establishing a statewide drug court grant program and making appropriations therefor.
Ought to Pass with Amendment, Vote 6-0.

Senator Little for the committee.

SB 480-FN-A, relative to the state house visitor's center revolving fund.

Ought to Pass, Vote 6-0.

Senator Hosmer for the committee.

SB 485-FN-A, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor.

Ought to Pass with Amendment, Vote 5-1.

Senator Forrester for the committee.

SB 522-FN-A, making an appropriation to the pharmacy board for technology upgrades for the controlled drug prescription health and safety program.

Ought to Pass with Amendment, Vote 6-0.

Senator Reagan for the committee.

AMENDMENTS

Senate Finance
February 2, 2016
2016-0366s
05/04

Amendment to SB 302-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT: making an appropriation to the department of safety for disaster and emergency response preparedness.

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

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

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. ~~[Of the moneys paid into the fund, the amount of \$720,000 for fiscal year 2016 and the amount of \$1,500,000 for fiscal year 2017 and each fiscal year thereafter shall be transferred to the division of homeland security and emergency management for the purpose of disaster and emergency response preparedness and coordination to help minimize utility and other disruptions resulting from natural or manmade disasters. Any remaining]~~ **The** moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys

shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

2 Supplemental Appropriation to the Department of Safety. In addition to any other funds appropriated to the department of safety, the sum of \$745,119 for the fiscal year ending June 30, 2016, and \$1,553,015 for the fiscal year ending June 30, 2017, are hereby appropriated for the purpose of disaster and emergency response preparedness and coordination to help minimize utility and other disruptions resulting from natural or manmade disasters. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

2016-0366s

AMENDED ANALYSIS

This bill makes a supplemental appropriation to the department of safety for the purpose of disaster and emergency response preparedness. The bill also removes a transfer from the renewable energy fund to the division of homeland security and emergency management made for the same purpose in 2015, 276.

Senate Finance
February 2, 2016
2016-0369s
10/04

Amendment to SB 464-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a statewide drug offender grant program and making appropriations therefor, and relative to transferring certain revenues to the revenue stabilization reserve account.

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

1 Chapter Title; Drug Courts and Drug Offender Grant Program. Amend the chapter heading of RSA 490-G to read as follows:

CHAPTER 490-G

DRUG COURTS AND DRUG OFFENDER GRANT PROGRAM

2 New Subdivision; Drug Offender Grant Program. Amend RSA 490-G by inserting after section 2 the following new subdivision:

Drug Offender Grant Program

490-G:3 Grant Program Created.

I. There is established a statewide drug offender grant program which shall provide state matching funds as appropriated to support drug courts or drug offender programs in all state superior court districts. The grant program shall be available to counties operating drug courts or alternative drug offender programs prior to the effective date of this section, and to counties that have not yet implemented a drug court or drug offender program.

II. There is established the office of drug offender program coordinator within the administrative office of the superior court. For purposes of this chapter, "office" means the office of drug offender program coordinator. The office shall be responsible for developing an application process by which counties shall apply for a state grant, evaluating the operating drug courts and alternative drug offender programs, determining certification, measuring recidivism rates, evaluating compliance with relevant standards, assisting in creating drug courts or alternative drug offender programs in counties seeking to implement them, and assisting counties in obtaining ongoing training.

III. Counties operating a drug court or alternative drug offender program, or which seek to establish such a program, may be eligible for a state grant which shall pay up to 50 percent of the cost from funds administered by the administrative office of the superior court. The remaining cost shall be funded by the counties.

490-G:4 Eligibility for Grants.

I. For the purpose of grants, the superior court districts of each county shall be grouped into 3 categories: small, medium, and large. Coos, Carroll, and Sullivan counties shall be categorized as small. Grafton, Belknap, and Cheshire counties shall be categorized as medium. The districts of Hillsborough county superior court north and Hillsborough county superior court south, and Strafford, Merrimack, and Rockingham counties shall be categorized as large. Subject to available appropriations, large counties and districts shall each be eligible for a grant of up to \$245,000 per year; medium counties shall each be eligible for a grant of up to \$150,000 per year; and small counties shall each be eligible for a grant of up to \$100,000 per year.

II. To be eligible for a state grant, a county operating a drug court or alternative drug offender program shall receive certification from the office. Grants shall be recommended by the advisory commission established in RSA 490-G:5 and paid upon approval of the recommended amount by the administrative office of the superior court. The office shall determine how often certification shall be required and the office shall award certification when the currently operating drug court or alternative drug offender program establishes:

(a) Compliance with the New Hampshire drug court or alternative drug offender program certification checklist as promulgated by the office and approved by the advisory commission; and

(b) A commitment on behalf of the county government.

III. A county without a drug offender program which seeks to implement a drug court or alternative drug offender program shall first apply for a federal grant for the purpose of establishing a program. A county shall be required to apply for a federal grant only once. Any county that applied for a federal grant before the effective date of this section shall not be required to apply again. In the event the county is awarded a federal grant, or any other grant from a nonprofit organization, designed to fund a drug court or alternative drug offender program, the county shall be eligible for a state grant after the federal or other nonprofit grant has expired. If the county does not receive a federal or other nonprofit grant for which it applied, then it shall be eligible for a state grant.

IV.(a) A county seeking to implement a drug court or alternative drug offender program may obtain a state grant for the purpose of establishing a program after satisfying the conditions in paragraph III. To obtain a state grant, a county shall:

(1) Submit a budget to the office;

(2) Submit policies and procedures including a participant handbook, which may be created from templates available through the office, or program outline and implementation plan.

(3) Obtain and complete drug offender program training as approved by the office; and

(4) Demonstrate a commitment on behalf of the county government.

(b) If the office approves the county's budget, policies and procedures or program outline and implementation plan, and certifies that the appropriate training has been completed and that the county has demonstrated the necessary commitment, the county shall receive the grant amount recommended by the advisory commission in RSA 490-G:5 and paid by the office for up to 50 percent of the approved budget for one year.

(c)(1) An alternative drug offender program may be established either separately or jointly with another county for high risk, and high or moderate need offenders. The alternative drug offender program developed shall be evidence-based and shall employ the use of an evidence-based risk/need assessment to determine participant eligibility. For counties to be eligible for a state grant, they shall obtain approval from the office of the drug offender program coordinator. Alternative drug offender programs shall comply with the requirements of subparagraph IV(a).

(2) Before obtaining a state grant, a county shall apply for federal grants that may be applicable for the program. If the county obtains a federal grant, it becomes eligible for up to a 50 percent state grant, pursuant to the conditions in this section, after the federal grant has been exhausted. The county shall be required to apply for a federal grant only once.

(d) To receive funding for subsequent years, the county shall obtain certification from the office. The office shall determine how often certification shall be required. The office shall grant certification if the county establishes:

(1) Compliance with the New Hampshire drug court or alternative drug offender program certification checklist as promulgated by the office and approved by the advisory commission; and

(2) A commitment on behalf of the county government.

V. The judicial branch administrative office of the superior court is authorized to expend from appropriated sums the amounts necessary to fund the grants certified by the office.

490-G:5 Advisory Commission; Drug Offender Grant Program.

I. There is established an advisory commission to make recommendations on amounts of grant awards and renewal of the drug offender grant program. The members of the advisory commission are as follows:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) One member of the public, appointed by the governor.
- (d) The chief justice of the New Hampshire superior court, or designee.
- (e) The commissioner of the department of corrections, or designee.
- (f) The commissioner of the department of health and human services, or designee.
- (g) One member appointed by the New Hampshire Association of Counties.
- (h) The president of New Hampshire Association of Chiefs of Police, or designee.
- (i) One member of the Interbranch Criminal and Juvenile Justice Council (ICJJC) appointed by the chairperson.
- (j) One member who is a probation-parole officer, appointed by the commissioner of the department of corrections.
- (k) One member who is a public defender, appointed by the governor.
- (l) One member who is a prosecutor, appointed by the president of the senate.
- (m) One member who is a victim advocate, appointed by the speaker of the house of representatives.

II. The senate member shall call the first meeting. Meetings shall be held at least twice a year. A quorum shall consist of 5 members.

III. The advisory commission shall work with the office based on its evaluations of the operating drug courts and alternative drug offender programs, recidivism rates, and compliance with relevant standards and training as required, and recommend whether or not the drug offender grant program shall be continued. The advisory commission shall work with the office to recommend grant amounts as provided in this chapter. The advisory commission shall review and approve the drug court or alternative drug offender program certification checklist prior to implementation by the office.

3 Appropriation; Judicial Branch; Drug Court Grant Program.

I. The sum of \$940,000 for the fiscal year ending June 30, 2016 and \$1,635,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the judicial branch for the purpose of funding the drug offender grants certified by the office of the drug offender program coordinator under RSA 490-G.

II. The sum of \$151,799 for the fiscal year ending June 30, 2016 and \$254,345 for the fiscal year ending June 30, 2017 is hereby appropriated to the judicial branch for the purpose of administrative support under RSA 490-G for the drug offender grant program.

III. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Transfer to Revenue Stabilization Reserve Account. Notwithstanding any provision of law to the contrary, to the extent combined unrestricted general and education trust fund revenues for the fiscal year ending June 30, 2016 as determined by the official audit performed pursuant to RSA 21-I:8, II(a) exceed the official estimates, an amount not to exceed \$5,000,000 of said excess shall immediately be transferred by the comptroller to the revenue stabilization fund established in RSA 9:13-e.

5 Effective Date. This act shall take effect upon its passage.

2016-0369s

AMENDED ANALYSIS

This bill establishes the statewide drug offender grant program administered by the office of drug offender program coordinator. Grants are paid by the administrative office of the superior court to counties meeting the requirements. The bill establishes an advisory commission and makes appropriations for grants for the administration and funding of drug courts and alternative drug offender programs. The bill also provides for a transfer of excess revenues to the revenue stabilization reserve account.

Senate Finance
February 2, 2016
2016-0370s
10/04

Amendment to SB 485-FN-A

Amend RSA 21-P:67, II as inserted by section 2 of the bill by replacing it with the following:

II. The substance abuse enforcement fund shall be a nonlapsing fund administered by the commissioner of the department of safety. The fund shall consist of an initial appropriation of \$1,875,000, and the commissioner may also accept and expend gifts, grants, and donations from any state or federal source for deposit into the fund. The fund shall be continually appropriated and expended at the discretion of the commissioner of the department of safety, in furtherance of the purposes of the fund. The commissioner shall create an accounting unit and expenditure classes for the fund as the commissioner deems necessary and appropriate to effectuate the purposes of the fund. Notwithstanding the provisions of RSA 9:16-a and the provisions of 2015, 276:198, the commissioner is authorized to transfer funds within and among the expenditure classes in furtherance of the purposes of the fund.

Amend the bill by replacing all after section 4 with the following:

5 Appropriation; Department of Safety. The sum of \$375,000 for the fiscal year ending June 30, 2016 and the sum of \$1,500,000 for the fiscal year ending June 30, 2017 are hereby appropriated to the department of safety, for the purpose of funding the substance abuse enforcement program and fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

2016-0370s

AMENDED ANALYSIS

This bill requires the commissioner of safety to establish a state grant program within the department of safety, division of state police, to assist state and local law enforcement agencies in addressing the opioid crisis. The bill establishes a special fund and makes an appropriation for purposes of this program.

Senate Finance
February 2, 2016
2016-0368s
10/04

Amendment to SB 522-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

Amend the bill by replacing section 1 with the following:

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

2016-0368s

AMENDED ANALYSIS

This bill makes an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.