

Amendment to HB 517

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

2
3 AN ACT relative to state fees, funds, revenues, and expenditures.
4

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

7 1 Department of Administrative Services; Consolidation of Human Resources and Payroll
8 Functions.

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

16 (a) Accounts receivable;

17 (b) Accounts payable;

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

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

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

Amendment to HB 517

- Page 2 -

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

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

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

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

34 2 Department of Administrative Services; Transfer Among Accounts and Classes.
35 Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the
36 approval of the fiscal committee of the general court and the governor and council, for the biennium
37 ending June 30, 2019, the commissioner of the department of administrative services is hereby

Amendment to HB 517

- Page 3 -

1 authorized to transfer funds within and among all accounting units and/or class codes within the
2 department, and is further authorized to create new class codes within the department into which
3 funds may be transferred or placed, as the commissioner deems necessary and appropriate to
4 address present or projected budget deficits, or to respond to changes in federal laws, regulations, or
5 programs, and otherwise as necessary for the efficient management of the department; provided
6 that if a transfer does not include new class codes, only transfers over \$75,000 shall require prior
7 approval of the fiscal committee of the general court and the governor and council.

8 3 Health Risk Appraisal; Protected Health Information. All information contained in a state
9 employee's health risk appraisal as referenced in any collective bargaining agreement shall be
10 considered protected health information and entitled to all of the non-disclosure and other
11 restrictions set forth in the Health Insurance Portability and Accountability Act of 1996, as
12 amended, (HIPAA) Standards for Privacy of Individually Identifiable Health Information at 45
13 C.F.R. Part 160 and Subparts A and E of Part 164 ("Privacy Rule").

14 4 State Employee Health Plan; Application. The cost sharing and plan design for
15 unrepresented active state employees who participate in the health plans offered by the state shall
16 be the same as those for individuals covered by the collective bargaining agreement between the
17 state of New Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal
18 committee of the general court may approve changes to the above plan design cost sharing
19 provisions consistent with RSA 21-I:30, I. The cost sharing and plan designs for represented active
20 state employees who participate in the health plans offered by the state shall be in accordance with
21 the provisions of the collective bargaining agreements between the state and the employee
22 organizations representing those employees.

23 5 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds in
24 existing class 60 budgets to pay any penalties imposed under the employer shared responsibility for
25 health coverage under section 4980H of the Internal Revenue Code.

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

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

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

Amendment to HB 517

- Page 4 -

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

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

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

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

28 8 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-
29 A:54, III to read as follows:

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

36 ***(b) The retirement system shall deduct from the monthly retirement allowance***
37 ***of a retired state employee and/or spouse who are eligible for Medicare Parts A and B due***

1 *to age or disability receiving medical and surgical benefits provided pursuant to RSA 21-*
2 *I:30, a premium contribution amount based on a percentage of the total monthly premium*
3 *attributable to the applicable retiree and/or spouse, as determined by the commissioner of*
4 *administrative services, with prior approval by the fiscal committee of the general court,*
5 *provided the percentage is not lower than 10 percent.*

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

19 9 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to
20 read as follows:

21 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

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

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

33 *III. The department of administrative services shall provide information as to the total*
34 *monthly premium cost for each participant to the judicial retirement plan for purposes of*
35 *calculating this deduction. The judicial retirement plan shall deduct the payment required under*
36 *this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted*
37 *to the administrative office of the courts within 14 days along with a statement identifying from*

Amendment to HB 517

- Page 6 -

whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

10 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits. Notwithstanding requirements of RSA 21-I:30, XIII, (b), RSA 100-A:54, III, (b) and 100-C:11-a, II, effective January 1, 2018 the percentage of premium attributable to each retiree and/or spouse shall be 10 percent and shall continue until such time that the commissioner of administrative services determines it is necessary to seek approval from the fiscal committee to revise that percentage.

11 Department of Agriculture; Pet Vending. RSA 437:1 through RSA 437:13-a are repealed and reenacted to read as follows:

Transfer of Animals and Birds

437:1 Definitions. In this subdivision:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

II. "Commercial kennel" means any person, business, corporation, or other entity that transfers 10 or more litters or 50 or more puppies in any 12-month period.

III. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

IV. "Pet vendor" means any person, firm, corporation, or other entity engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire.

V. "Transfer" means transfer of ownership of live animals or birds from any person, firm, corporation, or other entity to a member of the public.

437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal health that are consistent with the pattern established throughout statute by the general court. Animal health regulation shall focus either on those conditions that pose a threat to public health or that would require regulatory intervention to protect the economy of the state, or both.

437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the

Amendment to HB 517

- Page 7 -

1 municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee.
2 All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new
3 application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

4 I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures
5 used in the business of dealing in live animals or birds customarily used as household pets.

6 II. Submit premises, buildings and other enclosures to unannounced inspection by
7 department employees or local animal control, law enforcement, or health officials at reasonable
8 times.

9 III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law
10 enforcement, or any member of the public, a proper record in which all live animals or birds
11 customarily used as household pets obtained or transferred shall be listed, giving the breed, date
12 the animal was obtained and transferred, and from whom the animal or bird was obtained and to
13 whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo
14 number of each animal or bird, where applicable. Animals or birds that do not bear such
15 identification shall be identified by recording markings, a physical description and any other
16 information as the commissioner deems necessary to identify such animals or birds.

17 IV. Keep records of all animals or birds intended for transfer indicating identification, point
18 of origin, and recipient, and shall submit said records to the commissioner upon request.

19 V. Abide by such other rules as the commissioner may adopt to control disease.

20 437:4 Refusal to Issue; Revocation of License. The commissioner, after notice to the licensee
21 and opportunity for hearing, as set forth in the rules adopted under RSA 437:10, may deny an
22 application or revoke a license for any of the following reasons:

23 I. The applicant or licensee violated the statutes of the state of New Hampshire or of the
24 United States or any rule adopted by the commissioner pursuant to this chapter;

25 II. The applicant made false or misleading statements in his or her application for a license;

26 III. The licensee knowingly transferred any animal affected with a communicable disease
27 except as allowed under RSA 437:5 and RSA 437:8, IV;

28 IV. The licensee ceased to operate the business for which the license was issued; or

29 V. The applicant or licensee held any similar license issued in another jurisdiction, revoked
30 or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437, during
31 the preceding 5 years.

32 437:5 Prohibition. No licensee under this subdivision shall transfer, other than to a qualified
33 veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other
34 than as permitted under RSA 437:8, IV nor shall any licensee treat inhumanely any animal or bird
35 in his or her care or possession or under his or her control.

36 437:6 Health Management; Dogs, Cats, and Ferrets.

37 I. Medical treatment and use of controlled drugs on any animal or bird under the care or

Amendment to HB 517
- Page 8 -

1 possession or under the control of any licensee other than a veterinarian may be administered only
2 under the direction and supervision of a veterinarian for the purposes of this subdivision.

3 II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may
4 have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and,
5 unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be
6 entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog,
7 cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business
8 days of said examination, accompanied by the veterinarian's statement that the animal is not free of
9 disease.

10 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
11 that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of
12 livestock or poultry.

13 437:8 Health Certificates for Dogs, Cats, and Ferrets.

14 I. No dog, cat, or ferret shall be transferred by any person, whether or not they hold a
15 license under this subdivision, to a member of the public without the dog, cat, or ferret first being
16 inoculated against infectious diseases using a vaccine approved by the state veterinarian. No dog,
17 cat, or ferret shall be transferred by any person, whether or not they hold a license under this
18 subdivision, to a member of the public unless the dog, cat, or ferret is accompanied by an official
19 health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in
20 triplicate, one copy of which shall be retained by the issuing veterinarian, one copy of which shall be
21 for the licensee's records, and one copy of which shall be given to the transferee upon transfer as
22 provided in paragraph II. If an official health certificate is produced, it shall be prima facie
23 evidence of transfer.

24 II. An animal shall be exempt from the health certificate requirement in RSA 437:8, I when
25 such animal is relinquished by a New Hampshire resident or municipality to an animal shelter or
26 rescue registered with the department of justice, charitable trusts unit that owns, operates and
27 maintains the premises on which the animal will be housed in New Hampshire; a public pound
28 operated by a New Hampshire municipality; or a facility operated by any person, excluding
29 veterinarians, who contracts with a New Hampshire municipality to serve that function. In order
30 to qualify for the exemption, the facility:

31 (a) Shall have on premises a microchip scanner and shall maintain a file of recognized
32 pet retrieval agencies including but not limited to national tattoo or microchip registries.

33 (b) Where an owner is not known, shall inspect for tattoos, ear tags, or other permanent
34 forms of positive identification and shall scan for a microchip upon admission of an abandoned
35 animal as defined in RSA 437:18, IV and prior to transferring ownership of an abandoned animal.

36 (c) Shall comply with all other provisions of RSA 437.

37 III. For purposes of this chapter, an official health certificate means a certificate signed by

Amendment to HB 517
- Page 9 -

1 a licensed veterinarian, containing the name and address of the entity transferring ownership of
2 the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or
3 physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog,
4 cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list
5 of all vaccines and medication administered to the dog, cat, or ferret shall be included on or
6 attached to the certificate.

7 IV. The original of the official health certificate accompanying the dog, cat, or ferret offered
8 for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed,
9 and made available for inspection by the department, local officials, or a member of the public upon
10 request up to one year after the animal has left the facility. The public shall be informed of their
11 right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in
12 the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that
13 animal's health certificate shall be given to the transferee in addition to any other documents which
14 are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has
15 a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has
16 caused it to fail its examination by a licensed veterinarian for an official health certificate under
17 paragraph I. The transferee shall sign a waiver that indicates the transferee has knowledge of such
18 dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee
19 who shall send a copy to the state veterinarian.

20 V. No person, firm, corporation, or other entity shall ship or bring into the state of New
21 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
22 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
23 ferret less than 8 weeks of age.

24 VI. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
25 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed
26 veterinarian separated from other animals on the premises before being offered for transfer.

27 437:9 Enforcement. The commissioner of agriculture, markets, and food, local animal control
28 officials, law enforcement officials, or local health officials shall independently have authority to
29 enforce the provisions of this subdivision and any rules established thereunder.

30 437:10 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,
31 relative to:

- 32 I. The information required from an applicant for a license as a pet vendor;
- 33 II. The health and sanitation standards to effectuate the purposes of this subdivision;
- 34 III. Information required to be maintained in records of pet vendors regarding identifying
35 features of animals or birds obtained and transferred;
- 36 IV. Notice and hearing on the refusal to issue or the revocation of a license; and
- 37 V. Any other matter the commissioner may deem necessary to carry out the provisions of

Amendment to HB 517
- Page 10 -

1 this subdivision.

2 437:11 Penalty.

3 I. Any pet vendor who transfers live animals or birds customarily used as household pets in
4 this state without having a license to do so as required by this chapter shall be guilty of a
5 misdemeanor.

6 II. In addition to the penalty under paragraph I, any pet vendor who violates any of the
7 provisions of this subdivision or rule adopted under it may be subject to an administrative fine
8 levied by the commissioner, not to exceed \$1,000 for each violation.

9 12 Department of Agriculture; Pet Vendors; Cross Reference Changed. Amend RSA 437:22, I to
10 read as follows:

11 I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined
12 in ~~[RSA 437:2, I]~~ **RSA 437:1, I**, or an animal care center as defined in RSA 437:18, III, to give,
13 release, sell, trade or transfer with or without a fee any live animal brought, caught, detained,
14 obtained or procured by any means, to any association, corporation, individual, educational
15 institution, laboratory, medical facility, or anyone else, for the purpose of experimentation or
16 vivisection.

17 13 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 14 Judicial Appointments; Number Limited; Vacancies.

22 I. Except as provided in paragraph II, for the biennium ending June 30, 2019, the number
23 of judges serving on the superior court shall not exceed 21 and the number of full-time judges
24 serving on the circuit court shall not exceed 31.

25 II. For the biennium ending June 30, 2019, the filling of a marital master position by a
26 judge shall increase the authorized number of circuit court judges allowed under paragraph I for
27 each position so filled.

28 15 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
29 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
30 biennium ending June 30, 2019, the supreme court is hereby authorized to transfer funds within
31 and among all accounting units within the judicial branch as the supreme court deems necessary
32 and appropriate to address budget reductions or to respond to changes in federal laws, regulations,
33 or programs, and otherwise as necessary for the efficient management of the judicial branch. If the
34 supreme court intends to transfer funds which would otherwise meet the transfer requirements as
35 set forth in RSA 9:17-d, prior approval of the fiscal committee shall be required for transfers of
36 \$75,000 or more.

37 16 References Changed; Resources and Economic Development to Natural and Cultural

Amendment to HB 517

- Page 11 -

Resources. Amend the following RSA provisions by replacing "resources and economic development" with "natural and cultural resources": the chapter heading of RSA 12-A; 12-A:1-a; 12-A:2; 12-A:2-c, I; 12-A:2-d; 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-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 introductory paragraph of 12-A:29-a; 12-A:29-c; 12-E:1, III; 12-E:1, XIII; 12-E:6, I; 21-O:12, II; 31:112, I; 121:6-a; 216-A:2; 218:6; 227-D:3; 227-G:2; 227-G:3, I(c); 227-J:6, II; 227-K:15; 227-L:5-a; 227-L:28; 227-L:32; 227-M:4, II(f); 482-A:3; 483-B:9, V(a)(2)(D)(vi); and 483-B:9, V(b)(2)(A).

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

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

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

12-A:1-b General Provisions.

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

II. With the approval of the governor and council and of the director of personnel the commissioner of ***natural and cultural*** resources [~~and economic development~~] after consultation

Amendment to HB 517
- Page 12 -

1 with directors of divisions concerned and the advisory commission is authorized to transfer
2 classified personnel, appropriations or portions thereof relating thereto as well as necessary
3 equipment, within any division or between divisions of the department[; ~~provided, however, that no~~
4 ~~such transfer shall eliminate classified positions so transferred. Vacancies in classified positions~~
5 ~~occurring after July 1, 1961, in any department functions to be transferred to the new department~~
6 ~~of resources and economic development shall not be filled without the approval of the governor and~~
7 ~~council, provided that after written notification of vacancies to be filled are received by the governor~~
8 ~~and council from department directors, and if no action is taken on these requests within thirty~~
9 ~~days, the director of the division concerned may fill such vacancy or vacancies forthwith. No~~
10 ~~permanent classified employee in the state service upon the effective date of this act shall be~~
11 ~~required to take an examination to remain in his position. The authority of the governor and~~
12 ~~council to approve the filling of vacancies in the classified service after July 1, 1961 as hereinabove~~
13 ~~provided, shall terminate as of June 30, 1963].~~

14 19 Department of Natural and Cultural Resources; Powers and Duties RSA 12-A:1-c is repealed
15 and reenacted to read as follows:

16 12-A:1-c Powers and Duties of Department of Natural and Cultural Resources.

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

19 (a) Providing information services to state government.

20 (b) Developing strategies for preservation and stimulation of the state's forests and
21 lands and the promotion of the state's parks and recreation resources.

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

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

25 (e) Sponsoring state historic preservation activities.

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

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

32 20 Department of Natural and Cultural Resources; Police Powers. Amend RSA 12-A:1-d to
33 read as follows:

34 12-A:1-d Police Powers.

35 I. The commissioner of the department of *natural and cultural* resources [~~and economic~~
36 ~~development~~], the director of the division of parks and recreation, [~~and~~] the director of the division
37 of forests and lands, *and the director of the division of historical resources* shall have

1 authority as peace officers as provided in RSA 594 and may confer said authority upon certain
2 individuals within the department of **natural and cultural** resources [~~and economic~~
3 ~~development~~], the division of parks and recreation, [~~and~~] the division of forests and lands, **and the**
4 **division of historical resources**. Said police powers shall be limited to the enforcement of state
5 laws and rules of the department of **natural and cultural** resources [~~and economic development~~]
6 on lands or property owned by, leased to, or otherwise under the control of the department of
7 **natural and cultural** resources [~~and economic development~~]. Nothing herein shall limit the
8 police powers of employees of the department of **natural and cultural** resources [~~and economic~~
9 ~~development~~] as provided for in RSA 227-G:7, RSA 215-C:32, and RSA 215-A:16 and 17.

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

17 21 New Section; Department of Natural and Cultural Resources; Duties of Commissioner.
18 Amend RSA 12-A by inserting after section 2-j the following new section:

19 12-A:2-k Duties of Commissioner. In addition to the powers, duties, and functions otherwise
20 vested by law in the commissioner of the department of natural and cultural resources, the
21 commissioner shall:

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

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

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

31 IV. Have authority, with regard to the administration of RSA 19-A, and with the approval
32 of a majority of the members of the New Hampshire state council on the arts as established by RSA
33 19-A:2, to:

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

37 (b) Make and sign any agreements and to do and perform any acts that may be

Amendment to HB 517

- Page 14 -

necessary, desirable, or proper to carry out the purposes of RSA 19-A.

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

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

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

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

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

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

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

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

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

I. ~~[The]~~ **There shall be a** director of ~~[the division of resources development in office on the effective date of this section shall continue in office as director of]~~ the division of forests and lands subject to the provisions of this chapter. ~~[His]~~ **The director's** tenure and salary shall be as ~~[has]~~

Amendment to HB 517

- Page 15 -

1 ~~been established for the director of the division of resources development. All of the powers, duties~~
2 ~~and functions heretofore performed by the director of the division of resources development~~
3 ~~pursuant to any provisions of the statutes shall henceforth be performed by the director of the~~
4 ~~division of forests and lands subject to the provisions of this chapter. Wherever reference is made to~~
5 ~~the director of the division of resources development, it shall henceforth be construed to mean the~~
6 ~~director, division of forests and lands, department of resources and economic development]~~
7 ***established in this chapter.***

8 25 Director of Parks and Recreation. Amend RSA 12-A:10 to read as follows:

9 12-A:10 Director of Parks ***and Recreation*** ~~[- Initial Appointment and Tenure]. [The director of~~
10 ~~recreation in office on the effective date of this act shall continue in office as]~~ ***There shall be a***
11 ***director of the division of parks and recreation*** subject to the provisions of this ~~[act]~~ ***chapter.***
12 ~~[His]~~ ***The director's*** tenure and salary shall be as herein established for the director of the division
13 of parks ***and recreation***. All of the powers, duties, and functions ~~[heretofore]~~ ***formerly*** performed
14 by the director of recreation pursuant to any provision of the statutes shall henceforth be performed
15 by the director of parks ***and recreation*** subject to the provisions of this ~~[act]~~ ***chapter.*** Wherever
16 reference is made to the director of recreation in any provision of the statutes it shall henceforth be
17 construed to mean the director, division of parks ***and recreation***, within the department of
18 ***natural and cultural*** resources ~~[and economic development]~~.

19 26 Division of Parks and Recreation. Amend RSA 12-A:10-a to read as follows:

20 12-A:10-a Division of Parks ***and Recreation***; Transfer of Functions, Powers, Duties. All of the
21 functions, powers, duties, personnel, records, and property of the ***former*** division of parks are
22 hereby transferred to the division of parks and recreation of the department of ***natural and***
23 ***cultural*** resources ~~[and economic development]~~. Whenever reference is made to the division of
24 parks in the statutes, it shall henceforth be construed to mean the division of parks and recreation.

25 27 Director of Parks and Recreation. Amend RSA 12-A:10-b to read as follows:

26 12-A:10-b Director of Parks and Recreation; Initial Appointment and Tenure. ~~[The director of~~
27 ~~the division of parks in office on the effective date of this section shall continue in office as]~~ ***There***
28 ***shall be a*** director of the division of parks and recreation subject to the provisions of this chapter.
29 ~~[His]~~ ***The director's*** tenure and salary shall be as has been established ~~[for the director of the~~
30 ~~division of parks]~~ ***in this chapter.*** All of the powers, duties, and functions ~~[heretofore]~~ ***formerly***
31 performed by the director of the division of parks pursuant to any provisions of the statutes shall
32 henceforth be performed by the director of the division of parks and recreation subject to the
33 provisions of this chapter. Wherever reference is made to the director of the division of parks, it
34 shall henceforth be construed to mean the director, division of parks and recreation, department of
35 ***natural and cultural*** resources ~~[and economic development]~~.

36 28 Reference Deleted. Amend RSA 12-A:10-e, VIII to read as follows:

37 VIII. Work collaboratively with the division of historical resources ~~[in the department of~~

Amendment to HB 517

- Page 16 -

1 ~~cultural resources~~], in the management of the state historic sites and the development of
2 interpretive and visitor programs for students and the general public that will build ongoing
3 recognition and appreciation for the state's historic sites.

4 29 New Sections; Department of Natural and Cultural Resources; Divisions. Amend RSA 12-A
5 by inserting after section 10-f the following new sections:

6 12-A:10-g Division of Libraries; Transfer of Functions, Powers, Duties. The division of
7 libraries, with all of its functions, powers, duties, personnel, records, and property, is hereby
8 transferred from the department of cultural resources to the department of natural and cultural
9 resources. Whenever reference is made to the division of libraries in the statutes, it shall
10 henceforth be construed to mean the division of libraries in the department of natural and cultural
11 resources.

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

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

18 II. Operating the New Hampshire automated information system as provided for by RSA
19 201-A:22, I.

20 III. Promoting and coordinating a statewide library system.

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

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

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

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

30 12-A:10-j Division of Arts; Duties of Director. There is hereby established within the
31 department the division of the arts, under the supervision of an unclassified director of arts. The
32 director of arts shall have either a masters degree in art administration and 3 years of experience in
33 nonprofit arts administration or at least 5 years' experience administering a major arts organization
34 or at least 5 years' experience in public administration of a major program within a local, state, or
35 federal arts agency. The director of arts shall be responsible for administering the provisions of
36 RSA 19-A, with the primary goal of supporting and promoting the arts in all of their manifestations.

37 12-A:10-k Division of Historical Resources; Transfer of Functions, Powers, Duties. The division

1 of historical resources, with all of its functions, powers, duties, personnel, records, and property, is
2 hereby transferred from the department of cultural resources to the department of natural and
3 cultural resources. Whenever reference is made to the division of historical resources in the
4 statutes, it shall henceforth be construed to mean the division of historical resources in the
5 department of natural and cultural resources.

6 12-A:10-l Division of Historical Resources; Director. There is hereby established within the
7 department the division of historical resources, which shall also be known as the state historic
8 preservation office, under the supervision of an unclassified director of historical resources. The
9 director of historical resources shall be responsible for administering the state historic preservation
10 program in accordance with RSA 227-C.

11 12-A:10-m Division of Film and Digital Media Established. There is hereby established within
12 the department the division of film and digital media, which shall also be known as the state film
13 office, under the supervision of an unclassified director of film and digital media, with the primary
14 goal of marketing and promotion of film, video, and digital media production for the purpose of
15 strengthening the cultural, educational, and economic impact of media production in New
16 Hampshire.

17 30 New Section; Commission on Native American Affairs. Amend RSA 12-A by inserting after
18 section 14 the following new section:

19 12-A:14-a New Hampshire Commission on Native American Affairs Established.

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

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

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

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

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

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

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

37 III. Each member of the commission shall serve a 3-year term, and no member shall serve

Amendment to HB 517
- Page 18 -

1 more than 2 consecutive terms. A vacancy occurring other than by expiration of term shall be filled
2 in the same manner as the original appointment was made but for the unexpired term only. Initial
3 appointments by the governor shall be for staggered terms of one, 2, or 3 years. Members of the
4 commission shall serve without compensation.

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

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

11 VI. The commission shall:

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

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

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

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

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

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

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

37 VIII. The commission may accept any gifts, grants, or donations from any public or private

Amendment to HB 517

- Page 19 -

1 source, provided that such gifts, grants, or donations shall be used exclusively to advance the
2 commission's purpose and duties. Information concerning the receipt of any gifts, grants, or
3 donations shall be posted on the department of cultural resources website.

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

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

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

16 31 New Section; Film and Television Commission. Amend RSA 12-A by inserting after section
17 41-a the following new section:

18 12-A:41-b New Hampshire Film and Television Commission Established; Members; Duties.

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

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

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

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

27 II. The commission shall:

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

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

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

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

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

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

Amendment to HB 517

- Page 20 -

- 1 (1) Three members representing the film and television industry.
- 2 (2) Two members of the general public with an interest in the film industry.
- 3 (b) The commissioner of the department of natural and cultural resources, or designee.
- 4 (c) The commissioner of safety, or designee.
- 5 (d) The executive director of the fish and game department, or designee.
- 6 (e) A representative of the New Hampshire Association of Chamber of Commerce
- 7 Executives, appointed by that organization.
- 8 (f) A representative the New Hampshire Municipal Association, appointed by that
- 9 organization.
- 10 (g) A representative of the New Hampshire Police Chiefs' Association, appointed by that
- 11 organization.
- 12 (h) A member of the senate, appointed by the senate president.
- 13 (i) A member of the house of representatives, appointed by the speaker of the house of
- 14 representatives.

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

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

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

28 32 Reference Changed. Amend RSA 21-Q:1 to read as follows:

29 21-Q:1 State Promotional Initiatives. In consultation with the New Hampshire film and
30 television commission, established in RSA ~~[21-K:23]~~ **12-A:41-b**, a state agency that contracts with
31 the private sector for the use of film or video in an advertising, promotional, or educational program
32 shall use New Hampshire talent whenever possible. In this section, "New Hampshire talent" means
33 the people used both in front of and behind the camera associated with the film and television
34 industry.

35 33 Reference Changed. Amend RSA 201-A:1 to read as follows:

36 201-A:1 State Library. There shall be a state library as provided for in RSA ~~[21-K:5]~~ **12-A:10-h**.
37 The state library shall be the official clearinghouse of state government information.

Amendment to HB 517

- Page 21 -

34 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-I*** 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.

35 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.

36 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 the department of ***natural and*** cultural resources, the department of fish and game, ~~[the department of resources and economic development,]~~ the state conservation committee, and the New Hampshire land and community heritage investment authority.

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

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

- 1 (1) Commemorative and historic sculptures and murals.
- 2 (2) Archaeological or historic artifacts.
- 3 (3) Original or one-of-a-kind documents.
- 4 (c) The purchase by the state of historic properties or works of art, artifacts, and
- 5 documents that contribute to New Hampshire's cultural heritage.

6 ***(d) Support of the New Hampshire natural heritage bureau established in RSA***
7 ***217-A, within the division of forests and lands. Funds may be used for:***

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

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

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

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

17 38 Conservation Number Plates; Report. Amend RSA 261:97-f, I to read as follows:

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

25 39 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

Amendment to HB 517
- Page 23 -

- 1 XII. RSA 12-A:15-a, relative to the travel and tourism revolving fund.
- 2 XIII. RSA 12-A:22, relative to director of economic development.
- 3 XIV. RSA 12-A:22-a, relative to economic development advisory council.
- 4 XV. RSA 12-A:23, relative to New Hampshire tourism policy.
- 5 XVI. RSA 12-A:30, relative to the advisory committee on international trade.
- 6 XVII. RSA 12-A:31, relative to the international trade promotion fund.
- 7 XVIII. RSA 12-A:32, relative to the economic development matching grants program.
- 8 XIX. RSA 12-A:33, relative to reports on economic development program loans and grants.
- 9 XX. RSA 12-A:34, relative to requirement for review of reports.
- 10 XXI. RSA 12-A:35, relative to limitation on application.
- 11 XXII. RSA 12-A:36, relative to small business innovation research support.
- 12 XXIII. RSA 12-A:37, relative to recognition of federal grant recipients.
- 13 XXIV. RSA 12-A:38, relative to matching grants.
- 14 XXV. RSA 12-A:39, relative to seminars.
- 15 XXVI. RSA 12-A:40, relative to grant information.
- 16 XXVII. RSA 12-A:43, relative to duties of director of travel and tourism development.
- 17 XXVIII. RSA 12-A:43-a, relative to the travel and tourism development fund.
- 18 XXIX. RSA 12-A:43-b, relative to rest areas and welcome centers.
- 19 XXX. RSA 12-A:45, relative to telecommunications planning and development initiative.
- 20 XXXI. RSA 12-A:45-a, relative to telecommunications planning and development fund.
- 21 XXXII. RSA 12-A:46, relative to telecommunications planning and development advisory
- 22 committee.
- 23 XXXIII. RSA 12-A:47, relative to statutory construction related to telecommunications.
- 24 XXXIV. RSA 12-A:48, relative to authority of director of travel and tourism development to
- 25 acquire information.
- 26 XXXV. RSA 12-A: 49, relative to confidentiality.
- 27 XXXVI. RSA 12-A:51, relative to establishment of job training program for economic
- 28 growth.
- 29 XXXVII. RSA 12-A:52, relative to the purpose of job training program for economic growth.
- 30 XXXVIII. RSA 12-A:53, relative to job training programs.
- 31 XXXIX. RSA 12-A:54, relative administration and review committee.
- 32 XL. RSA 12-A:55, relative to eligibility for training grants.
- 33 XLI. RSA 12-A:56, relative to eligible costs.
- 34 XLII. RSA 12-A:57, relative to training facilities.
- 35 XLIII. RSA 12-A:58, relative to performance reports.
- 36 XLIV. RSA 12-A:59, relative to technology development and communications planning.
- 37 XLV. RSA 12-A:59-a, relative to director of broadband technology planning and

development.

XLVI. RSA 12-A:60, relative to New Hampshire workforce opportunity council.

XLVII. RSA 12-A:61, relative to New Hampshire workforce opportunity fund.

XLVIII. RSA 12-A:62, relative to economic development strategy and plan.

XLIX. RSA 12-A:63, relative to definitions.

L. RSA 12-A:64, relative to goals and objectives.

LI. RSA 12-A:65, relative to content of the economic development strategy and plan.

LII. RSA 12-A:66, relative to annual report.

LIII. RSA12-A:67, relative to division of economic development fund.

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

LV. RSA 261:97-c, IV, relative to conservation number plate funds.

LVI. RSA 261:97-d, I(d), relative to the conservation number plate advisory committee.

40 References Changed; Cultural Resources to Natural and Cultural Resources. Amend the following RSA provisions by replacing "cultural resources" with "natural and cultural resources": 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; 19-A:10, IV; 79-D:14, II; 79-G:3, IV(b); 94:1-a, I(b); 162-C:1, X; 162-H:3, I(e); 201-A:22, I; 201-A:23, II; 201-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; 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-C:31; 227-C:33, I; 227-M:4, II(e); 261:97-d, I(a); and 634:1, V(d).

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

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

CHAPTER 12-O

DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS

12-O:1 Definitions. In this chapter:

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

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

12-O:2 Establishment; Purpose.

I. There shall be a department of business and economic affairs under the executive direction of a commissioner of business and economic affairs, consisting of a division of economic development which shall include but not be limited to a bureaus of development and a bureau of

1 promotion, and a division of travel and tourism development which shall include but not be limited
2 to a bureau of visitor service. The department's purpose shall be to ensure the efficient coordinated
3 function of the 2 divisions, whereby the interests of economic development and promotion of travel
4 and tourism development are each held to be of integral importance in the overall functioning of the
5 department.

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

10 12-O:3 General Provisions.

11 I. Upon the recommendation of the commissioner after consultation with division directors
12 concerned and the advisory commission established in RSA 12-O:7 the governor and council are
13 authorized to approve revisions in internal administrative departmental organization as the
14 governor and council find from time to time may improve or make more economical the
15 administration of the department; provided, however, no such change shall eliminate any then
16 existing position within the classified service unless such position shall then be vacant, or, if filled,
17 its incumbent has been transferred to an equivalent or higher paid position of like tenure.

18 II. With the approval of the governor and council and of the director of personnel, the
19 commissioner of business and economic affairs after consultation with directors of divisions
20 concerned and the advisory commission in RSA 12-O:7 is authorized to transfer classified personnel,
21 appropriations or portions thereof relating thereto as well as necessary equipment, within any
22 division or between divisions of the department; provided, however, that no such transfer shall
23 eliminate classified positions so transferred.

24 12-O:4 Powers and Duties of Department. In addition to any other powers and duties set forth
25 in this chapter or as otherwise provided by statute, the department of business and economic affairs
26 shall have the power and duty to plan and conduct a program of information and publicity to attract
27 tourists, visitors, industrial concerns, and other interested persons from outside the state to the
28 state of New Hampshire, and to encourage, coordinate, and participate in the efforts of other public
29 and private organizations or groups of citizens in order to publicize the facilities, industrial
30 advantages, and other attractions of the state for the same purposes. The commissioner shall
31 assign, with the approval of the advisory commission in RSA 12-O:7, such duties and functions to
32 the 2 divisions of the department, as in her or his discretion will best effectuate the purposes,
33 powers, and duties set forth in this section and as otherwise provided by statute.

34 12-O:5 Commissioner of Business and Economic Affairs. There shall be a commissioner of
35 business and economic affairs who shall be appointed by the governor and council for a term of 4
36 years from the date of appointment. A vacancy shall be filled for the unexpired term. It shall be
37 the responsibility of the commissioner to organize and direct the work of the department. The

Amendment to HB 517

- Page 26 -

1 commissioner of business and economic affairs shall appoint one member of his or her staff who
2 shall act in the commissioner's stead when said commissioner is absent from the state and at such
3 other times as directed by the commissioner. When acting for the commissioner said person shall
4 have all the power, duties, and authority of the commissioner. Directors of departmental divisions
5 shall be subject to the supervisory authority of the commissioner, which authority shall include
6 power to establish department and divisional policy as well as to control the actual operations of the
7 department and all divisions therein. The commissioner shall consult with the advisory commission
8 established in RSA 12-O: prior to the establishment of general and divisional departmental policy.

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

14 12-O:7 Advisory Commission Established.

15 I. There shall be a commission advisory to the commissioner of business and economic
16 affairs which shall consist of the following 8 members:

17 (a) Seven members, who shall be appointed by the governor and council for a term of 5
18 years and until a successor is appointed and qualified; and

19 (b) The commissioner of transportation or her or his designated representative whose
20 appointment shall be coterminous with the commissioner's tenure of office.

21 II. In the event of a vacancy in membership of a member appointed hereunder,
22 appointment shall be made in the same manner but for the unexpired term only.

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

25 (a) Manufacturing;

26 (b) Agriculture;

27 (c) Information technology;

28 (d) Travel and tourism;

29 (e) The general public;

30 (f) Commerce; and

31 (g) Public relations.

32 IV. The governor shall annually designate a chairperson from among the membership. No
33 member shall be eligible to serve as chairperson more than 3 years, whether or not his or her
34 service as such has been consecutive or interrupted.

35 V. No more than 4 members of the commission, exclusive of the commissioner of
36 transportation, shall be of the same political party.

37 VI. Members of the commission shall serve without compensation but shall be entitled to

Amendment to HB 517

- Page 27 -

1 receive mileage and expenses when in performance of the duties required hereunder.

2 12-O:8 Advisory Commission; Duties. The commission established in RSA 12-O:7 shall consult
3 with and advise the commissioner of business and economic affairs with respect to the policy,
4 programs, and operations of the department upon a continuing basis and for said purposes shall
5 meet with the commissioner not less frequently than annually at the call of the chairperson or 3
6 commission members. It shall be the duty of the chairperson to convene the commission not later
7 than 10 days following receipt of a written request therefor from any 3 or more members thereof.
8 The commissioner shall attend any meeting of the advisory commission upon request of a majority
9 of its membership. The advisory commission shall submit to the governor and council biennially a
10 written report of the activities of the department covering the previous 2 calendar years, which
11 report shall be a public document. A nonpublic session of the advisory commission may be called at
12 any time for any of the reasons specified in RSA 91-A:3, II upon majority vote and shall consist
13 solely of the members thereof.

14 12-O:9 Directors of Divisions. The commissioner shall nominate for appointment by the
15 governor and council a director of economic development and a director of travel and tourism
16 development, each of whom shall serve, subject to the provisions of RSA 4:1, for a term of 4 years
17 from the date of appointment and until a successor is appointed and qualified. The directors of the
18 divisions of economic development and travel and tourism development who are in office on the
19 effective date of the transfer of those divisions to the department of business and economic affairs
20 shall serve for the remainder their terms, at which time they may be reappointed in accordance
21 with the provisions of this chapter. Any vacancy in such office shall be filled for the unexpired term
22 in the same manner as the original appointment. Directors of divisions shall be responsible for the
23 administration and operation of their respective divisions subject to the supervisory authority of the
24 commissioner as set forth in RSA 12-O:5.

25 12-O:10 Salaries. The annual salaries of the commissioner of business and economic affairs,
26 and of the directors of the divisions, shall be as provided in RSA 94.

27 12-O:11 Division of Travel and Tourism Development; Transfer of Functions, Powers, and
28 Duties. All of the functions, powers, duties, personnel, records, and property of the division of
29 travel and tourism development of the former department of resources and economic development
30 are hereby transferred to the division of travel and tourism development of the department of
31 business and economic affairs. Whenever reference is made to the division of travel and tourism
32 development in the statutes, it shall henceforth be construed to mean the division of travel and
33 tourism development of the department of business and economic affairs.

34 12-O:12 Division of Economic Development; Transfer of Functions, Powers, and Duties. All of
35 the functions, powers, duties, personnel, records, and property of the division of economic
36 development are hereby transferred from the former department of resources and economic
37 development to the division of economic development of the department of business and economic

1 affairs. Whenever reference is made to the division of economic development in the statutes, it shall
2 henceforth be construed to mean the division of economic development of the department of
3 business and economic affairs.

4 12-O:13 Travel and Tourism Revolving Fund; Transfer; Functions.

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

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

14 III. The commissioner of the department of resources and economic development shall
15 submit a report detailing the activities of the revolving fund annually to the governor and council
16 and the fiscal committee of the general court within 60 days of the close of each fiscal year.

17 12-O:14 New Hampshire Tourism Policy. It is the intent of the general court that all agencies
18 and departments of state government and, specifically, the director of travel and tourism
19 development, under the supervision of the commissioner of business and economic affairs, shall
20 implement their statutory responsibilities in a manner consistent with promoting and encouraging
21 the orderly growth and development of tourism within the state. This policy shall include efforts to:

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

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

26 III. Establish and maintain a data base on matters concerning state tourism research.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-O:16 Travel and Tourism Development Fund.

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

II. The commissioner shall prepare an annual report to be presented no later than

Amendment to HB 517
- Page 30 -

December 1 of each year to the governor and council, the fiscal committee of the general court, the president of the senate, and the speaker of the house of representatives. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year and shall additionally detail the activities of the travel and tourism revolving fund established in RSA 12-O:13.

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

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

II. The screening committee shall consist of the director of the division of travel and tourism development and 8 other members appointed as follows:

(a) One member appointed by the governor and council upon nomination by the commissioner of business and economic affairs.

(b) Seven members appointed by the governor and council upon nomination by the New Hampshire Travel Council. The members nominated by the Travel Council shall include at least one representative of each of the following: a chamber of commerce, regional association, ski area, attraction, campground, and lodging.

III. Members of the screening committee shall serve for a term of 3 years and until their successors are appointed and qualified. The screening committee shall elect its own chairman. Members may designate an alternate with the approval of the chairperson. A majority of the members of the committee or their alternates shall constitute a quorum.

IV. Members of the screening committee shall not be compensated; however, the commissioner may set aside up to one percent of the funds appropriated for the joint promotional program in any fiscal year to reimburse committee members for their direct expenses associated with the program. The commissioner shall review and approve all requests for reimbursement.

V. Funds appropriated to the joint promotional program shall only be made available to regional associations, statewide tourist groups, chambers of commerce, or other promotional organizations as may be certified by the screening committee with the approval of the commissioner. Such grants shall only be given to those organizations which have been in existence for at least 3 years prior to the date of the grant application.

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

1 grant.

2 VII. Grant applications shall be reviewed by the screening committee which shall
3 recommend approval or disapproval of applications to the commissioner of business and economic
4 affairs. A recommendation for disapproval by the screening committee or the commissioner shall be
5 in writing with the reasons for disapproval stated.

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

10 IX. The commissioner shall, with the advice of the screening committee, adopt rules under
11 RSA 541-A after public hearing governing the joint promotional program. These rules shall include:

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

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

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

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

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

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

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

25 (b) Has a demonstrated need for promotion;

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

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

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

31 12-O:18 Rest Areas and Welcome Centers.

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

37 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

Amendment to HB 517
- Page 33 -

1 new industry and business in the state.

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

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

6 VI. Prepare a written economic development strategy and operating plan as required by
7 RSA 12-O:26 through 12-O:30.

8 VII. Establish a small business innovation research support program pursuant to RSA 12-
9 O:48 through 12-O:52.

10 VIII. Develop and implement a telecommunications planning and development initiative
11 pursuant to RSA 12-O:55.

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

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

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

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

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

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

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

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

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

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

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

Amendment to HB 517
- Page 34 -

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

5 12-O:21 Economic Development Advisory Council.

6 I. The economic development advisory council is hereby transferred from the former
7 department of resources and economic development to the department of business and economic
8 affairs.

9 II. The economic development advisory council shall assist the division of economic
10 development in creating and sustaining a continuing state economic development operating plan
11 and process.

12 III. The advisory council shall consist of the director of the division of economic
13 development, 3 at-large members who have an interest in economic development, and a
14 representative of each of the following:

- 15 (a) A chamber of commerce.
- 16 (b) The manufacturing sector.
- 17 (c) The field of higher education.
- 18 (d) A venture capital formation expert or specialist.
- 19 (e) A workforce development organization.
- 20 (f) The biotechnology sector.
- 21 (g) The information technology or software sector.
- 22 (h) Commercial real estate or real estate development.
- 23 (i) A regional or municipal development official.
- 24 (j) The insurance, banking, or financial services sector.
- 25 (k) The retail sector.
- 26 (l) The travel and tourism sector.
- 27 (m) The forest-based products sector.
- 28 (n) An electric utility or energy-related interest.
- 29 (o) An economist.
- 30 (p) The telecommunications sector.
- 31 (q) The governor's office.
- 32 (r) A senator, appointed by the president of the senate.
- 33 (s) A house member, appointed by the speaker of the house of representatives.
- 34 (t) One representative of organized labor.
- 35 (u) The residential building community.
- 36 (v) A state or local housing agency.

37 IV. Members of the council, except for the legislative members, shall be nominated by the

1 commissioner of the department of business and economic affairs and appointed by the governor for
2 a term of 3 years and until their successors are appointed and qualified. When nominating and
3 appointing individuals to the advisory council, the commissioner and governor shall ensure that
4 each New Hampshire county has at least one representative on the council at any given time.
5 Initial appointments made by the governor shall be for staggered terms of one, 2, or 3 years.

6 V. The council shall elect a chairperson from its members and shall meet on a quarterly
7 basis. Members of the council shall not be compensated, except that legislative members of the
8 council shall receive mileage at the legislative rate when attending to the duties of the council.

9 12-O:22 New Hampshire Economic Development Fund.

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

15 II. Said fund shall be distributed or expended by the commissioner with the advice and
16 prior approval of the review committee established in RSA 12-O:23 and the approval of the governor
17 and council for any of the following purposes:

18 (a) Business financing and expansion initiatives.

19 (b) Job retention and creation.

20 (c) International trade.

21 (d) Research and development activities.

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

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

27 (a) New Hampshire Business Development Corporation.

28 (b) Small Business Investment Corporation.

29 (c) Innovation Research Center.

30 (d) Small Business Development Center.

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

36 12-O:23 Review Committee; New Hampshire Economic Development Fund. There is
37 established a committee to review the distribution and expenditure of funds in accordance with RSA

1 12-O:22. The committee shall be composed of the following:

2 I. The speaker of the house of representatives.

3 II. Two members of the house finance committee, appointed by the speaker of the house of
4 representatives.

5 III. The president of the senate.

6 IV. Two members of the senate finance committee, appointed by the senate president.

7 V. The commissioner of business and economic affairs, or designee.

8 12-O:24 New Hampshire Canadian Trade Council. The commissioner of business and economic
9 affairs and the secretary of state shall have the authority to establish a New Hampshire trade
10 council to meet with one or more trade councils established by the Canadian provinces, either
11 separately or collectively. The members of the council shall include 2 senators appointed by the
12 president of the senate, 2 house members appointed by the speaker of the house of representatives,
13 the commissioner or designee, the secretary of state or designee, and such other members as the
14 commissioner and secretary of state may appoint.

15 12-O:25 Northern County Area Industrial Agent. A special position shall be provided, in the
16 division of economic development of the department of business and economic affairs, to be known
17 as area industrial agent for the counties of Coos, Grafton, and Carroll. The commissioner shall,
18 subject to the personnel laws of the state, employ such area industrial agent for said counties, who
19 shall be fully qualified by specific training and experience and who shall work under the
20 supervision of the director. She or he shall maintain a residence in one of said 3 counties and her or
21 his duties shall be primarily concerned with, but not limited to, assisting the political subdivisions
22 of the state, regional development organizations or groups, and individuals to maintain and expand
23 existing industries and to encourage, assist, and aid new industries to establish operations in said
24 Coos, Grafton and Carroll counties, and the agent's efforts shall be directed to the economic
25 development of said 3 counties.

26 Economic Development Strategy and Plan

27 12-O:26 Economic Development Strategy and Plan. The division of economic development,
28 with input and assistance from the economic development advisory council established under RSA
29 12-O:7 and other public and private organizations with whom it chooses to work, shall develop a
30 rolling 2-year economic development strategy and operating plan. The plan shall reflect the fact
31 that there are local and regional entities charged with economic development in the state and shall
32 identify and work to support those efforts.

33 12-O:27 Definitions. In this subdivision:

34 I. "Plan" means an ongoing management operating document that identifies strategies and
35 activities, and the progress thereof, designed to expand the state's economic base and strengthen
36 the economic health of New Hampshire, based on the needs of the state and of business and
37 industry. The plan shall identify specific actions, and the responsibilities, rationales, timeframes,

1 resources required, barriers if any, and the tracking and reporting of outcomes associated with
2 those actions.

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

7 12-O:28 Goals and Objectives. The plan shall identify both goals and objectives for the 2-year
8 period and shall track measurable results so as to be able to assess the plan. Goals and objectives
9 may be added, amended, or deleted as both existing and emerging economic conditions and
10 opportunities warrant. The plan shall also benchmark key economic indicators.

11 12-O:29 Content of the Economic Development Strategy and Plan.

12 I. The following, as a minimum, shall be considered in constructing the economic
13 development strategy and plan:

14 (a) Consideration of the entire state.

15 (b) An analysis, led by the economic development advisory council, relative to business
16 and industry, of New Hampshire strengths and advantages, and how they will be leveraged;
17 analysis of weaknesses and obstacles, and suggestions on how to remedy or mitigate them;
18 identification of opportunities and how to take advantage and benefit from them; and identification
19 of threats and how to meet and deter them. The analysis, where appropriate, should suggest
20 ownership of its various elements.

21 (c) A needs forecast, based on research from both existing and targeted business and
22 industry, that identifies issues and suggested initiatives so as to strengthen New Hampshire as a
23 business and industry destination and to reinforce retention.

24 (d) Identification of economic, demographic, and other trends which may have both
25 short-term and long-term influence on the economy of the state.

26 (e) The identification of business sectors that are of strategic importance to the state's
27 economy and to the state's global business image, and development of specific strategies to promote
28 the development of such sectors; and an analysis of new industries that can be targeted in New
29 Hampshire and the rationale for their identification.

30 (f) Identification of how economic development ideas, advice, and information from
31 relevant entities throughout the state will be solicited to strengthen strategies and plans; and how
32 potential partners for the implementation of the strategies and plans, including, without limitation,
33 the United States Commerce Department, local governments, regional planning commissions,
34 regional economic development corporations, chambers of commerce, business associations,
35 investors, and other relevant entities will be integrated and engaged. Other states should also be
36 studied to build an understanding of best practices that may be emulated.

37 (g) Innovative programs to position and market the state to aid business recruitment

Amendment to HB 517
- Page 38 -

1 and retention.

2 (h) Economic performance metrics, to include the previous 3 fiscal years and objectives
3 for the 2 years covered by the plan. Such metrics shall be contained in a state economic dashboard
4 and updated regularly.

5 (i) Inter-department agreements with selected state agencies recognizing their role in
6 economic development strategies, plans, and programs.

7 (j) Identification of how the state will petition for and receive moneys, such as grants, to
8 be used for economic development activities.

9 (k) Consideration of how workforce education and training in cooperation with the
10 university system, the community college system, private colleges and universities, and other
11 workforce training organizations will be leveraged and enhanced.

12 (l) Provisions for export growth and how relationships will be fostered with New
13 Hampshire's export-related service providers and with the Commerce Department's International
14 Trade Administration; and provisions to improve the state's image as a destination for foreign
15 business investment and location with overseas entities.

16 (m) Identification of a division liaison to communicate needs to the general court for the
17 benefit of economic development.

18 (n) Provision to identify and carry out other economic development activities that the
19 governor or the commissioner may request.

20 II. The governor, the commissioner of the department of business and economic affairs, or
21 the legislature may from time to time establish a commission or committee, as an adjunct to the
22 division of economic development, to work on exceptionally problematic needs associated with
23 economic development.

24 12-O:30 Annual Report. The division of economic development shall complete the initial
25 economic development strategy and plan by December 31, 2015, and submit the plan to the
26 governor, senate president, senate majority leader, senate minority leader, speaker of the house of
27 representatives, house majority leader, and house minority leader. On or before December 31 each
28 year thereafter the division shall similarly provide results and validation from the previous fiscal
29 year and a comprehensive update of the plan so that each annual report shall extend the time frame
30 of the plan by one year, thereby ensuring that a 2-year plan is always in effect.

31 Division of Economic Development Fund

32 12-O:31 Division of Economic Development Fund. There is hereby established in the office of
33 the state treasurer a fund to be known as the division of economic development fund. The
34 commissioner of business and economic affairs is authorized to accept public sector and private
35 sector grants, gifts, or donations of any kind for the purpose of funding initiatives associated with
36 the activities set forth in RSA 12-O:20. Such grants, gifts, and donations shall be deposited in the
37 division of economic development fund and may only be expended by the commissioner of business

1 and economic affairs to accomplish the purposes of this section. Other than acknowledgment for
2 promotional purposes, donations shall not be used as fees for services in a manner that primarily
3 benefits the party providing the funds. The state treasurer may invest moneys in the fund as
4 provided by law, with interest received on such investment credited to the fund. The moneys in this
5 fund shall be nonlapsing and shall be continually appropriated to the department of business and
6 economic affairs.

7 Job Training Program for Economic Growth

8 12-O:32 Program Transferred. The job training program for economic growth established in
9 the former department of resources and economic development is hereby transferred to the
10 department of business and economic affairs, subject to the provisions of this chapter. The program
11 is designed to attract new business, assist in the expansion of business, and retain existing business
12 in the state of New Hampshire.

13 12-O:33 Purpose. The purpose of this program is to:

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

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

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

21 12-O:34 Training Programs. Training programs may include, but shall not be limited to:

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

23 II. Basic skills.

24 III. Technical skills.

25 IV. Quality improvement.

26 V. Safety.

27 VI. Management and supervision.

28 VII. English as a second language.

29 12-O:35 Administration; Review Committee.

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

32 II. The commissioner of the department of business and economic affairs shall:

33 (a) Adopt rules under RSA 541-A, relative to the administration of this subdivision.

34 (b) Establish a grant review committee consisting of the following:

35 (1) The commissioner of the department of business and economic affairs, or
36 designee.

37 (2) The commissioner of the department of employment security, or designee.

(3) The chancellor of the community college system of New Hampshire, or designee.

(4) One member representing labor, appointed by the commissioner of the department of business and economic affairs.

(5) Three members representing business and industry, appointed by the governor.

(6) One senator, appointed by the senate president.

(7) One representative, appointed by the speaker of the house of representatives.

(8) The president of the Workforce Opportunity Council, Inc.

III. The committee shall make recommendations to the commissioner of the department of business and economic affairs concerning the award of training grants to businesses.

12-O:36 Eligibility for Training Grants.

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

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

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

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

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

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

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

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

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

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

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

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

X. No grant shall be made to any organization or group of organizations, described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code, which has not

1 currently elected to pay contributions pursuant to RSA 282-A:69, II.

2 12-O:37 Eligible Costs.

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

5 II. The following costs are not eligible:

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

8 (b) Entertainment costs.

9 (c) Administrative costs.

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

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

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

16 12-O:38 Training Facilities.

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

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

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

23 12-O:39 Performance; Report.

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

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

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

33 International Trade Promotion

34 12-O:40 International Trade Promotion. The commissioner of business and economic affairs
35 shall plan, develop, and administer programs for international trade promotion and inward
36 investment promotion in cooperation with the Pease development authority, division of ports and
37 harbors, and the Small Business Development Center and other private organizations. The

1 commissioner shall take a proactive role in targeting foreign trade shows and foreign trade missions
2 and shall assist New Hampshire businesses desiring to participate in these shows and missions. In
3 planning, developing, and administering programs under this section, the commissioner shall be
4 assisted by the advisory committee on international trade established in RSA 12-O:41 and may
5 draw on the fund created under RSA 12-O:42.

6 12-O:41 Advisory Committee on International Trade.

7 I. The advisory committee on international trade is hereby transferred from the former
8 department of resources and economic development to the department of business and economic
9 affairs subject to the provisions of this chapter.

10 II. The advisory committee shall assist the commissioner of business and economic affairs
11 in carrying out the duties assigned under RSA 12-O:40. The advisory committee shall:

12 (a) Provide a mechanism for the private sector to advise the public sector of its needs on
13 an ongoing basis.

14 (b) Disseminate information among public and private sector units interested in
15 fostering increased international trade activity in New Hampshire.

16 (c) Provide for ongoing measurement of progress of state agencies involved in promoting
17 international trade.

18 (d) Provide coordination to maximize existing limited resources available in New
19 Hampshire for international trade.

20 (e) Provide for ongoing measurement of, and report on, the effect of international
21 business on New Hampshire's economy.

22 III. The commissioner of business and economic affairs shall file an annual report by
23 January 15 with the governor, the senate president, and the speaker of the house of
24 representatives. The report shall detail the impact of the advisory committee's efforts on
25 international business trade under subparagraph II(e) and provide any recommendations for
26 further legislation regarding the promotion of international trade.

27 IV. The advisory committee shall consist of the following members:

28 (a) One member of the senate committee with jurisdiction over commerce issues,
29 appointed by the senate president.

30 (b) One member of the house committee with jurisdiction over commerce issues,
31 appointed by the speaker of the house of representatives.

32 (c) The governor or designee.

33 (d) A representative of the U.S. Small Business Administration, appointed by that
34 organization.

35 (e) A representative of the Business and Industry Association of New Hampshire who
36 has experience in the area of international trade, appointed by that association.

37 (f) The director of the Pease development authority, division of ports and harbors or

1 designee.

2 (g) A representative of the New Hampshire Association of Commerce and Industry who
3 has experience in the area of international trade, appointed by that organization.

4 (h) A representative of the New Hampshire International Trade Association with
5 experience in the area of international trade, appointed by that association.

6 (i) A representative of the New Hampshire Bankers Association with experience in the
7 area of international trade, appointed by that association.

8 (j) The director of the Pease development authority or designee.

9 (k) The director of the New Hampshire Small Business Development Center or
10 designee.

11 (l) A representative of the U.S. Department of Commerce, International Trade
12 Administration, appointed by such department.

13 (m) A representative of the academic community, appointed by the governor and
14 council.

15 (n) A representative of organized labor, appointed by the governor and council.

16 (o) A representative of the New Hampshire High Technology Council who has
17 experience in the area of international trade, appointed by that organization.

18 (p) A representative of each member of the New Hampshire congressional delegation.

19 (q) The director of the Manchester-Boston regional airport or designee.

20 (r) One or more representatives of the business community selected by the advisory
21 committee on international trade to represent the interest of that community in the area of
22 international business development.

23 III. Nonlegislative members of the committee shall serve a term of 2 years, commencing
24 with the first meeting in odd-numbered years. Legislative members shall serve terms coterminous
25 with their terms in office.

26 IV. Meetings shall be held quarterly, at a posted time and place. A majority of committee
27 members shall constitute a quorum.

28 12-O:42 International Trade Promotion Fund. There is hereby established in the office of the
29 state treasurer a fund to be known as the international trade promotion fund. The commissioner of
30 business and economic affairs is authorized to accept public sector and private sector grants, gifts,
31 or donations of any kind for the purpose of funding programs associated with the promotion of
32 international trade. Such grants, gifts, and donations shall be deposited in the international trade
33 promotion fund and may be expended by the commissioner of business and economic affairs to
34 accomplish the purposes of RSA 12-O:40. The moneys in this fund shall be nonlapsing and shall be
35 continually appropriated to the department of business and economic affairs.

36 Economic Development Matching Grants Program

37 12-O:43 Economic Development Matching Grants Program; Transfer. The economic

1 development matching grants program originally established in the former department of resources
2 and economic development is hereby transferred to the department of business and economic
3 affairs, subject to the provisions of this chapter.

4 12-O:44 Economic Development Matching Grants Program. An economic development
5 matching grants program is established to assist municipalities and counties in promoting
6 themselves to prospective businesses. For the purposes of this subdivision, "program" means the
7 economic development matching grants program.

8 I. The department of business and economic affairs shall administer an economic
9 development matching grants program in cooperation with a program screening committee. The
10 funds appropriated for this program shall be expended for grants for programs entered into by
11 municipalities, counties, and organizations which are designed to promote the location of new
12 businesses in the state of New Hampshire or to encourage workforce recruitment efforts.

13 II.(a) The screening committee shall consist of the director of the division of economic
14 development and 6 other members appointed as follows:

15 (1) One member appointed by the governor and council upon nomination by the
16 commissioner of business and economic affairs.

17 (2) One member appointed by the governor and council upon nomination by the
18 New Hampshire Municipal Association.

19 (3) Two members appointed by the governor and council upon nomination by the
20 New Hampshire Economic Developers Association.

21 (4) One member appointed by the governor and council upon nomination by the
22 Business and Industry Association of New Hampshire.

23 (5) One member appointed by the governor and council upon nomination by the
24 New Hampshire Association of Counties.

25 (b) Members, other than the director of the division of economic development, shall
26 serve for terms of 3 years and until their successors are appointed and qualified.

27 III. The screening committee shall elect its own chairperson. Members may designate an
28 alternate with the approval of the chairperson. A majority of the members of the committee or their
29 alternates shall constitute a quorum.

30 IV. Members of the screening committee shall not be compensated; however, the
31 commissioner of business and economic affairs may set aside up to one percent of the funds
32 appropriated for the program in any fiscal year to reimburse committee members for their direct
33 expenses associated with the program. The commissioner shall review and approve all requests for
34 reimbursement.

35 V. Funds appropriated to the program shall only be made available to municipalities,
36 counties, and organizations as may be certified by the screening committee with the approval of the
37 commissioner of the department of business and economic affairs.

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

4 VII. Grant applications shall be reviewed by the screening committee which shall
5 recommend approval or disapproval of applications to the commissioner. A recommendation for
6 disapproval by the screening committee or the commissioner shall be in writing with the reasons for
7 disapproval stated.

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

12 IX. The commissioner shall, with the advice of the screening committee, adopt rules under
13 RSA 541-A after public hearing governing the program. These rules shall include:

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

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

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

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

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

23 Reports on Economic Development Loans and Grants

24 12-O:45 Reports on Economic Development Program Loans and Grants.

25 I. The department shall include, as part of its annual report or as a separate report
26 published and made available to the public annually on or before September 1, beginning
27 September 1, 2017, the following information regarding each economic development program for
28 which state grants and loans have been awarded:

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

31 (b) The growth potential of the program.

32 (c) The environmental impact of the program.

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

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

Amendment to HB 517
- Page 46 -

1 application for assistance.

2 12-O:46 Review of Reports Required. For the purpose of ensuring comparability of impact
3 reports on economic development programs issued under RSA 12-O:45, and RSA 162-A:23-a, the
4 department of business and economic affairs, in consultation with the legislative budget assistant,
5 shall periodically review such reports at least once every 5 years and make recommendations to be
6 utilized by the agencies making such reports for an improved and consistent methodology for
7 assessing the quantity and quality of jobs created and saved and the growth potential and
8 environmental impacts of such programs. This section shall not apply to promotional literature.

9 12-O:47 Limitation. This subdivision shall not apply to state loans or state loan guarantees of
10 less than \$250,000, or to state grants of less than \$50,000.

11 **Small Business Innovation Research Support**

12 12-O:48 Small Business Innovation Research Support. The director of economic development,
13 under the supervision of the commissioner of business and economic affairs and pursuant to the
14 director's duties under RSA 12-O:20, shall establish a small business innovation research support
15 program.

16 12-O:49 Recognition of Federal Grant Recipients. The director may issue a suitable plaque to
17 New Hampshire residents that receive federal small business innovation research grants
18 recognizing their achievement. The director shall also recommend that the governor issue a letter
19 of commendation to all such recipients.

20 12-O:50 Matching Grants. The director may recommend to the review committee established
21 in RSA 12-O:23 that first-time federal grant recipients recognized under RSA 12-O:49 receive a
22 grant from the New Hampshire economic development fund in RSA 12-O:22 of up to \$50,000 to
23 match the federal support received.

24 12-O:51 Seminars. The director may organize an annual seminar to promote and explain the
25 small business innovation research program to members of the public. Participants in the seminar
26 shall include previous grant recipients and representatives of relevant state agencies as determined
27 by the director.

28 12-O:52 Grant Information. The director shall compile information relative to applying for
29 federal small business innovation research grants, including the names of appropriate federal
30 officials. The director shall make the information available on an Internet site created for such
31 purpose.

32 **Technology Development and**

33 **Telecommunications Planning and Development**

34 12-O:53 Technology Development and Telecommunications Planning. There is established
35 within the division of economic development, a technology development and telecommunication
36 planning function, which is intended to promote technology development and telecommunication
37 planning in the state. Under the supervision of the director of the division of economic

Amendment to HB 517
- Page 47 -

1 development, the division shall:

2 I. Coordinate state telecommunications policy planning initiatives by providing support for
3 the telecommunications planning and development advisory committee established in RSA 12-O:57,
4 maintaining a state telecommunications resource website, and working with regional partners from
5 the private and public sector to coordinate efforts to provide increased interoperable advanced
6 telecommunications systems throughout the state with the goal of providing affordable and
7 accessible broadband to residents of this state.

8 II. Encourage and facilitate collaboration between public and private research and
9 development efforts in New Hampshire relative to technology development and telecommunications
10 planning.

11 III. With the assistance of the university of New Hampshire and other partners, seek
12 resources such as grants from government and nonprofit entities to develop a state technology
13 development and telecommunications plan.

14 12-O:54 Director of Broadband Technology Planning and Development. There is established
15 within the division of economic development the position of director of broadband technology
16 planning and development, which shall be an administrator II position, classified at labor grade 29.
17 The director shall:

18 I. Coordinate state telecommunications policy planning initiatives by serving as a member
19 of the telecommunications planning and development advisory committee established in RSA 12-
20 O:57, maintaining a state telecommunications resource website, and working with regional partners
21 from the private and public sector to coordinate efforts to provide increased interoperable advanced
22 telecommunications systems throughout the state with the goal of providing affordable and
23 accessible broadband to residents of this state.

24 II. Encourage and facilitate collaboration between public and private research and
25 development efforts in New Hampshire relative to broadband technology planning and
26 development.

27 III. Develop a comprehensive broadband plan for the state and coordinate with partners
28 throughout the state to implement and regularly update the plan.

29 IV. Act as an agent in recruiting and retaining high technology companies in New
30 Hampshire.

31 V. Serve as a resource for state policy makers to develop policies geared towards increasing
32 and expanding high technology jobs and promoting development of a high technology workforce.

33 VI. Seek resources such as grants from government and nonprofit entities to promote the
34 state's broadband technology planning and development initiatives.

35 12-O:55 Telecommunications Planning and Development Initiative.

36 I.(a) The director of economic development, under the supervision of the commissioner of
37 business and economic affairs and pursuant to the director's duties under RSA 12-O:20, shall

Amendment to HB 517
- Page 48 -

1 develop and implement a telecommunications planning and development initiative which will result
2 in a telecommunications development plan to be adopted and revised regularly by the
3 telecommunications planning and development advisory committee.

4 (b) As primary duties of this initiative, the director shall:

5 (1) Identify existing telecommunications infrastructure by establishing and
6 maintaining a database of telecommunications service providers, services, and infrastructure that
7 exist throughout the state.

8 (2) Publicize the state's telecommunications infrastructure, as an integral part of
9 the state's economic development efforts, by planning, developing, administering, and implementing
10 programs to assist in the distribution of information about available telecommunications services,
11 infrastructure, and technologies throughout all parts of the state.

12 (c) As secondary duties of this initiative, the director shall:

13 (1) Identify shortcomings in the deployment of telecommunications infrastructure
14 throughout all parts of the state.

15 (2) Work with providers of telecommunications services, educators, and municipal,
16 county, state, and other government officials to assist efforts to enhance the deployment of
17 telecommunications services.

18 II. The director may delegate any of the duties established in paragraph I to appropriate
19 designees within the division of economic development.

20 III. The budget for the initiative shall be considered in the division of economic
21 development's operating budget.

22 12-O:56 Telecommunications Planning and Development Fund. There is hereby established in
23 the office of the state treasurer a fund to be known as the telecommunications planning and
24 development fund. The commissioner of business and economic affairs is authorized to accept
25 public sector and private sector grants, gifts, or donations of any kind for the purpose of funding
26 initiatives associated with the purpose of this subdivision. Such grants, gifts, and donations shall
27 be deposited in the telecommunications planning and development fund and may only be expended
28 by the commissioner of business and economic affairs to accomplish the purposes of this subdivision.
29 The state treasurer may invest moneys in the fund as provided by law, with interest received on
30 such investment credited to the fund. The moneys in this fund shall be nonlapsing and shall be
31 continually appropriated to the department of business and economic affairs.

32 12-O:57 Telecommunication Planning and Development Advisory Committee.

33 I. The telecommunications planning and advisory committee originally established in the
34 former department of resources of economic development is hereby transferred to the department of
35 business and economic affairs subject to the provisions of this chapter.

36 II. The telecommunications planning and development advisory committee shall advise and
37 assist the director of economic development in performing the duties established in RSA 12-O:55.

Amendment to HB 517

- Page 49 -

1 The advisory committee shall meet at least quarterly. Nine members of the committee shall
2 constitute a quorum.

3 III. The members of the committee shall be:

4 (a) The governor, or designee;

5 (b) The commissioner of business and economic affairs, or designee;

6 (c) The commissioner of safety, or designee;

7 (d) The commissioner of the department of health and human services, or designee;

8 (e) The commissioner of the department of education, or designee;

9 (f) The state librarian, or designee;

10 (g) The chairman of the public utilities commission, or designee;

11 (h) One member of the house of representatives, appointed by the speaker of the house
12 of representatives;

13 (i) One member of the senate, appointed by the president of the senate;

14 (j) The chief information officer, or designee;

15 (k) The following persons nominated by the commissioner of business and economic
16 affairs and appointed by the governor and council, unless otherwise specified:

17 (1) Two members representing residential telecommunications customers;

18 (2) One member representing large business telecommunications customers,
19 appointed by the senate president;

20 (3) One member representing small business telecommunications customers,
21 appointed by the speaker of the house of representatives;

22 (4) One member representing educational technology;

23 (5) One member representing municipal government;

24 (6) One member representing county government;

25 (7) One member representing a regional economic development organization or a
26 regional planning commission;

27 (8) One member representing healthcare technology;

28 (9) Up to 7 members representing several of the following sectors of the
29 telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local
30 exchange carriers, Internet service providers, cable, long distance providers, and broadcast
31 television. A member representing one sector may also represent one or more other sectors, as
32 deemed appropriate by the commissioner; and

33 (10) The director of broadband technology planning and development in the division
34 of economic development.

35 IV. In this section:

36 (a) "Broadband" means the transmission, between or among points specified by the
37 user, of information of the user's choosing, with or without change in the form or content of the

Amendment to HB 517
- Page 50 -

1 information as sent and received, at rates of transmission equal or greater than that defined by the
2 Federal Communications Commission as "broadband."

3 (b) "Broadband infrastructure" means any and all equipment and facilities, including
4 any and all changes, modifications, and expansions to existing facilities, as well as the customer
5 premises equipment used to provide broadband, and any and all software integral to or related to
6 the operations, support, facilitation, or interconnection of such equipment, including upgrades, and
7 any and all installation, operations, and support, maintenance, and other functions as may be
8 required to support the delivery of broadband.

9 V. The telecommunications planning and development advisory committee shall assist the
10 director in promoting access to affordable and reliable broadband service to all state citizens and
11 businesses by:

12 (a) Identifying and maintaining an inventory of the state's broadband availability.

13 (b) Continually assessing the availability of and need for broadband infrastructure in
14 unserved and underserved areas within the state.

15 (c) Disseminating information and data concerning communication services and
16 broadband infrastructure within the state.

17 (d) Creating and facilitating public awareness and educational programs to encourage
18 the use of broadband infrastructure.

19 (e) Continually assessing and making recommendations to improve services provided to
20 citizens by state agencies via broadband and Internet technologies as a mean of improving service
21 and reducing costs.

22 (f) Identifying funding sources for broadband infrastructure deployment or education.

23 (g) Identifying barriers to investment of private capital in broadband infrastructure.

24 (h) Identifying opportunities for coordination among providers, consumers, and state
25 and local governmental entities, including:

26 (1) Coordination with the statewide emergency radio networks.

27 (2) Use of telecommunications to facilitate delivery of Medicare and or Medicaid
28 services and other related medical assistance, including but not limited to telehealth, telemedicine,
29 and broadband access.

30 (3) Collaboration among public education initiatives to utilize and improve
31 broadband to enhance educational opportunities between public, private, and special education
32 institutions.

33 (4) Coordination of information resources using technology and support methods to
34 improve collaboration between public, academic, and special libraries, organizations, and
35 government departments, agencies, and their subdivisions.

36 (i) Identifying barriers to enrollment in the Lifeline Telephone Assistance program and
37 supporting collaboration and outreach methods that increase enrollment in the program.

Amendment to HB 517
- Page 51 -

1 (j) Advising and assisting the department of health and human services in the
2 implementation of Medicaid coverage of telehealth services as required under RSA 167:4-d. This
3 shall include, but not be limited to, assisting in the development of a detailed work plan for
4 implementation of Medicaid coverage of telehealth services and identifying funding or other
5 tangible resources for consultative services drawing on the expertise in the telehealth community
6 and/or academic institutions.

7 VI. The legislative members of the committee shall serve for the duration of their legislative
8 term, and shall receive mileage at the legislative rate when attending to the duties of the
9 committee.

10 VII. Other appointed members of the committee shall serve for 3 years and until a
11 successor is appointed.

12 VIII. The committee shall elect a chairperson from among the members.

13 IX. The committee shall report its findings and recommendations to the director in the form
14 of a status report on or before July 31 annually.

15 12-O:58 Telecommunications; Statutory Construction. For purposes of this subdivision,
16 "telecommunications" shall be construed broadly, and shall include, but not be limited to, traditional
17 dial tone services, the transmission of voice, data, or video through cable and wireless media, and
18 any other similar services to be offered in the future.

19 12-O:59 Authority of Director to Acquire Information. The director of economic development is
20 authorized to request from telecommunications service providers such information as the director
21 requires to perform the duties established in RSA 12-O:55.

22 12-O:60 Confidentiality. Information provided to the director pursuant to a request made
23 under RSA 12-O:59 shall, if properly demonstrated by the provider of the information, be deemed
24 confidential, commercial, or financial information and exempt from public disclosure under RSA 91-
25 A:5, IV. Nothing in this section shall prohibit the director from disclosing information provided
26 pursuant to a request made under RSA 12-O:59 in a manner that does not specifically identify the
27 provider.

28 New Hampshire Workforce Opportunity Council

29 12-O:61 Workforce Development. The commissioner of business and economic affairs shall
30 plan, develop, and administer workforce investment activities, programs, and grants under the
31 federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended,
32 reauthorized, and in effect from time to time, and shall discharge the day-to-day operational
33 responsibilities and obligations of the New Hampshire Workforce Opportunity Council established
34 under RSA 12-A:62. The commissioner shall coordinate with the New Hampshire Workforce
35 Opportunity Council to promote state and local investment systems that increase the employment,
36 retention, and earnings of participants, and increase occupational skill attainment by participants,
37 and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the

Amendment to HB 517
- Page 52 -

1 productivity and competitiveness of the nation.

2 12-O:62 New Hampshire Workforce Opportunity Council.

3 I. There is established a New Hampshire Workforce Opportunity Council.

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

10 III. The council shall meet no less frequently than semi-annually, shall have the powers
11 and responsibilities of the state workforce investment board under the Workforce Investment Act of
12 1998, and shall assist the governor in:

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

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

18 (1) Development of linkages in order to assure coordination and non-duplication
19 among the programs and activities described in section 121(b) of the Workforce Investment Act of
20 1998; and

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

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

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

26 (e) Development of the allocation formulas for the distribution of funds for adult
27 employment and training activities and youth activities to local areas as permitted under sections
28 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

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

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

35 (h) Development of the statewide employment statistics system described in section
36 15(e) of the Wagner-Peyser Act.

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

Amendment to HB 517
- Page 53 -

1 12-O:63 New Hampshire Workforce Opportunity Fund.

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

7 II. The fund shall be distributed or expended by the commissioner after consultation with
8 the New Hampshire Workforce Opportunity Council established in RSA 12-O:62 and the approval of
9 the governor and council for any of the following purposes:

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

11 (b) Workforce Investment Act Youth programs.

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

13 (d) Workforce Investment Act Disability programs.

14 (e) Workforce Investment Act Regional Innovation and National Emergency grant
15 programs.

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

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

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

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

36 V. In accordance with RSA 12-O:32 through RSA 12-O:39, the commissioner of business and
37 economic affairs shall have the authority to make grants to New Hampshire employers for the

Amendment to HB 517

- Page 54 -

1 purpose of training employees in accordance with this chapter, such grants not to exceed the
2 amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant
3 year the sum of \$70,000, unless first approved by governor and council. The commissioner shall
4 provide the governor and council an information item not less frequently than semi-annually
5 describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a
6 form of agreement that shall be approved by governor and council after review by the attorney
7 general and the commissioner of the department of administrative services.

8 43 Department of Resources and Economic Development; Reference Changes. Any RSA
9 provisions which address functions of the division of economic development and division of travel
10 and tourism development shall be construed to be references to those divisions in the department of
11 business and economic affairs, as applicable.

12 44 Department of Business and Economic Affairs; Transfer Among Accounts and Classes. The
13 commissioner of the department of business and economic affairs may transfer funds between and
14 among the class line appropriations in the safety rest areas, highway accounting unit 03-22-22-
15 221015-2025 and may transfer funds between and among the class line appropriations in the safety
16 rest areas, turnpike accounting unit 03-22-22-221017-2026 for the biennium ending June 30, 2019.
17 The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general
18 court of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to
19 transfers made under this section. In no case shall this transfer authority allow for the
20 establishment of any positions.

21 45 Rulemaking. Transfer of Rules. Existing rules of the department of resources and economic
22 development shall continue in effect and be enforced by the commissioner of the department of
23 natural and cultural resources or the commissioner of the department of business and economic
24 affairs, as applicable, until they expire or are repealed or amended in accordance with applicable
25 law.

26 46 Reference Amended; Travel and Tourism Moneys. Amend RSA 6:12, I(b)(21) to read as
27 follows:

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

31 47 Fund Amended; Travel and Tourism. Amend RSA 6:12, I(b)(75) to read as follows:

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

34 48 Fund Amended; International Trade Promotion. Amend RSA 6:12, I(b)(106) to read as
35 follows:

36 (106) Moneys deposited in the international trade promotion fund under RSA ~~[12-~~
37 ~~A:31]~~ **12-O:42**.

Amendment to HB 517
- Page 55 -

1 49 Fund Amended; Economic Development Fund. Amend RSA 6:12, I(b)(109) to read as
2 follows:

3 (109) Moneys deposited in the New Hampshire economic development fund under
4 RSA ~~[12-A:2-e]~~ **12-O:22**.

5 50 Fund Amended; Travel and Tourism Revolving Fund. Amend RSA 6:12, I(b)(111) to read as
6 follows:

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

9 51 Fund Amended; Workforce Opportunity Fund. Amend RSA 6:12, I(b)(283) to read as
10 follows:

11 (283) Moneys deposited into the New Hampshire workforce opportunity fund
12 established in RSA ~~[12-A:61]~~ **12-O:63**.

13 52 Fund Amended; Division of Economic Development Fund. Amend RSA 6:12, I(b)(325) to
14 read as follows:

15 (325) Moneys deposited in the division of economic development fund under
16 RSA ~~[12-A:67]~~ **12-O:31**.

17 53 Dedicated Fund Review. Amend RSA 6:12-j, V(a)(4) to read as follows:

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

20 54 Comprehensive State Development Plan. Amend RSA 9-A:1, III(b)(6) to read as follows:

21 (6) An economic development section which proposes actions and policies to suit the
22 state's economic goals and needs, based on the current and projected economic strengths and
23 weaknesses. The section shall reference the economic development **strategy and** operating plan
24 and process developed by the division of economic development under RSA ~~[12-A:62]~~ **12-O:26**
25 **through 12-O:30**.

26 55 Tourism Policy. Amend RSA 162-C:2, VI to read as follows:

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

29 56 Unemployment Compensation; Training Fund. Amend RSA 282-A:138-a, I and II to read as
30 follows:

31 I. There is hereby created in the state treasury a special fund to be known as the training
32 fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by
33 the commissioner of ~~[resources and economic development]~~ **business and economic affairs** in
34 accordance with rules and guidelines adopted by the commissioner of ~~[resources and economic~~
35 ~~development]~~ **business and economic affairs**, for funding training under the job training
36 program for economic growth, established under RSA ~~[12-A:51-58]~~ **12-O:32 through 12-O:39**.
37 Rulemaking authority relative to administration of the grant award process shall be with the

Amendment to HB 517
- Page 56 -

commissioner of resources and economic development pursuant to RSA [12-A:54, II(a)] **12-O:35**.

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

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

CHAPTER 4-C

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

58 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.**

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

59 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.

60 Suspension. The following are suspended for each fiscal year of the biennium ending June 30, 2019:

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.

61 Department of Transportation; Transfer Among Accounts and Classes. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2019, the commissioner of transportation is authorized to transfer funds within and among all accounting units within the department and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided if a transfer does not include new accounting

Amendment to HB 517
- Page 57 -

units or expenditure classes, only transfers of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council. In no case does this transfer authority allow for the establishment of any positions.

62 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2018 or June 30, 2019 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.

63 Continuation of Appropriation Regarding Emergency Management. The sums appropriated pursuant to 2011, 223:1 as amended by 2013, 144:118 in accounting unit 02-23-23-236010-2740, class 244, state match public assistance, shall not lapse until June 30, 2019.

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

CHAPTER 6-E

INFRASTRUCTURE REVITALIZATION TRUST FUND

6-E:1 Purpose Statement. The general court recognizes that there is a need to provide targeted funding for state and local infrastructure projects. Therefore, it is the intent of this chapter to designate certain surplus funds in the 2016-2017 biennium budget for the provision of targeted grants to fund select local and state infrastructure projects in accordance with the purposes and provisions of this chapter.

6-E:2 Definitions. In this chapter:

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

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

6-E:3 Infrastructure Revitalization Trust Fund Established. There is hereby established in the office of the state treasurer the infrastructure revitalization trust fund which shall be kept distinct and separate from all other funds. After transferring sufficient funds to the revenue stabilization reserve account to bring the balance of that account to \$100,000,000, the remainder of all surplus revenues from fiscal year 2017 shall be placed in the trust fund. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund. All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the state treasurer. The state treasurer shall disburse funds from the trust fund solely for the purposes and in the manner set forth in this chapter.

6-E:4 Trust Fund Expenditures. Notwithstanding any other provision of law, the governor

1 shall have the authority to expend trust fund monies with approval of the fiscal committee of the
2 general court and the executive council. In developing proposals for trust fund expenditures, the
3 governor shall consult with the commission. Trust fund monies may be used for infrastructure
4 needs of the state and municipalities, including roads and bridges, school building needs, and such
5 other needs as the governor and commission may identify.

6 6-E:5 Infrastructure Revitalization Commission Established.

7 I. There is hereby established the New Hampshire infrastructure revitalization commission,
8 which shall advise the governor on proposals for expenditures from the trust fund. The commission
9 shall consist of the following members:

10 (a) Two members of the house of representatives, appointed by the speaker of the house
11 of representatives.

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

13 (c) The commissioner of the department of transportation, or designee.

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

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

16 (f) Three additional members, appointed by the governor.

17 II. The commission shall elect a chairperson from among the members.

18 III. Members of the commission shall serve at the pleasure of their appointing authority.

19 IV. Members of the commission shall serve without compensation, except that legislative
20 members shall receive mileage at the legislative rate when attending to the duties of the
21 commission.

22 V. The commission shall meet at least monthly. The commission shall, at least annually,
23 provide a report to the general court with information on trust fund expenditures for the year,
24 projects begun or completed during the previous year, the balance in the trust fund, and any other
25 information the commission deems appropriate.

26 VI. The commission shall, at least annually, review the work and projects funded by the
27 trust fund during the previous year.

28 65 Revenue Stabilization Reserve Account; Reference Added. Amend RSA 9:13-e, II to read as
29 follows:

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

Amendment to HB 517
- Page 59 -

1 unrestricted general fund revenue.

2 66 New Subparagraph; Dedicated Account; Infrastructure Revitalization Trust Fund. Amend
3 RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

4 (334) Moneys deposited in the infrastructure revitalization trust fund established in
5 RSA 6-E:3.

6 67 All Agencies; Administrative Services. Unless restricted by law or administrative rule, upon
7 request of an intended recipient, an agency may provide documents by electronic mailing in lieu of
8 mail.

9 68 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the
10 commissioner of the department of administrative services shall offer for sale the former Laconia
11 state school land and buildings and the former Laconia state school and training center land and
12 buildings, except those portions of the land and buildings required for state use. The commissioner
13 of the department of administrative services shall submit quarterly reports on the progress of the
14 sale to the fiscal committee of the general court. Any sale of such land and buildings shall be
15 subject to the requirements of RSA 4:40, except that review and approval of the sale of the land and
16 buildings by the council on resources and development and the long range capital planning and
17 utilization committee shall not be required. All proceeds from the sale shall be deposited into the
18 general fund.

19 69 Banking Commission; Responses to Consumer Complaints. Amend RSA 383:10-d to read as
20 follows:

21 383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive
22 authority and jurisdiction to investigate conduct that may violate any of the provisions of RSA 361-
23 A and Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner
24 may hold hearings relative to such conduct and may order restitution for a person or persons
25 adversely affected by such conduct. The commissioner may request the assistance and services of
26 the department of justice and shall delegate to the department of justice the authority to investigate
27 criminal conduct under this section. The commissioner shall provide the department of justice
28 information relevant to the criminal investigation of such matters, if applicable, and shall cooperate
29 with such investigation and prosecution. ***Any bank that receives a written complaint shall***
30 ***respond to such a complaint in writing within 30 days.***

31 70 Retail Installment Sales of Motor Vehicles; Consumer Inquiries; Responses by Retail Teller
32 or Sales Finance Companies to Consumer Complaints. Amend the introductory paragraph of RSA
33 361-A:4-a, I to read as follows:

34 I. Consumer complaints naming retail sellers or sales finance companies under this
35 chapter, which are filed in writing with the office of the commissioner, shall be forwarded via
36 certified or registered mail to the retail seller or sales finance company for response within 10 days
37 of receipt by the department. Retail sellers or sales finance companies shall, within 30 days after

Amendment to HB 517

- Page 60 -

1 receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking
2 department. Not later than [60] **14** days following receipt of such complaint, the retail seller or
3 sales finance company shall conduct an investigation of the complaint and either:

4 71 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer Inquiries;
5 Response to Consumer Complaints. Amend the introductory paragraph of RSA 397-A:15-a, I as
6 follows:

7 I. Consumer complaints naming licensees under this chapter, which are filed in writing
8 with the office of the commissioner, shall be forwarded via certified mail to the licensee for response
9 within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such
10 complaint, send a written acknowledgment thereof to the consumer and the banking department.
11 Not later than [60] **14** days following receipt of such complaint, the licensee shall conduct an
12 investigation of the complaint and either:

13 72 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries; Response to
14 Consumer Complaints. Amend the introductory paragraph of RSA 399-A:12, I to read as follows:

15 I. Consumer complaints naming licensees under this chapter, which are filed in writing
16 with the office of the commissioner, shall be forwarded via certified or registered mail to the licensee
17 for response within 10 days of receipt by the department. Licensees shall, within 30 days after
18 receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking
19 department. Not later than [60] **14** days following receipt of such complaint, the licensee shall
20 conduct an investigation of the complaint and either:

21 73 Debt Adjustment Services; Consumer Inquiries; Responses by Debt Adjustment Service
22 Providers to Consumer Complaints. Amend the introductory paragraph of RSA 399-D:11, I as
23 follows:

24 I. Consumer complaints naming licensees under this chapter, which are filed in writing
25 with the office of the commissioner, shall be forwarded via certified or registered mail to the licensee
26 for response within 10 days of receipt by the department. Licensees shall, within 30 days after
27 receipt of such complaint, send a written acknowledgment thereof to the consumer and the
28 department. Not later than [60] **14** days following receipt of such complaint, the licensee shall
29 conduct an investigation of the complaint and either:

30 74 Licensing of Money Transmitters; Consumer Inquiries; Responses by Money Transmitters to
31 Consumer Complaints. Amend the introductory paragraph of RSA 399-G:12, I to read as follows:

32 I. Consumer complaints naming licensees under this chapter, which are filed in writing
33 with the office of the commissioner, shall be forwarded via certified or registered mail to the licensee
34 for response within 10 days of receipt by the department. Licensees shall, within 30 days after
35 receipt of such complaint, send a written acknowledgment thereof to the consumer and the
36 department. Not later than [60] **14** days following receipt of such complaint, the licensee shall
37 conduct an investigation of the complaint and either:

75 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of Appropriation. The appropriation for the administration of the client assistance program received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for the fiscal years ending June 30, 2018 and June 30, 2019 may be transferred to another qualified agency upon certification by the governor to the commissioner of the department of administrative services that the program has been redesignated. If the redesignation occurs and the governor's certification is made after July 1, 2017, the unexpended portion of the appropriation shall be transferred.

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

77 School Building Aid; Alternative School Building Aid.

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

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

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

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

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

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

III. ~~[1-7]~~ **3.4** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1, ***provided that if at least 80 percent of the moneys in the fund are encumbered in any fiscal year, then 4 percent of that fiscal year's gross profits shall be deposited into the fund.*** For the purpose of this section, gross profit shall be defined as total

Amendment to HB 517
- Page 62 -

1 operating revenue minus the cost of sales and services as presented in the state of New Hampshire
2 comprehensive annual financial report, statement of revenues, expenses, and changes in net
3 position for proprietary funds.

4 79 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June
5 30, 2018 and June 30, 2019, the state treasurer shall fund the distribution of revenue to cities and
6 towns pursuant to the formula for determining the amount of revenue returnable to cities and
7 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2017 distribution.

8 80 Department of Health and Human Services; Transfer Among Accounts and Classes. Subject
9 to the approval of the fiscal committee of the general court and governor and council, for the
10 biennium ending June 30, 2019, the commissioner of the department of health and human services
11 may transfer funds within and among all accounting units within the department and to create
12 accounting units and expenditure classes as required, as the commissioner deems necessary and
13 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
14 regulations, or programs, and otherwise as necessary for the efficient management of the
15 department. If the department intends to transfer funds, which would otherwise meet the transfer
16 requirements as set forth in RSA 9:17-a, prior approval of the fiscal committee and governor and
17 council shall be required for transfers of \$75,000 or more.

18 81 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
19 the biennium ending June 30, 2019, the department of health and human services shall not
20 authorize, without prior consultation with the house health, human services and elderly affairs
21 committee and the senate health and human services committee and the approval of the fiscal
22 committee of the general court and governor and council, any change to program eligibility
23 standards or benefit levels that might be expected to increase or decrease enrollment in the
24 program or increase expenditures from any source of funds; provided, however, that no such prior
25 approval shall be required if a change to a federal program in which the state is participating as of
26 the effective date of this section is required by federal law.

27 82 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule.
28 Department of health and human services rule He-W 553 relative to the home health services rate
29 setting shall be suspended for the biennium ending June 30, 2019. Payments for home health
30 services shall be limited to appropriations for home health services as may be restricted or reduced
31 by action of the fiscal committee of the general court or by legislative action.

32 83 Department of Health and Human Services; Foster Grandparent Program. The
33 reimbursements to the foster grandparent program through the senior volunteer grant program,
34 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2019.

35 84 Department of Health and Human Services; Bureau of Adult and Elderly Services;
36 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
37 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the

1 biennium ending June 30, 2019.

2 85 Department of Health and Human Services; Division for Children, Youth and Families.

3 I. For the biennium ending June 30, 2019, the rates for all services, placements, and
4 programs that are paid for by the department of health and human services pursuant to RSA 169-
5 B:40, RSA 169-C:27, and RSA 169-D:29, with the exception of rates for contracted services that are
6 approved by the governor and council and rates for out-of-state placements, shall be no greater than
7 the rates in effect for the particular service, placement, or program as of June 30, 2017.

8 II. Notwithstanding paragraph I, upon the department's implementation of managed care,
9 the rate of reimbursement for Medicaid eligible services and programs for a Medicaid eligible child
10 shall be the rate agreed to by the provider and the managed care organization. The total rate of
11 reimbursement for residential placement (board and care) for a Medicaid eligible child shall consist
12 of the "room and board rate" and the "educational rate" as established by the department on July 1,
13 2017, and the treatment or the private nonmedical institution rate as agreed to by the provider and
14 the managed care organization.

15 86 Department of Health and Human Services; Suspension of Direct Graduate Medical
16 Education. The commissioner of the department of health and human services shall submit a Title
17 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
18 suspend the provision of direct graduate medical education payments to hospitals as provided in 42
19 U.S.C. section 1396a(a)(30)(A) effective July 1, 2017. Upon approval of the state plan amendment,
20 and as of the effective date of the state plan amendment, any obligations for payment of direct
21 graduate medical education shall be suspended for the biennium ending June 30, 2019.

22 87 Department of Health and Human Services; Suspension of Indirect Graduate Medical
23 Education. The commissioner of the department of health and human services shall submit a Title
24 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
25 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,
26 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan
27 amendment, any obligations for payment of indirect graduate medical education shall be suspended
28 for the biennium ending June 30, 2019.

29 88 Department of Health and Human Services; Public Safety and Welfare; Medicaid
30 Enhancement for Children and Pregnant Women. If the New Hampshire health protection
31 program established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2018 or
32 earlier, the commissioner of the department of health and human services shall reinstate Medicaid
33 coverage and open enrollment for children and pregnant women under RSA 167:68. The
34 commissioner of the department of health and human services shall adopt rules pursuant to RSA
35 541-A to establish the eligibility levels for Medicaid coverage under RSA 167:68 identical to the
36 eligibility levels which were in effect prior to the effective date of the New Hampshire health
37 protection program.

Amendment to HB 517

- Page 64 -

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

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

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

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

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

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

(1) State fiscal year ~~[2016]~~ **2018**, ~~[\$114,562,000]~~ **\$115,268,000**.

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

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

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

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

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

Internet Crimes Against Children Fund

Amendment to HB 517

- Page 65 -

21-M:17 Internet Crimes Against Children Fund Established. There is hereby established in the office of the state treasurer a fund to be known as the Internet crimes against children (ICAC) fund which shall be kept distinct and separate from all other funds. The ICAC fund shall consist of all moneys appropriated to the fund, and any gifts, grants, or donations made to the fund. The fund shall be nonlapsing and continually appropriated to the department of justice. The attorney general shall disburse all moneys in the fund to the Portsmouth police department's ICAC task force for its use in investigating Internet crimes against children. Funds shall be used for salary, benefits, training, and equipment, and to support local ICAC affiliate agencies in good standing with the New Hampshire ICAC and their efforts to combat Internet crimes against children.

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

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

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

98 Department of Justice; Position Classification Amended. Amend RSA 94:1-a, I(b) as follows:

Delete

BB Department of justice criminal justice investigator

Insert

DD Department of justice criminal justice investigator

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

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

101 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year ending June 30, 2019, the state shall reimburse the sheriff's office for court security at the rates provided in the collective bargaining agreement applicable to per diem court security officers employed by the judicial branch to attend any official business, for any person employed as a bailiff by the sheriff's office.

Amendment to HB 517
- Page 66 -

1 102 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium
2 ending June 30, 2019, any state agency or department may, with the prior written approval of the
3 department of administrative services, enter into an agreement to rent, lease, or lease-purchase
4 vehicles and equipment from any outside vendor, or to rent or lease vehicles and equipment from
5 any other state agency or department.

6 103 Chartered Public Schools; Definitions. Amend RSA 194-B:1 to read as follows:

7 194-B:1 Definitions. In this chapter:

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

12 ***II. "Average daily membership in attendance" or "ADMA" relative to charter***
13 ***schools means the average daily membership in attendance, as defined in RSA 189:1-d, III,***
14 ***of pupils in kindergarten through grade 12, in the determination year, provided that no***
15 ***kindergarten pupil shall count as more than ½ day attendance per school year. ADMA***
16 ***shall only include pupils who are legal residents of New Hampshire pursuant to RSA***
17 ***193:12 and educated at the charter school's expense. In this paragraph, "determination***
18 ***year" shall have the same meaning as in RSA 198:38, IV.***

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

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

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

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

32 ***VII. "Full-time equivalent pupil" means a pupil or group of pupils pursuant to RSA***
33 ***194-B:1, XI that have completed 12 half-credit courses.***

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

36 ~~[VI.]~~ ***IX.*** "Open enrollment public school" or "open enrollment school" means any public
37 school which, in addition to providing educational services to pupils residing within its attendance

Amendment to HB 517
- Page 67 -

1 area or district, chooses to accept pupils from other attendance areas within its district and from
2 outside its district.

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

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

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

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

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

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

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

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

17 104 Chartered Public Schools; Authority and Duties of the Board of Trustees. Amend the
18 introductory paragraph of RSA 194-B:5, III to read as follows:

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

23 105 Chartered Public Schools; Funding RSA 194-B:11, I(b) is repealed and reenacted to read as
24 follows:

25 (b)(1) Except as provided in subparagraph (2), for a chartered public school authorized
26 by the state board of education pursuant to RSA 194-B:3-a, the state shall pay 48.5 percent in state
27 fiscal year 2018, 50 percent in state fiscal year 2019, 52 percent in state fiscal year 2020, and 54
28 percent in state fiscal year 2021 and each year thereafter, of the state average cost per pupil for
29 public school pupil-operating expenses for public schools, most recently available on July 1 of the
30 fiscal year, plus applicable differentiated aid pursuant to RSA 198:40-a, II(b)-(e), for which a pupil
31 in the charter school's ADMA is eligible. The state shall pay amounts required pursuant to RSA
32 198:40-a, II(b), (c), and (e) directly to the chartered public school. The state shall pay amounts
33 required pursuant to RSA 198:40-a, II(d) directly to the resident district.

34 (2) For the Virtual Learning Academy Charter School authorized pursuant to RSA
35 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a, II(a)-(c) and (e), plus an additional
36 grant of \$2,036 directly to the Virtual Learning Academy Charter School for each eligible full-time
37 enrolled pupil in the charter school's ADMA. The state shall pay amounts required pursuant to

Amendment to HB 517
- Page 68 -

1 RSA 198:40-a, II(d) directly to the resident district. The state shall pay tuition pursuant to RSA
2 198:40-a, II(a) plus an additional grant of \$2,036 directly to the Virtual Learning Academy Charter
3 School for each full-time equivalent pupil. Beginning July 1, 2017 and every biennium thereafter,
4 the department of education shall adjust the per pupil amount of the additional grant pursuant to
5 RSA 198:40-d.

6 (3) For an online chartered public school which received its initial authorization to
7 operate from the state board of education pursuant to RSA 194-B:3-a on or after July 1, 2013, the
8 state shall pay tuition pursuant to RSA 198:40-a, II(a) directly to the online chartered public school
9 for each pupil who is a resident of this state in attendance at such chartered public school. In this
10 subparagraph, "online chartered public school" means a chartered public school which provides the
11 majority of its classes and instruction on the Internet.

12 106 Kindergarten Initiative Development Support Grant. RSA 198:48-b is repealed and
13 reenacted to read as follows:

14 198:48-b Kindergarten Initiative Development Support Grants.

15 I. When specific terms used in this section are defined in RSA 198:38, such terms shall have
16 the meaning given such terms in RSA 198:38, and, in addition, in this section:

17 (a) "Adjusted equalized valuation excluding utilities" means the equalized valuation of
18 property in a jurisdiction as determined by the department of revenue administration pursuant to
19 RSA 78:8 for April 1 of the fiscal year 2 years prior to the applicable determination year.

20 (b) "Average daily membership in attendance" or "ADMA" shall mean the average daily
21 membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade
22 12, in the determination year. ADMA shall only include pupils who are legal residents of New
23 Hampshire pursuant to RSA 193:12 and educated at school district expense which may include
24 public academies or out-of-district placements. For the purpose of calculating funding for
25 municipalities, the ADMA shall not include pupils attending chartered public schools, but shall
26 include pupils attending a charter conversion school approved by the school district in which the
27 pupil resides.

28 (c) "Equalized valuation per pupil" means, for any municipality, the adjusted equalized
29 valuation excluding utilities of the municipality for the determination year, divided by the
30 municipality's total ADMR for the determination year.

31 (d) "KIDS grant" means the kindergarten initiative development support grants
32 determined pursuant to this section.

33 (e) "Municipality's ELL factor" means, with respect to each municipality, the
34 municipality's ELL percentage for the applicable determination year divided by the statewide ELL
35 percentage for the same determination year.

36 (f) "Municipality's ELL percentage" means, with respect to each municipality, the
37 municipality's English language learner pupils for the applicable determination year divided by the

total statewide English language learner pupils for the same determination year.

(g) "Municipality's F&R factor" means, with respect to each municipality, the municipality's F&R percentage for the applicable determination year divided by the statewide F&R percentage for the same determination year.

(h) Municipality's F&R percentage" means, with respect to each municipality, the municipality's pupils eligible for a free or reduced-price meal for the applicable determination year divided by the municipality's total ADMA for the same determination year.

(i) "Property wealth factor" means, with respect to each municipality, the statewide average equalized valuation per pupil for the applicable determination year divided by the municipality's equalized valuation per pupil for the same determination year.

(j) "Statewide aggregate KIDS grant" means, with respect to any determination year, the amount established by the legislature as an appropriation to fund the grants authorized under this section.

(k) Statewide average equalized valuation per pupil" means the total statewide adjusted equalized valuation excluding utilities of all municipalities that had resident pupils during the determination year, divided by the total statewide ADMR for the determination year.

(l) "Statewide ELL percentage" means the total statewide English language learner pupils for the applicable determination year divide by the total statewide ADMA for the same determination year.

(m) "Statewide F&R percentage" means the total statewide number of pupils eligible for a free or reduced price meal for the applicable determination year divided by the total statewide ADMA for the same determination year.

(n) "Statewide KIDS grant per weighted kindergarten ADMA" means, with respect to any determination year, the statewide aggregate KIDS grant for the determination year divided by the statewide weighted kindergarten ADMA for the same determination year.

(o) Statewide weighted kindergarten ADMA" means, with respect to any determination year, the sum of weighted kindergarten ADMA for all municipalities for the same determination year.

(p) "Weighted aggregate KIDS grant factor" means, with respect to each municipality, the sum of:

(1) 0.5 multiplied by the municipality's property wealth factor for the determination year; plus

(2) 0.25 multiplied by the municipality's F&R factor for the determination year; plus

(3) 0.25 multiplied by the municipality's ELL factor for the determination year.

(q) "Weighted kindergarten ADMA" means, with respect to each municipality, the municipality's kindergarten ADMA for the determination year multiplied by the municipality's weighted aggregate KIDS grant factor for the same determination year.

1 II.(a) Except for the municipalities where all school districts therein provide education to all
2 of their pupils by paying tuition to other institutions, the department of education shall determine
3 the total KIDS grant for each municipality in accordance with this section.

4 (b) The amount of each municipality's KIDS grant for any fiscal year shall be equal to
5 the statewide KIDS grant per weighted kindergarten ADMA for the determination year multiplied
6 by the municipality's weighted kindergarten ADMA for the same determination year.

7 (c) The department shall use, to the greatest extent possible, the same data and
8 methods used to determine adequate education grants for purposes of determining KIDS grants,
9 subject to the specific provisions of this section. The department shall otherwise use the best
10 available data and methods to estimate any other data or factors required under this section for
11 calculating KIDS grants.

12 III.(a) The KIDS grant determined in this section shall be distributed to each municipality's
13 school district or districts from the education trust fund established in RSA 198:39 in 4 payments of
14 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on
15 April 1 of each school year; provided that for a dependent school district, the grant determined in
16 this section shall be distributed to the municipality, which shall appropriate and transfer the grant
17 funds to its dependent school department.

18 (b) For the fiscal year beginning July 1, 2018, and every fiscal year thereafter, the
19 amount necessary to fund the KIDS grants under this section is hereby appropriated to the
20 department from the education trust fund created under RSA 198:39. The governor is authorized to
21 draw a warrant from the education trust fund to satisfy the state's obligation under this section.
22 Such warrant for payment shall be issued regardless of the balance of funds available in the
23 education trust fund. If the balance in the education trust fund, after the issuance of any such
24 warrant, is less than zero, the commissioner of the department of administrative services shall
25 inform the fiscal committee of the general court and the governor and council of such balance. This
26 reporting shall not in any way prohibit or delay the distribution of KIDS grants.

27 (c) The department of education shall certify the amount of each KIDS grant to the
28 state treasurer and direct the payment thereof to the school district or municipality.

29 107 Special Education; State Aid. Amend RSA 186-C:18, III to read as follows:

30 III.(a) The state board of education through the commissioner, department of education,
31 shall distribute aid available under this paragraph as entitlement to such school districts as have a
32 special education pupil for whose costs they are responsible, for whom the costs of special education
33 in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school
34 year preceding the year of distribution. If in any year, the amount appropriated for distribution as
35 [catastrophic] special education [186-C:18] aid in accordance with this section is insufficient
36 therefor, the appropriation shall be prorated proportionally based on entitlement among the
37 districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at

Amendment to HB 517
- Page 71 -

the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain children with disabilities, it shall not receive [catastrophe] special education aid for those same children with disabilities. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting [catastrophe] **special education** cost increases in their special education programs as provided by this paragraph.

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

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

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

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

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

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

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

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

(a) The state board of education, through the commissioner of the department of education, shall distribute to school districts the lesser of 3.5 percent or \$1,000,000 in [catastrophe] **special education** aid funds appropriated in the fiscal year, to establish or support school district-based programs for children with disabilities who have been in out-of-district programs in the previous school year. Funds shall be distributed to school districts as reimbursement for the

establishment or support of such programs and shall be applied to the greater of the following:

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

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

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

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

113 Department of Safety; Transfer Among Accounts and Classes. Subject to the provisions of RSA 9:17-c and RSA 99:4, for the biennium ending June 30, 2019, the commissioner of the department of safety may transfer funds between and among all class lines and accounting units within the department as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided that only transfers of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council. In no case shall this transfer authority allow for the establishment of any positions.

114 Department of Information Technology; Consolidation of Information Technology Functions.

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

(a) Information technology analysis and planning.

(b) Data management.

(c) Cybersecurity.

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

II. The commissioner of the department of information technology may establish the number and classification of personnel required for information technology functions in the

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

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

22 115 Liquor Commission; Processing of Merchant Cards.

23 I. For the biennium ending June 30, 2019, the liquor commission, for purposes of
24 supporting merchant card activity, may:

25 (a) Implement necessary business strategies in the event of a disaster or loss of services
26 to insure the continuity of the commission's business operations, including the processing of
27 merchant cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-
28 7677 in consultation with the commissioner of the department of information technology. The
29 commissioner shall report to the fiscal committee of the general court within 30 days any instances
30 where it would need to implement such business strategies, including any costs and loss of revenue
31 associated with the disaster or loss of services and the implementation of such business strategies.

32 (b) Enter into contracts for technical and hosting services to support retail operations
33 and merchant card processing. The commission shall comply with RSA 176:18 for any contracts
34 entered into to support retail operations and merchant card processing.

35 (c) Hire information technology technical support personnel to support its merchant
36 card activity and related technical support operations in retail stores.

37 II. The commission, through the department of administrative services, division of

Amendment to HB 517
- Page 74 -

1 personnel, shall temporarily reclassify no more than 2 existing liquor commission positions that will
2 be responsible for providing the necessary dedicated information technology technical support
3 required by the commission to support its merchant card activity and related technical support
4 operations in retail stores.

5 116 Department of Corrections; Transfer Among Accounts and Classes. For the biennium
6 ending June 30, 2019, the commissioner of the department of corrections may transfer funds within
7 and among all accounting units within the department and to create accounting units and
8 expenditure classes as required and as the commissioner deems necessary and appropriate to
9 address present or projected budget deficits, or to respond to changes in federal law, regulations, or
10 programs, and otherwise as necessary for the efficient management of the department; provided if a
11 transfer does not include new accounting units or expenditure classes, only transfers of \$75,000 or
12 more excluding personal services classes 010, 011, 012, 018, 019, and 060 shall require prior
13 approval of the fiscal committee of the general court and governor and council. In no case does this
14 transfer authority allow for the establishment of any positions. Transfers over \$75,000 affecting
15 personal services classes 010, 011, 012, 018, 019, and 060 shall be reported separately to the fiscal
16 committee of the general court within 45 days after the end of each fiscal quarter.

17 117 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For
18 the biennium ending June 30, 2019, the public utilities commission shall not expend any funding on
19 the implementation of an energy efficiency resource standard without prior approval of the fiscal
20 committee of the general court.

21 118 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, I
22 to read as follows:

23 I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall
24 be continually appropriated to the commission to be expended in accordance with this section. The
25 state treasurer shall invest the moneys deposited therein as provided by law. Income received on
26 investments made by the state treasurer shall also be credited to the fund. All payments to be made
27 under this section shall be deposited in the fund. ***Twenty percent*** of the moneys paid into the
28 fund~~[, the amount of \$520,000 for fiscal year 2016]~~ ***during fiscal years 2018 and 2019*** shall be
29 ~~[transferred to the division of homeland security and emergency management for the purpose of~~
30 ~~disaster and emergency response preparedness and coordination to help minimize utility and other~~
31 ~~disruptions resulting from natural or manmade disasters]~~ ***rebated, on a per-kilowatt-hour basis,***
32 ***to all retail electric ratepayers eligible to participate in the state's electric assistance***
33 ***program in a timely manner to be determined by the public utilities commission.*** Any
34 remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys,
35 shall be used by the commission to support thermal and electrical renewable energy initiatives.
36 Class II moneys shall primarily be used to support solar energy technologies in New Hampshire.
37 All initiatives supported out of these funds shall be subject to audit by the commission as deemed

Amendment to HB 517

- Page 75 -

1 necessary. All fund moneys including those from class II may be used to administer this chapter,
2 but all new employee positions shall be approved by the fiscal committee of the general court. No
3 new employees shall be hired by the commission due to the inclusion of useful thermal energy in
4 class I production.

5 119 Department of Transportation; Ten-Year Transportation Improvement Plan. The N.H.
6 route 106 improvements are of high state economic importance and shall be prioritized, in whole or
7 in part, in the 10-year transportation improvement planning process to begin as soon as possible
8 within fiscal constraint.

9 120 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2019, the
10 department of education may, subject to the approval of the governor and council, to accept gifts,
11 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
12 other organizations or institutions for the purpose of funding appropriations made in accounting
13 unit 06-56-56-562010-7534 (NH Scholars Program).

14 121 Regional Career and Technical Education; Program. Amend the introductory paragraph of
15 RSA 188-E:5, V to read as follows:

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

22 122 Department of Education; Transfer Among Accounts and Classes. For the biennium
23 ending June 30, 2019, the commissioner of the department of education may transfer funds within
24 and among all accounting units within the department, as the commissioner deems necessary and
25 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
26 regulations, or programs, and otherwise as necessary for the efficient management of the
27 department, with the exception of class 60 transfers; provided, that any transfer of \$75,000 or more
28 shall require prior approval of the fiscal committee of the general court and the governor and
29 council. The authority granted in this section shall not apply to accounting units 06-56-56-560010-
30 5136 (Court Ordered Placements), 06-56-56-560010-5137 (Other State Aid), and 06-56-56-560010-
31 7550 (Adequate Education Grants). In no case shall this transfer authority allow for the
32 establishment of any positions.

33 123 New Subdivision; Governor's Scholarship Program. Amend RSA 4-C by inserting after
34 section 30 the following new subdivision:

35 Governor's Scholarship Program

36 4-C:31 Definitions. In this subdivision:

37 I. "Eligible educational or training program" means any institution within the university

1 system of New Hampshire as defined in RSA 187-A, any institution within the community college
2 system of New Hampshire as defined in RSA 188-F, or any post-secondary training or education
3 program within this state that is approved by the office.

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

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

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

13 4-C:33 Eligibility.

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

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

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

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

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

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

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

Amendment to HB 517
- Page 77 -

1 4-C:34 Governor's Scholarship Fund Established.

2 I. There is hereby established in the office of the state treasurer the governor's scholarship
3 fund which shall be kept distinct and separate from all other funds. The fund shall provide
4 scholarships for the benefit of eligible residents of the state pursuing programs of study or training
5 at an eligible educational or training program within the state.

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

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

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

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

17 4-C:35 Procedures. The office shall adopt procedures necessary to administer the provisions of
18 this subdivision.

19 124 New Subparagraph; Application of Receipts; Governor's Scholarship Fund. Amend RSA
20 6:12, I(b) by inserting after paragraph (333) the following new subparagraph:

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

23 125 Appropriation. The sum of \$5,000,000 for the fiscal year ending June 30, 2018 and the sum
24 of \$5,000,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the governor's
25 scholarship fund established in RSA 4-C:34. The governor is authorized to draw a warrant for said
26 sums out of any money in the treasury not otherwise appropriated.

27 126 Repeal. RSA 176:16-a, relative to liquor commission revenue shortfalls and reports, is
28 repealed.

29 127 Department of Revenue Administration; Reference Change; Document Processing to
30 Taxpayer Services. Amend RSA 21-J:2, II and III to read as follows:

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

36 III. The salaries of the commissioner and the director, division of audits, the director,
37 division of ~~[document processing]~~ **taxpayer services**, the director, division of collections, and the

Amendment to HB 517

- Page 78 -

1 director, division of municipal and property, shall be as specified in RSA 94:1-a.

2 128 Department of Revenue Administration; Taxpayer Services Division Created; Document
3 Process Division Eliminated. RSA 21-J:12 is repealed and reenacted to read as follows:

4 21-J:12 Taxpayer Services Division. There is established within the department the division of
5 taxpayer services, under the supervision of an unclassified director of taxpayer services who shall
6 be responsible for:

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

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

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

12 129 Department of Revenue Administration; Director of Taxpayer Services Division; Position
13 Established.

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

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

26 130 Repeal. RSA 21-J:6-c, central tax services unit within the department of revenue
27 administration, is repealed.

28 131 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

29 (b) The forest management and protection fund shall be a nonlapsing fund administered
30 by the treasurer of the state of New Hampshire. The fund shall be continually appropriated and
31 expended at the discretion of the director of the division and the commissioner. Any funds in excess
32 of that appropriated from the fund may be expended by the commissioner, with prior approval of
33 the fiscal committee and governor and council, in accordance with RSA 227-G:5, I(a). Revenues
34 shall be derived from the proceeds of the sale of timber and other forest products from state-owned
35 forestlands, *the amount of which shall be the difference between the total receipts from the*
36 *sale of timber within any fiscal year and \$150,000, the average annual stumpage receipt*
37 *from the sale of timber from state forestlands for the period 1983-1992*, less 13 percent which

Amendment to HB 517
- Page 79 -

1 shall be deposited into the general fund. Revenues shall also be derived from the lease of state-
2 owned forestlands, or billable services provided by the division of forests and lands, if the revenues
3 are not dedicated to any other purpose. Revenues for the fund shall also be derived from
4 administrative fines collected pursuant to RSA 227-J:1.

5 132 Department of Safety; Places of Assembly; Definitions. Amend RSA 155:17, II to read as
6 follows:

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

11 133 Department of Safety; Places of Assembly; Licensing. Amend RSA 155:18 to read as
12 follows:

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

21 134 Transportation; Definitions. Amend RSA 228:1, VII to read as follows:

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

28 135 Federal and State Highway Aid; Construction and Reconstruction. Amend RSA 235:23-a,
29 III to read as follows:

30 III. The commissioner shall allocate **at least 70 percent of** the funds in the highway and
31 bridge betterment account for the 6 state highway districts in the following priority:

32 (a) [Repealed.]

33 (b) For each state highway district in the state, based upon a formula in which 1/2 of
34 the amount of the funds distributed is based upon the proportion which the mileage of state-
35 maintained class I, class II, and class III highways, excluding turnpikes, in each district, as of
36 January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount
37 of the funds distributed is based upon the proportion which the number of state maintained class I,

1 class II and class III highway bridges, excluding turnpikes, in each district as of January 1 of the
2 previous year bears to the total of such number of bridges in the state. ***The commissioner shall***
3 ***allocate the remaining funds on a statewide basis to facilitate regional maintenance,***
4 ***repair, replacement, and preservation needs. A rolling 10-year average of the total***
5 ***amount distributed shall be within 10 percent per district.***

6 136 Department of Transportation; Eminent Domain; Occasion for Layout by Governor and
7 Council. Amend RSA 230:13, I to read as follows:

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

19 137 Layout of State Highways; Notice of Hearing. Amend RSA 230:17 to read as follows:

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

27 138 Limited Access Highways; Occasion for Layout; Layout. Amend RSA 230:45 to read as
28 follows:

29 230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on the
30 governor's own motion or a special committee of 3 persons appointed by the governor and council for
31 the purpose, may determine, upon hearing, whether there is occasion for the laying out or
32 alteration of a limited access facility including service roads as proposed by the commissioner of
33 transportation; and, if so, ~~[the governor, with the advice of the council, shall appoint a commission~~
34 ~~*of 3 persons who]*~~ ***the commissioner*** may purchase land or other property as proposed and ~~[who]~~
35 shall lay out the remainder of such facility, service roads, or alteration thereof. The commission
36 appointed by the governor and council to lay out any limited access facility may acquire private or
37 public property and property rights for such facility and service roads, including rights of access,

air, view, and light, by gift, devise, purchase, or condemnation in the same manner as provided for acquiring property for class I highways. Property rights acquired under the provisions of this section may be in fee simple or in the form of easements, including property acquired by condemnation proceedings. The ~~[commission]~~ **commissioner**, in ~~[its]~~ **his or her** discretion, may acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best served even though the entire lot, block, or tract is not immediately needed for the right-of-way proper. The commissioner of transportation, with the approval of the governor and council, may sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

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

229:1 Highways Defined. Highways are only such as are laid out in the mode prescribed therefor by statute, or roads which have been constructed for ***or are currently used for any mode of*** public travel over land which has been conveyed to a city or town or to the state by deed of a fee or easement interest, or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located, or roads which have been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall include the bridges thereon.

140 Red List Bridges. Amend RSA 234:25-a, I to read as follows:

I. The commissioner of transportation shall establish and maintain a list of ***highway*** bridges that are found, after inspection by the department, to be structurally deficient, which shall be known as red list bridges. ***This list shall also include structurally deficient railroad bridges over highways.***

141 New Paragraph; Red List Bridges; Definition. Amend RSA 234:25-a by inserting after paragraph IV the following new paragraph:

V. In this chapter, a structurally deficient bridge means a bridge with a primary element in poor or worse condition (National Bridge Inventory (NBI) rating of 4 or less).

142 Inspection of Red List Bridges. Amend RSA 234:25-b to read as follows:

234:25-b Inspection of Red List Bridges; Report.

I. The department of transportation shall inspect every ***red list*** state-owned bridge on the red list biannually and every municipal bridge annually ***as a minimum***.

II. The department of transportation shall annually provide a complete list of state-owned and municipally-owned red list bridges to the governor, the executive council, the speaker of the house of representatives, the president of the senate, and the house and senate standing committees with jurisdiction over highways and bridges. Additionally the department shall annually notify the governing bodies of municipalities of any red list bridges owned by such municipality and any state-owned red list bridge within such municipality. These reports and notifications shall be provided on or before ~~[February]~~ ***April*** 1 of each year.

143 Discontinuance of Relocated Portions of Class I and Class II Highways Acquired in 1945 or

1 Earlier. Amend RSA 230:55 through RSA 230:58 to read as follows:

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

9 230:56 Determination by Selectmen. The selectmen of such town within 60 days after receiving
10 such notice ***regarding property acquired by the state in 1945 or earlier***, shall determine, after
11 notice to the owners of land or abutting owners given in the same manner as provided for in the
12 laying out of highways by selectmen, and hearing, whether there is occasion for the use of such
13 portion for town highway purposes and shall notify the commissioner of transportation, in writing,
14 of their determination.

15 230:57 Reversion to Town. Upon the filing of notice with the commissioner of transportation
16 that such occasion exists, or, in the event that the selectmen fail to take any action or notify the
17 commissioner of transportation in writing of their determination within 60 days after the receipt of
18 notice from [~~him~~] ***the commissioner regarding property acquired by the state in 1945 or***
19 ***earlier***, the right-of-way over such portion of land and title to any interest held by the state in such
20 portion shall thereupon revert to or vest in such town, and the commissioner of transportation shall
21 so certify in writing under oath to the selectmen, and the highway shall thereupon become a class V
22 or class VI highway.

23 230:58 Notice of Discontinuance. ***Regarding property acquired by the state in 1945 or***
24 ***earlier***, upon the filing of notice with the commissioner of transportation that such occasion does
25 not exist, the commissioner shall post notice in 2 public places in such town that such portion of
26 highway is thereupon discontinued.

27 144 Discontinuance of Relocated Portions of Class I and Class II Highways; Assessment of
28 Damages. Amend RSA 230:61 to read as follows:

29 230:61 Assessment of Damages. Any person who sustains damages because of such
30 discontinuance ***of property acquired by the state in 1945 or earlier*** may petition for the
31 assessment of damages to the superior court in the county in which such discontinued portion of
32 highway is located within 60 days from the posting of notice of discontinuance, and not thereafter,
33 and the court shall assess such damages, if any, by jury.

34 145 Highway Fund. The department of transportation and department of safety shall not
35 expend or request to expend any funds from the highway surplus account for the biennium ending
36 June 30, 2017. Any highway fund budget surplus at the close of the fiscal biennium ending June
37 30, 2017 shall remain in the highway fund, and shall be used for the purposes of

Amendment to HB 517
- Page 83 -

1 supporting appropriations from the highway fund for the biennium ending June 30, 2019.

2 146 Adjutant General; Acceptance and Expenditure of Federal Funds. Notwithstanding any
3 other provision of law, for the biennium ending June 30, 2019, in addition to the amount budgeted
4 in accounting unit 02-12-12-120010-2245 (army guard facilities 100% federal), the adjutant general,
5 with approval of the governor and council, may accept and expend up to \$3,000,000 of federal funds
6 for the purpose of this account without further approval from the fiscal committee of the general
7 court.

8 147 Education Trust Fund; Distribution of Unexpended Appropriations. For each fiscal year of
9 the biennium ending June 30, 2019, the commissioner of the department of education shall
10 distribute any unexpended appropriations from accounting unit 06-56-56-560010-7550-079,
11 adequate education aid-state, to any municipality in which the total education grant was reduced
12 pursuant to RSA 198:41, III(b) in any fiscal year of the biennium ending June 30, 2019. The
13 commissioner shall distribute such amount based on the proportion of a municipality's average daily
14 membership in attendance in relation to the average daily membership in attendance of all such
15 municipalities, but not to exceed a municipality's uncapped amount. In this section, "uncapped
16 amount" means the amount determined pursuant to RSA 198:41, I and II.

17 148 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
18 commissioner of the department of health and human services shall submit a Title XIX Medicaid
19 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
20 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2019.

21 149 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
22 provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the division of
23 travel and tourism development, are hereby suspended for the biennium ending June 30, 2019.

24 150 Community College System of New Hampshire; Police Standards and Training Council;
25 Findings and Policy. Amend RSA 188-F:22 to read as follows:

26 188-F:22 Findings and Policy. The legislature finds that the administration of criminal justice
27 is of statewide concern; that police [~~and corrections~~] work [~~are~~] **is** important to the health, safety,
28 and welfare of the people of this state; that police [~~and corrections~~] work [~~are~~] **is** of such a nature as
29 to require education and training of a professional character; and that it is in the public interest
30 that such education and training be made available to persons who seek to become police [~~and~~
31 ~~corrections~~] officers, persons who are serving as police [~~and corrections~~] officers in a temporary or
32 probationary capacity, and persons already in regular service.

33 151 Repeal. RSA 188-F:23, IV, relative to definition of state corrections officer, is repealed.

34 152 Police Standards and Training Council; Education and Training Required. Amend RSA
35 188-F:27, III-b through IV to read as follows:

36 III-b. At the earliest practical time, the police standards and training council shall require
37 that all uncertified part-time and full-time police officers, [~~state corrections officers,~~] and probation-

Amendment to HB 517

- Page 84 -

1 parole officers, as a condition of admission to a basic or reciprocal certification training program
2 successfully pass a physical fitness performance test administered according to standards adopted
3 by the council.

4 III-c. No later than January 1, 1999, the police standards and training council shall require
5 that all uncertified part-time and full-time police officers, state corrections officers, and probation-
6 parole officers, prior to assuming their duties, successfully pass a psychological screening test
7 battery administered under the direction of a licensed psychologist or psychiatrist according to
8 protocols adopted by the council and designed to detect behavioral traits that could adversely affect
9 the person's ability to perform the essential functions of a law enforcement officer. Such an
10 examination shall be valid for a period of one year from the date of administration for purposes of
11 application for such employment.

12 III-d. Beginning January 1, 2001, the police standards and training council shall require
13 that all certified police officers, ~~[state corrections officers,]~~ and probation-parole officers, hired after
14 that date, as a condition of continued certification and employment furnish the council every 3
15 years with a certificate from a licensed physician, physician's assistant, or registered nurse
16 practitioner who has conducted a medical examination of the officer according to protocols adopted
17 by the council, certifying that in the opinion of the examiner the officer is physically capable of
18 participating in the council's physical fitness test.

19 III-e. Any officer who is unable to meet the medical requirements of paragraph III-d may
20 request an additional medical examination by a physician chosen by the council. If the officer is
21 still unable to meet the standards, such officer's certification shall be placed in a probationary
22 status for a period of up to 2 years, during which time the officer may request re-examination at any
23 time. If following the 2-year period the officer is still unable to meet the standards, the officer's
24 certification shall be suspended until such time as such officer obtains the medical certification
25 required in paragraph III-d.

26 III-f. Beginning January 1, 2001, the police standards and training council shall require
27 that all certified police officers, ~~[state corrections officers,]~~ and probation-parole officers, hired after
28 that date, as a condition of continued certification and employment every 3 years pass a physical
29 fitness performance test administered by the hiring authority or the council, according to protocols
30 adopted by the council.

31 III-g. Any officer who is unable to meet the physical fitness performance requirements of
32 paragraph III-f may request an additional physical fitness performance test administered by the
33 council. If the officer is still unable to meet the standards, such officer's certification shall be placed
34 in a probationary status for a period of up to 2 years, during which time the officer may request re-
35 examination at any time. If, following the 2-year period, the officer is still unable to meet the
36 standards, the officer's certification shall be suspended until such time as such officer is able to pass
37 the physical performance test.

1 III-h. In any case where the council has reasonable grounds to doubt that the medical
2 examination performed as required in paragraph III-d was performed in accordance with the
3 appropriate protocols, the council may require the officer to submit to a separate examination by a
4 physician selected by the council, at the council's expense.

5 III-i. A licensed physician, psychiatrist, psychologist, or person acting under the licensee's
6 supervision, whose examination administered under this chapter results in an employment decision
7 adverse to a police, ~~[corrections,]~~ or probation-parole officer shall be immune from suit resulting
8 from such examination or decision, providing such examination is conducted in good faith, not in a
9 wanton or reckless manner.

10 III-j. To the extent required to comply with federal or state law, the council may grant a
11 waiver, with respect to employment at a specific agency, to an officer who cannot meet the
12 standards in paragraphs III-d-III-g.

13 III-k. Nothing in this section shall prevent individual hiring agencies from adopting
14 physical fitness programs for their officers that are more stringent or frequent than those required
15 in this section.

16 III-l. Except as provided in paragraph III-h and notwithstanding other provisions of law to
17 the contrary, a hiring authority may assess a testing fee to cover all or part of the cost of any
18 medical or psychological examination in cases where the person has been given a conditional offer of
19 employment. A hiring authority may also make repayment of a testing fee part of any training or
20 hiring contract that establishes a minimum term of employment for such an officer.

21 IV. The council shall issue a certificate evidencing satisfaction of the requirements of
22 paragraphs I, II, and III to any applicant who presents such evidence as may be required by its
23 rules of satisfactory completion of a program or course of instruction in another jurisdiction
24 equivalent in content and quality to that required by the council for approved police, ~~[corrections,]~~
25 or probation-parole, as appropriate, education and training programs in this state.

26 153 Police Standards and Training Council; Powers. Amend RSA 188-F:26, II through VIII to
27 read as follows:

28 II. Require submission of reports and information from law enforcement ~~[and corrections]~~
29 agencies within this state that may be pertinent to the effective functioning of the council.

30 II-a. For the purposes of a disciplinary hearing, subpoena and examine witnesses under
31 oath, take oaths or affirmations, and reduce to writing testimony given at any hearing. Any person
32 whose rights or privileges may be affected at such a disciplinary hearing may appear with witnesses
33 and be represented by counsel.

34 III. Establish minimum educational and training standards for employment as a police
35 officer~~[-state corrections officer,]~~ or state probation-parole officer either in permanent positions or
36 in temporary or probationary status.

37 III-a. [Repealed.]

1 IV. Certify persons as being qualified under the provisions of this subdivision to be police
2 officers, ~~[state corrections officers,]~~ state probation-parole officers, or certified border patrol agents
3 for the purposes of RSA 594:26, and establish rules under RSA 541-A for the suspension or
4 revocation of the certification of such persons in the case of egregious misconduct or failure to
5 comply with council standards.

6 V. Establish entrance, student conduct, and curriculum requirements for preparatory, in-
7 service, and advanced courses and programs for schools operated by or for the state or its political
8 subdivisions for the specific purpose of training police, ~~[state corrections,]~~ or state probation-parole
9 recruits or officers or tuition students at such programs.

10 VI. Consult and cooperate with counties, municipalities, agencies of this state, other
11 governmental agencies, and with universities, colleges, junior colleges, and other institutions
12 concerning the development of police ~~[and corrections]~~ training schools and programs or courses of
13 instruction, and the development of standards and methodology for the voluntary accreditation of
14 police departments in the state.

15 VI-a. Offer the educational material and, as appropriate, training relative to the human
16 immunodeficiency virus and related issues prepared and developed pursuant to RSA 141-F:3, II.

17 VII. Establish, maintain, certify, or approve institutions and facilities for training police
18 officers~~[, state corrections officers,]~~ or state probation-parole officers, and recruits for such positions.

19 VIII. Make or cause to be made studies of any aspect of police ~~[or corrections]~~ education and
20 training or recruitment.

21 154 Police Standards and Training Council; Powers. Amend RSA 188-F:26, XV through XVII to
22 read as follows:

23 XV. The director may grant authority to any certified full-time police officer employed by
24 the council as assistant director or law enforcement training specialist, to enforce the provisions of
25 this subdivision and any rules adopted under this subdivision, and cooperate and exchange
26 information with any local, state, or federal law enforcement agency relative to the qualification and
27 moral fitness of applicants for employment or continued employment as police officers ~~[or~~
28 ~~corrections officers]~~.

29 XVI. ~~[The council may appoint, after consultation with the commissioner of corrections, a~~
30 ~~corrections advisory committee from a list of nominees submitted by the director. The members~~
31 ~~shall serve without compensation at the pleasure of the council and shall consist of one~~
32 ~~representative of the management of each adult correctional facility operated by the department of~~
33 ~~corrections, one representative each from prison industries, the secure psychiatric unit, and~~
34 ~~probation-parole, one medical professional from within the correctional system, one state corrections~~
35 ~~officer chosen by the New Hampshire state employees' association, and one representative of a~~
36 ~~county correctional institution chosen by the New Hampshire Association of Counties. The~~
37 ~~committee shall meet not less than twice in each fiscal year at the call of the director, and shall~~

Amendment to HB 517
- Page 87 -

1 ~~advise the council as requested on issues coming before it concerning corrections standards and~~
2 ~~training.~~

3 ~~XVII.]~~ Adopt rules and establish fees to implement the provisions of the Law Enforcement
4 Officers Safety Act of 2004, 18 U.S.C. section 926C(d)(2)(B) in accordance with RSA 541-A.

5 155 Effective Date.

6 I. Section 1 of this act shall take effect June 30, 2017.

7 II. Sections 3, 4, 5, 6 and 7 shall take effect July 1, 2018.

8 III. The remainder of this act shall take effect July 1, 2017.

2017-1345s

AMENDED ANALYSIS

This bill:

1. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
2. Permits the department of administrative services to transfer funds among accounting units and class codes within the department.
3. Clarifies that information in a state employee's health risk appraisal is protected health information.
4. Provides for application of the state employees health plan to unrepresented active state employees.
5. Authorizes the commissioner of administrative services to deduct a premium contribution of at least 10 percent from the retirement allowance of a retired state employee or spouse who is eligible for Medicare.
6. Authorizes the commissioner of administrative services to deduct a premium contribution of at least 10 percent from the retirement allowance of retired judges or spouses in the judicial retirement plan who are eligible for Medicare.
7. Revises statutory provisions related to pet vendors.
8. Requires the liquor commission shall 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.
9. Limits the number of judges on the superior court and the number of full time judges on the circuit court for the biennium ending June 30, 2019.
10. Permits the Supreme Court to transfer funds among judicial branch accounts.
11. Changes the name of the department of resources and economic development to the department of natural and cultural resources.
12. Eliminates the department of cultural resources, and transfers that department's operations to the department of natural and cultural resources.
13. Creates the department of business and economic affairs.
14. 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.
15. Changes the name of the office of energy and planning to the office of strategic initiatives.
16. Suspends certain provisions regarding funeral expenses for recipients of public assistance.
17. Allows the commissioner of the department of transportation to transfer funds within accounting units of the department.

18. Creates the infrastructure revitalization trust fund.
19. Permits all agencies to provide documents by electronic mail in lieu of mail.
20. Permits agencies to use funds in class 60 budgets to pay penalties imposed under the employer shared responsibility for health coverage under the Internal Revenue Code.
21. Requires the commissioner of the department of administrative services to offer for sale the former Laconia state school land and buildings and the former Laconia state school and training center land and buildings.
22. Requires chartered banking institutions to respond to consumer complaints in writing within 30 days.
23. Requires licensed banking institutions to conduct an investigation within 14 days of receipt of a consumer complaint.
24. 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.
25. 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.
26. Increases annual funding for the alcohol abuse prevention and treatment fund to at least 3.4 percent of the previous fiscal year gross profits derived from liquor sales, with the percentage rising to 4 percent for fiscal years in which at least 80 percent of the fund is expended.
27. Suspends school building aid from the department of education for the biennium.
28. Funds the distribution of revenue from the meals and rooms tax to cities and towns at no more than the fiscal year 2017 distribution.
29. Allows the commissioner of the department of health and human services to transfer funds within accounting units of the department.
30. 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.
31. Suspends the home health rate setting rule for the biennium ending June 30, 2019.
32. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program for the biennium ending June 30, 2019.
33. Suspends provisions of congregate housing and congregate services for the biennium ending June 30, 2019.
34. 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.

Amendment to HB 517

- Page 90 -

35. 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.

36. Permits the governor to transfer funds among office accounts.

37. Caps the maximum monthly temporary assistance for needy families cash benefit at 60 percent of federal poverty guidelines.

38. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2019.

39. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2019.

40. Establishes the Internet crimes against children fund.

41. Changes the classification of the position of criminal justice investigator within the department of justice.

42. Establishes the position of financial research analyst I within the department of justice.

43. Redesignates the banking department's general counsel as an unclassified position.

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

45. Permits departments and agencies, with permission of the department of administrative services, to rent, lease, or lease-purchase vehicles and equipment from outside vendors.

46. Revises funding levels for charter schools.

47. Provides targeted grants to municipalities for the funding of full-day kindergarten.

48. Removes references to "catastrophic aid" in the special education statutes.

49. Allows the commissioner of the department of safety to transfer funds between accounting units in the department.

50. Consolidates information technology functions between the department of health and human services and the department of information technology.

51. Allows the department of corrections to transfer funds among accounting units.

52. Prohibits the public utilities commission from expending funds on the implementation of the energy efficiency resource standard without prior approval of the fiscal committee of the general court.

53. Provides that a percentage of the renewable energy fund shall be rebated to ratepayers participating in the electric assistance program.

54. Designates improvements to NH route 106 as high state economic importance.

55. Permits the department of education to accept gifts to fund the New Hampshire scholars program.

Amendment to HB 517

- Page 91 -

56. Permits the commissioner of education to transfer among accounts within the department.
57. Establishes the governor's scholarship program and makes an appropriation for such program.
58. Repeals a statutory provision governing revenue shortfalls within the liquor commission.
59. Creates a division of taxpayer services within the Department of Revenue Administration.
60. Eliminates the document processing division within the department of revenue administration.
61. Transfers jurisdiction over licensing of assemblies on state waters or ice from the commissioner of the department of safety to local fire department chiefs.
62. Revises the allocation of funds from the highway and bridge betterment account.
63. Revises certain provisions related to red list bridges.
64. Provides that any funds from the highway surplus fund shall be used to support appropriations from the highway fund for the biennium ending June 30, 2019.
65. Directs the commissioner of health and human services to submit a state plan amendment suspending all catastrophic aid payments to hospitals for the biennium ending June 30, 2019.
66. 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.
67. Ends the application of the police standards to state corrections officers.