

Amendment to HB 2-FN-A-LOCAL

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

2

3 1 Department of Administrative Services; Consolidation of Human Resources and Payroll
4 Functions.

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

12 (a) Accounts receivable;

13 (b) Accounts payable;

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

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

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

32 The department of administrative services may also establish new full-time temporary positions

1 within the department, if the commissioner of administrative services deems it necessary to
2 effectuate the efficient consolidation or deconsolidation of human resources, payroll or business
3 processing functions.

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

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

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

29 VI. For the biennium ending June 30, 2019, the department of state shall be exempt from
30 the provisions of this section as they relate to the execution of the constitutional duties of the office
31 of the secretary of state.

32 2 New Paragraph; Department of Administrative Services; Duties of the Commissioner.
33 Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

34 XVIII. Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject
35 to the approval of the fiscal committee of the general court and the governor and council, have the
36 authority to transfer funds within and among all accounting units and/or class codes within the
37 department, and is further authorized to create new class codes within the department into which

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

6 3 New Section; Health Risk Appraisal; Protected Health Information. Amend RSA 21-I by
7 inserting after section 30-e the following new section:

8 21-I:30-f Health Risk Appraisal. All information contained in a state employee's health risk
9 appraisal as referenced in any collective bargaining agreement shall be considered protected health
10 information and entitled to all of the non-disclosure and other restrictions set forth in the Health
11 Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and the Standards for
12 Privacy of Individually Identifiable Health Information at 45 C.F.R. part 160 and subparts A and E
13 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 Appropriation; Department of Administrative Services; State Retiree Health Benefits. The
27 following sums are hereby appropriated from the following sources to the commissioner of the
28 department of administrative services for the purpose of funding state retiree health care expenses
29 for eligible state retirees who have a date of birth on or before December 31, 1948, for the fiscal
30 years ending June 30, 2018 and June 30, 2019:

31							
32							
33	All:	Liquor	Highway	Turnpike	Fish & Game	Sweepstakes	Other
34	\$264,400	\$30,200	\$147,833	\$33,813	\$7,400	\$6,500	\$38,654
35							
36							
37	All:	Liquor	Highway	Turnpike	Fish & Game	Sweepstakes	Other
	\$816,000	\$88,400	\$459,754	\$83,835	\$30,100	\$18,800	\$135,111

7 Department of Administrative Services; State Employees Group Insurance; Retiree Medical

1 Benefits. Amend RSA 21-I:30, II to read as follows:

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

10 8 Department of Administrative Services; State Employees Group Insurance Retiree Medical
11 Benefits; Premium Contribution for Medicare Eligible. Amend RSA 21-I:30, XIII to read as follows:

12 XIII. **(a)** The commissioner of administrative services shall invoice and collect from retired
13 state employees and/or each applicable spouse who are not Medicare eligible and receiving medical
14 and surgical benefits provided under this section, who do not receive a retirement allowance as
15 defined in RSA 100-A:1, XXII, a premium contribution amount based on a percentage of the total
16 monthly premium attributable to the applicable retiree and/or spouse, as determined by the
17 commissioner of administrative services, with prior approval by the fiscal committee of the general
18 court, provided the percentage is not lower than [~~12.5~~] **17.5** percent.

19 **(b)** *The commissioner of administrative services shall invoice and collect from*
20 *retired state employees and/or spouses who are eligible for Medicare Parts A and B due to*
21 *age or disability receiving medical and surgical benefits provided under this section, who*
22 *do not receive a retirement allowance as defined in RSA 100-A:1, XXII, a premium*
23 *contribution amount based on a percentage of the total monthly premium attributable to*
24 *the applicable retiree and/or spouse, as determined by the commissioner of administrative*
25 *services, with prior approval by the fiscal committee of the general court, provided the*
26 *percentage is not lower than 10 percent. Such premium contribution shall only be*
27 *collected from eligible state retirees and spouses with a date of birth on or after January*
28 *1, 1949.*

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

31 **(d)** Collected amounts shall be deposited in the employee and retiree benefit risk
32 management fund. Failure to remit payment of the contribution amount in full within 30 days of
33 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.
34 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts
35 within 6 months of the termination date. If a participant fails to remit payment in full for
36 participation within 30 days of billing, on the 30th day the participant shall be notified by certified
37 mail, return receipt requested, that he or she shall remit payment to the department within 10

1 business days of receiving the letter or his or her benefits shall be terminated effective upon the
2 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment
3 of any outstanding contribution or other amount within 6 months of the termination date.

4 9 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-
5 A:54, III to read as follows:

6 III.(a) The retirement system shall deduct from the monthly retirement allowance of
7 retired state employees and/or each applicable spouse who are not Medicare eligible and receiving
8 medical and surgical benefits provided pursuant to RSA 21-I:30, a premium contribution amount
9 based on a percentage of the total monthly premium attributable to the applicable retiree and/or
10 spouse, as determined by the commissioner of administrative services, with prior approval by the
11 fiscal committee of the general court provided the percentage is not lower than [~~12.5~~] 17.5 percent.

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

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

34 10 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to
35 read as follows:

36 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

37 I. Retired judges and their applicable spouses who are not Medicare eligible and receiving

1 medical and surgical benefits shall be responsible for payment of a premium contribution amount
2 based on a percentage of the total monthly premium attributable to the applicable retiree and/or
3 spouse, as determined by the commissioner of administrative services, with prior approval by the
4 fiscal committee of the general court, provided the percentage is not lower than [~~12.5~~] 17.5 percent.

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

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

19 11 Department of Administrative Services; State Employees Group Insurance; Retiree Medical
20 Benefits. Notwithstanding requirements of RSA 21-I:30, XIII(b), RSA 100-A:54, III(b) and 100-C:11-
21 a, II, effective January 1, 2018 the percentage of premium attributable to each retiree and/or spouse
22 shall be 10 percent and shall continue until such time that the commissioner of administrative
23 services determines it is necessary to seek approval from the fiscal committee to revise that
24 percentage.

25 12 Department of Agriculture; Pet Vending. RSA 437:1 through RSA 437:13-a are repealed and
26 reenacted to read as follows:

27 **Transfer of Animals and Birds**

28 437:1 Definitions. In this subdivision:

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

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

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

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

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

9 437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal
10 health that are consistent with the pattern established throughout statute by the general court.
11 Animal health regulation shall focus either on those conditions that pose a threat to public health or
12 that would require regulatory intervention to protect the economy of the state, or both.

13 437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet
14 vendor shall apply to the commissioner for a license, giving such information as the commissioner
15 shall require. The application shall include proof that the zoning enforcement official of the
16 municipality wherein any facility is to be maintained has certified that the facility conforms to the
17 municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee.
18 All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new
19 application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

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

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

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

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

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

36 437:4 Refusal to Issue; Revocation of License. The commissioner, after notice to the licensee
37 and opportunity for hearing, as set forth in the rules adopted under RSA 437:9, may deny an

1 application or revoke a license for any of the following reasons:

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

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

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

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

8 V. The applicant or licensee held any similar license issued in another jurisdiction which
9 was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA
10 437 during the preceding 5 years.

11 437:5 Prohibition. No licensee under this subdivision shall transfer, other than to a qualified
12 veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other
13 than as permitted under RSA 437:8, II nor shall any licensee treat inhumanely any animal or bird
14 in his or her care or possession or under his or her control.

15 437:6 Health Management; Dogs, Cats, and Ferrets.

16 I. Medical treatment and use of controlled drugs on any animal or bird under the care or
17 possession or under the control of any licensee other than a veterinarian may be administered only
18 under the direction and supervision of a veterinarian for the purposes of this subdivision.

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

26 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
27 that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of
28 livestock or poultry.

29 437:8 Health Certificates for Dogs, Cats, and Ferrets.

30 I. For purposes of this chapter, an official health certificate means a certificate signed by a
31 licensed veterinarian, containing the name and address of the entity transferring ownership of the
32 dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or
33 physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog,
34 cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list
35 of all vaccines and medication administered to the dog, cat, or ferret shall be included on or
36 attached to the certificate.

37 II. The original of the official health certificate accompanying the dog, cat, or ferret offered

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

13 III. No person, firm, corporation, or other entity shall ship or bring into the state of New
14 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
15 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
16 ferret less than 8 weeks of age.

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

20 437:9 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,
21 relative to:

22 I. The information required from an applicant for a license as a pet vendor;

23 II. The health and sanitation standards to effectuate the purposes of this subdivision;

24 III. Information required to be maintained in records of pet vendors regarding identifying
25 features of animals or birds obtained and transferred;

26 IV. Notice and hearing on the refusal to issue or the revocation of a license; and

27 V. Any other matter the commissioner may deem necessary to carry out the provisions of
28 this subdivision.

29 437:10 Penalty.

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

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

36 13 Department of Agriculture; Pet Vendors; Cross Reference Changed. Amend RSA 437:22, I to
37 read as follows:

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

7 14 Liquor Commission Fund; Cost of Legal Services, Judgments, Settlements. For the
8 biennium ending June 30, 2019, the following shall be paid from the liquor commission fund
9 established in RSA 176:16:

10 I. The cost of any legal services provided by the department of justice to the liquor
11 commission that would not normally be included as part of the statewide cost allocation paid by the
12 commission.

13 II. The cost of any judgment against the liquor commission.

14 III. The cost of any liability of the liquor commission resulting from the settlement of any
15 legal action.

16 15 Judicial Appointments; Number Limited; Vacancies. For the biennium ending June 30,
17 2019, the number of judges serving on the superior court shall not exceed 21 and the number of full-
18 time judges serving on the circuit court shall not exceed 31.

19 16 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
20 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
21 biennium ending June 30, 2019, the supreme court is hereby authorized to transfer funds within
22 and among all accounting units within the judicial branch as the supreme court deems necessary
23 and appropriate to address budget reductions or to respond to changes in federal laws, regulations,
24 or programs, and otherwise as necessary for the efficient management of the judicial branch. If the
25 supreme court intends to transfer funds which would otherwise meet the transfer requirements as
26 set forth in RSA 9:17-d, prior approval of the fiscal committee shall be required for transfers of
27 \$75,000 or more.

28 17 References Changed; Resources and Economic Development to Natural and Cultural
29 Resources or Business and Economic Affairs.

30 I. Amend the following RSA provisions by replacing "resources and economic development"
31 with "natural and cultural resources": RSA 1:16; 2:1; 2:5; 4:40; 4:43, III; 4-F:1; 6:12, I(b)(9); 6:12,
32 I(b)(13); 6:12, I(b)(46); 6:12-c, II; the chapter heading of 12-A; 12-A:1-a; 12-A:2; 12-A:2-c, I; 12-A:2-d;
33 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-
34 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
35 introductory paragraph of 12-A:29-a; 12-A:29-b, V; 12-A:29-c; 12-B:2; 12-B:4; 12-E:1, III; 12-E:1,
36 XIII; 12-E:4, VI(d); 12-E:6, I; 17-R:1, II(o); 21-I:18, I(e); 21-I:80, I(b); 21-O:5-a, I(c); 21-O:12, II; 21-
37 P:48, I(j); 21-P:48, IV(v); 31:112, I; 36-A:2; 36-A:6; 78-A:3, III(b); 79:8; 79:10, I(g); 79:11, I; 79:14, II;

1 79:28-a; 79-A:3, II(e); 100-A:1, VII-a(b); 121:6-a; 125-N:5, I; 154:30-g; 162-H:3, I(c); 207:31; 212:10;
2 212:14, 212:19; 214:14-c; 215-A; 215-C; 216; 216-A; 216-D:2; 216-D:4; 216-F:1, I; 216-F:4; 216-F:6;
3 216-F:7, I(c); 216-H:2; 216-J:2, I(e); 217-A:3; 218:6; 219:21; 277:1; 227:3; 227:8; 227:12; 227:14; 227-
4 B:3, I(g); 227-B:6, V-VI; 227-C:29, I(c); 227-D:2; 227-D:3; 227-D:5; 227-D:6; 227-E:6; 227-G:2; 227-
5 G:3, I(c); 227-J:6, II; 227-K:15; 227-L:5-a; 227-L:28; 227-L:32; 230:76; 231:153; 233:8, I; 233-A:2, I(b);
6 261:75-c; 265:76; 265:102, I-a; 270:107, III; 276-A:24, I; 380:7; 380:17; 380:18; 430:30, I(c); 430:54,
7 I(c); 430:10; 430:19, II(b); 436-A:1; 482:3, I; 482:48; 482:51; 482-A:3; 482-A:14-a; 482-A:32, II(d);
8 483:8, II; 483:10, I; 483-A:6, III; 483-B:5, I; 483-B:9, V(a)(2)(D)(vi); 483-B:9, V(b)(2)(A); 483-B:15;
9 485-A:17; 485-A:22-a; 485-B:1-a; 485-G:2, I(d); and 489:6, I(a).

10 II. Amend the following RSA provisions by replacing "resources and economic development"
11 with "business and economic affairs": RSA 6:12-j, V(a)(4); 12-G:43-a, I; 12-G:44, I; 12-I:1, IV; the
12 introductory paragraph of 21-O:19, I(b); 77-E:3-c, I(a); 125-O:5-a, II(e); 126-A:4, V(b)(1); 162-A:13-d,
13 IV(b); 162-B:4, II; 162-C:1, II; 162-L:2, II; 162-L:15, II(d); 162-N; 162-O:1, I; 162-P:1, I; 162-Q:2; 162-
14 Q:3; 187-A:31; 187-A:32, I(a); 188-E:10-b, II(d); 188-E:22, I(d); 188-F:4; 236:86, II; 238:20, I(c); 238-
15 A:4; 425:2-a, II; and 481:3, X-X-a.

16 18 Department of Natural and Cultural Resources; Establishment. Amend RSA 12-A:1 to read
17 as follows:

18 12-A:1 Establishment. There shall be a department of *natural and cultural* resources [~~and~~
19 ~~economic development~~] under the executive direction of a commissioner of *natural and cultural*
20 resources [~~and economic development~~], consisting of a division of forests and lands, [~~a division of~~
21 ~~economic development which shall include but not be limited to subdivisions of development and~~
22 ~~promotion, a division of travel and tourism development, and~~] a division of parks and recreation, **a**
23 **division of libraries, a division of arts, a division of film and digital media, and a division**
24 **of historical resources, which shall also be known as the state historic preservation office.**
25 [Its] **The department's** purpose shall be to ensure the efficient coordinated function of the [4] **6**
26 divisions, whereby the interests of [~~economic development,~~] protection and responsible management
27 of natural *and cultural* resources, public enjoyment of state parks and forests, [~~and promotion of~~
28 ~~travel and tourism development~~] **the state library, arts, film and digital media, and historic**
29 **resources** are each held to be of integral importance in the overall functioning of the department.
30 **All functions of the former department of cultural resources are hereby transferred, as of**
31 **July 1, 2017, to the department of natural and cultural resources.**

32 19 Department of Natural and Cultural Resources; General Provisions. Amend RSA 12-A:1-b
33 to read as follows:

34 12-A:1-b General Provisions.

35 I. Upon the recommendation of the commissioner of *natural and cultural* resources [~~and~~
36 ~~economic development~~] after consultation with division directors concerned and the advisory
37 commission established by this chapter, the governor and council are authorized to approve

1 revisions in internal administrative departmental organization as the governor and council find
2 from time to time may improve or make more economical the administration of the department;
3 provided, however, no such change shall eliminate any then existing position within the classified
4 service unless such position shall then be vacant, or, if filled, its incumbent has been transferred to
5 an equivalent or higher paid position of like tenure.

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

21 20 Department of Natural and Cultural Resources; Powers and Duties RSA 12-A:1-c is repealed
22 and reenacted to read as follows:

23 12-A:1-c Powers and Duties of Department of Natural and Cultural Resources.

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

26 (a) Providing information services to state government.

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

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

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

32 (e) Sponsoring state historic preservation activities.

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

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

1 statute.

2 21 Department of Natural and Cultural Resources; Police Powers. Amend RSA 12-A:1-d to
3 read as follows:

4 12-A:1-d Police Powers.

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

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

23 22 New Section; Department of Natural and Cultural Resources; Duties of Commissioner.
24 Amend RSA 12-A by inserting after section 2-j the following new section:

25 12-A:2-k Duties of Commissioner. In addition to the powers, duties, and functions otherwise
26 vested by law in the commissioner of the department of natural and cultural resources, the
27 commissioner shall:

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

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

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

37 IV. Have authority, with regard to the administration of RSA 19-A, and with the approval

1 of a majority of the members of the New Hampshire state council on the arts as established by RSA
2 19-A:2, to:

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

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

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

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

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

18 23 Department of Natural and Cultural Resources; Directors of Divisions. Amend RSA 12-A:3
19 to read as follows:

20 12-A:3 Directors of Divisions. The commissioner shall nominate for appointment by the
21 governor and council a director of forests and lands, ~~[a director of economic development, a director~~
22 ~~of travel and tourism development, and]~~ a director of parks and recreation, **a director of libraries,**
23 **a director of arts, a director of film and digital media, and a director of historical**
24 **resources**, each of whom shall serve, subject to the provisions of RSA 4:1, for a term of 4 years from
25 the date of appointment and until a successor is appointed and qualified. Any vacancy in such office
26 shall be filled for the unexpired term in the same manner as the original appointment. Directors of
27 divisions shall be responsible for the administration and operation of their respective divisions
28 subject to the supervisory authority of the commissioner as set forth in RSA 12-A:2.

29 24 Department of Natural and Cultural Resources; Advisory Commission. Amend RSA 12-A:5,
30 III to read as follows:

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

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

34 (b) Agriculture;

35 (c) Recreation;

36 (d) Forestry;

37 (e) The general public;

- 1 (f) ~~[Commerce]~~ **History or historical resources**; and
2 (g) Public relations.

3 25 Director of Division of Forests and Lands. Amend RSA 12-A:9-a, I to read as follows:

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

14 26 Director of Parks and Recreation. Amend RSA 12-A:10 to read as follows:

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

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

26 12-A:10-a Division of Parks **and Recreation**; Transfer of Functions, Powers, Duties. All of the
27 functions, powers, duties, personnel, records, and property of the **former** division of parks are
28 hereby transferred to the division of parks and recreation of the department of **natural and**
29 **cultural** resources ~~[and economic development]~~. Whenever reference is made to the division of
30 parks in the statutes, it shall henceforth be construed to mean the division of parks and recreation.

31 28 Director of Parks and Recreation. Amend RSA 12-A:10-b to read as follows:

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

1 henceforth be performed by the director of the division of parks and recreation subject to the
2 provisions of this chapter. Wherever reference is made to the director of the division of parks, it
3 shall henceforth be construed to mean the director, division of parks and recreation, department of
4 ***natural and cultural*** resources [~~and economic development~~].

5 29 Reference Deleted. Amend RSA 12-A:10-e, VIII to read as follows:

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

10 30 New Sections; Department of Natural and Cultural Resources; Divisions. Amend RSA 12-A
11 by inserting after section 10-f the following new sections:

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

18 12-A:10-h Division of Libraries; State Librarian. The division of libraries, which shall also be
19 known as the state library, shall be under the supervision of an unclassified director of libraries,
20 who shall also be known as the state librarian, and who shall be responsible for the following
21 functions in accordance with applicable law:

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

24 II. Operating the New Hampshire automated information system as provided for by RSA
25 201-A:22, I.

26 III. Promoting and coordinating a statewide library system.

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

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

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

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

36 12-A:10-j Division of Arts; Duties of Director. There is hereby established within the
37 department the division of the arts, under the supervision of an unclassified director of arts. The

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

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

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

17 12-A:10-m Division of Film and Digital Media Established. There is hereby established within
18 the department the division of film and digital media, which shall also be known as the state film
19 office, under the supervision of an unclassified director of film and digital media, with the primary
20 goal of marketing and promotion of film, video, and digital media production for the purpose of
21 strengthening the cultural, educational, and economic impact of media production in New
22 Hampshire.

23 31 New Section; Commission on Native American Affairs. Amend RSA 12-A by inserting after
24 section 14 the following new section:

25 12-A:14-a New Hampshire Commission on Native American Affairs Established.

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

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

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

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

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

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

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

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

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

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

17 VI. The commission shall:

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

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

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

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

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

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

1 Arts and Crafts Board, as provided in 25 U.S.C. section 305 et seq.

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

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

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

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

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

22 32 New Section; Film and Television Commission. Amend RSA 12-A by inserting after section
23 41-a the following new section:

24 12-A:41-b New Hampshire Film and Television Commission Established; Members; Duties.

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

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

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

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

33 II. The commission shall:

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

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

37 (c) Educate state, local, and private officials and organizations regarding the benefits

1 and rewards that can result from increased development of this industry.

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) A member of the house of representatives, appointed by the speaker of the house of
20 representatives.

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

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

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

34 33 Reference Changed. Amend RSA 21-Q:1 to read as follows:

35 21-Q:1 State Promotional Initiatives. In consultation with the New Hampshire film and
36 television commission, established in RSA ~~[21-K:23]~~ **12-A:41-b**, a state agency that contracts with
37 the private sector for the use of film or video in an advertising, promotional, or educational program

1 shall use New Hampshire talent whenever possible. In this section, "New Hampshire talent" means
2 the people used both in front of and behind the camera associated with the film and television
3 industry.

4 34 Reference Changed. Amend RSA 201-A:1 to read as follows:

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

7 35 Reference Changed. Amend RSA 227-C:2 to read as follows:

8 227-C:2 State Historic Preservation Office. The division of historical resources, department of
9 **natural and** cultural resources established by RSA ~~[21-K:7]~~ **12-A:10-l** shall also be known as the
10 state historic preservation office. The director, division of historical resources shall also be known
11 as the state historic preservation officer.

12 36 Reference Changed. Amend RSA 238:23, I to read as follows:

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

20 37 Conservation Number Plate Fund. Amend RSA 261:97-b, I to read as follows:

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

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

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

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

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

37 38 Conservation Number Plates; Use of Funds. Amend RSA 261:97-c, I to read as follows:

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

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

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

10 (1) Commemorative and historic sculptures and murals.

11 (2) Archaeological or historic artifacts.

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

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

15 ***(d) Support of the New Hampshire natural heritage bureau established in RSA***
16 ***217-A, within the division of forests and lands. Funds may be used for:***

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

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

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

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

26 39 Conservation Number Plates; Report. Amend RSA 261:97-f, I to read as follows:

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

34 40 Repeal. The following are repealed:

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

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

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

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

- 1 XXXVII. RSA 12-A:52, relative to the purpose of job training program for economic growth.
2 XXXVIII. RSA 12-A:53, relative to job training programs.
3 XXXIX. RSA 12-A:54, relative administration and review committee.
4 XL. RSA 12-A:55, relative to eligibility for training grants.
5 XLI. RSA 12-A:56, relative to eligible costs.
6 XLII. RSA 12-A:57, relative to training facilities.
7 XLIII. RSA 12-A:58, relative to performance reports.
8 XLIV. RSA 12-A:59, relative to technology development and communications planning.
9 XLV. RSA 12-A:59-a, relative to director of broadband technology planning and
10 development.
11 XLVI. RSA 12-A:60, relative to New Hampshire workforce opportunity council.
12 XLVII. RSA 12-A:61, relative to New Hampshire workforce opportunity fund.
13 XLVIII. RSA 12-A:62, relative to economic development strategy and plan.
14 XLIX. RSA 12-A:63, relative to definitions.
15 L. RSA 12-A:64, relative to goals and objectives.
16 LI. RSA 12-A:65, relative to content of the economic development strategy and plan.
17 LII. RSA 12-A:66, relative to annual report.
18 LIII. RSA12-A:67, relative to division of economic development fund.
19 LIV. RSA 21-K, relative to the department of cultural resources.
20 LV. RSA 261:97-c, IV, relative to conservation number plate funds.
21 LVI. RSA 261:97-d, I(d), relative to the conservation number plate advisory committee.
22 LVII. RSA 4-F:1, II(a)(11), relative to GIS committee members.

23 41 References Changed; Cultural Resources to Natural and Cultural Resources. Amend the
24 following RSA provisions by replacing "cultural resources" with "natural and cultural resources":
25 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;
26 19-A:10, IV; 79-D:14, II; 79-G:3, IV(b); 94:1-a, I(b) grades DD and GG; 162-C:1, X; 162-H:3, I(e); 201-
27 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-
28 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-
29 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).

30 42 Transition; Commission on Native American Affairs; Film and Television Commission. The
31 New Hampshire commission on Native American affairs and the New Hampshire film and
32 television commission established in RSA 12-A:14-a and RSA 12-A:41-a shall operate as
33 continuations of the commissions established under former RSA 21-K. Appointments and terms of
34 office of members under RSA 21-K shall continue for the remainder of the terms upon constitution
35 of the commissions under RSA 12-A.

36 43 New Chapter; Department of Business and Economic Affairs. Amend RSA by inserting after
37 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 promotion, and a division of travel and tourism development which shall include but not be limited to a bureau of visitor service. The department's purpose shall be to ensure the efficient coordinated function of the 2 divisions, whereby the interests of economic development and promotion of travel and tourism development are each held to be of integral importance in the overall functioning of the department.

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

12-O:3 General Provisions.

I. Upon the recommendation of the commissioner after consultation with division directors concerned and the advisory commission established in RSA 12-O:7 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 business and economic affairs after consultation with directors of divisions concerned and the advisory commission in RSA 12-O:7 is authorized to transfer classified personnel, appropriations or portions thereof relating thereto as well as necessary equipment, within any division or between divisions of the department; provided, however, that no such transfer shall eliminate classified positions so transferred.

12-O:4 Powers and Duties of Department. In addition to any other powers and duties set forth in this chapter or as otherwise provided by statute, the department of business and economic affairs shall have the power and duty to plan and conduct a program of information and publicity to attract tourists, visitors, industrial concerns, and other interested persons from outside the state to the

1 state of New Hampshire, and to encourage, coordinate, and participate in the efforts of other public
2 and private organizations or groups of citizens in order to publicize the facilities, industrial
3 advantages, and other attractions of the state for the same purposes. The commissioner shall
4 assign, with the approval of the advisory commission in RSA 12-O:7, such duties and functions to
5 the 2 divisions of the department, as in her or his discretion will best effectuate the purposes,
6 powers, and duties set forth in this section and as otherwise provided by statute.

7 12-O:5 Commissioner of Business and Economic Affairs. There shall be a commissioner of
8 business and economic affairs who shall be appointed by the governor and council for a term of 4
9 years from the date of appointment. A vacancy shall be filled for the unexpired term. It shall be
10 the responsibility of the commissioner to organize and direct the work of the department. The
11 commissioner of business and economic affairs shall appoint one member of his or her staff who
12 shall act in the commissioner's stead when said commissioner is absent from the state and at such
13 other times as directed by the commissioner. When acting for the commissioner said person shall
14 have all the power, duties, and authority of the commissioner. Directors of departmental divisions
15 shall be subject to the supervisory authority of the commissioner, which authority shall include
16 power to establish department and divisional policy as well as to control the actual operations of the
17 department and all divisions therein. The commissioner shall consult with the advisory commission
18 established in RSA 12-O:7 prior to the establishment of general and divisional departmental policy.

19 12-O:6 Reports and Publications. The commissioner of business and economic affairs is
20 authorized to prepare, publish, and distribute reports, charts, surveys, or other documents
21 consistent with the responsibilities of the department. The commissioner may charge reasonable
22 fees for such documents. Fees for documents distributed by the department shall be adopted as
23 rules under RSA 541-A.

24 12-O:7 Advisory Commission Established.

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

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

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

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

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

35 (a) Manufacturing;

36 (b) Agriculture;

37 (c) Information technology;

- 1 (d) Travel and tourism;
- 2 (e) The general public;
- 3 (f) Commerce; and
- 4 (g) Public relations.

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

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

10 VI. Members of the commission shall serve without compensation but shall be entitled to
11 receive mileage and expenses when in performance of the duties required hereunder.

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

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

35 12-O:10 Salaries. The annual salaries of the commissioner of business and economic affairs,
36 and of the directors of the divisions, shall be as provided in RSA 94.

37 12-O:11 Division of Travel and Tourism Development; Transfer of Functions, Powers, and

1 Duties. All of the functions, powers, duties, personnel, records, and property of the division of
2 travel and tourism development of the former department of resources and economic development
3 are hereby transferred to the division of travel and tourism development of the department of
4 business and economic affairs. Whenever reference is made to the division of travel and tourism
5 development in the statutes, it shall henceforth be construed to mean the division of travel and
6 tourism development of the department of business and economic affairs.

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

14 12-O:13 Travel and Tourism Revolving Fund; Transfer; Functions.

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

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

24 III. The commissioner of the department of business and economic affairs shall submit a
25 report detailing the activities of the revolving fund annually to the governor and council and the
26 fiscal committee of the general court within 60 days of the close of each fiscal year, and shall post
27 such report on its website.

28 12-O:14 New Hampshire Tourism Policy. It is the intent of the general court that all agencies
29 and departments of state government and, specifically, the director of travel and tourism
30 development, under the supervision of the commissioner of business and economic affairs, shall
31 implement their statutory responsibilities in a manner consistent with promoting and encouraging
32 the orderly growth and development of tourism within the state. This policy shall include efforts to:

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

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

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

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

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

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

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

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

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

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

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

21 12-O:15 Director of Travel and Tourism Development; Duties. The director of travel and
22 tourism development, under the supervision of the commissioner of business and economic affairs
23 and consistent with the New Hampshire tourism policy under RSA 12-O:14, shall:

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

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

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

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

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

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

36 VII. Ensure that New Hampshire maintains a high quality tourism experience for the
37 visitor by working with the travel industry on ways to utilize natural, historical, cultural, and

1 recreational attractions and facilitating statewide activities which can be used as resources by the
2 travel industry.

3 12-O:16 Travel and Tourism Development Fund.

4 I. There is hereby established in the office of the state treasurer a fund to be known as the
5 travel and tourism development fund. Any appropriations received shall be deposited in the fund.
6 Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting
7 and developing appropriate travel and tourism initiatives through the division of travel and tourism
8 development and shall not be used for any other purpose. The director of travel and tourism
9 development shall oversee expenditures from the fund. The moneys in the fund shall be
10 nonlapsing.

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

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

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

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

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

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

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

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

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

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

13 VII. Grant applications shall be reviewed by the screening committee which shall
14 recommend approval or disapproval of applications to the commissioner of business and economic
15 affairs. A recommendation for disapproval by the screening committee or the commissioner shall be
16 in writing with the reasons for disapproval stated.

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

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

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

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

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

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

30 (e) Procedures for the administration of grants by recipients including reporting
31 requirements.

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

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

36 (b) Has a demonstrated need for promotion;

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

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

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

5 12-O:18 Rest Areas and Welcome Centers.

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

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

15 12-O:19 Package Plan Program; Recreational Facilities.

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

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

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

26 II. The department of business and economic affairs may participate in package plan
27 programs with voluntary corporations as defined in this section, and businesses within the tourism
28 industry. Notwithstanding any other provision of law, this participation may include entering into
29 such agreements with voluntary corporations and businesses within the tourism industry as are in
30 the best interests of the state, which agreements may relate to the development, promotion,
31 administration, and sales of package plan programs. Such agreements shall permit the department
32 of business and economic affairs to provide to the voluntary corporation and businesses within the
33 tourism industry a mutually agreed upon number of tickets or vouchers for tickets at a mutually
34 agreed upon discounted rate in order to participate in the package plan program for promotional
35 purposes or in lieu of dues to the voluntary corporation. Any revenue derived by participation in
36 package plan programs payable to the department of business and economic affairs in accordance
37 with such agreements shall be deposited with the state treasurer in the same manner as regular

1 ticket sales. The commissioner of the department of business and economic affairs shall make
2 annual reports on revenue derived from participation in package plan programs to the senate
3 president, the speaker of the house, and governor and council by January 31 following the close of
4 each fiscal year.

5 12-O:20 Director of Economic Development; Duties. The director of economic development,
6 under the supervision of the commissioner of business and economic affairs shall:

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

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

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

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

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

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

19 VII. Develop and implement a telecommunications planning and development initiative
20 pursuant to RSA 12-O:48.

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

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

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

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

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

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

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

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

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

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

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

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

14 12-O:21 Economic Development Advisory Council.

15 I. The economic development advisory council is hereby transferred from the former
16 department of resources and economic development to the department of business and economic
17 affairs.

18 II. The economic development advisory council shall assist the division of economic
19 development in creating and sustaining a continuing state economic development operating plan
20 and process.

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

- 24 (a) A chamber of commerce.
- 25 (b) The manufacturing sector.
- 26 (c) The field of higher education.
- 27 (d) A venture capital formation expert or specialist.
- 28 (e) A workforce development organization.
- 29 (f) The biotechnology sector.
- 30 (g) The information technology or software sector.
- 31 (h) Commercial real estate or real estate development.
- 32 (i) A regional or municipal development official.
- 33 (j) The insurance, banking, or financial services sector.
- 34 (k) The retail sector.
- 35 (l) The travel and tourism sector.
- 36 (m) The forest-based products sector.
- 37 (n) An electric utility or energy-related interest.

- 1 (o) An economist.
- 2 (p) The telecommunications sector.
- 3 (q) The governor's office.
- 4 (r) A senator, appointed by the president of the senate.
- 5 (s) A house member, appointed by the speaker of the house of representatives.
- 6 (t) One representative of organized labor.
- 7 (u) The residential building community.
- 8 (v) A state or local housing agency.

9 IV. Members of the council, except for the legislative members, shall be nominated by the
10 commissioner of the department of business and economic affairs and appointed by the governor for
11 a term of 3 years and until their successors are appointed and qualified. When nominating and
12 appointing individuals to the advisory council, the commissioner and governor shall ensure that
13 each New Hampshire county has at least one representative on the council at any given time.
14 Initial appointments made by the governor shall be for staggered terms of one, 2, or 3 years.

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

18 12-O:22 New Hampshire Economic Development Fund.

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

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

- 27 (a) Business financing and expansion initiatives.
- 28 (b) Job retention and creation.
- 29 (c) International trade.
- 30 (d) Research and development activities.
- 31 (e) Other projects or programs recognized as being beneficial to business activity in New

32 Hampshire.

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

- 36 (a) Innovation Research Center.
- 37 (b) Small Business Development Center.

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

6 12-O:23 Review Committee; New Hampshire Economic Development Fund. There is
7 established a committee to review the distribution and expenditure of funds in accordance with RSA
8 12-O:22. The committee shall be composed of the following:

9 I. The speaker of the house of representatives.

10 II. Two members of the house finance committee, appointed by the speaker of the house of
11 representatives.

12 III. The president of the senate.

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

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

15 12-O:24 New Hampshire Canadian Trade Council. The commissioner of business and economic
16 affairs and the secretary of state shall have the authority to establish a New Hampshire trade
17 council to meet with one or more trade councils established by the Canadian provinces, either
18 separately or collectively. The members of the council shall include 2 senators appointed by the
19 president of the senate, 2 house members appointed by the speaker of the house of representatives,
20 the commissioner or designee, the secretary of state or designee, and such other members as the
21 commissioner and secretary of state may appoint.

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

33 Economic Development Strategy and Plan

34 12-O:26 Economic Development Strategy and Plan. The division of economic development,
35 with input and assistance from the economic development advisory council established under RSA
36 12-O:7 and other public and private organizations with whom it chooses to work, shall develop a
37 rolling 2-year economic development strategy and operating plan. The plan shall reflect the fact

1 that there are local and regional entities charged with economic development in the state and shall
2 identify and work to support those efforts.

3 12-O:27 Definitions. In this subdivision:

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

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

14 12-O:28 Goals and Objectives. The plan shall identify both goals and objectives for the 2-year
15 period and shall track measurable results so as to be able to assess the plan. Goals and objectives
16 may be added, amended, or deleted as both existing and emerging economic conditions and
17 opportunities warrant. The plan shall also benchmark key economic indicators.

18 12-O:29 Content of the Economic Development Strategy and Plan.

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

21 (a) Consideration of the entire state.

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

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

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

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

37 (f) Identification of how economic development ideas, advice, and information from

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

7 (g) Innovative programs to position and market the state to aid business recruitment
8 and retention.

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

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

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

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

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

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

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

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

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

Division of Economic Development Fund

12-O:31 Division of Economic Development Fund. There is hereby established in the office of the state treasurer a fund to be known as the division of economic development fund. The commissioner of business and economic affairs is authorized to accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding initiatives associated with the activities set forth in RSA 12-O:20. Such grants, gifts, and donations shall be deposited in the division of economic development fund and may only be expended by the commissioner of business and economic affairs to accomplish the purposes of this section. Other than acknowledgment for promotional purposes, donations shall not be used as fees for services in a manner that primarily benefits the party providing the funds. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. The moneys in this fund shall be nonlapsing.

Job Training Program for Economic Growth

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

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

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

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

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

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

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

II. Basic skills.

III. Technical skills.

IV. Quality improvement.

V. Safety.

VI. Management and supervision.

VII. English as a second language.

12-O:35 Administration; Review Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 12-O:36 Eligibility for Training Grants.

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

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

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

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

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

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

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

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

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

37 VII. Submission of documents to substantiate proof of intent by a business to locate within

1 the state shall be in accordance with rules adopted by the commissioner.

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

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

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

8 12-O:37 Eligible Costs.

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

11 II. The following costs are not eligible:

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

14 (b) Entertainment costs.

15 (c) Administrative costs.

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

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

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

22 12-O:38 Training Facilities.

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

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

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

29 12-O:39 Performance; Report.

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

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

37 III. The grant recipient shall file the information required under paragraphs I and II, as

1 requested by the commissioner.

2 International Trade Promotion

3 12-O:40 International Trade Promotion. The commissioner of business and economic affairs
4 shall plan, develop, and administer programs for international trade promotion and inward
5 investment promotion in cooperation with the Pease development authority, division of ports and
6 harbors, and the Small Business Development Center and other private organizations. The
7 commissioner shall take a proactive role in targeting foreign trade shows and foreign trade missions
8 and shall assist New Hampshire businesses desiring to participate in these shows and missions. In
9 planning, developing, and administering programs under this section, the commissioner shall be
10 assisted by the advisory committee on international trade established in RSA 12-O:41 and may
11 draw on the fund created under RSA 12-O:42.

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) The governor or designee.

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

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

6 (f) The director of the Pease development authority, division of ports and harbors or
7 designee.

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

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

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

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

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

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

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

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

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

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

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

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

29 V. Nonlegislative members of the committee shall serve a term of 2 years, commencing with
30 the first meeting in odd-numbered years. Legislative members shall serve terms coterminous with
31 their terms in office.

32 VI. Meetings shall be held quarterly, at a posted time and place. A majority of committee
33 members shall constitute a quorum.

34 12-O:42 International Trade Promotion Fund. There is hereby established in the office of the
35 state treasurer a fund to be known as the international trade promotion fund. The commissioner of
36 business and economic affairs is authorized to accept public sector and private sector grants, gifts,
37 or donations of any kind for the purpose of funding programs associated with the promotion of

1 international trade. Such grants, gifts, and donations shall be deposited in the international trade
2 promotion fund and may be expended by the commissioner of business and economic affairs to
3 accomplish the purposes of RSA 12-O:40. The moneys in this fund shall be nonlapsing.

4 Reports on Economic Development Loans and Grants

5 12-O:43 Reports on Economic Development Program Loans and Grants.

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

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

12 (b) The growth potential of the program.

13 (c) The environmental impact of the program.

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

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

20 12-O:44 Review of Reports Required. For the purpose of ensuring comparability of impact
21 reports on economic development programs issued under RSA 12-O:43, and RSA 162-A:23-a, the
22 department of business and economic affairs, in consultation with the legislative budget assistant,
23 shall periodically review such reports at least once every 5 years and make recommendations to be
24 utilized by the agencies making such reports for an improved and consistent methodology for
25 assessing the quantity and quality of jobs created and saved and the growth potential and
26 environmental impacts of such programs. This section shall not apply to promotional literature.

27 12-O:45 Limitation. This subdivision shall not apply to state loans or state loan guarantees of
28 less than \$250,000, or to state grants of less than \$50,000.

29 Technology Development and

30 Telecommunications Planning and Development

31 12-O:46 Technology Development and Telecommunications Planning. There is established
32 within the division of economic development, a technology development and telecommunication
33 planning function, which is intended to promote technology development and telecommunication
34 planning in the state. Under the supervision of the director of the division of economic
35 development, the division shall:

36 I. Coordinate state telecommunications policy planning initiatives by providing support for
37 the telecommunications planning and development advisory committee established in RSA 12-O:50,

1 maintaining a state telecommunications resource website, and working with regional partners from
2 the private and public sector to coordinate efforts to provide increased interoperable advanced
3 telecommunications systems throughout the state with the goal of providing affordable and
4 accessible broadband to residents of this state.

5 II. Encourage and facilitate collaboration between public and private research and
6 development efforts in New Hampshire relative to technology development and telecommunications
7 planning.

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

11 12-O:47 Director of Broadband Technology Planning and Development. There is established
12 within the division of economic development the position of director of broadband technology
13 planning and development, which shall be an administrator II position, classified at labor grade 29.
14 The director shall:

15 I. Coordinate state telecommunications policy planning initiatives by serving as a member
16 of the telecommunications planning and development advisory committee established in RSA 12-
17 O:50, maintaining a state telecommunications resource website, and working with regional partners
18 from the private and public sector to coordinate efforts to provide increased interoperable advanced
19 telecommunications systems throughout the state with the goal of providing affordable and
20 accessible broadband to residents of this state.

21 II. Encourage and facilitate collaboration between public and private research and
22 development efforts in New Hampshire relative to broadband technology planning and
23 development.

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

26 IV. Act as an agent in recruiting and retaining high technology companies in New
27 Hampshire.

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

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

32 12-O:48 Telecommunications Planning and Development Initiative.

33 I.(a) The director of economic development, under the supervision of the commissioner of
34 business and economic affairs and pursuant to the director's duties under RSA 12-O:20, shall
35 develop and implement a telecommunications planning and development initiative which will result
36 in a telecommunications development plan to be adopted and revised regularly by the
37 telecommunications planning and development advisory committee.

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

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

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

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

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

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

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

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

19 12-O:49 Telecommunications Planning and Development Fund. There is hereby established in
20 the office of the state treasurer a fund to be known as the telecommunications planning and
21 development fund. The commissioner of business and economic affairs is authorized to accept
22 public sector and private sector grants, gifts, or donations of any kind for the purpose of funding
23 initiatives associated with the purpose of this subdivision. Such grants, gifts, and donations shall
24 be deposited in the telecommunications planning and development fund and may only be expended
25 by the commissioner of business and economic affairs to accomplish the purposes of this subdivision.
26 The state treasurer may invest moneys in the fund as provided by law, with interest received on
27 such investment credited to the fund. The moneys in this fund shall be nonlapsing.

28 12-O:50 Telecommunication Planning and Development Advisory Committee.

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

32 II. The telecommunications planning and development advisory committee shall advise and
33 assist the director of economic development in performing the duties established in RSA 12-O:48.
34 The advisory committee shall meet at least quarterly. Nine members of the committee shall
35 constitute a quorum.

36 III. The members of the committee shall be:

37 (a) The governor, or designee;

- 1 (b) The commissioner of business and economic affairs, or designee;
- 2 (c) The commissioner of safety, or designee;
- 3 (d) The commissioner of the department of health and human services, or designee;
- 4 (e) The commissioner of the department of education, or designee;
- 5 (f) The state librarian, or designee;
- 6 (g) The chairman of the public utilities commission, or designee;
- 7 (h) One member of the house of representatives, appointed by the speaker of the house
- 8 of representatives;
- 9 (i) One member of the senate, appointed by the president of the senate;
- 10 (j) The chief information officer, or designee;
- 11 (k) The following persons nominated by the commissioner of business and economic
- 12 affairs and appointed by the governor and council, unless otherwise specified:
- 13 (1) Two members representing residential telecommunications customers;
- 14 (2) One member representing large business telecommunications customers,
- 15 appointed by the senate president;
- 16 (3) One member representing small business telecommunications customers,
- 17 appointed by the speaker of the house of representatives;
- 18 (4) One member representing educational technology;
- 19 (5) One member representing municipal government;
- 20 (6) One member representing county government;
- 21 (7) One member representing a regional economic development organization or a
- 22 regional planning commission;
- 23 (8) One member representing healthcare technology;
- 24 (9) Up to 7 members representing several of the following sectors of the
- 25 telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local
- 26 exchange carriers, Internet service providers, cable, long distance providers, and broadcast
- 27 television. A member representing one sector may also represent one or more other sectors, as
- 28 deemed appropriate by the commissioner; and
- 29 (10) The director of broadband technology planning and development in the division
- 30 of economic development.

31 IV. In this section:

- 32 (a) "Broadband" means the transmission, between or among points specified by the
- 33 user, of information of the user's choosing, with or without change in the form or content of the
- 34 information as sent and received, at rates of transmission equal or greater than that defined by the
- 35 Federal Communications Commission as "broadband."
- 36 (b) "Broadband infrastructure" means any and all equipment and facilities, including
- 37 any and all changes, modifications, and expansions to existing facilities, as well as the customer

1 premises equipment used to provide broadband, and any and all software integral to or related to
2 the operations, support, facilitation, or interconnection of such equipment, including upgrades, and
3 any and all installation, operations, and support, maintenance, and other functions as may be
4 required to support the delivery of broadband.

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

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

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

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

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

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

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

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

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

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

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

26 (3) Collaboration among public education initiatives to utilize and improve
27 broadband to enhance educational opportunities between public, private, and special education
28 institutions.

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

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

34 (j) Advising and assisting the department of health and human services in the
35 implementation of Medicaid coverage of telehealth services as required under RSA 167:4-d. This
36 shall include, but not be limited to, assisting in the development of a detailed work plan for
37 implementation of Medicaid coverage of telehealth services and identifying funding or other

1 tangible resources for consultative services drawing on the expertise in the telehealth community
2 and/or academic institutions.

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

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

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

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

11 12-O:51 Telecommunications; Statutory Construction. For purposes of this subdivision,
12 "telecommunications" shall be construed broadly, and shall include, but not be limited to, traditional
13 dial tone services, the transmission of voice, data, or video through cable and wireless media, and
14 any other similar services to be offered in the future.

15 12-O:52 Authority of Director to Acquire Information. The director of economic development is
16 authorized to request from telecommunications service providers such information as the director
17 requires to perform the duties established in RSA 12-O:48.

18 12-O:53 Confidentiality. Information provided to the director pursuant to a request made
19 under RSA 12-O:52 shall, if properly demonstrated by the provider of the information, be deemed
20 confidential, commercial, or financial information and exempt from public disclosure under RSA 91-
21 A:5, IV. Nothing in this section shall prohibit the director from disclosing information provided
22 pursuant to a request made under RSA 12-O:52 in a manner that does not specifically identify the
23 provider.

24 New Hampshire Workforce Opportunity Council

25 12-O:54 Workforce Development. The commissioner of business and economic affairs shall
26 plan, develop, and administer workforce investment activities, programs, and grants under the
27 federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended,
28 reauthorized, and in effect from time to time, and shall discharge the day-to-day operational
29 responsibilities and obligations of the New Hampshire Workforce Opportunity Council established
30 under RSA 12-A:62. The commissioner shall coordinate with the New Hampshire Workforce
31 Opportunity Council to promote state and local investment systems that increase the employment,
32 retention, and earnings of participants, and increase occupational skill attainment by participants,
33 and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the
34 productivity and competitiveness of the nation.

35 12-O:55 New Hampshire Workforce Opportunity Council.

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

37 II. Membership of the council shall be as set forth in section 111(b) of the Workforce

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

6 III. The council shall meet no less frequently than semi-annually, shall have the powers
7 and responsibilities of the state workforce investment board under the Workforce Investment Act of
8 1998, and shall assist the governor in:

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

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

14 (1) Development of linkages in order to assure coordination and non-duplication
15 among the programs and activities described in section 121(b) of the Workforce Investment Act of
16 1998; and

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

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

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

22 (e) Development of the allocation formulas for the distribution of funds for adult
23 employment and training activities and youth activities to local areas as permitted under sections
24 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

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

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

31 (h) Development of the statewide employment statistics system described in section
32 15(e) of the Wagner-Peyser Act.

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

34 12-O:56 New Hampshire Workforce Opportunity Fund.

35 I. There is hereby established the New Hampshire workforce opportunity fund which shall
36 be nonlapsing and administered by the commissioner of the department of business and economic
37 affairs. Said fund shall be for the purpose of receiving financial assistance under the Workforce

1 Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

2 II. The fund shall be distributed or expended by the commissioner after consultation with
3 the New Hampshire Workforce Opportunity Council established in RSA 12-O:55 and the approval of
4 the governor and council for any of the following purposes:

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

6 (b) Workforce Investment Act Youth programs.

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

8 (d) Workforce Investment Act Disability programs.

9 (e) Workforce Investment Act Regional Innovation and National Emergency grant
10 programs.

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

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

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

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

31 V. In accordance with RSA 12-O:32 through RSA 12-O:39, the commissioner of business and
32 economic affairs shall have the authority to make grants to New Hampshire employers for the
33 purpose of training employees in accordance with this chapter, such grants not to exceed the
34 amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant
35 year the sum of \$70,000, unless first approved by governor and council. The commissioner shall
36 provide the governor and council an information item not less frequently than semi-annually
37 describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a

1 form of agreement that shall be approved by governor and council after review by the attorney
2 general and the commissioner of the department of administrative services.

3 44 Member Added; Reference Corrected; Scenic and Cultural Byways Council. Amend RSA
4 238:20, I(e) to read as follows:

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

7 45 Gifts for Historic Sites. Amend RSA 4:8-a to read as follows:

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

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

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

36 46 Community Heritage Investment Program; Membership. Amend RSA 227-M:4, II(e) and (f)
37 to read as follows:

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

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

6 47 Salaries of Unclassified Officers. Amend the positions in the following salary grades in RSA
7 94:1-a, I(b) as follows:

8 I. Change from department of resources and economic development to department of
9 natural and cultural resources:

10 (a) in DD, mountain manager

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

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

13 II. Change from department of resources and economic development to department of
14 business and economic affairs:

15 (a) in GG, director of economic development

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

17 III. Delete:

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

19 (b) HH Department of cultural resources commissioner

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

21 48 Commissioner Salaries. The commissioner of the department of natural and cultural
22 resources and the commissioner of the department of business and economic affairs, as established
23 in this act, shall receive the salaries as specified in RSA 94:1-a. The salaries for the commissioners
24 shall be determined after assessment and review of the appropriate temporary letter grade
25 allocation for the position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to
26 RSA 94:1-d and RSA 14:14-c.

27 49 Department of Business and Economic Affairs; Transfer Among Accounts and Classes. The
28 commissioner of the department of business and economic affairs may transfer funds between and
29 among the class line appropriations in the safety rest areas, highway accounting unit 03-22-22-
30 221015-2025 and may transfer funds between and among the class line appropriations in the safety
31 rest areas, turnpike accounting unit 03-22-22-221017-2026 for the biennium ending June 30, 2019.
32 The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general
33 court of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to
34 transfers made under this section. If the report is not provided in a timely fashion, the authority
35 under this section shall be suspended for the biennium ending June 30, 2019. The fiscal committee
36 of the general court shall determine whether the report has been provided consistent with this
37 section. In no case shall this transfer authority allow for the establishment of any positions.

1 50 Rulemaking. Transfer of Rules. Existing rules of the department of resources and economic
2 development shall continue in effect and be enforced by the commissioner of the department of
3 natural and cultural resources or the commissioner of the department of business and economic
4 affairs, as applicable, until they expire or are repealed or amended in accordance with applicable
5 law.

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

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

11 52 Fund Amended; Travel and Tourism. Amend RSA 6:12, I(b)(75) to read as follows:

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

14 53 Fund Amended; International Trade Promotion. Amend RSA 6:12, I(b)(106) to read as
15 follows:

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

18 54 Fund Amended; Economic Development Fund. Amend RSA 6:12, I(b)(109) to read as
19 follows:

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

22 55 Fund Amended; Travel and Tourism Revolving Fund. Amend RSA 6:12, I(b)(111) to read as
23 follows:

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

26 56 Fund Amended; Workforce Opportunity Fund. Amend RSA 6:12, I(b)(283) to read as
27 follows:

28 (283) Moneys deposited into the New Hampshire workforce opportunity fund
29 established in RSA [~~12-A:61~~] **12-O:56**.

30 57 Fund Amended; Division of Economic Development Fund. Amend RSA 6:12, I(b)(325) to
31 read as follows:

32 (325) Moneys deposited in the division of economic development fund under RSA
33 [~~12-A:67~~] **12-O:31**.

34 58 Dedicated Fund Review. Amend RSA 6:12-j, V(a)(4) to read as follows:

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

37 59 Comprehensive State Development Plan. Amend RSA 9-A:1, III(b)(6) to read as follows:

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

6 60 Tourism Policy. Amend RSA 162-C:2, VI to read as follows:

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

9 61 Unemployment Compensation; Training Fund. Amend RSA 282-A:138-a, I and II to read as
10 follows:

11 I. There is hereby created in the state treasury a special fund to be known as the training
12 fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by
13 the commissioner of [~~resources and economic development~~] **business and economic affairs** in
14 accordance with rules and guidelines adopted by the commissioner of [~~resources and economic~~
15 ~~development~~] **business and economic affairs**, for funding training under the job training
16 program for economic growth, established under RSA [~~12-A:51-58~~] **12-O:32 through 12-O:39**.
17 Rulemaking authority relative to administration of the grant award process shall be with the
18 commissioner of resources and economic development pursuant to RSA [~~12-A:54, H(a)~~] **12-O:35**.

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

22 62 Chapter Heading; Office of Energy and Planning Renamed Office of Strategic Initiatives.
23 Amend the chapter heading of RSA 4-C to read as follows:

24 CHAPTER 4-C

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

26 63 Office of Energy and Planning Renamed Office of Strategic Initiatives. Amend RSA 4-C:1, I
27 and the introductory paragraph of RSA 4-C:1, II to read as follows:

28 I. There is established the office of [~~energy and planning~~] **strategic initiatives** within the
29 office of the governor. The office of [~~energy and planning~~] **strategic initiatives** shall be under the
30 supervision and direction of the governor or the governor's designee. The governor's designee shall
31 be known as the director of the office of [~~energy and planning~~] **strategic initiatives**. **The office of**
32 **strategic initiatives shall include the division of energy and the division of planning**.

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

34 64 Name Change. Amend the following RSAs by replacing "office of energy and planning" with
35 "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-
36 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-
37 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;

1 162-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-
2 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;
3 483:8; 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;
4 674:3; 675:9.

5 65 Suspension. The following are suspended for each fiscal year of the biennium ending June
6 30, 2019:

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

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

10 66 Department of Transportation; Transfer Among Accounts and Classes. Notwithstanding
11 any provision of law to the contrary, for the biennium ending June 30, 2019, the commissioner of
12 transportation is authorized to transfer funds within and among all accounting units within the
13 department and to create accounting units and expenditure classes as required and as the
14 commissioner deems necessary and appropriate to address present or projected budget deficits, or to
15 respond to changes in federal law, regulations, or programs, and otherwise as necessary for the
16 efficient management of the department; provided if a transfer does not include new accounting
17 units or expenditure classes, only transfers of \$75,000 or more shall require prior approval of the
18 fiscal committee of the general court and the governor and council. In no case does this transfer
19 authority allow for the establishment of any positions.

20 67 New Section; Department of Transportation; Federal Assistance Grant; Appropriation.
21 Amend RSA 228 by inserting after section 8 the following new section:

22 228:8-a Federal Assistance Grant; Appropriation. Any sum received from the Federal
23 Emergency Management Agency or Federal Highway Administration's Emergency Relief Program
24 or any other federal program providing emergency assistance to the department of transportation to
25 reimburse costs incurred for emergency response, including but not limited to, equipment rental,
26 snow plowing, sanding, salting, flood damage response, and personnel overtime during any
27 emergency declared shall be collected by the appropriate agency and appropriated to the
28 department of transportation.

29 68 Appropriation; Department of Transportation.

30 I. The sum of \$35,000,000 for the fiscal year ending June 30, 2017 is hereby appropriated to
31 the department of transportation for the purpose of funding local infrastructure projects. The
32 governor is authorized to draw a warrant for said sum out of any money in the treasury not
33 otherwise appropriated. Funding shall be distributed in the following manner:

34 (a) \$15,000,000 shall be expended for state bridge aid for municipal bridges under RSA
35 234. The funding shall be used to accelerate and advance municipal red list bridge projects that are
36 currently enrolled in the state aid bridge program. The projects shall be prioritized based on the
37 municipality's ability to advance the project in a timely manner considering matching funds

1 availability, design readiness and condition. Advancing and accelerating projects already enrolled
2 in the state aid bridge program shall ensure this additional funding is expeditiously utilized, and
3 shall allow additional municipal red list bridges to be added into the program. New projects shall
4 also be prioritized based on the municipality's ability to advance the project in a timely manner
5 considering matching funds availability, design readiness, and condition.

6 (b) \$15,000,000 shall be expended for additional apportionment A distributions under
7 RSA 235:23, I.

8 (c) \$5,000,000 shall be allocated to the highway and bridge betterment account under
9 RSA 235:23-a.

10 II. The appropriation made in this section shall not lapse until June 30, 2019.

11 III. No funds appropriated in this section shall be used for supplanting locally budgeted and
12 approved funds for road or bridge maintenance or construction.

13 69 Appropriation; Department of Education; School Building Aid.

14 I. The sum of \$10,000,000 for the fiscal year ending June 30, 2017 is hereby appropriated to
15 the department of education for the purpose of funding school building aid pursuant to RSA 198:15-
16 a. The appropriation made in this section shall not lapse until June 30, 2019. The governor is
17 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
18 appropriated.

19 II. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA
20 198:15-w, and except as provided in paragraph III, the commissioner of the department of education
21 shall issue school building aid or alternative school building aid not to exceed the amount
22 appropriated in paragraph I, for any project approved on or after June 30, 2017 through June 30,
23 2019.

24 III.(a) The commissioner of the department of education, upon recommendation of the state
25 fire marshal, may approve funding in excess of the amount appropriated in paragraph I for a school
26 building project if the state fire marshal or designee determines, based on reasonable information
27 and belief, that:

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

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

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

37 IV. No funds appropriated in this section shall be used for supplanting locally budgeted and

1 approved funds for school building projects.

2 V. RSA 198:15-a, IV, relative to the \$50,000,000 cap on school building aid grants, is hereby
3 suspended for the biennium ending June 30, 2019.

4 70 Revenue Stabilization Reserve Account; General Fund Deficit. Notwithstanding the
5 provisions of RSA 9:13-e, III, in the event of a general fund deficit at the close of the biennium
6 ending June 30, 2017 as determined by the official audit performed pursuant to RSA 21-I:8, II(a),
7 the comptroller shall notify the fiscal committee of the general court and the governor of such deficit
8 and request that sufficient funds, to the extent available, be transferred from the revenue
9 stabilization reserve account to eliminate such deficit.

10 71 All Agencies; Administrative Services. Unless restricted by law or administrative rule, upon
11 request of an intended recipient, an agency may provide documents by electronic mailing in lieu of
12 mail.

13 72 Sale of Property; Laconia State School. Amend 2015, 276:113 to read as follows:

14 276:113 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the
15 commissioner of the department of administrative services shall offer for sale the former Laconia
16 state school land and buildings and the former Laconia state school and training center land and
17 buildings, except those portions of the land and buildings required for state use **or encumbered by**
18 **leases**. The commissioner of the department of administrative services shall submit [~~quarterly~~
19 **annual**] reports on the progress of the sale to the fiscal committee of the general court. Any sale of
20 such land and buildings shall be subject to the requirements of RSA 4:40, except that review and
21 approval of the sale of the land and buildings by the council on resources and development [~~and the~~
22 ~~long range capital planning and utilization committee~~] shall not be required. All proceeds from the
23 sale shall be deposited into the general fund.

24 73 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of
25 Appropriation. The appropriation for the administration of the client assistance program received
26 by the governor's commission on disability pursuant to 29 U.S.C. section 732 for the fiscal years
27 ending June 30, 2018 and June 30, 2019 may be transferred to another qualified agency upon
28 certification by the governor to the commissioner of the department of administrative services that
29 the program has been redesignated. If the redesignation occurs and the governor's certification is
30 made after July 1, 2017, the unexpended portion of the appropriation shall be transferred.

31 74 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, for
32 the biennium ending June 30, 2019, no state aid grants shall be made for any new infrastructure
33 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
34 RSA 149-M, except that infrastructure projects that had local authorization by December 31, 2008
35 to construct, but were not listed in 2013, 144:101, shall continue to be eligible for state aid grants
36 subject to availability of funding. Nothing in this section shall affect the provision of the future
37 water supply land protection grants under RSA 486-A if funding is available for such purposes.

1 75 Meals and Rooms Tax; Distribution to Cities and Towns. For the fiscal years ending June
2 30, 2018 and June 30, 2019, the state treasurer shall fund the distribution of revenue to cities and
3 towns pursuant to the formula for determining the amount of revenue returnable to cities and
4 towns under RSA 78-A:26, I and II at no more than the amount of the fiscal year 2017 distribution.

5 76 Department of Health and Human Services; Transfer Among Accounts and Classes. Subject
6 to the approval of the fiscal committee of the general court and governor and council, for the
7 biennium ending June 30, 2019, the commissioner of the department of health and human services
8 may transfer funds within and among all accounting units within the department and to create
9 accounting units and expenditure classes as required, as the commissioner deems necessary and
10 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
11 regulations, or programs, and otherwise as necessary for the efficient management of the
12 department. If the department intends to transfer funds, which would otherwise meet the transfer
13 requirements as set forth in RSA 9:17-a, prior approval of the fiscal committee and governor and
14 council shall be required for transfers of \$75,000 or more.

15 77 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
16 the biennium ending June 30, 2019, the department of health and human services shall not
17 authorize, without prior consultation with the house health, human services and elderly affairs
18 committee and the senate health and human services committee and the approval of the fiscal
19 committee of the general court and governor and council, any change to program eligibility
20 standards or benefit levels that might be expected to increase or decrease enrollment in the
21 program or increase expenditures from any source of funds; provided, however, that no such prior
22 approval shall be required if a change to a federal program in which the state is participating as of
23 the effective date of this section is required by federal law.

24 78 Department of Health and Human Services; Suspension of Home Health Services Rate
25 Setting. Notwithstanding any provision of law to the contrary, RSA 126-A:18-a relative to rate
26 settings for home health services shall be suspended for the biennium ending June 30, 2019.
27 Payments for home health services shall be limited to appropriations for home health services as
28 may be restricted or reduced by action of the fiscal committee of the general court or by legislative
29 action.

30 79 Department of Health and Human Services; Foster Grandparent Program. The
31 reimbursements to the foster grandparent program through the senior volunteer grant program,
32 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2019.

33 80 Department of Health and Human Services; Bureau of Adult and Elderly Services;
34 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
35 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
36 biennium ending June 30, 2019.

37 81 Department of Health and Human Services; Division for Children, Youth, and Families.

1 I. For the biennium ending June 30, 2019, the rates for all services, placements, and
2 programs that are payable by the department pursuant to RSA 169-B:40, RSA 169-C:27, and RSA
3 169-D:29 shall be increased by amounts not to exceed the appropriations for these services
4 contained within the operating budget for fiscal year 2018 and fiscal year 2019.

5 II. Notwithstanding paragraph I, upon the department's implementation of managed care,
6 the rate of reimbursement for Medicaid eligible services and programs for a Medicaid eligible child
7 shall be the rate agreed to by the provider and the managed care organization.

8 82 Department of Health and Human Services; Suspension of Direct Graduate Medical
9 Education. The commissioner of the department of health and human services shall submit a Title
10 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
11 suspend the provision of direct graduate medical education payments to hospitals as provided in 42
12 U.S.C. section 1396a(a)(30)(A) effective July 1, 2017. Upon approval of the state plan amendment,
13 and as of the effective date of the state plan amendment, any obligations for payment of direct
14 graduate medical education shall be suspended for the biennium ending June 30, 2019.

15 83 Department of Health and Human Services; Suspension of Indirect 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 indirect graduate medical education payments to hospitals effective July 1,
19 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan
20 amendment, any obligations for payment of indirect graduate medical education shall be suspended
21 for the biennium ending June 30, 2019.

22 84 Department of Health and Human Services; Public Safety and Welfare; Medicaid
23 Enhancement for Children and Pregnant Women. If the New Hampshire health protection
24 program established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2018 or
25 earlier, the commissioner of the department of health and human services shall reinstate Medicaid
26 coverage and open enrollment for children and pregnant women under RSA 167:68. The
27 commissioner of the department of health and human services shall adopt rules pursuant to RSA
28 541-A to establish the eligibility levels for Medicaid coverage under RSA 167:68 identical to the
29 eligibility levels which were in effect prior to the effective date of the New Hampshire health
30 protection program.

31 85 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
32 ending June 30, 2019, the commissioner of health and human services shall make quarterly reports
33 to the governor, the speaker of the house, and the senate president on the status of estimated
34 Medicaid payments in relation to actual costs. Further contents of the such reports shall be as
35 specified by the governor.

36 86 New Section; New Hampshire Employment Program and Family Assistance Program;
37 Adjustment of TANF Financial Assistance. Amend RSA 167 by inserting after section 77-f the

1 following new section:

2 167:77-g Adjustment of TANF Financial Assistance. The maximum monthly cash benefit under
3 this subdivision shall be equal to 60 percent of the federal poverty guidelines, based upon the
4 applicable household size and composition, as determined annually by the United States
5 Department of Health and Human Services.

6 87 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
7 read as follows:

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

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

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

12 88 Discrimination Prohibited in Determining Eligibility for Services in the State Mental Health
13 Services System; Prospective Repeal Extended. Amend 2011, 209:6, I, as amended by 2013, 140:1,
14 as amended by 2015, 276:41 to read as follows:

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

16 89 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
17 shall be suspended for the biennium ending June 30, 2019.

18 90 New Subdivision; Department of Justice; Internet Crimes Against Children Fund. Amend
19 RSA 21-M by inserting after section 16 the following new subdivision:

20 Internet Crimes Against Children Fund

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

30 91 New Subparagraph; Application of Receipts; Internet Crimes Against Children Fund.
31 Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

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

34 92 Appropriation. The sum of \$75,000 for the fiscal year ending June 30, 2018, and the sum of
35 \$100,000 for the fiscal year ending June 30, 2019, are hereby appropriated to the New Hampshire
36 Internet crimes against children fund established in RSA 21-M:17 for the purposes set forth in that
37 section. The fiscal committee of the general court may review, modify, and approve any plans or

1 metrics concerning expenditures under this fund. No money appropriated under this section shall
2 be expended or otherwise distributed until authorized by the fiscal committee. The governor is
3 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
4 appropriated.

5 93 Department of Justice; Position Established. There is established within the department of
6 justice the classified position of financial research analyst I. The financial research analyst I
7 position shall replace the unclassified financial analyst position, 9U098, located in accounting unit
8 02-20-20-200510-3310. Upon completion of this action, position 9U098 shall be abolished to allow
9 for the transition of this unclassified position into the classified system. The incumbent in the
10 abolished unclassified position shall be offered the opportunity to transfer into the newly
11 established financial research analyst I position.

12 94 Position Reclassification; Banking Department. The position of general counsel, position
13 #42404, within the banking department, is hereby designated as an unclassified position.

14 95 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year
15 ending June 30, 2019, the state shall reimburse the sheriff's office for court security at the rates
16 provided in the collective bargaining agreement applicable to per diem court security officers
17 employed by the judicial branch to attend any official business, for any person employed as a bailiff
18 by the sheriff's office.

19 96 New Section; Agreements to Lease-Purchase Vehicles Authorized. Amend RSA 21-I by
20 inserting after section 19-i the following new section:

21 21-I:19-j Agreements to Lease-Purchase Vehicles Authorized. Any agency, as defined in RSA
22 21-G:5, III, may, with the prior written approval of the department of administrative services, enter
23 into an agreement to rent, lease, or lease-purchase vehicles from any outside vendor, or to rent or
24 lease vehicles from any other state agency or department.

25 97 Chartered Public Schools; Definitions. Amend RSA 194-B:1 to read as follows:

26 194-B:1 Definitions. In this chapter:

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

31 ***II. "Average daily membership in attendance" or "ADMA" relative to charter***
32 ***schools means the average daily membership in attendance, as defined in RSA 189:1-d, III,***
33 ***of pupils in kindergarten through grade 12, in the determination year, provided that no***
34 ***kindergarten pupil shall count as more than ½ day attendance per school year. ADMA***
35 ***shall only include pupils who are legal residents of New Hampshire pursuant to RSA***
36 ***193:12 and educated at the charter school's expense. In this paragraph, "determination***
37 ***year" shall have the same meaning as in RSA 198:38, IV.***

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

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

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

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

14 **VII. "Full-time equivalent pupil" means a pupil or group of pupils pursuant to RSA**
15 **194-B:1, XI that have completed 12 half-credit courses.**

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

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

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

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

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

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

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

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

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

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

36 98 Chartered Public Schools; Authority and Duties of the Board of Trustees. Amend the
37 introductory paragraph of RSA 194-B:5, III to read as follows:

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

5 99 Chartered Public Schools; Funding; Virtual Learning Academy Charter School. Amend RSA
6 194-B:11, I(b) to read as follows:

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

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

35 100 Special Education; State Aid. Amend RSA 186-C:18, III to read as follows:

36 III.(a) The state board of education through the commissioner, department of education,
37 shall distribute aid available under this paragraph as entitlement to such school districts as have a

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

19 101 Special Education; State Aid. Amend RSA 186-C:18, V(d)-(e) to read as follows:

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

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

24 102 Special Education; State Aid. Amend RSA 186-C:18, VI(a) to read as follows:

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

30 103 Special Education; State Aid. Amend RSA 186-C:18, VIII to read as follows:

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

1 104 Special Education; State Aid. Amend RSA 186-C:18, XI(a) to read as follows:

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

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

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

16 105 Property Tax Rates; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, VII(d) to
17 read as follows:

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

21 106 Department of Safety; Transfer Among Accounts and Classes. Subject to the provisions of
22 RSA 9:17-c and RSA 99:4, for the biennium ending June 30, 2019, the commissioner of the
23 department of safety may transfer funds between and among all class lines and accounting units
24 within the department as the commissioner deems necessary and appropriate to address present or
25 projected budget deficits, or to respond to changes in federal law, regulations, or programs, and
26 otherwise as necessary for the efficient management of the department; provided that only transfers
27 of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the
28 governor and council. In no case shall this transfer authority allow for the establishment of any
29 positions.

30 107 Department of Information Technology; Consolidation of Information Technology
31 Functions.

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

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

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

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

28 108 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,
29 2019, the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

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

5 109 Department of Corrections; Transfer Among Accounts and Classes. Notwithstanding any
6 provision of law to the contrary, for the biennium ending June 30, 2019, the commissioner of the
7 department of corrections is authorized to transfer funds within and among all accounting units
8 within the department and to create accounting units and expenditure classes as required and as
9 the commissioner deems necessary and appropriate to address present or projected budget deficits,
10 or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for
11 the efficient management of the department; provided if a transfer does not include new accounting
12 units or expenditure classes, only transfers of \$75,000 or more shall require prior approval of the
13 fiscal committee of the general court and governor and council. In no case does this transfer
14 authority authorize the establishment of any positions.

15 110 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For
16 the biennium ending June 30, 2019, the public utilities commission shall not expend any funding on
17 the implementation of an energy efficiency resource standard without prior approval of the fiscal
18 committee of the general court.

19 111 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, I
20 to read as follows:

21 I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall
22 be ~~[continually appropriated to the commission to be]~~ expended in accordance with this section. The
23 state treasurer shall invest the moneys deposited therein as provided by law. Income received on
24 investments made by the state treasurer shall also be credited to the fund. All payments to be made
25 under this section shall be deposited in the fund. ***Twenty percent*** of the moneys paid into the
26 fund ~~[, the amount of \$520,000 for fiscal year 2016]~~ ***during fiscal years 2018 and 2019*** shall be
27 ~~[transferred to the division of homeland security and emergency management for the purpose of~~
28 ~~disaster and emergency response preparedness and coordination to help minimize utility and other~~
29 ~~disruptions resulting from natural or manmade disasters]~~ ***rebated, on a per-kilowatt-hour basis,***
30 ***to all retail electric ratepayers eligible to participate in the state's electric assistance***
31 ***program in a timely manner to be determined by the public utilities commission.*** Any
32 remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys,
33 shall be used by the commission to support thermal and electrical renewable energy initiatives.
34 Class II moneys shall primarily be used to support solar energy technologies in New Hampshire.
35 All initiatives supported out of these funds shall be subject to audit by the commission as deemed
36 necessary. All fund moneys including those from class II may be used to administer this chapter,
37 but all new employee positions shall be approved by the fiscal committee of the general court. No

1 new employees shall be hired by the commission due to the inclusion of useful thermal energy in
2 class I production.

3 112 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2019, the
4 department of education may, subject to the approval of the governor and council, to accept gifts,
5 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
6 other organizations or institutions for the purpose of funding appropriations made in accounting
7 unit 06-56-56-562010-7534 (NH Scholars Program).

8 113 Regional Career and Technical Education; Program. Amend the introductory paragraph of
9 RSA 188-E:5, V to read as follows:

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

16 114 Department of Education; Transfer Among Accounts and Classes. For the biennium
17 ending June 30, 2019, the commissioner of the department of education may transfer funds within
18 and among all accounting units within the department, as the commissioner deems necessary and
19 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
20 regulations, or programs, and otherwise as necessary for the efficient management of the
21 department, with the exception of class 60 transfers; provided, that any transfer of \$75,000 or more
22 shall require prior approval of the fiscal committee of the general court and the governor and
23 council. The authority granted in this section shall not apply to accounting units 06-56-56-560010-
24 5136 (Court Ordered Placements), 06-56-56-560010-5137 (Other State Aid), and 06-56-56-560010-
25 7550 (Adequate Education Grants). In no case shall this transfer authority allow for the
26 establishment of any positions.

27 115 New Subdivision; Governor's Scholarship Program. Amend RSA 4-C by inserting after
28 section 30 the following new subdivision:

29 Governor's Scholarship Program

30 4-C:31 Definitions. In this subdivision:

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

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

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

37 4-C:32 Program Established. There is hereby established the governor's scholarship program

1 in the office of strategic initiatives which shall be administered by the office. The program shall
2 provide scholarships of up to \$5,000 toward the costs of an eligible educational or training program.
3 The office shall determine how and when scholarship funds shall be distributed, and may elect to
4 distribute funds to an individual in a lump sum or over a period of months or years. All
5 scholarships granted under this subdivision shall be applied toward the costs of an eligible
6 education or training program.

7 4-C:33 Eligibility. Any person who meets the following requirements shall be eligible for a
8 scholarship:

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

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

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

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

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

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

31 4-C:34 Governor's Scholarship Fund Established.

32 I. There is hereby established in the office of the state treasurer the governor's scholarship
33 fund which shall be kept distinct and separate from all other funds. The fund shall provide
34 scholarships for the benefit of eligible residents of the state pursuing programs of study or training
35 at an eligible educational or training program within the state.

36 II. The state treasurer shall credit to the fund any appropriation relating to the governor's
37 scholarship program made to the department of education, division of higher education for each

1 fiscal year. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on
2 trust fund moneys shall be added to the fund.

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

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

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

9 4-C:35 Procedures. The office shall adopt procedures necessary to administer the provisions of
10 this subdivision.

11 116 New Subparagraph; Application of Receipts; Governor's Scholarship Fund. Amend RSA
12 6:12, I(b) by inserting after paragraph (333) the following new subparagraph:

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

15 117 Department of Revenue Administration; Reference Change; Document Processing to
16 Taxpayer Services. Amend RSA 21-J:2, II and III to read as follows:

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

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

25 118 Department of Revenue Administration; Taxpayer Services Division Created; Document
26 Process Division Eliminated. RSA 21-J:12 is repealed and reenacted to read as follows:

27 21-J:12 Taxpayer Services Division. There is established within the department the division of
28 taxpayer services, under the supervision of an unclassified director of taxpayer services who shall
29 be responsible for:

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

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

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

35 119 Department of Revenue Administration; Director of Taxpayer Services Division; Position
36 Established.

37 I. There is established within the department of revenue administration the unclassified

1 position of director of the taxpayer services division. The salary for the position shall be as set forth
2 in RSA 94:1-a.

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

12 120 Repeal. RSA 21-J:6-c, central tax services unit within the department of revenue
13 administration, is repealed.

14 121 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

15 (b) The forest management and protection fund shall be a nonlapsing fund administered
16 by the treasurer of the state of New Hampshire. The fund shall be ~~continually appropriated and~~
17 expended at the discretion of the director of the division and the commissioner. Any funds in excess
18 of that appropriated from the fund may be expended by the commissioner, with prior approval of
19 the fiscal committee and governor and council, in accordance with RSA 227-G:5, I(a). Revenues
20 shall be derived from the proceeds of the sale of timber and other forest products from state-owned
21 forestlands, less 13 percent which shall be deposited into the general fund. Revenues shall also be
22 derived from the lease of state-owned forestlands, or billable services provided by the division of
23 forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund
24 shall also be derived from administrative fines collected pursuant to RSA 227-J:1.

25 122 Department of Safety; Places of Assembly; Definitions. Amend RSA 155:17, II to read as
26 follows:

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

31 123 Department of Safety; Places of Assembly; Licensing. Amend RSA 155:18 to read as
32 follows:

33 155:18 License Required. No person shall own or operate a place of assembly within this state
34 unless licensed so to do by the licensing agency of the city, town, or village district where said place
35 of assembly is located, ~~[or in the case of]~~ **including** assemblies occurring on state waters~~;~~ or ice
36 formed on state waters, ~~[the commissioner of the department of safety or designee,]~~ in accordance
37 with the regulations herein promulgated. In the application of this act to existing places of

1 assembly the licensing agency may modify such of its provisions as would require structural
2 changes if in his or her opinion adequate safety may be obtained otherwise and provided that a
3 permanent record is kept of such modifications and the reasons therefor.

4 124 Transportation; Definitions. Amend RSA 228:1, VII to read as follows:

5 VII. "Project" means any construction, reconstruction, alteration, or maintenance of any
6 highway, bridge, **building, plant, fixture, facility** or other item directly related to **or supporting**
7 transportation. The term shall not include construction, reconstruction, alteration, or maintenance
8 of buildings, plants, fixtures, or facilities formerly administered through the department of
9 transportation, division of public works, or matters managed by the department of administrative
10 services, division of public works design and construction.

11 125 Department of Transportation; Eminent Domain; Occasion for Layout by Governor and
12 Council. Amend RSA 230:13, I to read as follows:

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

24 126 Layout of State Highways; Notice of Hearing. Amend RSA 230:17 to read as follows:

25 230:17 Layout of State Highways; Notice of Hearing. The governor with the advice of the
26 council, or the commission appointed by the governor with advice of the council, at least 14 days
27 previous to **a public hearing as provided in RSA 230:19**, shall cause notice in writing of the time
28 and place of hearing appointed by them, together with a description of the proposed location, to be
29 given to each owner of land or other property over which such highway may pass, and to the clerk
30 of any city or town in which such highway or alteration may be laid out. **Other meetings shall be**
31 **noticed in accordance with RSA 91-A.**

32 127 Limited Access Highways; Occasion for Layout; Layout. Amend RSA 230:45 to read as
33 follows:

34 230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on the
35 governor's own motion or a special committee of 3 persons appointed by the governor and council for
36 the purpose, may determine, upon hearing, whether there is occasion for the laying out or
37 alteration of a limited access facility including service roads as proposed by the commissioner of

1 transportation; and, if so, [~~the governor, with the advice of the council, shall appoint a commission~~
2 ~~of 3 persons who~~] **the commissioner** may purchase land or other property as proposed and [~~who~~]
3 shall lay out the remainder of such facility, service roads, or alteration thereof. The commission
4 appointed by the governor and council to lay out any limited access facility may acquire private or
5 public property and property rights for such facility and service roads, including rights of access,
6 air, view, and light, by gift, devise, purchase, or condemnation in the same manner as provided for
7 acquiring property for class I highways. Property rights acquired under the provisions of this
8 section may be in fee simple or in the form of easements, including property acquired by
9 condemnation proceedings. The [~~commission~~] **commissioner**, in [~~its~~] **his or her** discretion, may
10 acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best
11 served even though the entire lot, block, or tract is not immediately needed for the right-of-way
12 proper. The commissioner of transportation, with the approval of the governor and council, may
13 sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

14 128 Highways; Definition. Amend RSA 229:1 to read as follows:

15 229:1 Highways Defined. Highways are only such as are laid out in the mode prescribed
16 therefor by statute, or roads which have been constructed for **or are currently used for any mode**
17 **of** public travel over land which has been conveyed to a city or town or to the state by deed of a fee
18 or easement interest, or roads which have been dedicated to the public use and accepted by the city
19 or town in which such roads are located, or roads which have been used as such for public travel,
20 other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall
21 include the bridges thereon.

22 129 Discontinuance of Relocated Portions of Class I and Class II Highways Acquired in 1945 or
23 Earlier. Amend RSA 230:55 through RSA 230:58 to read as follows:

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

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

37 230:57 Reversion to Town. Upon the filing of notice with the commissioner of transportation

1 that such occasion exists, or, in the event that the selectmen fail to take any action or notify the
2 commissioner of transportation in writing of their determination within 60 days after the receipt of
3 notice from ~~him~~ **the commissioner regarding property acquired by the state in 1945 or**
4 **earlier**, the right-of-way over such portion of land and title to any interest held by the state in such
5 portion shall thereupon revert to or vest in such town, and the commissioner of transportation shall
6 so certify in writing under oath to the selectmen, and the highway shall thereupon become a class V
7 or class VI highway.

8 230:58 Notice of Discontinuance. **Regarding property acquired by the state in 1945 or**
9 **earlier**, upon the filing of notice with the commissioner of transportation that such occasion does
10 not exist, the commissioner shall post notice in 2 public places in such town that such portion of
11 highway is thereupon discontinued.

12 130 Discontinuance of Relocated Portions of Class I and Class II Highways; Assessment of
13 Damages. Amend RSA 230:61 to read as follows:

14 230:61 Assessment of Damages. Any person who sustains damages because of such
15 discontinuance **of property acquired by the state in 1945 or earlier** may petition for the
16 assessment of damages to the superior court in the county in which such discontinued portion of
17 highway is located within 60 days from the posting of notice of discontinuance, and not thereafter,
18 and the court shall assess such damages, if any, by jury.

19 131 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
20 commissioner of the department of health and human services shall submit a Title XIX Medicaid
21 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
22 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2019.

23 132 Appropriation to the Division of Travel and Tourism Development for Highway Safety Rest
24 Area Operations. The sum of \$500,000 for the fiscal year ending June 30, 2018, and the sum of
25 \$500,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the division of travel
26 and tourism development, account 03-22-22-2210-2025, for the purpose of paying for highway safety
27 rest area operations, including but not limited to staffing, maintenance, and repair of such rest
28 areas. The governor is authorized to draw a warrant for said sums out of any money in the
29 treasury not otherwise appropriated.

30 133 New Paragraph; State Retiree Health Care Program; Prescriptions. Amend RSA 21-I:30 by
31 inserting after paragraph XV the following new paragraph:

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

34 134 Division of Accounting Services; Department of Administrative Services. Amend the
35 introductory paragraph of RSA 21-I:8 to read as follows:

36 21-I:8 Division of Accounting Services. There is hereby established within the department the
37 division of accounting services under the supervision of an unclassified director of accounting

1 services, who shall also be known as the comptroller. The comptroller shall direct the state's
2 accounting functions, using generally accepted accounting principles and taking full advantage of
3 all benefits of automated data processing applications, to the end that the fiscal affairs of all state
4 agencies and departments will be adequately and uniformly serviced and that periodic financial and
5 management reports will be available to serve the various needs of all state agencies and the
6 executive and legislative branches in their decision making processes. ~~[If the commissioner of
7 administrative services and the respective state agencies are unable to generate any required
8 information that, in accordance with generally accepted accounting principles, should be provided
9 with the comprehensive annual financial report and any stand-alone financial statements identified
10 in subparagraphs II(b) and II(c), the commissioner shall communicate this deviation in advance to
11 the legislative budget assistant as soon as the deviation is known.]~~ ***The commissioner of
12 administrative services may authorize deviations from generally accepted accounting
13 principles if the commissioner deems it is in the best interest of the state, provided that the
14 explanation for the deviation is provided in the annual report required by subparagraph
15 II(a).*** The division shall include the following internal organizational units:

16 135 Repeal. RSA 21-I:8, II(b) and (c), relative to duties of the bureau of financial services on
17 audited financial statements of agencies, are repealed.

18 136 Administrative Services; Funding and Staffing Resource Limitations.

19 I. Due to inadequate funding and staffing resources at the department of administrative
20 services, the commissioner of the department of administrative services is authorized to suspend the
21 following requirements or obligations of the department for each fiscal year of the biennium ending
22 June 30, 2019:

23 (a) RSA 21-I:7-c as it applies to addressing performance and financial legislative budget
24 assistant audit findings from 2006, 2011, and 2014 regarding management of the employee and
25 retiree health benefit program, including establishing rules and operational policies for the
26 program.

27 (b) RSA 21-I:11, I(c)(1).

28 II. Due to inadequate funding and staffing resources at the department of administrative
29 services, the commissioner of the department of administrative services is authorized to suspend the
30 following requirements or obligations of the department for each fiscal year of the biennium ending
31 June 30, 2019:

32 (a) The provisions relating to identification and implementation of energy efficiency
33 projects in compliance with the governor's executive order 2016-03.

34 (b) The provisions relating to data analysis and the development of performance metrics
35 for buildings and vehicles to monitor energy and water usage, use of fossil fuels, and greenhouse
36 gas emissions in compliance with governor's executive order 2016-03.

37 137 New Subparagraph; Bureau of Financial Reporting; Preliminary Financial Statements.

1 Amend RSA 21-I:8, II by inserting after subparagraph (d) the following new subparagraph:

2 (e) Requiring all state agencies to provide preliminary financial statements to the
3 department of administrative services no later than 75 days after the close of the fiscal year. The
4 department of administrative services shall notify the fiscal committee of the general court in
5 writing if any state agency fails to provide the preliminary financial statements by the specified
6 date. After issuing such notice, the department of administrative services shall reduce the
7 subsequent year's operating budget of any state agency failing to meet the deadline by 2 percent,
8 excluding amounts budgeted for debt service.

9 138 Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, XI to read as follows:

10 XI. The state shall reimburse the sheriff's office for prisoner custody and control, within
11 available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus
12 traveling expenses to attend any official business, for any person employed as a sheriff for prisoner
13 custody and control. For the purpose of this paragraph, a half day shall be defined as a day in
14 which a sheriff works 4 hours or less. The state shall reimburse the counties, within available
15 funds appropriated by the legislature, for all costs associated with employing sheriffs, if those costs
16 are the result of job requirements imposed by federal and state governments. ***Total***
17 ***reimbursements shall not exceed the available funds appropriated by the legislature on***
18 ***an annual basis. Costs in excess of the annual appropriation shall not be allowed and***
19 ***shall be the responsibility of the county requesting reimbursement. Billing or***
20 ***reimbursements for costs associated with video arraignments shall not be allowed.***
21 ***Custody and control of prisoners for the purpose of video arraignments shall be the***
22 ***responsibility of the county in which the video arraignment occurs, and such custody and***
23 ***control may be exercised by county correctional officers.***

24 139 Concord Steam Project Appropriations; Contingency. If HB 368-FN-A of the 2017 regular
25 legislative session becomes law, then the appropriation in section 1 of that act shall be nonlapsing
26 and any capital appropriation made in the state capital budget (HB 25-FN-A) for the 2019 biennium
27 for the purpose of funding the Concord Steam project, as provided in HB 368-FN-A, shall be
28 nonlapsing.

29 140 HB 332; Contingency; Expenses of the Nuclear Decommissioning Financing Committee. If
30 HB 332 of the 2017 regular legislative session becomes law, section 9 of HB 332, which provides for
31 the repeal of RSA 162-F:18, relative to expenses of the nuclear decommissioning financing
32 committee, shall not take effect.

33 141 Definition of Department. Amend RSA 9:1 to read as follows:

34 9:1 Terms Used. In this chapter, the term "department" or "establishment" means any
35 executive department, commission, board, institution, bureau, office, or other agency of the state
36 government, by whatever name called, other than the legislature, ***the department of state in the***
37 ***execution of the constitutional duties of the office of the secretary of state***, and the state

1 judicial branch, that uses, expends or receives any state funds; the term “state funds” means any
2 and all moneys appropriated by the legislature, or money collected by or for the state, or any agency
3 thereof, pursuant to authority granted in any of its laws; the term “budget” means the budget
4 document by this chapter required to be transmitted to the legislature; the term “stakeholder”
5 means a person and/or group which can affect or is affected by the development, design, and/or
6 development of information technology systems.

7 142 Circuit Court; Suspension. RSA 490-F:7, III, relative to conversion of the position of
8 marital master to a full-time judicial position, shall be suspended for the biennium ending June 30,
9 2019.

10 143 Department of Justice; Position Added; Criminal Justice Investigator. Amend RSA 94:1-a,
11 I(b) salary grade DD by inserting the following position:

12 DD Department of justice chief forensic investigator

13 144 New Hampshire Drinking Water and Groundwater Trust Fund; Transfer.
14 Notwithstanding the provisions of RSA 485-F and any other law to the contrary, \$5,883,058 for the
15 fiscal year ending June 30, 2018, and \$4,205,815 for the fiscal year ending June 30, 2019, shall be
16 transferred from the New Hampshire drinking water and groundwater trust fund, established in
17 RSA 6-D:1, to the department of environmental services account 03-44-44-4420-1003 for the
18 purposes of paying for water pollution control and public water systems pursuant to RSA 486 and
19 RSA 486-A.

20 145 New Hampshire Drinking Water and Groundwater Trust Fund; Transfer.
21 Notwithstanding the provisions of RSA 485-F and any other law to the contrary, \$791,421 for the
22 fiscal year ending June 30, 2018, and \$701,865 for the fiscal year ending June 30, 2019, shall be
23 transferred from the New Hampshire drinking water and groundwater trust fund, established in
24 RSA 6-D:1, to the department of environmental services account 03-44-44-4420-1426 for the
25 purposes of paying for water pollution control and public water systems pursuant to RSA 486 and
26 RSA 486-A.

27 146 New Hampshire Drinking Water and Groundwater Trust Fund; Transfer.
28 Notwithstanding the provisions of RSA 485-F and any other law to the contrary, \$1,114,346 for the
29 fiscal year ending June 30, 2018, and \$1,114,346 for the fiscal year ending June 30, 2019, shall be
30 transferred from the New Hampshire drinking water and groundwater trust fund, established in
31 RSA 6-D:1, to the department of environmental services account 03-44-44-4420-1003 for the
32 purposes of paying for the following 12 projects with warrant article before December 31, 2008 but
33 without SAG application before July 1, 2013.

		<u>FY 2018</u>	<u>FY 2019</u>
34			
35	Portsmouth D02011.0502 Lincoln Area Sewer Separation		
36	Contract 3B	\$95,449	\$95,450
37	Portsmouth D2011.1101 Cass Street Area Sewer Improvements	\$52,995	\$52,995

1	Portsmouth	106-12 Rye Line Pump Station	\$21,907	\$21,907
2	Nashua	D2004-0906 Primary Clarifier Rehabilitation	\$14,983	\$14,983
3	Durham	D2010-0213 West End Sewer Improvements	\$4,712	\$4,712
4	Berlin	D02011-0705 Inflow and Infiltration Reduction,		
5		Phase 1, Contract 2	\$31,077	\$31,077
6	Portsmouth	D2013-D102 Lincoln Area Sewer Separation - Contract 83C	\$67,057	\$67,057
7	Conway Village			
8	Fire District	237-04 Sewerage Improvements Program Phase II	\$247,655	\$247,655
9	Lebanon	092-04 & 092-06 WWTF & Energy Evaluation Improvements,		
10		Phase II	\$195,235	\$195,235
11	Berlin	111-05 & 111-06 Wastewater Treatment Facility		
12		Phase 2 Upgrade	\$234,828	\$234,828
13	Nashua	D2012-0202 WWTF Grit System and Dewatering Upgrade	\$85,206	\$85,206
14	Nashua	D2012-060S Aeration and Secondary Clarifier Upgrade	\$63,242	\$63,241
15	Total Projects with Warrant Article Before December 31, 2008			
16	But Without SAG Application Before July 1, 2013		<u>\$1,114,346</u>	<u>\$1,114,346</u>
17	Total Transfer for the biennium ending June 30, 2019			\$2,228,692

18 147 National Guard Scholarship Fund. Amend RSA 110-B:61 to read as follows:

19 110-B:61 Revenue for Scholarship Fund.

20 ***I.*** All revenue received from sources other than governmental agencies during any fiscal
21 year from the rental of all national guard armories in this state shall be credited by the state
22 treasurer to the New Hampshire national guard scholarship fund as established in RSA 110-B:60.

23 ***II. Revenues for the national guard scholarship fund shall include an annual***
24 ***appropriation, as determined by the general court, to be awarded by the scholarship***
25 ***committee under this subdivision.***

26 148 Repeal. RSA 7:6-f, relative to the disposition of consumer protection settlement funds, is
27 repealed.

28 149 Department of Corrections; Scanners for State Correctional Facilities. Amend 2016; 263:4
29 to read as follows:

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

1 otherwise appropriated.

2 150 New Section; Adequate Representation for Indigent Defendants in Criminal Cases;
3 Additional Funding From State Departments and Agencies. Amend RSA 604-A by inserting after
4 section 1-b the following new section:

5 604-A:1-c Additional Funding From State Departments and Agencies. Every state department,
6 board, institution, commission, or agency which receives grant funds or supplemental
7 appropriations from a source other than the state biennial operating budget for the purpose of
8 conducting law enforcement activities that may result in increased costs for indigent defense as
9 determined by the court, shall transfer 20 percent of such funds received to the judicial council to be
10 used to pay for indigent defense costs resulting from such law enforcement activities. Payment for
11 expenses of indigent representation under this section shall be made pursuant to RSA 604-A:8.

12 151 Integrated Land Development Permits; Procedure Suspended. Due to budgetary and
13 staffing constraints, RSA 489, establishing a procedure to obtain an integrated land development
14 permit from the department of environment services, is suspended for the biennium ending June
15 30, 2019.

16 152 Appropriation; Department of Safety; Drug Interdiction Task Force Program.

17 I. The sum of \$3,340,000 for the fiscal year ending June 30, 2017 is hereby appropriated to
18 the department of safety for the purpose of funding a multi-jurisdictional, regionally coordinated
19 effort to interdict drugs coming into New Hampshire. Funding shall be distributed in the following
20 manner:

- 21 (a) \$352,250 to fund overtime for the state police mobile enforcement unit.
22 (b) \$171,600 to fund associated overtime costs at the state forensic laboratory.
23 (c) \$416,150 to fund overtime at the state police narcotics investigation unit.
24 (d) \$2,400,000 for grants to county and local enforcement agencies to fund overtime
25 costs for local and county law enforcement officers for narcotics enforcement.

26 II. Appropriation; Judicial Council. The sum of \$320,000 for the fiscal year ending June 30,
27 2017 is hereby appropriated to the judicial council for the purpose of drug related caseload
28 increases.

29 III. The appropriations made in paragraphs I and II of this section shall not lapse until
30 June 30, 2019. The governor is authorized to draw a warrant for said sums out of any money in the
31 treasury not otherwise appropriated.

32 153 Administration of Alcohol Concentration Tests. Amend RSA 265-A:5, IV to read as follows:

33 IV. No tests of blood, urine, or breath authorized by RSA 265-A:4 shall be considered as
34 evidence in any proceeding before any administrative officer or court unless such test is performed
35 in accordance with methods prescribed by the commissioner of the department of safety. *The*
36 *commissioner of the department of safety shall have exclusive authority for equipment*
37 *testing, law enforcement training, and administration of grant programs relating to*

1 ***alcohol concentration tests.***

2 154 Liquor Commission; Personnel Transferred; Positions Abolished. The personnel currently
3 occupying liquor commission liquor enforcement sergeant positions #14299, #14318, #14296 and
4 liquor enforcement lieutenant positions #14329 and #14275, shall be transferred to department of
5 safety state police trooper positions #42558, #43406, #40693, #10792, and #10849, as determined by
6 the commissioner of safety. Positions #14299, #14318, #14296, #14329, and #14275 shall be
7 abolished upon transfer completion.

8 155 Appropriation to the Division of Travel and Tourism Development for Highway Safety Rest
9 Area Operations. The sum of \$1,643,830 for the fiscal year ending June 30, 2018, and the sum of
10 \$1,672,539 for the fiscal year ending June 30, 2019 are hereby appropriated to the division of travel
11 and tourism development, account 03-22-22-221010-2025, for the purpose of paying for highway
12 safety rest area operations, including but not limited to staffing, maintenance, and repair of such
13 rest areas. The governor is authorized to draw a warrant for said sums out of any money in the
14 treasury not otherwise appropriated.

15 156 Department of Transportation; Mitigation Plan; Appropriation. Up to \$22,000,000 of New
16 Hampshire's share of the \$2,700,000,000 Volkswagen Mitigation Trust Agreement, approved by the
17 United States District Court, Northern District of California on October 25, 2016, is hereby
18 appropriated to the department of transportation for the purpose of purchasing equipment that is
19 deemed eligible for replacement in accordance with the state's beneficiary mitigation plan created
20 as provided under the agreement. This appropriation shall be nonlapsing and continually
21 appropriated to the department of transportation. The use of funds is subject to approval of a
22 funding request by the trustee appointed by the United States District Court, Northern District of
23 California.

24 157 Airways Toll. Amend RSA 422:34, III to read as follows:

25 III. The amount of motor fuel or fuel sold to and used in the propulsion of aircraft shall be
26 determined by, and the toll shall be collected by, the director of motor vehicles, under the authority
27 and procedure established by the provisions of RSA 260:30-65-a and the director of motor vehicles
28 may further promulgate and establish such additional rules, regulations, and procedures as the
29 director may deem necessary in the collection and allocation of the airways toll provided herein. In
30 the case of sales of fuel, the airways toll shall be collected at the time of the sale of such fuel, and
31 payment made to the director in the same manner as in the case of motor fuel. The director shall
32 pay monthly to the state treasurer all revenue collected in accordance with the foregoing provisions.
33 ***The treasurer shall credit the revenue to the department as restricted revenue, which***
34 ***shall be continually appropriated to the department and shall not lapse.***

35 158 Federal and State Highway Aid; Apportionment. Amend RSA 235:23, I to read as follows:

36 I. Apportionment A. In each fiscal year, the commissioner shall allocate an amount not less
37 than 12 percent of the gross road toll revenue and motor vehicle fees collected in the preceding

1 fiscal year to a local highway aid fund. This fund shall be distributed to each city, town, and
2 unincorporated place on a formula in which 1/2 of the amount is based on the proportion which the
3 mileage of regularly maintained class IV and class V highways in each municipality, as of January
4 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount is based
5 on the proportion which the office of energy and planning population estimate of each municipality
6 bears to the latest estimate of the total population of the state as of July 1 of the year of the
7 estimate. The aid to be distributed under this paragraph shall be in addition to all other state and
8 federal aid specifically authorized by statute. ***In the event the appropriation for the***
9 ***disbursement required under this paragraph is insufficient, the governor is authorized to***
10 ***draw a warrant in the amount of the shortfall. Such warrant shall be a charge against***
11 ***the highway fund.***

12 159 School Money; Distribution Schedule of Adequate Education Grants. Amend RSA 198:42 to
13 read as follows:

14 198:42 Distribution Schedule of Adequate Education Grants; Appropriation.

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

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

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

33 ~~[IV. For chartered public schools approved by the state board of education, the department~~
34 ~~of education may expend budgeted amounts to fund chartered public school payments under RSA~~
35 ~~194-B:11, I. Said amounts are hereby appropriated to the department from the education trust fund~~
36 ~~established under RSA 198:39. The education trust fund shall be used to satisfy the state's~~
37 ~~obligation under this paragraph. The payment shall be issued regardless of the balance of funds~~

1 available in the education trust fund. The department of education may request additional funds
2 from the fiscal committee of the general court, with the approval of governor and council, for a new
3 chartered public school approved for initial operation by the state board of education pursuant to
4 ~~RSA 194-B:3-a.]~~

5 160 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(d) to read as follows:

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

19 161 Screening and Intervention for Dyslexia and Related Disorders; Reading Specialist.
20 Amend RSA 200:60 to read as follows:

21 200:60 Reading Specialist.

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

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

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

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

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

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

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

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

8 162 New Subdivision; Dual and Concurrent Enrollment Program. Amend RSA 188-E by
9 inserting after section 24 the following new subdivision:

10 Dual and Concurrent Enrollment Program

11 188-E:25 Definitions. In this subdivision:

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

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

19 188-E:26 Program Established. There is established a dual and concurrent enrollment program
20 in the department of education. Participation in the program shall be offered to high school and
21 career technical education center students in grades 11 and 12. The program shall provide
22 opportunities for qualified New Hampshire high school students to gain access and support for dual
23 and concurrent enrollment in STEM (science, technology, engineering, and mathematics) and
24 STEM-related courses that are fundamental for success in postsecondary education and to meet
25 New Hampshire's emerging workforce needs.

26 188-E:27 Enrollment Requirements.

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

29 II. A student in the program shall be provided funding for enrollment in no more than 2
30 dual or concurrent enrollment courses taken in grade 11 and no more than 2 dual or concurrent
31 enrollment courses taken in grade 12. A student may take more than 2 dual or concurrent
32 enrollment courses per year at his or her own expense.

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

36 IV. Each high school should provide a designated individual to serve as the point of contact
37 on matters related to the program, including but not limited to, student counseling, support

1 services, course scheduling, managing course forms and student registration, program evaluation,
2 course transferability, and assisting with online courses. Each high school shall annually notify all
3 high school students and their parents of dual and concurrent enrollment opportunities.

4 188-E:28 School Board Policy.

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

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

26 188-E:29 Budget Requests. The commissioner of the department of education shall submit
27 expenditure requests in accordance with RSA 9:4 to fund the dual and concurrent enrollment
28 program established in this subdivision.

29 163 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2018 and the sum of \$1
30 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of education to
31 fund student participation in the dual and concurrent enrollment program established in RSA 188-
32 E:25-29. The governor is authorized to draw a warrant for said sums out of any money in the
33 treasury not otherwise appropriated.

34 164 Lottery Commission; Authority to Purchase Real Property Granted. The lottery
35 commission, in consultation with the department of administrative services, is hereby authorized to
36 purchase, in the name of the state, land and buildings to serve as the lottery commission's
37 headquarters. Such purchase shall be completed during the biennium ending June 30, 2019 and

1 shall require approval of the fiscal committee of the general court and the governor and council. If
2 the lottery commission so chooses, the commission is hereby authorized to secure a commercial loan
3 for the purchase of land in order to build buildings, and to secure a contract to build suitable
4 buildings to serve as the lottery commission's headquarters. If the lottery commission is unable to
5 secure a commercial loan, the commission shall apply for funds through the capital budget process
6 in the next biennium.

7 165 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new
8 subdivision:

9 Keno

10 284:41 Definition. In this subdivision, "keno" means any game where a player purchases a
11 ticket from a field of 80 numbers and selects a specific amount of numbers. A random number
12 generator employed by the lottery commission chooses 20 numbers at random and the player is paid
13 out against his or her original wager.

14 284:42 Administration and Enforcement. The lottery commission shall administer and enforce
15 this subdivision relative to keno games operating in a town or city that has voted to allow such
16 gaming.

17 284:43 Rulemaking. The lottery commission shall adopt rules, pursuant to RSA 541-A, relative
18 to:

19 I. The application procedure for keno licenses.

20 II. Information to be required on license applications.

21 III. Procedures for a hearing following the revocation of a license.

22 IV. The operation of keno games, including types and amounts of wagers.

23 V. Information required and forms for submission of financial reports.

24 VI. Guidelines for licensees under this subdivision to set transaction limits for daily, weekly,
25 and monthly play of keno for individual keno players.

26 284:44 License Fees.

27 I. The license fee for a commercial premises keno license issued under RSA 284:46 shall be
28 \$500 per year. Such fee shall be submitted to the lottery commission at the time the application is
29 made and shall be refunded if the application is denied.

30 II. All net proceeds collected by the lottery commission under this section and RSA 284:47
31 shall be deposited in the education trust fund established under RSA 198:39.

32 284:45 License Applications.

33 I. Applications shall be submitted to the lottery commission by the licensee. Proof of
34 authority to submit the application on behalf of the licensee may be required.

35 II. Applications shall be made only on the forms supplied to the licensee by the lottery
36 commission.

37 III. The application form shall be fully completed by the licensee.

1 IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days
2 before the first game date.

3 V. The applicant shall certify under oath that:

- 4 (a) The information provided on the application is accurate.
- 5 (b) Neither the applicant nor any employee will operate keno games if such person has
6 been convicted of a felony within the previous 10 years which has not been annulled by a court, or a
7 misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been
8 annulled by a court, or has violated the statutes or rules governing charitable gaming in this or any
9 state.
- 10 (c) The applicant and any employee who will be participating in the operation of the
11 keno games is aware of all statutes and rules applicable to the operation of keno games.

12 VI. To be eligible for licensure under this subdivision an applicant shall:

- 13 (a) Document that it is one of the following:
- 14 (1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II,
15 RSA 178:21, II(a) or (b), or RSA 178:22, V(q).
- 16 (2) A brew pub holding a valid liquor license under RSA 178:13.
- 17 (3) A ballroom holding a valid liquor license under RSA 178:22, V(c).
- 18 (4) A veterans' club, private club, or social club holding a valid liquor license under
19 RSA 178:22, V(h).
- 20 (5) A convention center holding a valid liquor license under RSA 178:22, V(i).
- 21 (6) A hotel holding a valid liquor license under RSA 178:22, V(k).
- 22 (7) A racetrack holding a valid liquor license under RSA 178:22, V(n).
- 23 (8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).
- 24 (b) Document that the keno games will only be operated in towns and cities that have
25 voted to allow the operation of keno games pursuant to RSA 284:51.
- 26 (c) Maintain a current list of employees.
- 27 (d) Document that no minor under the age of 18 shall be allowed to purchase or redeem
28 a keno ticket.

29 VII. Any suspension or revocation of a liquor license shall result in the immediate
30 suspension of the keno license issued under this chapter.

31 284:46 License; Issuance.

32 I. Upon receipt of an application under RSA 284:45 the lottery commission shall review the
33 application and shall, in writing, grant or deny the application within 45 days of receipt.

34 II. The lottery commission shall deny a license application for any one of the following
35 reasons:

- 36 (a) The license of the applicant has been previously revoked by the commission.
- 37 (b) The applicant has been convicted of a crime provided for in this chapter or in any

1 other chapter for any gaming offense.

2 (c) The applicant loses his or her liquor license after submitting the application.

3 III. No person who has been convicted of a felony or class A misdemeanor within the
4 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
5 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
6 governing charitable gambling in the past in this or in any other state shall be licensed under this
7 subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the
8 conduct of keno licensed under this subdivision.

9 IV. The lottery commission shall only issue a license for an eligible location where keno
10 tickets shall be sold and the game played within the area apportioned to distribute beverages
11 pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket
12 terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute
13 beverages pursuant to RSA 284:45.

14 284:47 Operation of Keno Games.

15 I. A licensee may operate keno games at its business between the hours of 11 a.m. and 11
16 p.m.

17 II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92
18 percent:

19 (a) One percent shall be paid to the department of health and human services to
20 support research, prevention, intervention, and treatment services for problem gamblers.

21 (b) The remainder, less the administrative costs of the lottery commission and prize
22 payouts, shall be deposited in the education trust fund established under RSA 198:39.

23 III. No person who has been convicted of a felony or class A misdemeanor within the
24 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
25 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
26 governing charitable gambling in the past in this or any other state shall operate a keno game
27 licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno
28 paraphernalia for the conduct of keno licensed under this subdivision.

29 IV. No one under the age of 18 years shall be allowed to purchase or redeem a keno ticket.

30 284:48 Financial Reports and Inspection Required.

31 I. Any person which has been licensed to conduct keno games shall submit a complete
32 financial report to the lottery commission for each license issued under RSA 284:46 within 15 days
33 after the expiration of each license, provided, however, a complete monthly financial report shall be
34 submitted in a timely fashion to the commission for each month covered by a license issued under
35 RSA 284:46 on a form to be approved by the lottery commission.

36 II. All licensees shall maintain a separate checking account for the deposit and
37 disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses

1 shall be paid by check, and all prizes of \$500 or more shall be paid by check. No keno funds shall be
2 commingled with other funds of the licensee. The licensee shall retain all canceled checks for the
3 payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall
4 not cash checks which it issues.

5 III. All financial reports filed by the licensee shall be maintained by the lottery commission
6 for a period of one year from the date of filing and shall be open to public inspection.

7 IV. All financial records pertaining to the operation of keno games shall be maintained by
8 the licensee and shall be made available to representatives of the lottery commission or of the
9 commissioner of the department of safety upon request.

10 V. A licensee which has been licensed to conduct keno games shall maintain complete and
11 accurate documentation of all revenues and expenses contained in the financial reports for at least 2
12 years from the date the financial report is filed.

13 284:49 Suspension; Revocation. The commission may suspend or revoke the license of any
14 licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall
15 not be eligible for licensure for a period of up to one year from the date of revocation.

16 284:50 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or
17 revoke a keno license may apply to the commission for a rehearing within 15 business days of the
18 decision. Rehearings and appeals shall be governed by RSA 541.

19 284:51 Local Option.

20 I. Any town or city may allow the operation of keno games according to the provisions of
21 this subdivision, in the following manner:

22 (a) In a town, the question shall be placed on the warrant of an annual town meeting
23 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative
24 body may vote to place the question on the official ballot for any regular municipal election, or, in
25 the alternative, shall place the question on the official ballot for any regular municipal election
26 upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

27 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
28 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the
29 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
30 of general circulation at least 7 days before the hearing.

31 (c) The wording of the question shall be substantially as follows: "Shall we allow the
32 operation of keno games within the town or city?"

33 II. If a majority of those voting on the question vote "Yes," keno games may be operated
34 within the town or city.

35 III. If the question is not approved, the question may later be voted upon according to the
36 provisions of paragraph I at the next annual town meeting or regular municipal election.

37 IV. A municipality that has voted to allow the operation of keno games may consider

1 rescinding its action in the manner described in paragraph I of this section.

2 V. The lottery commission shall maintain a list of municipalities where keno is available.

3 166 Application of Receipts; Education Trust Fund. Amend RSA 6:12, I(b)(65) to read as
4 follows:

5 (65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,
6 RSA 83-F, **RSA 284:44, RSA 284:47**, and from the sweepstakes fund, which shall be credited to the
7 education trust fund under RSA 198:39.

8 167 Education Trust Fund Creation and Investments; Keno Profits Added. Amend RSA 198:39,
9 I(k) to read as follows:

10 ***(k) Funds collected and paid over to the state treasurer by the lottery***
11 ***commission pursuant to RSA 284:47, relative to keno profits.***

12 ***(l)*** Any other moneys appropriated from the general fund.

13 168 Sale of Lottery Tickets; Internet Sales Added. Amend RSA 284:21-h, II(e) to read as
14 follows:

15 ***(e) May be sold by or for the lottery commission through the use of mobile***
16 ***applications by mobile devices or over the Internet. With respect to such sales, the lottery***
17 ***commission shall provide:***

18 ***(1) Age verification measures to be undertaken to block access to and***
19 ***prevent sales of lottery tickets to people under the age of 18 years. Such measures shall***
20 ***include requiring players to register for an account at a lottery retailer licensed pursuant***
21 ***to this chapter.***

22 ***(2) That lottery purchases shall be limited to transactions initiated and***
23 ***completed within the geographic borders of the state of New Hampshire.***

24 ***(3) Wager limits for daily, weekly, and monthly amounts for each player***
25 ***and account consistent with the best practices in addressing problem gambling.***

26 ***(4) A voluntary self-exclusion program for players to self-exclude themselves***
27 ***from wagering for set periods of time.***

28 ***II-a.*** Owners of retail establishments who have been convicted of a felony within the
29 previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or
30 dishonesty within the previous 5 years which has not been annulled by a court, shall not be allowed
31 to sell lottery tickets in their retail establishment.

32 169 Sale of Lottery Tickets; Reference Removed. Amend RSA 284:21-h, VI to read as follows:

33 VI. The commission shall not authorize the use of any electronic gaming device in any
34 game, lottery, or other offering which was not in use by the commission on or before January 1,
35 2011, unless specific authorization for such electronic gaming device is enacted by the general court.
36 Electronic gaming devices shall mean and include all electro-mechanical instruments and device
37 used for the purpose of gaming[~~, whether in physical presence or through the Internet,~~] and shall

1 include video slot machines and other gambling devices which function or are designed to emulate a
2 video slot machine or other gambling machine, historic racing machine, and computer technology to
3 reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from
4 replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new
5 offerings, games, or equipment which are the functional equivalent of those offerings, games, or
6 equipment which are being replaced.

7 170 Appropriation; Department of Health and Human Services. The sum of \$36,500,000 for
8 the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human
9 services, along with any available matching federal funds, for the purposes of addressing estimated
10 budget shortfalls for such fiscal year. This sum shall be in addition to any other funds appropriated
11 to the department of health and human services. The governor is authorized to draw a warrant for
12 said sum out of any money in treasury not otherwise appropriated.

13 171 New Subparagraph; Commissioner's Duties; Medicaid Managed Care Program; Prior
14 Authorization. Amend RSA 126-A:5, XIX by inserting after subparagraph (f) the following new
15 subparagraph:

16 (g)(1) By July 15, 2017, the commissioner shall develop a universal online prior
17 authorization form for drugs used to treat mental illness and require community mental health
18 centers and managed care organizations to use such form by September 1, 2017. A prior
19 authorization request submitted using the online form shall be approved or denied by the close of
20 the next business day. Failure to meet this time frame shall be deemed automatic approval. If the
21 prior authorization is denied, the provider may request a peer-to-peer review with a licensed
22 psychiatric specialist with prescribing privileges by the close of the next business day. Failure by
23 the managed care organization to provide such review by the close of the next business day shall be
24 deemed automatic approval.

25 (2) Prior authorization for drugs prescribed by community mental health centers for
26 treatment of severe mental illness shall be suspended if the deadlines under this subparagraph are
27 not met, or if the commissioner determines there is a pattern of missed deadlines for peer-to-peer
28 reviews following denials, or if at any time the commissioner determines such suspension is
29 necessary to promote the behavioral health and well-being of New Hampshire's citizens being
30 served under Medicaid managed care.

31 (3) The commissioner shall monitor compliance under this subparagraph and shall
32 report quarterly through December 31, 2018 to the fiscal committee of the general court relative to
33 adherence to all such requirements including the rate of denial.

34 172 New Subparagraph; Delinquent Children; Release or Detention Pending Adjudicatory
35 Hearing. Amend RSA 169-B:14, I(e) by inserting after subparagraph (2) the following new
36 subparagraph:

37 (3) Secure detention shall not be ordered for delinquency charges which may not

1 form the basis for commitment under RSA 169-B:19, I(j).

2 173 Dispositional Hearing. Amend RSA 169-B:19, VI to read as follows:

3 VI. A minor committed to the youth development center for the remainder of minority may
4 be placed at any facility certified by the commissioner of the department of health and human
5 services for the commitment of minors. The commissioner of the department of health and human
6 services shall be responsible for notifying the court, within 5 business days, of any such placement
7 and of any subsequent changes in placement made within 60 days of the original placement. ***The***
8 ***commissioner shall maintain certification of at least one Medicaid-eligible residential***
9 ***treatment facility for the transfer pursuant to this paragraph of offenders other than***
10 ***serious violent offenders beginning January 1, 2018, and no fewer than 2 such facilities no***
11 ***later than July 1, 2018. For purposes of this section, a "serious violent offender" is a minor***
12 ***subject to a commitment order for a serious violent offense as defined in RSA 169-B:31-c.***

13 174 New Section; Limits on Extended Detention. Amend RSA 169-B by inserting after section
14 16 the following new section:

15 169-B:16-a Limits on Extended Detention Following Adjudicatory Hearing. Following the
16 initial dispositional order issued pursuant to RSA 169-B:19 regarding a charge or charges arising
17 out of a single incident, a child shall not be securely detained for a period or periods totaling longer
18 than 21 days while awaiting placement, a hearing regarding a change of disposition, or for any
19 other purpose. The court may permit extended detention beyond this limit if it finds by clear and
20 convincing evidence that extended detention is necessary for the safety of the child or the public
21 and the child consents with the assistance of counsel. In any case involving a child who is detained,
22 the court shall ensure that the child is continuously represented by counsel during any period of
23 detention. In cases where extended detention is permitted pursuant to this section, the court shall
24 hold review hearings with the child and counsel present on a weekly basis to determine whether
25 detention continues to be justified.

26 175 Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

27 (j) Commit the minor to the custody of the department of health and human services for
28 the remainder of minority. Commitment under this subparagraph may only be made following
29 written findings of fact by the court, supported by clear and convincing evidence, that commitment
30 is necessary to protect the safety of the minor or of the community, and may only be made if the
31 minor has not waived the right to counsel at any stage of the proceedings. Commitment may not be
32 based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding
33 or at any stage of the proceedings from which the contempt arises. Commitment may include, but is
34 not limited to, placement by the department of health and human services at a facility certified for
35 the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant
36 to RSA 621:19, or administrative release consistent with the cap on youth development center
37 population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is

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

14 176 New Section; Dispositions and Case Closure in Certain Cases. Amend RSA 169-B by
15 inserting after section 31-b the following new section:

16 169-B:31-c Dispositions and Case Closure in Certain Cases.

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

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

27 177 Youth Development Center; Releases and Discharges. Amend RSA 621:19, I-a to read as
28 follows:

29 I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a
30 delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-
31 B:35-a no later than 6 months from the date of the child's commitment pursuant to RSA 169-B:19,
32 I(j), unless the board determines that continued commitment is necessary in order to protect the
33 safety of the child or the community, and in such case declines to release the child. ***Such release***
34 ***shall occur no later than 3 months from the date of the child's commitment if the offense***
35 ***would be a misdemeanor if committed by an adult.*** If the board declines to release a child
36 pursuant to this paragraph, it shall provide written notice to the child of his or her right to seek
37 review of the board's decision, of his or her right to the assistance of counsel during the review

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

10 178 New Paragraph; Youth Services Center; Releases and Discharges. Amend RSA 621:19 by
11 inserting after paragraph III the following new paragraph:

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

21 179 Youth Services Center; Population. Amend RSA 621:10, I to read as follows:

22 I. No residential facility at or under the control of the youth development center shall
23 exceed, for a period of more than 24 hours, Sundays and holidays excluded, the maximum capacity
24 for the facility as fixed by a population oversight panel composed of the fire marshal, the
25 commissioner of the department of health and human services, and the assistant commissioner of
26 transportation; ***provided that, beginning September 1, 2018, such maximum capacity shall***
27 ***not exceed 36 residents.***

28 180 Alternative Placement Capacity for Youth; Reporting Requirement. In furtherance of the
29 duty of the department of health and human services under RSA 170-G:4 to "[p]rovide services for
30 all children and youth referred to it by the district courts pursuant to RSA 169-B . . .," the
31 commissioner shall evaluate the adequacy of the service system and ensure that sufficient
32 alternative placement capacity is in place for those children who prior to this act would have been
33 placed at the Sununu youth services center. On or before September 1, 2017, a plan for
34 development of such capacity shall be provided to the fiscal committee of the general court, and the
35 plan shall be updated on a monthly basis until it is fully implemented. The plan shall provide for
36 an increase in the state's capacity for placement in Medicaid-eligible settings of not less than 35
37 minors who will no longer be eligible for placement at the Sununu youth services center. The

1 increase in capacity shall be implemented no later than January 1, 2018, and include a rate
2 structure which supports the staffing ratios and other resources necessary for the safe and effective
3 treatment of such children in residential and other treatment settings. If necessary, the plan shall
4 provide for a process for re-establishing cost-based rate-setting rules and procedures which may
5 have expired.

6 181 Lease of Property; Sununu Youth Services Center. Notwithstanding RSA 10, the
7 commissioner of the department of administrative services may offer for lease those portions of the
8 Sununu youth services center building that become available for alternative uses following the
9 reduction in population required by section 179 and other provisions of this act. The commissioner
10 of the department of health and human services and the commissioner of the department of
11 administrative services shall jointly report to the fiscal committee of the general court regarding
12 plans for use of the building. The reporting shall begin on or before January 1, 2018, and continue
13 with reporting of any changes to those plans until the disposition of the building is finalized.

14 182 Worker Displacement. To the extent permitted by existing law and collective bargaining
15 agreements, employees affected by the provisions of this act shall be given the highest priority for
16 transfer to vacant positions, job retraining, and recall rights. In addition, employees who are within
17 5 years of regular retirement eligibility with the New Hampshire retirement system may request
18 and shall be granted early retirement. Any required retirement payments under this provision
19 shall be funded by the state of New Hampshire. Employees receiving early retirement under this
20 provision shall relinquish future recall rights.

21 183 Applicability.

22 I. RSA 169-B:19, I(j), as amended by section 175 of this act, shall apply to cases pending on
23 or after March 1, 2018 in which a dispositional order has not yet been entered.

24 II. RSA 169-B:31-c, as inserted by section 176 of this act, shall apply to cases commenced
25 after July 1, 2016.

26 III. RSA 621:19, I-a, as amended by section 177 of this act, shall apply to minors confined
27 pursuant to a commitment order issued pursuant to RSA 169-B:19, I(j) after October 1, 2017.

28 IV. RSA 621:19, IV, as inserted by section 178 of this act, shall apply to cases in which a
29 minor is committed to the Sununu youth services center or any successor facility after October 1,
30 2017.

31 184 Rate-setting. To the extent possible within available appropriations, the department of
32 health and human services shall engage in a rate-setting process which is based on providers'
33 reasonable costs of providing those services needed to implement the provisions of sections 172
34 through 183 of this act.

35 185 Funding of Alternative Placement Capacity for Youth. Notwithstanding any other
36 provision of law, no less than \$8,714,632 of the funds appropriated in account 05-95-42-421010-
37 2958, class 535, shall be expended during the biennium ending June 30, 2019, to fund rate increases

1 and additional capacity for out-of-home placements pursuant to the duties of the commissioner of
2 health and human services in section 180 of this act. These funds may not be transferred or utilized
3 for any other purpose.

4 186 Filling Unfunded Positions; Authorization. Notwithstanding other provisions of law to the
5 contrary, the commissioner of the department of health and human services may fill unfunded
6 positions during the biennium ending June 30, 2019.

7 187 Independent Review of the Division for Children, Youth, and Families.

8 I. For the purpose of thoroughly examining the state's policies and practices related to child
9 protection, and as a follow-up to the December 19, 2016 report on the division for children, youth
10 and families by the Center for the Support of Families, the department of health and human
11 services shall hire an independent consultant to perform an independent review of the division for
12 children youth and families. The review and the resulting report shall be completed no later than
13 November 1, 2019.

14 II. The independent consultant shall submit a final report of the independent review to the
15 committee established in section 189 of this act and to the fiscal committee of the general court for
16 transmission to the governor, the speaker of the house of representatives, and the president of the
17 senate.

18 188 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 2018, is hereby
19 appropriated to the department of health and human services for the purpose of conducting the
20 independent review required under section 187 of this act. The governor is authorized to draw a
21 warrant for said sum out of any money in the treasury not otherwise appropriated.
22 Notwithstanding RSA 14:30-a, VI, the department is authorized to accept and expend matching
23 funds for the purposes of section 187 of this act, without prior approval of the fiscal committee.

24 189 Joint Legislative Committee to Examine the Independent Review of the Division for
25 Children, Youth and Families. There is established a committee to examine the independent review
26 of the division for children, youth and families.

27 I. The members of the committee shall be as follows:

28 (a) Three members of the house of representatives, appointed by the speaker of the
29 house of representatives.

30 (b) Three members of the senate, appointed by the president of the senate.

31 II. Members of the committee shall receive mileage at the legislative rate when attending to
32 the duties of the committee.

33 III. The committee shall examine the independent review of the division for children, youth
34 and families and assess the state's progress in addressing issues raised by the Center for the
35 Support of Children in the center's report dated December 19, 2016. In consultation with the
36 commissioner of health and human services, the committee shall develop any draft legislation
37 necessary to implement recommendations from the report and review for inclusion in the 2020/2021

1 biennial budget.

2 IV. The members of the study committee shall elect a chairperson from among the
3 members. The first meeting of the committee shall be called by the first-named house member. The
4 first meeting of the committee shall be held within 45 days of the effective date of this section. Four
5 members of the committee shall constitute a quorum.

6 V. The committee shall report its findings and any recommendations for proposed
7 legislation to the speaker of the house of representatives, the president of the senate, the house
8 clerk, the senate clerk, the governor, and the state library on or before July 1, 2020.

9 190 Medicaid Managed Care Program; Implementation. Notwithstanding any other provision
10 of law to the contrary, step 2 of the Medicaid managed care program, established in RSA 126-A:5,
11 XIX, shall not be implemented before July 1, 2019.

12 191 New Hampshire Partnership for Long-Term Care Plan. The New Hampshire Association
13 of Counties, in consultation with the county-state finance commission, shall develop a New
14 Hampshire partnership for long-term care plan. The plan shall address services for New
15 Hampshire's population that is eligible for Medicaid for nursing home level of care, including those
16 services provided under the choices for independence program. The plan shall account for
17 demographic changes in New Hampshire, availability of non-nursing home community based
18 services, and ensuring the least restrictive care available. The plan shall include methods for
19 funding and management of programs that balance the interests of county, state, and federal payers
20 into the system. Development of the plan shall include a process for meaningful input from affected
21 persons. The New Hampshire Association of Counties shall submit to the governor, the speaker of
22 the house of representatives, and the president of the senate a preliminary report by March 1, 2018
23 and a final report by September 1, 2018.

24 192 Appropriation; Health and Human Services; New Hampshire Partnership for Long-Term
25 Care Plan. The sum of \$100,000 is hereby appropriated to the department of health and human
26 services for the biennium ending June 30, 2019 for the purpose of funding the New Hampshire
27 Association of Counties, development of a New Hampshire partnership for long-term care plan.
28 This appropriation shall be contingent upon a 50 percent match by the county governments. The
29 New Hampshire Association of Counties shall notify the commissioner of the department of health
30 and human services once the match has been obtained. Upon notification, the commissioner shall
31 distribute the appropriation to the New Hampshire Association of Counties. The governor is
32 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
33 appropriated.

34 193 Purpose Statement. The purpose of sections 194-199 of this act is to establish a pilot
35 program by using allowable federal funds available from the Temporary Assistance to Needy
36 Families (TANF) program to end the dependence of needy parents and low income childless adults
37 ages 18 through 24 on governmental programs by promoting job and work preparation and placing

1 them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-
2 term goal of this program is to place low-income individuals into unsubsidized jobs in high labor
3 need areas, transition them to self-sufficiency through providing career pathways with specific
4 skills, and assist in eliminating barriers to work such as transportation and childcare. Taken
5 together, these measures are designed to help low-income participants break the cycle of poverty
6 and move them from living on the margin to the middle class and beyond.

7 194 Granite Workforce; Pilot Program Established.

8 I. The commissioner of the department of health and human services shall use allowable
9 funds from the TANF program to provide subsidies to employers in high need areas, as determined
10 by the department of employment security based upon workforce shortages, and to create a network
11 of assistance to remove barriers to work for low-income families. The funds shall be used to
12 establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which
13 shall accept enrollments by applicants for an initial period of 6 months. The program shall be
14 jointly administered by the department of health and human services and the department of
15 employment security. No cash assistance shall be provided to eligible participants through Granite
16 Workforce. The total cost of the pilot program shall not exceed \$11,500,000 in federal TANF funds
17 for the biennium ending June 30, 2019.

18 II. To be eligible for Granite Workforce, applicants shall be:

- 19 (a) In a household with an income under 200 percent of the federal poverty level; and
20 (b) Parents aged 18 through 64 with a child under age 18 in the household;
21 (c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or
22 (d) Childless adults between 18 and 24 years of age.

23 III. The department of employment security shall determine eligibility and entry into the
24 program, using nationally recognized assessment tools for vocational and job readiness assessments.
25 Vocational assessments shall include educational needs, vocational interest, personal values, and
26 aptitude. The department shall use the assessment results to work with the participant to produce
27 a long-term career plan for moving into the middle class and beyond.

28 IV. Except as otherwise provided in paragraph II regarding program eligibility,
29 administrative rules governing the New Hampshire employment program, adopted under RSA 541-
30 A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

31 195 Granite Workforce; Subsidies for Employers.

32 I. Upon placement of a participant into a paying job and receiving verification of
33 employment and wages from the employer, the department of employment security shall pay the
34 employer a subsidy of \$2,000.

35 II. After at least 3 full months of the continued employment of the participant and receiving
36 verification of the continued employment and wages from the employer, the department of
37 employment security shall pay the employer a second subsidy of \$2,000.

1 III. If an overpayment is made, the employer shall reimburse the department that amount
2 upon being notified by the department.

3 196 Referral for Barriers to Employment. The department of health and human services, in
4 consultation with the department of employment security, shall issue a request for applications
5 (RFAs) for community providers interested in offering case management services to participants
6 with barriers to employment. Participants shall be identified by the department of employment
7 security using an assessment process that screens for barriers to employment including, but not
8 limited to, transportation, child care, substance use, mental health, and domestic violence.
9 Thereafter, the department of employment security shall refer to community providers those
10 individuals deemed needing assistance with removing barriers to employment. When child care is
11 identified as a barrier to employment, the department of employment security or the community
12 provider shall refer the individual to available child care service programs.

13 197 Network of Education and Training.

14 I. If after the assessment conducted by the department of employment security additional
15 job training, education, or skills development is necessary prior to job placement, the department of
16 employment security shall address those needs by:

17 (a) Referring individuals to training and apprenticeship opportunities offered by the
18 community college system of New Hampshire;

19 (b) Referring individuals to the department of resources and economic development to
20 utilize available training funds and support services;

21 (c) Referring individuals to education and employment programs for youth available
22 through the department of education; or

23 (d) Referring individuals to training available through other colleges and training
24 programs.

25 II. All industry specific skills and training will be provided for jobs in high need areas, as
26 determined by the department of employment security based upon workforce shortages.

27 198 Job Placement. Upon determining the participant is job ready, the department of
28 employment security shall place individuals into jobs with employers in high need areas, as
29 determined by the department of employment security based upon workforce shortages. This
30 includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced
31 manufacturing, construction/building trades, information technology, and hospitality. Training and
32 job placement shall focus on:

33 I. Supporting health care/safety issues: training/jobs to combat the opioid crisis, including
34 nurses, nursing assistants, clinicians, social workers, and treatment providers at the licensed
35 alcohol and drug addictions counselor and licensed mental health counselor levels. Additionally,
36 jobs to address long-term care needs, home healthcare services, and expanding mental/behavioral
37 health services.

1 II. Advanced manufacturing to meet employer needs: training/jobs that include computer-
2 aided drafting and design, electronic and mechanical engineering, precision welding, computer
3 numerical controlled precision machining, robotics, and automation.

4 III. Construction/building trades to address critical infrastructure needs: training/jobs for
5 building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

6 IV. Information technology: training/jobs to allow businesses to excel in an ever-increasing
7 network dependent business environment.

8 V. Hospitality-training/jobs to address the workforce shortage and support New
9 Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers,
10 campground workers, lift operators, state park workers, and amusement park workers.

11 199 Reporting Requirement; Measurement of Outcomes.

12 I. The department of health and human services shall prepare a report on the outcomes of
13 the Granite Workforce program using appropriate standard common performance measures.
14 Program partners, as a condition of participation, shall be required to provide the department with
15 the relevant data. Metrics to be measured shall include, but are not limited to:

16 (a) Degree of participation.

17 (b) Progress with overcoming barriers.

18 (c) Entry into employment.

19 (d) Job retention.

20 (e) Earnings gain.

21 (f) Movement within established federal poverty level measurements, including the
22 Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire health protection
23 program.

24 (g) Health insurance coverage provider.

25 (h) Attainment of education or training, including credentials.

26 II. The report shall be issued to the speaker of the house of representatives, president of the
27 senate, the governor, and the state library on or before December 1, 2018.

28 200 Repeal. Sections 193-199 of this act, relative to the Granite Workforce pilot program, are
29 repealed.

30 201 Commission to Review Child Abuse Fatalities; Reporting Dates. Amend RSA 169-C:39-k, V
31 to read as follows:

32 V. The commission shall submit an interim report of its findings and any recommendations
33 for proposed legislation to the president of the senate, the speaker of the house of representatives,
34 the senate clerk, the house clerk, the governor, and the state library on or before [~~November 1,~~
35 ~~2015~~] **September 1, 2017**. The commission shall submit a final report of its findings and
36 recommendations on or before [~~June 30, 2017~~] **September 1, 2018**.

37 202 Commission to Review Child Abuse Fatalities; Repeal Date Extended. Amend 2015, 127:6,

1 II, as amended by 2016, 201:2 and 2016, 229:3, to read as follows:

2 II. Section 5 of this act shall take effect [~~June 30, 2017~~] **September 1, 2018**.

3 203 Appropriation; State Treasurer; Municipal Aid. The sum of \$25,000,000 for the fiscal year
4 ending June 30, 2018 and the sum of \$25,000,000 for fiscal year ending June 30, 2019 are hereby
5 appropriated to the state treasurer for the purpose of providing municipal aid to each city, town,
6 and unincorporated place in the state. The treasurer shall distribute the municipal aid on a per
7 capita basis to each city, town, and unincorporated place in the state by September 1 of each year.
8 The governor is authorized to draw a warrant for said sums out of any money in the treasury not
9 otherwise appropriated. Notwithstanding RSA 31:95-b or any other provision of law no such
10 additional municipal aid shall be considered unanticipated money from the state.

11 204 Contingency. If HB 1-A of the 2017 regular legislative session does not become law, then
12 this act shall not take effect.

13 205 Effective Date:

14 I. Sections 134-135, 176, 180, 190, 201 and 202 of this act shall take effect upon its passage.

15 II. Section 138 of this act shall take effect 60 days after its passage.

16 III. Sections 1, 68-70, 149, 152, and 170 of this act shall take effect June 30, 2017.

17 IV. Section 172 of this act shall take effect May 1, 2018.

18 V. Section 175 of this act shall take effect March 1, 2018.

19 VI. Sections 173-174, 177-179, and 181-183 of this act shall take effect January 1, 2018.

20 VII. Section 200 of this act shall take effect July 1, 2019.

21 VIII. The remainder of this act shall take effect July 1, 2017.

2017-1163h

AMENDED ANALYSIS

This bill:

1. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions and exempts the department of state from this consolidation for the biennium ending June 30, 2019.
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 collect a premium contribution of at least 10 percent from the retirement allowance of a retired state employee or spouse, or a retired judge or spouse in the judicial retirement plan, who is eligible for Medicare and who was born on or after January 1, 1949.
6. Increases the minimum premium contribution percentage for retired state employees or spouses receiving medical benefits who are not Medicare eligible.
7. Revises statutory provisions related to pet vendors.
8. Requires payment from the liquor commission fund for judgments against the liquor commission, settlements by the liquor commission, and costs of legal services provided by the department of justice to 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. Makes appropriations for the fiscal year ending June 30, 2017 to the department of transportation for road and bridge maintenance and construction, and to the department of education to fund school building aid projects, and suspends the cap on school building aid grants for the biennium ending June 30, 2019.

19. Authorizes a transfer from the revenue stabilization reserve account to the general fund in the event of general fund deficit for the biennium ending June 30, 2017.

20. Permits all agencies to provide documents by electronic mail in lieu of mail.

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. 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.

23. 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.

24. Funds the distribution of revenue from the meals and rooms tax to cities and towns at no more than the fiscal year 2017 distribution.

25. Allows the commissioner of the department of health and human services to transfer funds within accounting units of the department.

26. 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.

27. Suspends home health services rate setting for the biennium ending June 30, 2019.

28. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program for the biennium ending June 30, 2019.

29. Suspends health and human services provisions on congregate housing and congregate services for the biennium ending June 30, 2019.

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

31. 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.

32. 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.

33. Caps the maximum monthly temporary assistance for needy families cash benefit at 60

percent of federal poverty guidelines.

34. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2019.

35. Extends a prospective repeal for discrimination in mental health services.

36. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2019.

37. Establishes the Internet crimes against children fund.

38. Establishes the position of financial research analyst I within the department of justice.

39. Redesignates the banking department's general counsel as an unclassified position.

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

41. Authorizes any state agency to enter into agreements to lease-purchase vehicles with the prior approval of the department of administrative services.

42. Amends the additional grant amount for chartered public schools and establishes a funding formula for the Virtual Learning Academy Charter School.

43. Removes references to "catastrophic aid" in the special education statutes.

44. Allows the commissioner of the department of safety to transfer funds between accounting units in the department.

45. Consolidates information technology functions between the department of health and human services and the department of information technology.

46. Grants the liquor commission authority regarding merchant card activity.

47. Allows the department of corrections to transfer funds among accounting units.

48. 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.

49. Provides that a percentage of the renewable energy fund shall be rebated to ratepayers participating in the electric assistance program.

50. Permits the department of education to accept gifts to fund the New Hampshire scholars program.

51. Permits the commissioner of education to transfer among accounts within the department.

52. Establishes the governor's scholarship program.

53. Creates a division of taxpayer services within the department of revenue administration and eliminates the document processing division.

54. Removes the continual appropriation for the forest management and protection fund.

55. Transfers jurisdiction over licensing of assemblies on state waters or ice from the commissioner of the department of safety to local fire department chiefs.
56. Clarifies the definition of project in the administration of transportation laws.
57. Revises provisions for the layout or relocation of state highways.
58. 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.
59. Makes an appropriation to the division of travel and tourism development for highway safety rest area operations.
60. Excludes medications available without a prescription from the New Hampshire retiree health care program.
61. Revises the duties of the commissioner of administrative services and bureau of financial reporting concerning agency financial reporting.
62. Authorizes suspension of certain statutory and executive order duties due to inadequate funding and staffing resources at the department of administrative services.
63. Requires state agencies to provide preliminary financial reports to the department of administrative services within 75 days of the close of the fiscal year.
64. Provides that reimbursements for sheriffs' expenses shall not exceed the annual appropriation and that amounts in excess of the appropriation shall be the responsibility of the county requesting reimbursement. The bill also prohibits reimbursements for sheriff's costs related to video arraignments.
65. Adds a contingency providing that appropriations for the Concord Steam project shall be nonlapsing.
66. Negates the proposed repeal of RSA 162-F:18, relative to the expenses of the nuclear decommissioning committee, in HB 332 of the 2017 general legislative session.
67. Provides that the term "department" as defined in RSA 9:1 shall not include the office of the secretary of state when the office is executing its constitutional duties.
68. Suspends the conversion of certain marital master positions to full-time judicial positions for the biennium ending June 30, 2019.
69. Establishes the unclassified position of chief forensic investigator in the department of justice.
70. For the biennium ending June 30, 2019, transfers moneys from the New Hampshire drinking water and groundwater trust fund to the department of environmental services for the purposes of paying for water pollution control and public water systems.
71. For the biennium ending June 30, 2019, transfers moneys from the New Hampshire drinking water and groundwater trust fund to the department of environmental services for the purposes of funding specific water and wastewater projects.
72. Provides for an annual appropriation to the national guard scholarship fund.

73. Repeals the provision for escrow of certain consumer protection settlement funds.

74. Provides that the appropriation made to the department of corrections to purchase and install full body scanners in state correctional facilities shall not lapse until July 1, 2019.

75. Requires every department, board, institution, commission, or agency which receives grant funds or supplemental appropriations from a source other than the biennial budget process for the purpose of conducting law enforcement activities that may result in increased costs for indigent defense to transfer 20 percent of such funds received to the judicial council to be used to pay for indigent defense costs.

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

77. Makes an appropriation to the department of safety for the purpose of funding a multi-jurisdictional, regionally coordinated effort to interdict drugs coming into New Hampshire.

78. Makes an appropriation to the judicial council for drug related caseload increases.

79. Clarifies the authority of the commissioner of the department of safety respecting alcohol concentration testing equipment.

80. Transfers personnel occupying certain liquor commission positions from the liquor commission to the department of safety and abolishes the liquor commission positions.

81. Makes an appropriation to the division of travel and tourism development for highway safety rest area operations.

82. Makes a appropriation to the department of transportation for purchasing equipment in accordance with the beneficiary mitigation plan under the Volkswagen Mitigation Trust Agreement.

83. Continually appropriates revenue from the airways toll to the department of transportation.

84. Authorizes the governor to draw a warrant from the highway fund to satisfy any shortfall in disbursements required for apportionment A highway projects.

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

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

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

88. Establishes a dual and concurrent enrollment program allowing high school students in grades 11 and 12 to take courses for credit at any college in the community college system of New Hampshire and makes an appropriation for the program.

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

90. Allows the operation and playing of keno games, provides for licensing of keno game operators by the lottery commission, and directs revenues from keno to the department of health

and human services to address problem gamblers and to the education trust fund.

91. Allows the lottery commission to sell lottery tickets on the Internet and by mobile applications and create certain practices to address problem gaming in such sales.

92. Makes an appropriation to the department of health and human services for the fiscal year ending June 30, 2017 for the purposes of addressing estimated budget shortfalls.

93. Requires the commissioner of the department of health and human services to develop a universal online prior authorization form for drugs used to treat mental illness by July 15, 2017 and require community mental health centers and managed care organizations to begin using it by September 1, 2017.

94. Revises the procedures for placement and detention of minors at the Sununu youth services center and other appropriate placements.

95. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2019.

96. Makes an appropriation to the department of health and human services to conduct an independent review of the division for children, youth and families and establishes a joint legislative committee to review the results.

97. Declares that step 2 of the Medicaid managed care program shall not be implemented until July 1, 2019.

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

99. Establishes the Granite Workforce pilot program, a TANF nonassistance program jointly administered by the department of health and human services and department of employment security.

100. Extends the reporting date and prospective repeal date of the commission to review child abuse fatalities.

101. Makes appropriations to the state treasurer for the purpose of providing municipal aid.