

HB 222 - AS AMENDED BY THE SENATE

01/07/2026 3113s

2025 SESSION

25-0206

02/09

HOUSE BILL **222**

AN ACT repealing the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services and updating the organizational structure of the department of corrections.

SPONSORS: Rep. Balboni, Rock. 38; Rep. Mooney, Hills. 12; Rep. Luneau, Merr. 9

COMMITTEE: Education Policy and Administration

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AMENDED ANALYSIS

This bill repeals the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services.

This bill also updates the organizational structure of the department of corrections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT repealing the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services and updating the organizational structure of the department of corrections.

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

1 1 Repeal. RSA 194-B:5, VIII, relative to memorandums of understanding between chartered  
2 public schools and resident districts of students with disabilities, is repealed.

3 2 Internal Organizational Units; Department of Corrections. Amend RSA 21-H:4 to read as  
4 follows:

5 21-H:4 Internal Organizational Units.

6 The department shall include the following internal organizational units performing the  
7 following major functions:

8 I. The ~~[division of administration, under the supervision of an]~~ unclassified ~~[director of~~  
9 ~~administration,]~~ **chief financial and operating officer** ~~[who]~~ shall, in accordance with applicable  
10 laws, be responsible for:

- 11 (a) Accounting, purchasing, and budget control.
- 12 (b) Property, contracts, and grant management.
- 13 (c) Assistance to the commissioner with short and long range department-wide planning  
14 activities.
- 15 (d) Logistics, facilities management, and food service.
- 16 (e) **Business information and technology.**
- 17 (f) **Other duties assigned by the commissioner.**

18 ***I-a. The unclassified director of personnel and information shall be renamed the***  
19 ***director of operations and project management and shall report directly to the chief***  
20 ***financial and operating officer.***

21 II. The division of field services, under the supervision of an unclassified director of field  
22 services, who shall, in accordance with applicable laws, be responsible for:

- 23 (a) Supervising adults placed on probation and ~~[residents]~~ **inmates** placed on parole.
- 24 (b) Collection of restitution from individuals under the department's supervision.

25 ~~[(c) The victim-offender dialogue program, which shall be a victim-initiated, voluntary~~  
26 ~~program to assist crime victims who seek access to restorative justice programs as provided under~~  
27 ~~RSA 21-M:8 k, II(u), under the direction of the victim services coordinator, who shall:~~

- 28 (1) ~~Implement and oversee the program.~~
- 29 (2) ~~Advocate for the rights of crime victims.~~

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1                   ~~(3) Provide corrections based victim services including but not limited to:~~

2                           ~~(A) Notification of offender status changes.~~

3                           ~~(B) Victim initiated victim-offender dialogue.~~

4                           ~~(C) Advocacy, safety, and support for victims during reduced custody, offender~~  
5 ~~re-entry, and hearings of the adult parole board. Participation in the program shall not affect the~~  
6 ~~court's decision relative to sentencing, parole, or other types of supervised or unsupervised release~~  
7 ~~programs.]~~

8                   III. The division of medical and ~~[psychiatric]~~ **forensic** services, under the joint supervision  
9 of a medical director and an unclassified non-medical director, who shall respectively have the duties  
10 and responsibilities provided in RSA 622:43, and who shall act in an advisory and coordinative  
11 capacity in assisting other agencies and activities in the provision of mental health and psychiatric  
12 services to persons involved in the criminal justice system.

13                   IV. The ~~[division]~~ **bureau of investigations and** professional standards, under the  
14 supervision of ~~[an unclassified director]~~ **an unclassified bureau chief of investigations** of  
15 professional standards, who shall, in accordance with applicable laws:

16                           (a) Conduct and supervise investigations and audits relating to all aspects of the  
17 operations and programs of the department, including but not limited to, complaints and grievances.

18                           ~~(b) [Coordinate and recommend policies designed to promote economy, efficiency, and~~  
19 ~~effectiveness in the administration of the department, and to detect and prevent fraud and abuse in~~  
20 ~~departmental programs and operations.]~~

21                           ~~(e)]~~ Advise the commissioner concerning problems or deficiencies relating to the  
22 administration of departmental programs and operations, and provide advice on the necessity for,  
23 and progress of, correctional action.

24                           ~~[(d)]~~ **(c)** Perform other duties as assigned by the commissioner.

25                   V. The ~~[division of personnel and information,]~~ **human resources bureau** under the  
26 direction of ~~[an unclassified director of personnel and information]~~ **a classified human resources**  
27 **director**, who shall, in accordance with applicable laws, be responsible for the following functions:

28                           (a) Personnel management, recruitment, and retention. The department shall develop a  
29 program for the recruitment, selection, placement, and retention of qualified applicants for the New  
30 Hampshire department of corrections.

31                           (1) The program may include expenditures for recruitment and retention activities  
32 and incentives, including but not limited to:

33                                   (A) National Corrections Professionals Week recognition activities at all  
34 departmental sites to support employee retention, which may include a paid meal for the site during  
35 the week, physical awards and gift cards with a value of less than \$25 as performance incentives  
36 based on departmental policies for employee recognition, and items issued to employees that are

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1 within the financial scope of the department's current expense appropriations in expenditure class  
2 020.

3 (B) Referral fees or bonuses for active employees or newly hired applicants who  
4 have not been employed by the state through a policy approved by the commissioner.

5 (2) Any recruitment or retention incentives received by an employee pursuant to this  
6 subparagraph shall not be considered gifts under RSA 15-B.

7 (3) Referral of applicants by current department employees for the purpose of  
8 receiving a referral fee pursuant to this subparagraph shall not be considered a misuse of position  
9 under RSA 21-G:23, provided that any rules adopted by the commissioner and any directives issued  
10 by the director regarding the referral program shall require that the benefits of the program shall be  
11 equally available to all department employees, except as specified in subparagraph (1)(B), and  
12 subject to uniform criteria established by the director.

13 (4) Any expenditures made for recruitment or retention incentives pursuant to this  
14 subparagraph shall be considered a matter of legislatively-enacted public policy designed to benefit  
15 employees and the state, and that is confined exclusively to the public employer by statute as  
16 provided in RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this  
17 paragraph shall be construed to invalidate any portion of a collective bargaining agreement entered  
18 into by the state.

19 (b) ~~Employee training and development.~~

20 (c) ~~Internal and external communications, including management of the department's~~  
21 ~~public communications portals.~~

22 (d) ~~Business information and technology.~~

23 (e) Other duties as assigned by the commissioner.

24 VI. The division of rehabilitative services, under the supervision of an unclassified director  
25 of rehabilitative services, who shall, in accordance with applicable laws:

26 (a) Direct and oversee departmental rehabilitative services for ~~[residents]~~ **inmates** to  
27 prepare them for release from institutional settings into the community.

28 (b) Coordinate with community organizations to provide a continuity of rehabilitative  
29 services for individuals under probation or parole supervision in order to achieve stability within the  
30 community and reduce recidivism.

31 (c) Operate and administer all transitional work and housing units where ~~[residents]~~  
32 **inmates** are assigned for minimum security and work release.

33 (d) Serve as the primary liaison between the department and community-based service  
34 providers, and municipal, county, and state entities with common issues and responsibilities,  
35 including educational and vocational or career-path opportunities.

36 (e) Work with the department of justice and other state and federal agencies to identify,  
37 secure, and manage grant funds to supplement services available to individuals under departmental

1 supervision, including but not limited to housing and employment assistance, substance abuse  
2 treatment, mental health treatment, and medical and prescription services.

3 ***VII. The division of communications and external affairs, under the supervision of***  
4 ***an unclassified director of communications and external affairs, who shall, in accordance***  
5 ***with applicable laws be responsible for:***

6 (a) ***Internal and external communications, including management of the***  
7 ***department's public communications portals.***

8 (b) ***The victim-offender dialogue program, which shall be a victim-initiated,***  
9 ***voluntary program to assist crime victims who seek access to restorative justice programs***  
10 ***as provided under RSA 21-M:8-k, II(u), under the direction of the victim services***  
11 ***coordinator, who shall:***

12 (1) ***Implement and oversee the program.***

13 (2) ***Advocate for the rights of crime victims.***

14 (3) ***Provide corrections-based victim services including but not limited to:***

15 (A) ***Notification of offender status changes.***

16 (B) ***Victim-initiated victim offender dialogue.***

17 (C) ***Advocacy, safety, and support for victims during reduced custody,***  
18 ***offender re-entry, and hearings of the adult parole board. Participation in the program***  
19 ***shall not affect the court's decision relative to sentencing, parole, or other types of***  
20 ***supervised or unsupervised release programs.***

21 (c) ***Coordinate and recommend policies designed to promote economy, efficiency,***  
22 ***and effectiveness in the administration of the department, and to detect and prevent fraud***  
23 ***and abuse in departmental programs and operations.***

24 (d) ***Provide legislative oversight for the department.***

25 (e) ***Other duties as assigned by the commissioner.***

26 ***VIII. The bureau of training under the direction of a classified training bureau***  
27 ***chief, who shall, in accordance with applicable laws, be responsible for employee training***  
28 ***and development.***

29 3 Commissioner and Other Department Officials; Department of Corrections. Amend RSA 21-  
30 H:6 to read as follows:

31 21-H:6 Commissioner and Other Department Officials; Appointment; Term.

32 I. The commissioner of the department shall be appointed by the governor, with the consent  
33 of the council, and shall serve for a term of 4 years from the date of appointment and until a  
34 successor is appointed.

35 II. ~~The commissioner of the department shall nominate for appointment by the governor,~~  
36 ~~with the consent of the council, an assistant commissioner who shall serve at the pleasure of the~~  
37 ~~commissioner.~~

1 ~~III. The commissioner shall nominate for appointment by the governor, with the consent of~~  
2 ~~the council, a professional standards director who shall serve at the pleasure of the commissioner.~~

3 ~~IV. The commissioner shall nominate for appointment by the governor, with the consent of~~  
4 ~~the council, a director of personnel and information who shall serve at the pleasure of the~~  
5 ~~commissioner.~~

6 ~~IV-a. The commissioner shall nominate for appointment by the governor, with the consent of~~  
7 ~~the council, a director of rehabilitative services who shall serve at the pleasure of the commissioner.~~

8 ~~V. The commissioner shall nominate for appointment by the governor, with consent of the~~  
9 ~~council, each division director and warden of all the New Hampshire state prisons. All division~~  
10 ~~directors and the wardens shall serve at the pleasure of the commissioner.~~

11 ~~VI. The commissioner of the department shall nominate for appointment by the governor,~~  
12 ~~with the consent of the council, physicians, and dentists who shall serve at the pleasure of the~~  
13 ~~commissioner.~~

14 ~~VII.] *There shall be established within the department the following unclassified*~~  
15 ~~*positions.*~~

16 ~~(a) *The commissioner of the department shall nominate for appointment by the*~~  
17 ~~*governor, with the consent of the council, 2 assistant commissioners who shall serve for a*~~  
18 ~~*term of 4 years from the date of appointment and until a successor is appointed.*~~

19 ~~(b) *The commissioner shall appoint a person to each unclassified position*~~  
20 ~~*authorized by the legislature. The annual salary of such unclassified employees shall be as*~~  
21 ~~*prescribed in RSA 94:1-a and RSA 94:3-b, II. The provisions of RSA 21:33-a shall not apply*~~  
22 ~~*to appointments made under this subparagraph.*~~

23 ~~(c) *Each person appointed under subparagraph (b) shall serve at the pleasure*~~  
24 ~~*of the commissioner.*~~

25 ~~III. Wardens, physicians, and dentists may be assigned to any correctional facility at the~~  
26 ~~discretion of the commissioner.~~

27 4 State Officers; Positions Added. Amend RSA 94:1-a, I(b) by adding the following:

28 GG Department of corrections chief financial and operating officer

29 GG Department of corrections director of operations and project management

30 5 State Officers; Positions Eliminated. Amend RSA 94:1-a, I(b) by deleting the following:

31 GG Department of corrections director, division of administration

32 GG Department of corrections director, professional standards

33 GG Department of corrections director of personnel and information

34 6 Department of Corrections; Assistant Commissioner. There is established within the  
35 department of corrections a second unclassified position of assistant commissioner. The assistant  
36 commissioner shall be qualified for the position by reason of education and experience, shall be  
37 appointed by the commissioner of the department of corrections, and shall serve at the pleasure of

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1 the commissioner. The salary of the assistant commissioners shall be as specified in RSA 94:1-a.  
2 The department shall fund the new assistant commissioner position with funding originally  
3 allocated to the professional standards director, position number 9U548, and the training  
4 development manager, position number 42283.

5 7 Department of Corrections; Chief Financial and Operating Officer. There is established  
6 within the department of corrections the unclassified position of chief financial and operating officer.  
7 The chief financial and operating officer shall replace the director of administration position, 9U113,  
8 located in accounting unit 02-46-46-461510-8300. Upon completion of this action, position 9U113  
9 shall be abolished to allow transition. The incumbent in the abolished position shall be offered the  
10 opportunity to transfer into the newly established chief financial and operating officer position.

11 8 Department of Corrections; Director of Operations and Project Management. There is  
12 established within the department of corrections the unclassified position of director of operations  
13 and project management. The director of operations and project management shall replace the  
14 director of personnel and information position, 9U547, located in the accounting unit 02-46-46-  
15 461510-6528. Upon the completion of this action, position 9U547 shall be abolished to allow  
16 transition. The incumbent in the abolished position shall be offered the opportunity to transfer into  
17 the newly established director of operations and project management position.

18 9 Department of Corrections; Communications and External Affairs. There is established  
19 within the department of corrections the unclassified position of director of communications and  
20 external affairs. The director of communications and external affairs shall replace the administrator  
21 III position, 18467, located in accounting unit 02-46-46-461510-7101. Upon completion of this action,  
22 position 18467 shall be abolished to allow for the transition of this classified position into the  
23 unclassified system. The incumbent in the abolished classified position shall be offered the  
24 opportunity to transfer into the newly established director of communications and external affairs  
25 position. The salary of this position shall be determined after assessment and review of the  
26 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position, which shall be  
27 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

28 10 Effective Date.

29 I. Section 1 of this act shall take effect 60 days after its passage.

30 II. The remainder of this act shall take effect upon its passage.

**HB 222- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2025-3113s)

AN ACT repealing the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services and updating the organizational structure of the department of corrections.

**FISCAL IMPACT:**

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$45,950	\$45,950	\$45,950
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

Section 1 of this bill repeals the requirement for a memorandum of understanding between a chartered public school and school district regarding how students with disabilities will receive special education services and has no fiscal impact to state expenditures or state revenues. Section 2 through section 9 of this bill reorganizes the internal structure of the Department of Corrections by renaming, consolidating, and reallocating certain unclassified and classified positions. The bill establishes new unclassified positions, eliminates existing positions, and reassigns funding across divisions and bureaus to reflect updated operational responsibilities. The bill also creates a second unclassified Assistant Commissioner position funded through the repurposing of existing positions and vacant funding.

The Department of Corrections states this bill would result in a decrease in state expenditures beginning in FY 2027. The reorganization primarily reallocates existing funding and positions within the Department, resulting in no net increase in expenditures for most divisions.

Within the Division of Administration, funding is reallocated from the Director of Administration position to a newly created Chief Financial and Operating Officer position, and from the Director of Personnel and Information position to a newly created Director of Operations and Project Management position. These changes result in no net fiscal impact.

Within the Bureau of Human Resources, funding for a full-time Administrative Assistant IV position is transferred to fund an unclassified Human Resources Director position, resulting in no net fiscal impact.

Within the Division of Communications and External Affairs, funding for a full-time Administrative Assistant III position is transferred to fund an unclassified Director of Communications and External Affairs position, resulting in no net fiscal impact.

The bill establishes a second unclassified Assistant Commissioner position with a total cost of \$207,709 for salary and benefits. Funding for this position is provided through the elimination and repurposing of existing funded positions. Within the Bureau of Investigations and Professional Standards, the unclassified Director of Professional Standards position is eliminated and its funding of \$149,935 in salary and benefits is transferred to partially fund the new Assistant Commissioner position. In addition, funding for a Training Development Manager position, estimated at \$103,724 in salary and benefits, is not filled and is used to offset the remaining cost of the Assistant Commissioner position. As a result, the Department estimates a net annual general fund savings of approximately \$45,950 per a year starting in FY 2027.

In addition to these savings, the Department anticipates further reductions in expenditures through the elimination of vacant positions via attrition, resulting in additional estimated annual savings of approximately \$417,172.

**AGENCIES CONTACTED:**

Department of Corrections