

TITLE XV EDUCATION

CHAPTER 188-F COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE

Section 188-F:1

Showing where the subject matter of former RSA 188-F:1 through RSA 188-F:21-a, repealed and reenacted by 2007, 361:2, eff. July 17, 2007, can be found in reenacted RSA 188-F:1 through RSA 188-F:21.

188-F:1 Community College System of New Hampshire Established. –

The community college system of New Hampshire is hereby established and made a body politic and corporate, the main purpose of which shall be to provide a well-coordinated system of public community college education offering, as a primary mission, technical programs to prepare students for technical careers as well as general, professional, and transfer programs, and certificate and short term training programs which serve the needs of the state and the nation. The colleges of the community college system of New Hampshire are authorized to grant and confer in the name of the colleges all such degrees, literary titles, honors, and distinctions as other community colleges may of right do. The community college system of New Hampshire shall include, but is not limited to, colleges in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, and Stratham/Portsmouth.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:2

188-F:2 Governance. – The community college system of New Hampshire shall be governed by a single board of trustees which shall be its policy-making and operational authority. The board of trustees shall be responsible for ensuring that the colleges operate as a well coordinated system of public community college education.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:3

188-F:3 Legislative Oversight. –

I. The general court finds that because of the importance of public community college education, elected officials should be aware of the activities and needs of the community

college system, exercising their responsibility for legislative oversight through (1) the consideration by the appropriate legislative committees of proposed legislation pertaining to the community college system; and (2) the consideration of reports filed by the community college system of New Hampshire pursuant to this chapter.

II. The general court also recognizes the need to protect the institutions of the community college system of New Hampshire from inappropriate external influence which might threaten the academic freedom of faculty members or otherwise inhibit the pursuit of academic excellence. To this end, the general court has delegated broad authority to the board of trustees who shall be responsible for managing the community college system of New Hampshire in a manner which promotes academic excellence and serves the educational needs of the people of New Hampshire.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:4

188-F:4 Board of Trustees; Community College System of New Hampshire. – The governance of the community college system of New Hampshire shall be vested in a single board of trustees composed as follows:

I. The governor, the chancellor and the vice-chancellor of the community college system, the president of each college within the community college system, and the commissioners of the departments of resources and economic development, employment security, and education, all of whom shall be nonvoting members.

II. The following voting members who shall be appointed by the governor with the advice and consent of the council:

- (a) Four members from the fields of business and industry.
- (b) One member who shall be a high school vocational/technical education director.
- (c) One member who shall be an alumnus of one of the colleges within the community college system.
- (d) One member from the field of education.
- (e) One member from the health care profession.
- (f) Two members from the building or mechanical trades who represent labor.
- (g) One member from the community service sector.
- (h) One member from the law enforcement community.
- (i) Eight members from the general public.
- (j) Two members who shall be New Hampshire residents and who are full-time students enrolled in one of the colleges within the community college system. The student trustees shall be voted from the colleges within the community college system of New Hampshire locations proceeding in alphabetical order and shall be elected by the student body of the campus responsible for providing the student trustee. The student trustees shall serve a one-year term commencing June 1 of the year for which the student was elected and ending May 31 of the next year. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the community college system of New Hampshire shall declare a vacancy in that student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term and an additional one-year term

immediately thereafter.

(k) One member from the technology sector.

III. (a) The terms of office for appointed and elected members, except for the student members, shall be 4 years unless otherwise specified in this section, and shall end on June 30, except for the student members.

(b) In cases where the terms of office of the members of the board of trustees do not expire in successive years, the governor, with the advice and consent of the council may, in making any appointment or filling any vacancy to such office, appoint any person for a period less than the full term or up to one year greater than the full term in order to adjust the terms of each member so that terms of office of no more than 5 members per year will expire.

IV. At least one voting member shall be from each executive council district.

V. Each member, except the student member, shall hold office until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term only, except as provided in RSA 188-F:4, II(j) and subparagraph III(b). The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment or election in the same manner as the original appointment.

VI. All board members shall be New Hampshire residents.

VII. Except for the governor and locally elected municipal officials, no person who holds elected public office shall serve on the board.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:5

188-F:5 Operation of Board of Trustees. –

I. The board shall elect its own chairperson and vice-chairperson annually.

II. The board shall choose a secretary, who shall keep a record of proceedings, and a treasurer, who shall give a bond satisfactory to the trustees for the faithful discharge of duties as treasurer. The trustees may, in their discretion, require a bond for any other persons employed by or administering the affairs of the community college system. Said trustees shall determine the amount and sufficiency of the surety of said treasurer's bond or any other bonds required under this section.

III. Twelve voting members shall constitute a quorum for the transaction of business, but not less than 12 affirmative votes shall be required to elect the chancellor of the community college system.

IV. The board shall meet at such times and places as it may determine, but shall hold regular meetings no less than once every 3 months. The chairperson shall call special meetings upon the written request of any 5 board members or upon the chairperson's own motion.

V. Members shall receive no compensation for their services but shall be reimbursed for expenses reasonably incurred by them in the performance of their duties.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:6

188-F:6 Authority of the Board of Trustees. – The trustees shall have the management and control of all the property and affairs of the community college system, all of its colleges, divisions, and departments. In addition to this authority, the trustees are authorized to:

I. Develop and adopt bylaws for the regulation of its affairs and the conduct of business and to adopt an official seal and alter it as necessary or convenient.

II. Oversee the administration of the community college system of New Hampshire and its colleges, divisions, and departments, and to determine the organizational structure and operational policies and procedures for the community college system.

III. (a) Appoint and fix the compensation of a chancellor of the community college system of New Hampshire who shall serve as the chief executive officer of the community college system, as the community college system's primary liaison with the general court and other elements of state government, and as chief spokesperson for the community college system. The chancellor shall be qualified by education and experience and shall serve at the pleasure of the board.

(b) Approve the nomination by the chancellor, and fix the compensation of a vice-chancellor who shall be qualified by education and experience and who shall serve at the pleasure of the chancellor.

(c) Approve the nomination by the chancellor, and fix the compensation of a president of each community college system of New Hampshire college, who shall be the chief academic and administrative officer of his or her institution. The president, who shall report to the chancellor, shall be the chief executive officer of his or her college, and shall have the authority for and be responsible for the general administration and supervision of all operations of that college, and shall have such other duties as the board of trustees may determine. The president shall be qualified by education and experience and shall serve at the pleasure of the board.

(d) Appoint and fix the compensation and duties of such other community college system of New Hampshire administrators as are needed to provide a well-coordinated system of public higher education.

(e) Employ and prescribe the duties of personnel as may be necessary to carry out the purposes for which the community college system of New Hampshire has been created.

IV. Accept legacies and other gifts to or for the benefit of the community college system.

V. Accept any moneys accruing to the community college system and its colleges, or moneys appropriated by or received from the United States government or the state of New Hampshire, including federal financial aid, and any grant moneys from state or federal governmental agencies, public or private corporations, foundations or organizations for the benefit and support of the community college system.

VI. Prepare and adopt a biennial operating budget for presentation to the governor and the general court. Each college within the community college system of New Hampshire and the chancellor's office shall be considered a separate budgetary unit. The community college system of New Hampshire shall submit its budget in the same format and at the same time as other state agencies. All claims to be presented for the issuance of warrants submitted by the colleges and the system office of the community college system of New Hampshire shall be pre-audited by the community college system of New Hampshire, and such certification shall be sufficient evidence for the director of the division of

accounting services to fulfill such responsibilities relative to the debt incurred by the community college system of New Hampshire.

VII. Prepare and adopt a biennial capital improvements budget for presentation to the governor and the general court.

VIII. Receive, expend, allocate, and transfer funds within the community college system of New Hampshire as necessary to fulfill the purposes of the community college system. The community college system of New Hampshire shall report the amount and purpose of all transfers from one program appropriation unit of the budget to a different program appropriation unit to the fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee. The trustees shall have no authority over funds in the police standards and training council training fund established in RSA 188-F:30, or any other funds appropriated to the police standards and training council or to the Christa McAuliffe Planetarium, which shall not be commingled with any funds of the community college system of New Hampshire.

IX. Invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the state may legally invest funds.

X. Establish and collect tuition, room and board, and fees, and to set policies related to these and other charges, including fees for the reasonable use of community college system of New Hampshire facilities.

XI. Enter into any contracts, leases, and any other instruments or arrangements that are necessary, incidental, or convenient to the performance of its duties and responsibilities.

XII. Acquire consumable supplies, materials, and services through cash purchases, sole-source purchase orders, bids, or contracts as necessary to fulfill the purposes of this chapter.

XIII. Acquire by purchase, gift, lease, or rent any property, lands, buildings, structures, facilities, or equipment necessary to fulfill the purposes of this chapter.

XIV. Grant or otherwise transfer utility easements.

XV. Authorize and enter any contracts, leases, and any other instruments or arrangements that are necessary, incidental, or related to the construction, maintenance, renovation, reconstruction, or other necessary improvements of community college system of New Hampshire buildings, structures, and facilities.

XVI. Develop and adopt personnel policies and procedures for the community colleges. The board of trustees shall determine the qualifications, duties, and compensation of its employees and shall allocate and transfer personnel within the community college system of New Hampshire as necessary to fulfill the purposes of this chapter.

XVII. Appoint or identify college or program advisory committees to advise the community colleges with respect to strategic directions, general, professional, career, and training policies and programs and their modification to meet the needs of the state's economy and the changing job market.

XVIII. Adopt principles of effective self-governance and to assess board processes, policies, and operations in light of such principles.

XIX. Delegate duties and responsibilities as necessary for the efficient operation of the community college system of New Hampshire and to do other acts or things necessary or

convenient to carry out the powers and duties set forth in this chapter.

XX. By and with the consent of the governor and council, borrow on the credit of the community college system of New Hampshire in anticipation of income for the purpose of forwarding its building program, not exceeding \$500,000 in any one fiscal year. All amounts so obtained in any fiscal year shall be repaid from the income of the next succeeding year.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:7

188-F:7 Employment; Benefits; Retirement System Status. –

I. Any changes to the conditions of employment, compensation, and benefits of community college system of New Hampshire employees shall be negotiated through the collective bargaining process.

II. The community college system of New Hampshire shall, as of the effective date of this section, be considered an employer for the purposes of RSA 100-A:1, IV. Full-time employees of the community college system of New Hampshire as of the effective date of this section shall be considered employees for the purposes of RSA 100-A:1, V.

III. Service as an employee of the community college system of New Hampshire shall be creditable service for purposes of RSA 100-A, RSA 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college system of New Hampshire employee who transfers, without a break in service, to a state classified, unclassified, or nonclassified service position shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked. Any state employee in a classified, unclassified, or nonclassified service position who transfers, without a break in service, to the community college system of New Hampshire shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

IV. Membership in the retirement system shall be optional for positions within the community college system of New Hampshire for which participation was optional as of June 30, 2007, and for such other positions within the community college system of New Hampshire as may be designated by the board of trustees.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:8

[RSA 188-F:8 repealed by 2007, 361:35, II, effective July 1, 2009.]

188-F:8 Use of Financial Services and Department of Administrative Services. –

I. The financial data management unit shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:5.

II. The budget unit shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:6.

III. The risk management unit shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:7-c.

IV. The division of accounting services shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:8.

V. The division of personnel shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:42.

VI. The functions of the personnel appeals board pursuant to RSA 21-I:45-47 shall apply to the community college system of New Hampshire.

VII. The treasurer shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 6.

Source. 2007, 361:2, eff. July 17, 2007; 361:35, II, eff. July 1, 2009.

Section 188-F:9

188-F:9 The State Fund. –

I. For the purpose of providing a fund to be known as the community college system of New Hampshire fund, the state treasurer shall in each fiscal year credit to such fund all appropriations made to the community college system.

II. All sums so credited are appropriated to the community college system of New Hampshire for the support and maintenance thereof, including payments of salaries and wages to employees, current expenses, the construction of additional buildings, the purchase of land, library books, and periodicals, the making of necessary repairs and replacements, the building of roads and walks, the improvement of the grounds, the construction, extension, and maintenance of water, sewer, and heating systems, and in general for the payment of all such expenses incident to the management of the community college system of New Hampshire as the trustees thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the community college system. Any amount remaining to the credit of the system at the close of any fiscal year shall be carried over and credited to its account for the succeeding year.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:10

188-F:10 Nonlapsing Account. – Revenue received in excess of the legislative estimates in the community college system of New Hampshire and any net unexpended general fund appropriation balances at the end of the fiscal year shall be placed in a nonlapsing account. Funds in this account shall be considered reserves.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:11

188-F:11 Report. –

I. The chancellor and the chairperson of the board of trustees of the community college system of New Hampshire shall issue a joint report annually which shall include detail on the proposed use and distribution of federal vocational and financial aid funds, ongoing upgrades to the information technology systems used by the community college system of New Hampshire, and the overall operation of the community college system of New Hampshire including financial status, enrollment data, and program administration. Such report shall be completed by October 15 of each year. A copy of this report shall be delivered to the chairmen of the house education committee and senate education committee, the speaker of the house of representatives, president of the senate, the governor, the senate clerk, the house clerk, and the state library.

II. Each year the chancellor of the community college system of New Hampshire, as well as one representative from the board of trustees and the president of each institution shall appear before the house finance committee and the senate finance committee to review the system's programs, cost analysis, revenue projections, and any other information detailed in the written report.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:12

188-F:12 Tax Exemption. – The property of the community college system of New Hampshire is exempt from taxation as provided in RSA 72:23.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:13

188-F:13 Names of the Colleges. – The names of the respective colleges of the community college system of New Hampshire shall be established, and may be changed, upon approval by the board of trustees and approval by the governor and council.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:14

188-F:14 Accreditation. – The community college system of New Hampshire colleges are authorized to seek accreditation and maintain membership in the regional accrediting association to satisfy the requirements necessary to achieve and maintain regional accreditation and to meet the requirements necessary for federal aid. Each individual program of study offered shall meet all of the requirements for professional accreditation or licensing, or both, of the particular specialty as appropriate.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:15

188-F:15 Tuition Waived. –

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged, or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a community college system of New Hampshire institution shall, so long as said person is so reported, listed, interned, beleaguered, besieged, or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the community college system of New Hampshire institution he or she wishes to attend which may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

II. The board of trustees shall have the authority to allow full-time employees who have one year of previous service at the community college system, free tuition, and to the dependents of such employees a 50 percent discount of tuition, at the community college system of New Hampshire colleges.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:16

188-F:16 Tuition Waived for Children of Certain Firefighters and Police Officers.

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I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in a community college system of New Hampshire institution shall not be required to pay tuition for attendance at such school if he or she is the child of a firefighter or police officer who died while in performance of his or her duties and whose death was found to be compensable under RSA 281-A.

II. Any person entitled to free tuition under this section shall apply to the community college system of New Hampshire institution he or she wishes to attend, which may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:17

188-F:17 Federal Funds. – The state board of education, acting as the state board for technical education, shall be the primary recipient of federal funds provided under the Carl D. Perkins Vocational Education Act of 1984. The state board shall, each year, provide the community college system of New Hampshire with funds available under the Titles I-IV of the act and subsequent amendments to the act. The board of trustees of the community college system of New Hampshire shall jointly plan with the department of

education for the expenditure of funds in the New Hampshire state plan for vocational education. The chancellor of the community college system of New Hampshire and the commissioner of education shall cooperate in the development of applications for such funds.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:18

188-F:18 Early Childhood Laboratory School Fund. – There is established the early childhood laboratory school fund which shall be administered by the board of trustees of the community college system. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school at any community college system of New Hampshire institution, and to enhance academic programs in parent education. The fund shall be continually appropriated to the community college system of New Hampshire and shall be nonlapsing.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:19

188-F:19 Liability Limited. – Any person who, or any firm or corporation which donates the use of its premises, personnel or equipment to the community college system of New Hampshire to assist it in its training courses shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury arising out of the use by the community college system of New Hampshire of the equipment, facilities, or services to any person if:

- I. The person, firm or corporation was acting pursuant to a prior written request or acceptance by the chancellor of the community college system of New Hampshire; and
- II. The damage or injury was not caused by willful, wanton or grossly negligent misconduct by the person, firm, or corporation.

Source. 2007, 361:2, eff. July 17, 2007.

Section 188-F:20

188-F:20 Repealed by 2008, 0133:5, effective 6/3/08

Section 188-F:21

[RSA 188-F:21 repealed by 2007, 361:35, III, effective July 1, 2009.]

188-F:21 Advice and Supervision. –

The provisions of RSA 7:8 shall apply to the community college system of New Hampshire.

Source. 2007, 361:2, eff. July 17, 2007; 361:35, III, eff. July 1, 2009.

Police Standards and Training Council

Section 188-F:22

188-F:22 Findings and Policy. – The legislature finds that the administration of criminal justice is of statewide concern; that police and corrections work are important to the health, safety, and welfare of the people of this state; that police and corrections work are of such a nature as to require education and training of a professional character; and that it is in the public interest that such education and training be made available to persons who seek to become police and corrections officers, persons who are serving as police and corrections officers in a temporary or probationary capacity, and persons already in regular service.

Source. 1985, 152:1. 1993, 331:1, eff. Jan. 1, 1994.

Section 188-F:23

188-F:23 Definitions. – In this subdivision:

I. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department, the fish and game department, the department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, liquor, or bingo and lucky 7 laws of this state or any of its political subdivisions.

I-a. [Repealed.]

II. "Council" means the police standards and training council.

III. [Repealed.]

IV. "State corrections officer" means any sworn classified employee of the New Hampshire department of corrections who is responsible for the physical custody and security of inmates at a state correctional institution and is authorized by law to use force to prevent escapes from such institution.

V. "State probation-parole officer" means any sworn employee of the New Hampshire department of corrections who is responsible for the supervision of probationers and parolees, who has an assigned caseload, and who has the authority to arrest for violations of the rules of probations or parole.

Source. 1985, 152:1; 307:2; 326:1. 1986, 67:16. 1987, 292:9, 13, 14. 1989, 303:1. 1993, 331:2. 1995, 182:29, eff. Aug. 4, 1995. 1996, 13:1, eff. July 1, 1996. 2007, 361:35, IV, eff. July 17, 2007.

Section 188-F:24

188-F:24 Police Standards and Training Council. –

I. There is established a police standards and training council. It shall consist of 12 members as follows: 2 members shall be chiefs of police in towns; 2 members shall be chiefs of police in cities; 2 members shall be county sheriffs; 2 members shall be judges of courts with criminal jurisdiction; the chancellor of the community college system of New Hampshire or designee; the director of the division of state police or designee; the attorney general or designee, and the commissioner of the department of corrections or designee.

II. Except for the chancellor of the community college system of New Hampshire or designee, the attorney general or designee, the director of the division of state police or designee, and the commissioner of the department of corrections or designee, who shall serve during their continuance in office, members of the council shall be appointed by the governor for terms of 2 years. No member shall serve beyond the time that the office or employment which qualified such member for appointment. Any vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment is held. Persons filling vacancies shall be appointed to serve out the unexpired term and shall have the same qualifications for office as the member whose vacancy they are filling.

III. The governor shall designate a member to be the chairperson of the council, and the council shall elect annually its vice chairperson from among the members of the council.

IV. Notwithstanding the provisions of any statute, ordinance, local law, or charter provision to the contrary, membership on the council shall not disqualify any member from holding any other public office or employment, or cause the forfeiture of any office or employment.

V. Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service.

VI. The council shall hold no fewer than 4 regular meetings a year. The chairperson shall fix the times and places of meetings, either on the chairperson's own motion or upon written request of any 5 members of the council.

VII. The council shall report annually to the governor and executive council on its activities, and may make such other reports as it deems desirable.

Source. 1985, 152:1. 1989, 303:1. 1993, 331:3. 1995, 133:5, 6, eff. July 1, 1995; 182:29, eff. Aug. 4, 1995. 1998, 272:15, eff. Jan. 1, 1999. 2007, 361:20, 21, eff. July 17, 2007.

Section 188-F:25

188-F:25 Agency Attached. – The police standards and training council is an executive branch council and is not a body corporate and politic. The police standards and training council shall be administratively attached to the community college system of New Hampshire subject to the provisions prescribed by RSA 21-G:10. The police standards and training council and the director and employees hired by the director performing the functions required by RSA 188-F:22 through RSA 188-F:32-d shall be

subject to RSA 7:8, RSA 541-B, and RSA 99-D, and shall be subject to attorney general review of contracts subject to governor and council review.

Source. 1985, 152:1. 1989, 303:1. 1995, 182:29, eff. Aug. 4, 1995. 1998, 272:16, eff. Jan. 1, 1999. 2007, 361:22, eff. July 17, 2007.

Section 188-F:26

188-F:26 Powers. – In addition to other powers given to the council by this subdivision, it may:

I. Adopt rules for the administration of this subdivision in accordance with the provisions of RSA 541-A.

II. Require submission of reports and information from law enforcement and corrections agencies within this state that may be pertinent to the effective functioning of the council.

II-a. For the purposes of a disciplinary hearing, subpoena and examine witnesses under oath, take oaths or affirmations, and reduce to writing testimony given at any hearing. Any person whose rights or privileges may be affected at such a disciplinary hearing may appear with witnesses and be represented by counsel.

III. Establish minimum educational and training standards for employment as a police officer, state corrections officer, or state probation-parole officer either in permanent positions or in temporary or probationary status.

III-a. [Repealed.]

IV. Certify persons as being qualified under the provisions of this subdivision to be police officers, state corrections officers, or state probation-parole officers, and establish rules under RSA 541-A for the suspension or revocation of the certification of such persons in the case of egregious misconduct or failure to comply with council standards.

V. Establish entrance, student conduct, and curriculum requirements for preparatory, in-service, and advanced courses and programs for schools operated by or for the state or its political subdivisions for the specific purpose of training police, state corrections, or state probation-parole recruits or officers or tuition students at such programs.

VI. Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of police and corrections training schools and programs or courses of instruction, and the development of standards and methodology for the voluntary accreditation of police departments in the state.

VI-a. Offer the educational material and, as appropriate, training relative to the human immunodeficiency virus and related issues prepared and developed pursuant to RSA 141-F:3, II.

VII. Establish, maintain, certify, or approve institutions and facilities for training police officers, state corrections officers, or state probation-parole officers, and recruits for such positions.

VIII. Make or cause to be made studies of any aspect of police or corrections education and training or recruitment.

VIII-a. Prepare and make available, upon request, model policies and procedures to assist law enforcement agencies in preparation of written policies.

VIII-b. Establish and maintain a voluntary certification program for police canines and canine handlers.

IX. Make recommendations concerning any matter within its purview pursuant to this subdivision.

X. Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this subdivision.

XI. Adopt and amend bylaws, consistent with law, for its internal management and control.

XII. Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this subdivision.

XIII. Accept in the name of the state any and all donations or grants, both real and personal, from any governmental unit or public agency, or from any institution, person, firm, or corporation. The council shall receive, utilize, and dispose of all donations and grants subject to budgetary provisions and according to the rules of the council and consistent with the purposes or conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual report of the council. The report shall identify the donor, the nature of the donation or grant, and the condition of the donation or grant, if any. Any moneys received by the council pursuant to this paragraph shall be deposited in the state treasury to the account of the council and shall not lapse.

XIV. Nominate and appoint a director of police standards and training for a term of 4 years who shall report to the police standards and training council, and who shall be an unclassified employee, and whose salary shall be established by RSA 94:1-a. All other employees shall be hired by the director and shall be classified employees. The director shall have practical and academic knowledge in the field of law enforcement, including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience.

XIV-a. The council may delegate to the director of police standards and training any powers and duties enumerated in this subdivision.

XV. The director may grant authority to any certified full-time police officer employed by the council as assistant director or law enforcement training specialist, to enforce the provisions of this subdivision and any rules adopted under this subdivision, and cooperate and exchange information with any local, state, or federal law enforcement agency relative to the qualification and moral fitness of applicants for employment or continued employment as police officers or corrections officers.

XVI. The council may appoint, after consultation with the commissioner of corrections, a corrections advisory committee from a list of nominees submitted by the director. The members shall serve without compensation at the pleasure of the council and shall consist of one representative of the management of each adult correctional facility operated by the department of corrections, one representative each from prison industries, the secure psychiatric unit, and probation-parole, one medical professional from within the correctional system, one state corrections officer chosen by the New Hampshire state employees' association, and one representative of a county correctional institution chosen by the New Hampshire Association of Counties. The committee shall meet not less than twice in each fiscal year at the call of the director, and shall advise the council as requested on issues coming before it concerning corrections standards and

training.

XVII. Adopt rules and establish fees to implement the provisions of the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. section 926C(d)(2)(B) in accordance with RSA 541-A.

Source. 1985, 152:1. 1988, 262:5. 1993, 331:4, 5. 1994, 172:1. 1995, 133:7, eff. July 1, 1995; 155:6, 7, 9, eff. July 31, 1995; 182:27, eff. Aug. 4, 1995. 1996, 13:2, 3, eff. July 1, 1996. 1998, 108:1, eff. Aug. 1, 1998; 272:17, eff. Jan. 1, 1999. 2003, 59:1, eff. July 26, 2003. 2006, 248:1, eff. Aug. 4, 2006. 2007, 361:23, 24, eff. July 17, 2007.

Section 188-F:27

188-F:27 Education and Training Required. –

I. At the earliest practical time, the council shall provide by rule that after one year from the effective date of the rule no person shall be appointed as a police officer, state corrections officer, or state probation-parole officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of police, corrections, or probation-parole training appropriate to such person's position at a school approved by the council. No such officer who lacks the educational and training qualifications required by this section may have the temporary or probationary employment extended beyond 2 years.

II. Every elected police officer shall be required to satisfactorily complete a preparatory program of police training at a school approved by the council. Any elected officer who has not complied with the educational and training requirements of this paragraph within 6 months after election shall be removed from office by the governing body of the governmental unit by which such officer was elected; provided, however, that the council may, for such reasons as it may specify in its rules, grant an extension of this time limit not to exceed an additional 6 months. A governing body which has removed an elected police officer from office under the provisions of this paragraph shall appoint a police officer to fill the vacant office. The appointed police officer shall continue to hold office until the elected officer who was removed has complied with the educational and training requirements of this paragraph or until an election is held, whichever occurs first. If any police officer who has failed to comply with the educational and training requirements of this paragraph is reelected, such officer shall not take office without permission of the council. If a noncomplying police officer who has not obtained the permission of the council to take office is reelected, the governing body of the governmental unit by which such officer was elected shall appoint a police officer to fill the vacant office. The appointed police officer shall continue to hold office until the elected officer has complied with the educational and training requirements of this paragraph or until an election is held, whichever occurs first.

III. The council, by rules adopted under RSA 541-A, shall establish the standards for physical and mental fitness under paragraphs III-a-III-h and shall fix other qualifications for the appointment of police officers, state corrections officers, and probation-parole officers, including minimum age, physical and mental standards, citizenship, good moral character, experience, and other such matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of their offices. The council shall

prescribe the means for presenting evidence of the fulfillment of these requirements.

III-a. At the earliest practicable time, the police standards and training council shall require that all uncertified part-time and full-time police officers, state corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a medical examination including a drug screening administered under the direction of a licensed physician according to protocols adopted by the council. Such examination, when conducted, shall be valid for a period of one year for purposes of application for employment.

III-b. At the earliest practical time, the police standards and training council shall require that all uncertified part-time and full-time police officers, state corrections officers, and probation-parole officers, as a condition of admission to a basic or reciprocal certification training program successfully pass a physical fitness performance test administered according to standards adopted by the council.

III-c. No later than January 1, 1999, the police standards and training council shall require that all uncertified part-time and full-time police officers, state corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a psychological screening test battery administered under the direction of a licensed psychologist or psychiatrist according to protocols adopted by the council and designed to detect behavioral traits that could adversely affect the person's ability to perform the essential functions of a law enforcement officer. Such an examination shall be valid for a period of one year from the date of administration for purposes of application for such employment.

III-d. Beginning January 1, 2001, the police standards and training council shall require that all certified police officers, state corrections officers, and probation-parole officers, hired after that date, as a condition of continued certification and employment furnish the council every 3 years with a certificate from a licensed physician, physician's assistant, or registered nurse practitioner who has conducted a medical examination of the officer according to protocols adopted by the council, certifying that in the opinion of the examiner the officer is physically capable of participating in the council's physical fitness test.

III-e. Any officer who is unable to meet the medical requirements of paragraph III-d may request an additional medical examination by a physician chosen by the council. If the officer is still unable to meet the standards, such officer's certification shall be placed in a probationary status for a period of up to 2 years, during which time the officer may request re-examination at any time. If following the 2-year period the officer is still unable to meet the standards, the officer's certification shall be suspended until such time as such officer obtains the medical certification required in paragraph III-d.

III-f. Beginning January 1, 2001, the police standards and training council shall require that all certified police officers, state corrections officers, and probation-parole officers, hired after that date, as a condition of continued certification and employment every 3 years pass a physical fitness performance test administered by the hiring authority or the council, according to protocols adopted by the council.

III-g. Any officer who is unable to meet the physical fitness performance requirements of paragraph III-f may request an additional physical fitness performance test administered by the council. If the officer is still unable to meet the standards, such officer's certification shall be placed in a probationary status for a period of up to 2 years,

during which time the officer may request re-examination at any time. If, following the 2-year period, the officer is still unable to meet the standards, the officer's certification shall be suspended until such time as such officer is able to pass the physical performance test.

III-h. In any case where the council has reasonable grounds to doubt that the medical examination performed as required in paragraph III-d was performed in accordance with the appropriate protocols, the council may require the officer to submit to a separate examination by a physician selected by the council, at the council's expense.

III-i. A licensed physician, psychiatrist, psychologist, or person acting under the licensee's supervision, whose examination administered under this chapter results in an employment decision adverse to a police, corrections, or probation-parole officer shall be immune from suit resulting from such examination or decision, providing such examination is conducted in good faith, not in a wanton or reckless manner.

III-j. To the extent required to comply with federal or state law, the council may grant a waiver, with respect to employment at a specific agency, to an officer who cannot meet the standards in paragraphs III-d--III-g.

III-k. Nothing in this section shall prevent individual hiring agencies from adopting physical fitness programs for their officers that are more stringent or frequent than those required in this section.

III-l. Except as provided in paragraph III-h and notwithstanding other provisions of law to the contrary, a hiring authority may assess a testing fee to cover all or part of the cost of any medical or psychological examination in cases where the person has been given a conditional offer of employment. A hiring authority may also make repayment of a testing fee part of any training or hiring contract that establishes a minimum term of employment for such an officer.

IV. The council shall issue a certificate evidencing satisfaction of the requirements of paragraphs I, II, and III to any applicant who presents such evidence as may be required by its rules of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police, corrections, or probation-parole, as appropriate, education and training programs in this state.

V. Any employee of the New Hampshire fish and game department who has the general power to enforce all criminal laws of the state serving under permanent appointment prior to August 23, 1979, shall not be required to meet any requirements of paragraphs I and III.

VI. Any investigator who has the power to enforce the criminal laws under RSA 106-A and RSA 287-E and rules of the lottery commission, the department of safety, or the pari-mutuel commission and who was serving under a permanent appointment prior to July 1, 1986, shall not be required to meet the requirements of paragraphs I and III; however, any investigator referred to in this paragraph shall complete such limited programs as may be prescribed by the police standards and training council under this section within one year of the date the programs are required. Should any investigator exempted from the requirements of paragraphs I and III of this section by this paragraph terminate employment with the department of safety and be hired as a police officer by another police department of the state or a political subdivision thereof, the inspector's certification shall lapse and may be reinstated upon completion of such necessary additional training courses as the police standards and training council may prescribe.

VII. Any special agent of the state liquor commission who has the power to enforce the criminal laws under RSA title XIII and rules of the state liquor commission and who was serving under a permanent appointment prior to August 13, 1985, shall not be required to meet the requirements of paragraphs I and III; however, any special agent referred to in this paragraph shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section within one year of the date the programs are required. Should any special agent exempted from the requirements of paragraphs I and III of this section by this paragraph terminate employment with the state liquor commission and be hired as a police officer by another police department of the state or a political subdivision thereof, the special agent's certification shall lapse and may be reinstated upon completion of such necessary additional training courses as the police standards and training council may prescribe by rule adopted under RSA 541-A.

VIII. [Repealed.]

Source. 1985, 152:1. 1986, 67:17; 140:5. 1987, 292:10, 14, II. 1993, 331:6, 7. 1995, 133:8, 9, eff. July 1, 1995. 1996, 13:4, 5, eff. July 1, 1996. 1997, 138:2, 3, eff. Jan. 1, 1998. 1998, 272:18, eff. Jan. 1, 1999. 2004, 97:8, eff. July 10, 2004; 257:2, eff. Jan. 1, 2005.

Section 188-F:28

188-F:28 Additional Training of Peace Officers. – The director of the police standards and training council shall develop appropriate training programs and methods to instruct peace officers in the proper techniques for dealing with intoxicated and incapacitated persons and to encourage the maximum utilization by peace officers of detoxification facilities, alcohol counselors, and licensed general hospitals for such purposes.

Source. 1985, 152:1, eff. July 1, 1985.

Section 188-F:29

188-F:29 Reimbursement of Expenses. – The council may reimburse political subdivisions or the state for, or may pay for a portion of, the expenses incurred by the officers in attendance at police training programs conducted or approved by the council.

Source. 1985, 152:1, eff. July 1, 1985.

Section 188-F:30

188-F:30 Police Standards and Training Council Training Fund. – There is established in the state treasury a separate fund to be known as the police standards and training council training fund from which the state treasurer shall pay expenses incurred in the administration of this subdivision.

Source. 1985, 152:1, eff. July 1, 1985.

Section 188-F:31

188-F:31 Penalty Assessment; Waiver of Penalty. –

I. Every court shall levy a penalty assessment of \$2 or 20 percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked.

II. If multiple offenses are involved, the penalty assessment shall be imposed on the total fine.

III. If a fine is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit 65 percent of the amount collected in the police standards and training council training fund, 20 percent of the amount collected in the victims' assistance fund, and the remainder in the general fund.

V. If it is determined by a court that the payment of all or any part of a penalty assessment would work a hardship on the person convicted or on such person's immediate family, the court may suspend the payment of all or any part of the assessment.

Source. 1985, 152:1. 1988, 196:1, 2. 1989, 408:60, 61, 83, 84. 1990, 3:69, 70. 1992, 220:1, 3, eff. July 1, 1994; 220:2, 4, eff. July 1, 1998. 1995, 133:10, eff. July 1, 1995. 1999, 261:3, eff. July 1, 1999. 2005, 177:156, eff. July 1, 2005. 2006, 259:29, eff. one day after passage of state operating budget for biennium ending June 30, 2009. 2007, 263:66, eff. June 29, 2007.

Section 188-F:32

188-F:32 Attendance by Persons Other Than Police Officers. – Persons who are not police officers as defined by RSA 188-F:23 may attend courses given by the police standards and training council under such conditions and for such tuition as may be established by the council. Certain courses may be closed to persons who are not police officers on recommendation of the director and approval by the council.

Source. 1985, 152:1. 1989, 303:1. 1995, 182:29, eff. Aug. 4, 1995. 1998, 272:19, eff. Jan. 1, 1999. 2007, 361:25, eff. July 17, 2007.

Section 188-F:32-a

188-F:32-a Tuition Students. –

I. The council with approval of the board of trustees of the department may set tuition, selection procedures and fees for acceptance of tuition students at its programs and for the use of its facilities. Such fees shall be deposited to the credit of the police standards

and training council training fund or, with the approval of the department of administrative services, credited to the operating accounts of the council to offset additional expenditures necessitated by the acceptance of the additional students.

II. Tuition students at police and corrections academy programs shall be required to comply with background investigation requirements no less stringent than for persons hired as police or corrections officers by units of government.

III. Certain courses may be closed to persons who are not police or corrections officers on recommendation by the director and approval by the council and the board of trustees.

Source. 1989, 260:2. 1995, 155:13, eff. July 31, 1995. 1998, 272:20, 21, eff. Jan. 1, 1999.

Section 188-F:32-b

188-F:32-b Transfers of Unappropriated Funds. – In case the expenditure of additional funds is necessary to meet the statutory obligations of the police standards and training council for the training of police and corrections officers on a timely basis because of unanticipated circumstances beyond the control of the police standards and training council, the governor and council, with approval of the legislative fiscal committee, upon request of the police standards and training council, may authorize the transfer of unappropriated amounts from the police standards and training council training fund for such purposes.

Source. 1989, 260:2, eff. July 1, 1989.

Section 188-F:32-c

188-F:32-c Volunteers; Liability Limited. –

I. Any volunteer of a nonprofit organization or government entity assisting the council in its training programs shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

(a) The volunteer had prior written approval from the organization to act on behalf of the organization; and

(b) The volunteer was acting in good faith and within the scope of the volunteer's official functions and duties with the organization; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

II. In this section:

(a) ""Damage or injury" includes physical, nonphysical, economic and noneconomic damage.

(b) ""Nonprofit organization" shall include, but not be limited to, a not for profit organization, corporation, community chest, fund or foundation, and an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state or having a principal place of business in this state.

Source. 1989, 260:2. 1995, 133:11, eff. July 1, 1995.

Section 188-F:32-d

188-F:32-d Firearms Instructors; Liability Limited. – Members of the police standards and training council, council employees, or persons currently certified as firearms instructors by the council pursuant to Pol 404.05, having certified a person as being proficient with their weapons and meeting the standards established in Pol 404.03 to qualify under the provisions of 18 U.S.C. section 926C(d)(2)(B), shall be immune from liability for any action taken by such person subsequent to their certification, unless the employee or firearms instructor knew that the person certified was not qualified under 18 U.S.C. section 926C(d)(2)(B) to have received such certification.

Source. 2006, 248:2, eff. Aug. 4, 2006.

New Hampshire Regional Community-Technical Institute

Section 188-F:33

188-F:33 Institute Security Force. – The president of the New Hampshire regional community-technical institute is authorized to organize a security force for the purpose of patrolling the institute's buildings, roads, and grounds and providing for general security at the institute. The campus security force shall be under the immediate control of the president of the institute or designee.

Source. 1987, 53:1. 1995, 133:12, eff. July 1, 1995; 182:28, eff. Aug. 4, 1995.

Section 188-F:34

188-F:34 Authority. – All security officers of the campus security force shall have the power to detain any person who they have reasonable grounds to believe has committed any offense under the laws of the state, on the premises of the New Hampshire regional community-technical institute as long as necessary to surrender the person to a peace officer, provided such detention is accomplished in a reasonable manner.

Source. 1987, 53:1. 1995, 182:30, eff. Aug. 4, 1995.

Section 188-F:35

188-F:35 Training. –

I. The president of the New Hampshire regional community-technical institute shall require that all employees hired as campus security officers shall complete a program of police training meeting standards as established by the New Hampshire police standards and training council pursuant to RSA 188-F:26 and as appropriate to such officers' exercise of limited police powers. Such program shall be one that is prescribed for part-time police officers.

II. Campus security officers already serving under permanent appointment on June 30, 1987, shall not be required to meet any requirement of paragraph I as a condition of tenure or continued employment.

Source. 1987, 53:1. 1995, 182:30, eff. Aug. 4, 1995.

Section 188-F:36

188-F:36 Retirement Program. – All employees hired as security officers shall be group I members of the New Hampshire retirement system.

Source. 1987, 53:1, eff. July 1, 1987.

Postsecondary Technical Education Study Committee

Section 188-F:37-41

188-F:37 to 188-F:41 Repealed. – [Repealed 1995, 10:16, VI, April 12, 1995.]

Equipment Challenge Grant Program

Section 188-F:42-48

188-F:42 to 188-F:48 Repealed. – [Repealed 2000, 99:1, eff. June 26, 2000.]

Job Training Program for Economic Growth

Section 188-F:49-56

188-F:49 to 188-F:56 Repealed. – [Repealed 2007, 204:4, eff. July 1, 2007.]

Christa McAuliffe Planetarium Commission

Section 188-F:57-67

188-F:57 to 188-F:67 Repealed. – [Repealed 2001, 136:4, eff. July 1, 2001.]