

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 except for the liquor commission, as necessary to effectuate the efficient consolidation of
10 human resource and payroll functions within state government.

11 II. The commissioner of administrative services may establish the number and classification
12 of personnel required for human resource and payroll management in state government except for
13 the liquor commission with the prior approval of the governor and council, and may eliminate
14 unnecessary positions and transfer to the department of administrative services any position in
15 another agency except for the liquor commission identified by the commissioner of administrative
16 services as necessary to effectuate the efficient consolidation of human resource and payroll
17 functions within state government. Such transfers shall include the transfer of all associated books,
18 papers, records, personnel files, and equipment, including, but not limited to, work station and
19 information technology equipment, and shall include the transfer of any unexpended appropriations
20 for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits,
21 support costs, or any other costs associated with the transferred personnel. All commissioners and
22 department heads shall cooperate with the commissioner of administrative services to accomplish
23 the intent of this section. Notwithstanding any law or administrative rule to the contrary, the
24 division of personnel shall be authorized to reclassify positions required for human resources or
25 payroll consolidation from one class series to a different class series as provided in RSA 21-I:54 and
26 shall not require the approval of governor and council.

27 III. The commissioner of administrative services may locate personnel whose positions have
28 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
29 consolidation of human resource and payroll functions. Such work spaces may include either space
30 currently owned or rented by the state, or space which may be rented by the commissioner utilizing
31 amounts which may be saved by the state as the result of the consolidation of human resources and

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1 payroll functions.

2 IV. For the biennium ending June 30, 2017, the department of state shall be exempt from
3 the provisions of this section as they relate to the execution of the constitutional duties of the office of
4 the secretary of state.

5 2 Department of Administrative Services; Consolidation of Business Processing Functions.

6 I. The commissioner of administrative services, with the prior approval of the fiscal
7 committee of the general court and the governor and council, may make such transfers of
8 appropriation items and changes in allocations of funds available for operational purposes to the
9 department of administrative services from any other agency except for the liquor commission as
10 necessary to effectuate the efficient consolidation of business processing functions within state
11 government. Such business 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 other finance and accounting functions and transactions the commissioner of
17 administrative services determines would achieve substantial efficiencies from consolidation.

18 II. The commissioner of administrative services may issue a request for proposals or
19 purchases in accordance with RSA 21-I:22 and RSA 21-I:22-a for the services and assistance of a
20 qualified consultant to evaluate and identify opportunities for business processing consolidation in
21 state government and make recommendations, including for a proposed implementation plan, for
22 consolidation of such functions.

23 III. The commissioner of administrative services may establish the number of total
24 personnel required for business processing functions in the executive branch of state government
25 and, with the prior approval of the governor and council, may eliminate unnecessary positions and
26 transfer to the department of administrative services any position in another agency except for the
27 liquor commission identified by the commissioner of administrative services as necessary to
28 effectuate the efficient consolidation of business processing functions within state government. Such
29 transfers shall include the transfer of all associated books, papers, records, personnel files, and
30 equipment, including, but not limited to, work station and information technology equipment, and
31 shall include the transfer of any unexpended appropriations for any of the foregoing, and any
32 unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated
33 with the transferred personnel.

34 IV. The commissioner of administrative services may locate personnel whose positions have
35 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
36 consolidation of business functions. Such work spaces may include either space currently owned or
37 rented by the state, or space which may be rented by the commissioner utilizing amounts which may

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1 be saved by the state as the result of the consolidation of human resources and payroll functions.

2 V. For the biennium ending June 30, 2017, the department of state shall be exempt from the
3 provisions of this section as they relate to the execution of the constitutional duties of the office of the
4 secretary of state.

5 3 Department of Administrative Services; Continuation of Appropriation. Any unspent balance
6 remaining on the \$250,000 appropriation made by 2011, 224:86 to the department of administrative
7 services for the biennium ending June 30, 2013, for the purpose of selecting and retaining an
8 independent business processing consultant to evaluate and make recommendations relative to the
9 consolidation of business processing functions within state government, shall not lapse until June
10 30, 2017. The department of administrative services may use this balance to fund such projects,
11 functions, or activities as the commissioner of administrative services may direct relating to the
12 efficiency of state government, including, but not limited to, the selection and retention of an
13 independent business processing consultant and/or other projects, functions, or activities relating to
14 the consolidation of human resource, payroll, finance, business processing and accounting functions.

15 4 Department of Administrative Services; Transfer Among Accounts and Classes.
16 Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the approval
17 of the fiscal committee of the general court and governor and council, for the biennium ending June
18 30, 2017, the commissioner of the department of administrative services is hereby authorized to
19 transfer funds within and among all accounting units and/or class codes within the department, with
20 the exception of class 60 transfers, and is further authorized to create new class codes within the
21 department into which funds may be transferred or placed, as the commissioner deems necessary
22 and appropriate to address present or projected budget deficits, or to respond to changes in federal
23 laws, regulations, or programs, and otherwise as necessary for the efficient management of the
24 department; provided if a transfer does not include new class codes, only transfers over \$75,000 shall
25 require prior approval of the fiscal committee of the general court and the governor and council.

26 5 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

27 I. For purposes of this section, "laid off" means any person in a classified position as
28 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who
29 is laid off between July 1, 2015 and June 30, 2017, as a result of reorganization or downsizing of
30 state government.

31 II. It is the intent of the general court that any classified position which becomes available
32 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
33 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of
34 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does
35 not receive a promotion as a result of the rehire.

36 III. The head of each department or agency shall submit the name and classification of any
37 individual laid off between July 1, 2015 and June 30, 2017, to the director of the division of personnel

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1 within 10 days of the layoff.

2 6 Health Risk Appraisal; Protected Health Information. All information contained in a state
3 employee's health risk appraisal as referenced in any collective bargaining agreement shall be
4 considered protected health information and entitled to all of the non-disclosure and other
5 restrictions set forth in the Health Insurance Portability and Accountability Act of 1996, as
6 amended, (HIPAA) Standards for Privacy of Individually Identifiable Health Information at 45
7 C.F.R. Part 160 and Subparts A and E of Part 164 ("Privacy Rule").

8 7 State Employee Health Plan; Application. The cost sharing and plan design for unrepresented
9 active state employees who participate in the health plans offered by the state shall be the same as
10 those for individuals covered by the collective bargaining agreement between the state of
11 New Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal committee
12 of the general court may approve changes to the above plan design cost sharing provisions consistent
13 with RSA 21-I:30, I. The cost sharing and plan designs for represented active state employees who
14 participate in the health plans offered by the state shall be in accordance with the provisions of the
15 collective bargaining agreements between the state and the employee organizations representing
16 those employees.

17 8 New Paragraph; Executive Councilors. Amend RSA 94:1-a by inserting after paragraph IV the
18 following new paragraph:

19 V.(a) Executive councilors may participate at their own expense in a group health and
20 dental insurance arrangement during their tenure in office. Such group health and dental insurance
21 arrangement shall be the state employees group insurance plan afforded full-time state employees.

22 (b) Notwithstanding the terms of any state employee group insurance contract or other
23 state law to the contrary, executive councilors who have participated in a group health and dental
24 insurance arrangement during their tenure in office, shall elect, within 30 days after they leave the
25 executive council, either to continue to participate fully in that arrangement for as long as they
26 choose to do so at their own expense, or to discontinue their participation.

27 (c) The commissioner of the department of administrative services shall invoice and
28 collect amounts due from executive councilors and former executive council members. Collected
29 amounts shall be deposited in the employee and retiree benefit risk management fund, established
30 in RSA 21-I:30-e.

31 (d) Failure to remit payment for participation pursuant to paragraph I in full within 30
32 days of billing shall be grounds for terminating benefits, effective with the beginning of the billing
33 period. Reenrollment shall be dependent upon payment of outstanding participation or other
34 amounts.

35 (e) Failure to remit payment in full for participation pursuant to paragraph II within 60
36 days of billing shall be grounds for permanently terminating benefits effective upon the beginning of
37 the billing period. Either in the billing notice or in a separate notice to the person billed, the

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1 department of administrative services shall advise that failure to pay the specified amount in full
2 within the required time shall be grounds for permanent termination of benefits.

3 9 New Paragraph; Department of Administrative Services; State Facility Energy Cost
4 Reduction; Definition of Renewable Energy Added. Amend RSA 21-I:19-b by inserting after
5 paragraph VI the following new paragraph:

6 VII. "Renewable energy," for the purposes of this section, means wind energy; biomass
7 energy; geothermal energy, if the geothermal energy output is in the form of useful thermal energy;
8 hydrogen derived from biomass fuels or methane gas; ocean thermal, wave, current, or tidal energy;
9 methane gas; solar thermal or electric energy; or hydropower.

10 10 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-
11 I:19-d, I to read as follows:

12 I. Any state agency or municipality may enter into an energy performance contract for the
13 purpose of undertaking or implementing energy conservation or alternate energy measures in a
14 facility. An energy performance contract may include, but shall not be limited to, options such as
15 joint ventures, shared-savings contracts, positive cash flow financing or energy service contracts, or
16 any combination thereof, provided that at the conclusion of the contract the agency will receive title
17 to the energy system being financed, if the agency so desires. ~~[The agency that is responsible for a
18 particular facility shall review and make recommendations regarding energy performance contract
19 arrangements for the facility to the IEEC.]~~

20 11 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-I:
21 19-d, II(f) to read as follows:

22 (f) Any energy performance contract should require the contractor to include all energy
23 efficiency improvement in selected buildings that are calculated to recover all costs within 20 years
24 from the date of project implementation at existing energy prices. The contract shall require that
25 the public utility or energy services provider be repaid only to the extent of energy cost savings
26 guaranteed by the contractor to accrue over the term of the contract. ~~[Repayments to the public
27 utility or energy services provider shall be interest free.]~~

28 12 New Paragraph; State Employees Group Insurance; Medical and Surgical Benefits. Amend
29 RSA 21-I:30 by inserting after paragraph II the following new paragraph:

30 II-a. Retired employees who are eligible for Medicare Part A without premium due to age or
31 disability shall provide proof of enrollment in Medicare Parts A and B within 30 days of becoming
32 eligible for Medicare or they shall no longer be eligible to participate in the state retiree benefit plan
33 for as long as they are not participating in Medicare Parts A and B.

34 13 Department of Administrative Services; State Employees Group Insurance; Medical and
35 Surgical Benefits. RSA 21-I:30, III is repealed and reenacted to read as follows:

36 III. The state shall pay a partial premium for each retired employee, as defined in
37 paragraphs VI and VII, who is not eligible for Medicare and for his or her spouse for their lifetimes,

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1 toward group health care coverage within the limits of the funds appropriated at each legislative
2 session and providing any change in plan is approved by the fiscal committee of the general court
3 prior to its adoption. Pursuant to paragraph XIII, a portion of the premium shall be paid by each
4 retiree and his or her spouse. Retired employees who are not eligible for Medicare may voluntarily
5 cease participation in plan benefits at any time and, not less than one year from the date of
6 withdrawal, may reenroll without restriction.

7 14 Department of Administrative Services; State Employees Group Insurance; Medical and
8 Surgical Benefits. Amend RSA 21-I: 30, XIII to read as follows:

9 XIII. The commissioner of administrative services shall invoice and collect from retired state
10 employees [~~under the age of 65 years~~] **and/or each applicable spouse who are not Medicare**
11 **eligible and** receiving medical and surgical benefits provided under this section, who do not receive
12 a retirement allowance as defined in RSA 100-A:1, XXII, [~~the~~] **a** premium contribution [~~amounts of~~
13 ~~12.5 percent~~] **amount based on a percentage** of the total monthly premium [~~for each such retiree~~
14 ~~and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge~~
15 ~~to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants]~~
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 12.5 percent.** The commissioner of administrative
19 services is also authorized to invoice and collect from such other participants contribution amounts
20 as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk
21 management fund. Failure to remit payment of the contribution amount in full within 30 days of
22 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.
23 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts
24 within 6 months of the termination date. If a participant fails to remit payment in full for
25 participation within 30 days of billing, on the 30th day the participant shall be notified by certified
26 mail, return receipt requested, that he or she shall remit payment to the department within 10
27 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th
28 business day after receipt of the letter and that reenrollment shall be dependent upon payment of
29 any outstanding contribution or other amount within 6 months of the termination date.

30 15 Department of Administrative Services; New Hampshire Retirement System; Medical
31 Benefits. Amend RSA 100-A:54, III to read as follows:

32 III. The retirement system shall deduct from the monthly retirement allowance of retired
33 state employees [~~under the age of 65 years~~] **and/or each applicable spouse who are not**
34 **Medicare eligible and** receiving medical and surgical benefits provided pursuant to RSA 21-I:30,
35 [~~the~~] **a** premium contribution [~~amounts of 12.5 percent~~] **amount based on a percentage** of the
36 total monthly premium [~~for each such retiree and 12.5 percent of the total monthly premium for each~~
37 ~~applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the~~

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1 ~~total monthly premium for 2 plan participants]~~ ***attributable to the applicable retiree and/or***
2 ***spouse, as determined by the commissioner of administrative services, with prior approval***
3 ***by the fiscal committee of the general court provided the percentage is not lower than 12.5***
4 ***percent.*** The department of administrative services shall provide information as to the total
5 monthly premium cost for each participant to the retirement system for purposes of calculating this
6 deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts
7 payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b,
8 shall be deposited in the employee and retiree benefit risk management fund. In the event the
9 retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement
10 system shall so notify the department of administrative services, which shall invoice and collect from
11 the retiree ***and/or each applicable spouse*** the remaining contribution amount. Failure to remit
12 payment of the contribution amount in full within 30 days of billing shall be grounds for terminating
13 benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon
14 payment of any outstanding contribution or other amounts within 6 months of the termination date.
15 The department of administrative services shall provide notice of the termination of benefits as
16 provided in RSA 21-I:30, XIII.

17 16 Department of Administrative Services; Judicial Retirement Plan. Amend RSA 100-C:11-a to
18 read as follows:

19 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and
20 ***their applicable*** spouses ~~[under the age of 65 years]~~ ***who are not Medicare eligible and***
21 receiving medical and surgical benefits shall be responsible for payment of a premium contribution
22 amount ~~[of 12.5 percent of the]~~ ***based on a percentage of the*** total monthly premium ~~[for each such~~
23 ~~retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the~~
24 ~~charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan~~
25 ~~participants]~~ ***attributable to the applicable retiree and/or spouse, as determined by the***
26 ***commissioner of administrative services, with prior approval by the fiscal committee of the***
27 ***general court, provided the percentage is not lower than 12.5 percent.*** The department of
28 administrative services shall provide information as to the total monthly premium cost for each
29 participant to the judicial retirement plan for purposes of calculating this deduction. The judicial
30 retirement plan shall deduct the payment required under this section from the retiree's monthly
31 retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts
32 within 14 days along with a statement identifying from whom the deduction was made, and shall be
33 used to pay for plan retiree and spouse health care expenses and any administrative costs related
34 thereto.

35 17 Lottery Commission; Incentive Program. Amend RSA 284:21-h by inserting after paragraph
36 VI the following new paragraph:

37 VII. The lottery commission may develop and implement an employee recognition program

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1 for monetary incentives to promote increased sales and compensate lottery sales representatives
2 based upon performance and funded from an existing lottery budget line item. The incentive
3 program shall be implemented through rules adopted by the lottery commission in accordance with
4 RSA 541-A. The lottery commission shall report quarterly to the fiscal committee of the general court
5 on the status of the incentive program.

6 18 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any
7 provision of law to the contrary, for the biennium ending June 30, 2017, the liquor commission shall
8 reimburse the cost for any legal services provided by the department of justice to the commission
9 that would not normally be included as part of the statewide cost allocation paid by the commission.

10 19 New Paragraph; Department of Justice; Civil Bureau; Contract Attorney. Amend RSA 21-
11 M:11 by inserting after paragraph II the following new paragraph:

12 III. The department of justice shall have the authority to hire a full-time attorney assigned
13 to the bureau, who shall act as legal counsel for state executive agencies in the procurement,
14 negotiation, and development of contracts as determined by the attorney general. Each agency shall
15 notify the department of justice of its intent to procure a contract or enter into any agreement that
16 may materially impact the state, according to criteria established by the department of justice,
17 including but not limited to, contract value, complexity, and performance obligations.

18 20 Department of Justice; Agency Attorneys and Attorney Positions. RSA 7:13 is repealed and
19 reenacted to read as follows:

20 7:13 Transfer of Attorneys From Other Departments.

21 I. If an agency head, in consultation with the attorney general, deems it to be in the best
22 interests of the agency or department to transfer an employee authorized to do legal work to the
23 department of justice, the agency head and the attorney general shall make such a request to the
24 governor. If the governor deems such action to be in the best interest of the state, he or she is hereby
25 authorized to transfer the employee, and all unexpended appropriations and funds allocated for the
26 payment of such employee's salary, from the department or agency of the state to the department of
27 justice, provided that if the unexpended appropriations and funds of the transferring agency are
28 restricted by law, then the employee shall continue to perform legal work exclusively for the
29 transferring agency in compliance with the funding restrictions. Upon transfer from the agency to
30 the department of justice, the position shall be converted to an unclassified position. The
31 transferring agency shall be responsible for any termination payouts due to the employee.

32 II. The attorney general shall be notified whenever an attorney position in an agency
33 becomes vacant. The attorney general, in consultation with the agency head, shall evaluate whether
34 the transfer of the vacant position to the department of justice would advance the provision of legal
35 services to that agency. A transfer shall not be considered if the position is for a hearings examiner
36 or an attorney who represents the state in child abuse and neglect proceedings, or requires
37 specialized legal knowledge or experience in a subject matter unique to the agency. Upon request of

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1 the attorney general, the governor is authorized to transfer any vacant attorney position if the
2 governor deems such transfer to be in the best interests of the state. If the agency head disagrees
3 with the attorney general's request, he or she shall be afforded the opportunity to confer with the
4 governor before a decision on the transfer request is made. When a transfer is made, all unexpended
5 appropriations and funds allocated for the payment of the salary associated with such position shall
6 be transferred from the agency to the department of justice, provided that if the unexpended
7 appropriations and funds of the transferring agency are restricted by law, then any person filling the
8 transferred position shall continue to perform legal work exclusively for the transferring agency in
9 compliance with the funding restrictions. Upon transfer from the agency to the department of
10 justice, the position shall be converted to an unclassified position.

11 21 Department of Justice; Compliance with Nonparticipating Manufacturer Adjustment
12 Settlement Agreement. Amend RSA 21-J:14, XII to read as follows:

13 XII. Department records, files, or information obtained by the commissioner or other
14 department employee under the provisions of RSA 78, RSA 541-C, or RSA 541-D may be disclosed to
15 the attorney general, or designee, and other federal, state, or local agencies as provided under
16 RSA 541-D:5, II. ***The attorney general or designee may further disclose such records, files,
17 or information pursuant to an agreement with an entity designated to serve as a data
18 clearinghouse in accordance with the terms of the Nonparticipating Manufacturer
19 Adjustment Settlement Agreement. The Nonparticipating Manufacturer Adjustment
20 Settlement Agreement means, for purposes of this paragraph, the settlement agreement
21 between the state of New Hampshire and the participating manufacturers, as primarily set
22 forth in the term sheet dated November 14, 2012 and approved by the general court in
23 2013, 6.***

24 22 Judicial Appointments; Number Limited; Vacancies.

25 I. Except as provided in paragraph II, for the biennium ending June 30, 2017, the number of
26 judges serving on the superior court shall not exceed 21 and the number of full-time judges serving
27 on the circuit court shall not exceed 31.

28 II. For the biennium ending June 30, 2017, the filling of a marital master position by a judge
29 shall increase the authorized number of circuit court judges allowed under paragraph I for each
30 position so filled.

31 23 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and
32 subject to approval of the fiscal committee of the general court, for the biennium ending June 30,
33 2017, the supreme court is hereby authorized to transfer funds within and among all accounting
34 units within the judicial branch as the supreme court deems necessary and appropriate to address
35 budget reductions or to respond to changes in federal laws, regulations, or programs, and otherwise
36 as necessary for the efficient management of the judicial branch. If the supreme court intends to
37 transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,

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1 prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

2 24 New Paragraph; Community College System; Retiree Health Care Payments. Amend
3 RSA 188-F:7 by inserting after paragraph IV the following new paragraph:

4 V. The community college system of New Hampshire shall remit to the state on a monthly
5 basis the cost of retiree health care benefits for employees who have retired on or after July 1, 2011.
6 The amount due shall be based on current enrollment for that month and the working rate for the
7 calendar year. Invoices from the department of administrative services shall contain retiree
8 enrollment detail in regards to the amount due. The department shall provide the community
9 college system an anticipated budget each biennium as part of the retiree health budget process.

10 25 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

11 (b) The forest management and protection fund shall be a nonlapsing fund administered
12 by the treasurer of the state of New Hampshire. The fund shall be continually appropriated and
13 expended at the discretion of the director of the division and the commissioner. Any funds in excess
14 of that appropriated from the fund may be expended by the commissioner, with prior approval of the
15 fiscal committee and governor and council, in accordance with RSA 227-G:5, I(a). Revenues shall be
16 derived from the proceeds of the sale of timber and other forest products from state-owned
17 forestlands, [~~the amount of which shall be the difference between the total receipts from the sale of~~
18 ~~timber within any fiscal year and \$150,000, the average annual stumpage receipt from the sale of~~
19 ~~timber from state forestlands for the period 1983-1992]~~ **less 13 percent which shall be deposited**
20 **into the general fund.** Revenues shall also be derived from the lease of state-owned forestlands, or
21 billable services provided by the division of forests and lands, if the revenues are not dedicated to
22 any other purpose. Revenues for the fund shall also be derived from administrative fines collected
23 pursuant to RSA 227-J:1.

24 26 State Park Fund. RSA 216-A:3-i, II is repealed and reenacted to read as follows:

25 II. Any funds deposited into the state park account are hereby continually appropriated to
26 and may be expended by the commissioner of the department of resources and economic development
27 to cover budgeted appropriations provided the balance in the state park account does not go below
28 \$1.5 million and any transfer is reported to the governor and council and fiscal committee of the
29 general court within 60 days.

30 27 Department of Resources and Economic Development; Transfer of Funds Authorized. The
31 commissioner of the department of resources and economic development may transfer funds between
32 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-
33 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike
34 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2017. The
35 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court
36 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers
37 made under this section.

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1 28 Department of Resources and Economic Development; Cannon Mountain. For each year of
2 the biennium ending June 30, 2017, net revenue derived by the department of resources and
3 economic development from fees, services, accommodations, rentals, revenue from lift and tramway
4 operations, retail sales, and concession operations for Cannon Mountain shall be credited to the
5 Cannon Mountain capital improvement fund established in RSA 12-A:29-c for use in paying debt
6 service related to capital improvements for the ski area and related state park facilities at Cannon
7 Mountain.

8 29 Suspension. The following are suspended for each fiscal year of the biennium ending
9 June 30, 2017:

10 I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.

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

12 30 Department of Transportation; Transfer of Funds. Notwithstanding any provision of law to
13 the contrary, for the biennium ending June 30, 2017, the commissioner of transportation is
14 authorized to transfer funds within and among all accounting units within the department and to
15 create accounting units and expenditure classes as required and as the commissioner deems
16 necessary and appropriate to address present or projected budget deficits, or to respond to changes in
17 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
18 the department; provided if a transfer does not include new accounting units or expenditure classes,
19 only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court
20 and the governor and council.

21 31 New Paragraph; Department of Information Technology; Statewide Standards and Protocols.
22 Amend RSA 21-R:4 by inserting after paragraph XVII the following new paragraph:

23 XVIII. Establishing as necessary, after consultation with the information technology council,
24 established under RSA 21-R:6, statewide standards and protocols for information technology,
25 networks, and cyber security, which shall be adhered to by all executive branch agencies unless
26 granted a waiver by the commissioner.

27 32 Department of Information Technology; Purchasing Policy. RSA 21-R:8-a is repealed and
28 reenacted to read as follows:

29 21-R:8-a Purchasing Policy.

30 I. The department shall, in collaboration with the department of administrative services,
31 establish standards for computer hardware, software, related licenses, media, documentation,
32 support and maintenance services, and other related services. Agencies may purchase directly using
33 contracts established by administrative services without approval from the chief information officer,
34 or designee, subject to any limitations established by the chief information officer.

35 II. Prior to an agency's issuance of a solicitation for the purchase of computer hardware,
36 software, related licenses, media, documentation, support and maintenance services, and other
37 related services including a request for proposal, request for purchase, or other procurement

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1 documentation, the agency shall consult with and seek approval from the department of information
2 technology.

3 III. The department of information technology, in consultation with the information
4 technology council, shall annually review and set dollar, or other, limits for purchases and contracts
5 that require approval from the chief information officer before proceeding.

6 IV. For purposes of this section, "agency" shall have the meaning defined in RSA 21-I:11,
7 II(b), but shall not include those agencies exempt under RSA 21-I:18 from the provisions of RSA 21-I.

8 33 Repeal. RSA 21-I:11, I(a)(9), relative to approval by the chief information officer, is repealed.

9 34 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received
10 in the fiscal years ending June 30, 2016 or June 30, 2017 from the Federal Emergency Management
11 Agency or Federal Highway Administration's Emergency Relief Program or any other federal
12 program providing emergency assistance to the department of transportation to reimburse costs
13 incurred for emergency response, including but not limited to, equipment rental, snow plowing,
14 sanding, salting, flood damage response, and personnel overtime during any emergency declared
15 shall be collected by the appropriate agency and appropriated to the department of transportation.

16 35 Continuation of Appropriation Regarding Emergency Management. The sums appropriated
17 pursuant to 2011, 223:1 as amended by 2013, 144:118 in accounting unit 02-23-23-236010-2740,
18 class 244, state match public assistance, shall not lapse until June 30, 2017.

19 36 Department of Safety; Assistant Commissioners.

20 I. Upon the appointment of the second assistant commissioner under RSA 21-P:5, I, position
21 9U539 shall be abolished to allow for the transition of this unclassified position with its available
22 appropriations into the unclassified position of assistant commissioner. Funding shall be in
23 expenditure class 013, within accounting unit 02-23-23-231015-2300. The incumbent in the
24 abolished unclassified position shall be offered the opportunity to seek the commissioner's
25 nomination for the unclassified position of assistant commissioner.

26 II. Paragraph I shall take effect upon the abolition of position 9U539, the funding and
27 appropriations of the unclassified position and the initial appointment of the second assistant
28 commissioner, as certified by the commissioner of safety to the director of legislative services.

29 37 Department of Safety; Assistant Commissioners. Amend RSA 21-P:5, I and II, to read as
30 follows:

31 I. The commissioner of safety shall nominate ~~[an]~~ **2** assistant ~~[commissioner]~~
32 **commissioners** for appointment by the governor, with the consent of the council. ~~[The]~~ **Each**
33 assistant commissioner shall serve a term of 4 years, coincident with that of the commissioner, and
34 may be reappointed. The assistant commissioner shall be qualified to hold that position by reason of
35 education and experience.

36 II. ~~[The]~~ **Each** assistant commissioner shall perform such duties as are assigned by the
37 commissioner. ~~[The assistant commissioner shall assume the duties of the commissioner]~~ In the

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1 event that the commissioner is unable for any reason to perform [~~such~~] *his or her* duties, *the*
2 *assistant commissioner who has served in that capacity longer shall assume the duties of*
3 *the commissioner, unless otherwise designated by the commissioner.* The assistant
4 [~~commissioner~~] *commissioners* shall be responsible for the operations of the bureau of hearings,
5 and shall, subject to the supervision of the commissioner, exercise authority as required to ensure
6 that the divisions and their directors are implementing the organizational goals and managing the
7 work of the department in an effective manner.

8 38 New Section; Departments; Electronic Credit Card Payments; Authorization to Administer.
9 Amend RSA 21-G by inserting after section 6 the following new section:

10 21-G:6-a Electronic Credit Card Payments; Authorization to Administer. Notwithstanding other
11 provision of law to the contrary, the head of any state agency or department and any authorized
12 employee or agent of the head, may accept credit cards or debit cards for the online payment of any
13 of the taxes, penalties, interest, or fees administered by such commissioner or collected by the
14 department. The amount of any service charge collected shall be disclosed in advance of the
15 transaction to the individual paying the tax, penalty or fee and shall be at a reasonable and
16 customary rate approved in advance by the comptroller.

17 39 Department of Corrections, Department of Health and Human Services, and Department of
18 Safety; Filling Unfunded Positions; Authorization. Notwithstanding other provisions of law to the
19 contrary, the commissioner of the department of corrections, the commissioner of the department of
20 health and human services, and the commissioner of the department of safety may fill unfunded
21 positions in their respective departments during the biennium ending June 30, 2017, provided that
22 the total expenditure for such positions shall not exceed the amount appropriated for personal
23 services.

24 40 Repeal. 1899, 42, relative to the payment of a fee to university system of New Hampshire, is
25 repealed.

26 41 Department of Revenue Administration; Administration and Enforcement Fee. Amend
27 RSA 72-B:16 to read as follows:

28 72-B:16 Administration and Enforcement Fee. There shall be an administration and
29 enforcement fee of \$100 for each original notice of intent to excavate filed with the department. Such
30 fee shall accompany the original intent to excavate and shall be deposited into [~~a revolving fund~~
31 ~~within the department to be used by the department for the administration and enforcement of this~~
32 ~~chapter and for the education of municipal officials regarding the chapter. It also may be used to~~
33 ~~educate state personnel responsible for the administration and enforcement of this chapter]~~ *the*
34 *general fund.*

35 42 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I to read
36 as follows:

37 I. Section 5 of this act shall take effect July 1, [~~2015~~] **2017**.

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1 43 Discrimination Prohibited; Eligibility for Services. Amend 2013, 140:2, V-a to read as
2 follows:

3 V-a. Section 19 of this act shall take effect July 1, [~~2015~~] **2017**.

4 44 Transfer to Revenue Stabilization Reserve Account. For the fiscal year ending June 30, 2015,
5 \$34,000,000 of the surplus, as determined by the official audit performed pursuant to RSA 21-I:8,
6 II(a), shall remain in the general fund and shall not be transferred to the revenue stabilization
7 reserve account in accordance with RSA 9:13-e.

8 45 New Section; Office of Energy and State Planning; Commission to Study the Planning
9 Functions of the Office of Energy and Planning. Amend RSA 4-C by inserting after section 1 the
10 following new section:

11 4-C:1-a Commission to Study the Planning Functions of the Office of Energy and Planning

12 I. There is established a commission to study the planning functions of the office of energy
13 and planning.

14 II. The members of the commission shall be as follows:

15 (a) One member of the senate, appointed by the president of the senate.

16 (b) Two members of the house of representatives, one of whom shall be a member of the
17 municipal and county government committee and one of whom shall be a member of the executive
18 departments and administration committee, appointed by the speaker of the house of
19 representatives.

20 (c) The director of the office of energy and planning, or designee.

21 (d) The commissioner of the department of resources and economic development, or
22 designee.

23 (e) The commissioner of the department of environmental services, or designee.

24 (f) The commissioner of the department of transportation, or designee.

25 (g) The director of the New Hampshire division of homeland security and emergency
26 management, or designee.

27 (h) The executive director of the New Hampshire Municipal Association, or designee.

28 (i) The president of the New Hampshire Planners Association, or designee.

29 (j) Two members representing regional planning commissions appointed by the governor,
30 one of whom shall be from an urban area, and one of whom shall be from a rural area.

31 (k) The executive director of the New Hampshire housing finance authority, or designee.

32 (l) One member of a city planning board or staff, appointed by the governor.

33 (m) One member of a town planning board or staff, appointed by the governor.

34 III. Legislative members of the commission shall receive mileage at the legislative rate when
35 attending to the duties of the commission.

36 IV. The commission shall study the planning functions of the office of energy and planning.
37 The commission shall examine alternative methods of providing these and other planning functions,

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1 including, but not limited to, the establishment of a state planning commission and the creation of a
2 separate office of state planning. The commission may seek input from any individual, agency, or
3 organization it deems to be relevant. The commission may make recommendations for future
4 legislation.

5 V. The members of the study commission shall elect a chairperson from among the members.
6 The first meeting of the commission shall be called by the first-named house member and shall be
7 held within 45 days of the effective date of this section. Eight members of the commission shall
8 constitute a quorum.

9 VI. The commission shall report its findings and any recommendations for proposed
10 legislation to the president of the senate, the speaker of the house of representatives, the senate
11 clerk, the house clerk, the governor, and the state library on or before November 1, 2016.

12 46 Repeal. RSA 4-C:1-a, relative to the commission to study the planning functions of the office
13 of energy and planning, is repealed.

14 47 Chapter Heading; Joint Board; Office of Professional Licensure and Certification. Amend the
15 chapter heading of RSA 310-A to read as follows:

CHAPTER 310-A

~~[JOINT BOARD OF]~~ **OFFICE OF PROFESSIONAL** LICENSURE AND CERTIFICATION

18 48 Office of Professional Licensure and Certification. RSA 310-A:1 and 310-A:1-a are repealed
19 and reenacted to read as follows:

20 310-A:1 Office of Professional Licensure and Certification; Purpose. The purpose of the office of
21 professional licensure and certification is to promote efficiency and economy in the administration of
22 the business processing, recordkeeping, and other administrative and clerical operations of
23 professional licensing and certification boards, including both professional healthcare licensing and
24 professional technical licensing. The individual licensing and certification boards that are organized
25 under the office of professional licensure and certification have specialized knowledge and experience
26 and are separate and distinct for the purpose of regulating their various professions.
27 Notwithstanding the unique regulatory role of each board, the legislature finds that there are
28 opportunities for improving efficiency and customer service by providing for the joint administration
29 of the boards' administrative, clerical, business processing, and recordkeeping functions. Except as
30 provided in this section, the licensing and certification boards and entities organized under the office
31 of professional licensure and certification shall exercise the powers, duties, functions, and
32 responsibilities granted by statute.

33 310-A:1-a Office of Professional Licensure and Certification; Division of Technical Professions
34 and Division of Health Professions Established. There shall be an office of professional licensure and
35 certification that shall consist of the division of technical professions and the division of health
36 professions.

37 I. The division of technical professions shall consist of each of the boards, councils, and

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1 commissions of:

- 2 (a) Professional engineers under RSA 310-A:3.
- 3 (b) Architects under RSA 310-A:29.
- 4 (c) Land surveyors under RSA 310-A:55.
- 5 (d) Natural scientists under RSA 310-A:81.
- 6 (e) Foresters under RSA 310-A:100.
- 7 (f) Professional geologists under RSA 310-A:120.
- 8 (g) Landscape architects under RSA 310-A:142.
- 9 (h) Court reporters under RSA 310-A:163.
- 10 (i) Home inspectors under RSA 310-A:186.
- 11 (j) Accountants under RSA 309-B:4.
- 12 (k) Manufactured housing installers under RSA 205-D:2.
- 13 (l) Real estate appraisers under RSA 310-B:4.
- 14 (m) Electricians under RSA 319-C:4.
- 15 (n) Board of manufactured housing under RSA 205-A:25.
- 16 (o) Guardians ad litem under RSA 490-C:1.
- 17 (p) Family mediators under RSA 328-C:4.
- 18 (q) Real estate commission under RSA 331-A:5.

19 II. The division of health professions shall consist of each of the boards, councils, and
20 commissions of:

- 21 (a) Hearing care providers under RSA 137-F:3.
- 22 (b) Examiners of nursing home administrators under RSA 151-A:3.
- 23 (c) Podiatry under RSA 315:1.
- 24 (d) Chiropractic examiners under RSA 316-A:2.
- 25 (e) Dental examiners under RSA 317-A:2.
- 26 (f) Registration of funeral directors and embalmers under RSA 325:2.
- 27 (g) Midwifery council under RSA 326-D:3.
- 28 (h) Licensed dietitians under RSA 326-H:7.
- 29 (i) Optometry under RSA 327:2.
- 30 (j) Naturopathic board of examiners under RSA 328-E:7.
- 31 (k) Licensed allied health professionals under RSA 328-F:3.
- 32 (l) Acupuncture licensing under RSA 328-G:3.
- 33 (m) Psychologists under RSA 329-B:3.
- 34 (n) Mental health practice under RSA 330-A:3.
- 35 (o) Licensing for alcohol and other drug use professionals under RSA 330-C:3.
- 36 (p) Electrologists under RSA 314:2-a.
- 37 (q) Body art practitioners under RSA 314-A.

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- 1 (r) Ophthalmic dispensers under RSA 327-A:2.
2 (s) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-
3 H:6.
4 (t) Massage therapists under RSA 328-B:5.
5 (u) Medicine under RSA 329:2.
6 (v) Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-B:26.
7 (w) Pharmacy under RSA 318:2 .
8 (x) Barbering, cosmetology, and esthetics under RSA 313-A:2.
9 (y) Medical technicians under RSA 328-A:2.

10 III. Administrative rules adopted pursuant to RSA 541-A governing the licensing boards,
11 commissions, and councils set forth in paragraphs I and II shall remain in effect until amended,
12 expired, or repealed.

13 49 New Sections; Executive Director; Administration; Investigations. Amend RSA 310-A by
14 inserting after section 1-a the following new sections:

15 310-A:1-b Executive Director of the Office of Professional Licensure and Certification.

16 I. The position of executive director of the office of professional licensure and certification
17 shall be an unclassified employee of the state. The executive director shall be qualified by reason of
18 professional competence, education, and experience. A vacancy shall be filled for the remainder of
19 the unexpired term in the same manner as the original appointment.

20 II. The current executive director of the joint board of licensure and certification shall
21 become the first executive director of the office of professional licensure and certification, with a 4-
22 year term beginning on July 1, 2015. Upon expiration of the term, or upon an earlier resignation,
23 the governor shall appoint or re-appoint, with advice of council, an executive director for a 4-year
24 term.

25 III. The salary of the executive director of the office of professional licensure and
26 certification shall be as specified in RSA 94:1-a. The salary of the executive director shall be
27 determined after assessment and review of the appropriate temporary letter grade allocation for the
28 position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to RSA 94:1-d and
29 RSA 14:14-c.

30 IV. The governor is hereby authorized to transfer such funds appropriated to the boards,
31 councils and committees identified in RSA 310-A:1-a as are necessary to pay the salary and benefits
32 of the executive director.

33 310-A:1-c Division Directors; Positions Transferred.

34 I. There is established in the office of professional licensure and certification 2 classified
35 positions, at salary grade 35, of director of the division of technical professions and director of the
36 division of health professions.

37 II. Every classified or unclassified state employee position authorized in the boards,

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1 councils, and commissions under RSA 310-A:1-a shall be transferred to the office of professional
2 licensure and certification and subject to the supervisory authority of the executive director.

3 III. The authority granted to the executive director of the real estate commission under
4 RSA 331-A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of
5 licenses, the hiring of clerical, administrative and investigative staff, maintenance of the official
6 record, and implementation of a program for consumer education, is hereby transferred to the
7 executive director of the office of professional licensure and certification.

8 IV. The unclassified position of executive director of the real estate commission shall be
9 converted from an unclassified position to a similar classified position when the incumbent serving
10 as the executive director of the real estate commission upon transfer to the office of professional
11 licensure and certification vacates the position. Any funds appropriated for the compensation of the
12 unclassified position of executive director of the real estate commission shall be used for
13 compensation of the classified position at the office of professional licensure and certification.

14 310-A:1-d Administration of the Office of Professional Licensure and Certification.

15 I. The office of professional licensure and certification shall operate under the supervision of
16 the executive director appointed under RSA 310-A:1-b. The office may employ such clerical or other
17 assistants as are necessary for the proper performance of its work, and may make expenditures for
18 any purpose which are reasonably necessary, according to the executive director, for the proper
19 performance of its duties under this chapter.

20 II. The executive director of the office of professional licensure and certification shall be
21 responsible for:

22 (a) Supervision of the division directors;

23 (b) The performance of the administrative, clerical, and business processing
24 responsibilities of the boards, commissions, and councils;

25 (c) Employment of such personnel needed to carry out the functions of the boards;

26 (d) The issuance of a license or certification to any applicant who has met the
27 requirements for licensure or certification and denying a license or certification to applicants who do
28 not meet the minimum qualifications;

29 (e) Maintenance of the official record of all applicants and licensees;

30 (f) Supervision, coordination, and assistance to the boards, commissions, and councils in
31 rulemaking, pursuant to RSA 541-A; and

32 (g) Maintaining the confidentiality of information, documents, and files in accordance
33 with RSA 91-A.

34 310-A:1-e Fees.

35 I.(a) The executive director of the office of professional licensure and certification shall
36 assess an annual license and renewal fee of either \$55 or \$150, or a biennial license and renewal fee
37 of \$110 or \$300, for each professional regulatory board, council, or commission listed in

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1 subparagraph (b). The prescribed fees shall not apply to the board of dental examiners under
2 RSA 317-A; the office of licensed allied health professionals under RSA 328-F; the board of mental
3 health practice under RSA 330-A; or any other board, council, or commission subject to this chapter
4 that has an established license or renewal fee set in statute as of the effective date of this section.

5 (b)(1) The board of hearing care providers under RSA 137-F:3.

6 (2) The board of examiners of nursing home administrators under RSA 151-A.

7 (3) The board of podiatry under RSA 315.

8 (4) The board of chiropractors examiners under RSA 316-A.

9 (5) The board of registration of funeral directors and embalmers under RSA 325.

10 (6) The midwifery council under RSA 326-D.

11 (7) The board of licensed dietitians under RSA 326-H.

12 (8) The board of registration in optometry under RSA 327.

13 (9) The naturopathic board of examiners under RSA 328-E.

14 (10) The board of acupuncture licensing under RSA 328-G.

15 (11) The board of psychologists under RSA 329-B.

16 (12) The board of licensing for alcohol and other drug use professionals under
17 RSA 330-C.

18 (13) Electrologists under RSA 314.

19 (14) Body art practitioners under RSA 314-A.

20 (15) Ophthalmic dispensers under RSA 327-A.

21 (16) Reflexology, structural integrators, and Asian bodywork therapists under
22 RSA 328-H.

23 (17) Massage therapists under RSA 328-B.

24 (c) If the license, certification, and renewal fees for a regulated profession are not
25 established in statute as of the effective date of this section, the relevant board, commission, or
26 council shall recommend the appropriate fee level to the executive director of the office of
27 professional licensure and certification. The total of all such license, certification, and renewal fees
28 shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating
29 expenses for the boards, commissions, and councils for the previous fiscal year.

30 II. Costs for the services provided by the office of professional licensure and certification
31 under this section shall be reimbursed by the boards, commissions, and councils, with such costs
32 allocated equitably, as determined by the executive director.

33 III. Nothing in this section shall affect the authority of professional regulatory boards,
34 commissions, and councils in the office of professional licensure and certification from exercising the
35 powers, duties, functions, and responsibilities granted by statute.

36 50 Positions Transferred; Department of Information Technology; Health and Human Services.

37 I. Position 41197 in the department of information technology is hereby transferred to the

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1 office of professional licensure and certification including the transfer of all associated books, papers,
2 records, personnel files, and equipment, including but not limited to work station and information
3 technology equipment, and shall include the transfer of any unexpended appropriations for any of
4 the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or
5 any other costs associated with the transferred personnel.

6 II. Position 14830 in the department of health and human services is hereby transferred to
7 the office of professional licensure and certification created herein including the transfer of all
8 associated books, papers, records, personnel files, and equipment, including but not limited to work
9 station and information technology equipment, and shall include the transfer of any unexpended
10 appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll,
11 benefits, support costs, or any other costs associated with the transferred personnel.

12 51 Board of Manufactured Housing; Administrative and Processing Functions. RSA 205-A:29-a
13 is repealed and reenacted to read as follows:

14 205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and
15 business processing functions of the board shall be transferred to the office of professional licensure
16 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

17 52 Manufactured Housing Installation Standards Board; Administrative and Processing
18 Functions. RSA 205-D:3-a is repealed and reenacted to read as follows:

19 205-D:3-a Administrative and Business Processing Functions. All administrative, clerical, and
20 business processing functions of the board shall be transferred to the office of professional licensure
21 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

22 53 Board of Accountancy. Amend RSA 309-B:4, III-X to read as follows:

23 III.~~(a)~~ Each member of the board shall be paid \$100 for each day or portion of a day spent in
24 the discharge of official duties and shall be reimbursed for actual and necessary expenses incurred in
25 the discharge of official duties.

26 ~~[(b) In addition to the amounts in subparagraph (a), the secretary treasurer shall be~~
27 ~~compensated in an amount to be determined by the board, but not to exceed \$5,000.]~~

28 IV. The board shall establish fees for examination of applicants, for licenses, for certificates
29 of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates
30 to practice under this chapter, for late renewals, for verification of licensure or examination, and for
31 transcribing and transferring records and other services. All moneys collected by the board from fees
32 authorized under this chapter shall be received and accounted for by the board, shall be deposited in
33 the state treasury. Administration expenses shall be limited to the funds collected and may include,
34 but shall not be limited to, the costs of conducting investigations and of taking testimony and
35 procuring the attendance of witnesses before the board or its committees; all legal proceedings taken
36 under this chapter for the enforcement of this chapter; and educational programs for the benefit of
37 the public or licensees and their employees. ~~[All fees prescribed by the board under prior law shall~~

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1 ~~remain in effect until the board shall prescribe a new schedule of fees pursuant to RSA 541-A.]~~

2 V. The board shall file an annual report of its activities with the governor, the president of
3 the senate, and the speaker of the house of representatives. The report shall include a statement of
4 all receipts and disbursements and a listing of all current licensees under this chapter. The board
5 shall mail a copy of the annual report to any person requesting it, upon payment of a reasonable
6 charge.

7 VI. The board may employ ~~[an executive director,]~~ investigators~~[-]~~ and such other personnel
8 as it deems necessary **through the office of professional licensure and certification** for
9 ~~[administration and]~~ enforcement under this chapter. It may appoint such committees or persons to
10 advise or assist it in such ~~[administration and]~~ enforcement, as it may see fit. It may retain its own
11 counsel **retained through the office of professional licensure and certification** to advise and
12 assist it, in addition to such advice and assistance as is provided by the department of justice.

13 VII. The board shall have the power to take any action necessary and proper to carry out the
14 purposes of this chapter, including the power to sue and be sued in its official name as an agency of
15 this state; to issue subpoenas to compel the attendance of witnesses and the production of
16 documents; and to administer oaths, to take testimony, to cooperate with the appropriate authorities
17 in other states in investigations and enforcement concerning violations of this chapter and
18 comparable laws of other states, and to receive evidence concerning all matters within its
19 jurisdiction. In case of disobedience of a subpoena, the board may invoke the aid of any court of this
20 state in requiring the attendance and testimony of witnesses and the production of documentary
21 evidence. The board, its members, and its agents shall be immune from personal liability for actions
22 taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board,
23 its members, and its agents harmless from all costs, damages, and attorneys' fees arising from
24 claims and suits against them with respect to matters to which such immunity applies.

25 VIII. The board shall adopt rules, pursuant to RSA 541-A, governing its administration, the
26 enforcement of this chapter and the conduct of licensees. Such rules shall include, but not be limited
27 to:

28 (a) Rules governing the board's meetings and conduct of its business.

29 (b) Rules of procedure governing the conduct of investigations and hearings by the
30 board.

31 (c) Rules specifying the educational and experience qualifications required for all
32 licensees, and the continuing professional education required for renewal of certificates or
33 registrations.

34 (d) Rules of professional conduct directed to controlling the quality and integrity of the
35 practice of public accountancy by licensees, including, but not limited to, matters relating to
36 independence, integrity, objectivity, competence, technical standards, responsibilities to the public,
37 and responsibilities to clients.

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1 (e) Rules on substantial equivalency for implementation of RSA 309-B:6.

2 (f) Rules governing the manner and circumstances of use of the titles “certified public
3 accountant”, “CPA,” “public accountant” and “PA.”

4 (g) Rules regarding peer review as required under this chapter. Such rules shall include
5 conduct and cost parameters to ensure that charges for the off-site peer review process are not
6 excessive.

7 (h) The establishment of all fees required under this chapter.

8 (i) The establishment of administrative fines for violations of this chapter.

9 (j) Rules on how an applicant for certificate demonstrates good character.

10 (k) Rules for records retention, outsourcing disclosures, and the severance of
11 connections.

12 IX. In accordance with RSA 541-A, the board shall publish notice of such proposed action
13 and shall, in addition, notify all licensees.

14 X. All administrative, clerical, and business processing functions of the board shall be
15 transferred to the ~~[joint board of]~~ **office of professional** licensure and certification, established in
16 RSA 310-A:1~~[, on July 1, 2011]~~ **through RSA 310-A:1-e.**

17 54 Board of Professional Engineers. Amend RSA 310-A:8 to read as follows:

18 310-A:8 Receipts and Disbursements. The board may employ such investigators, ~~[clerical, and
19 other assistants as are necessary for the proper performance of its work]~~ **retained through the
20 office of professional licensure and certification**, and may make expenditures for ~~[any purpose
21 which is reasonably necessary for the proper performance of its duties under this subdivision,
22 including]~~ the reasonable expenses of the board’s delegate to meetings of, and membership dues to,
23 the National Council of Examiners for Engineering and Surveying (NCEES). The board may, with
24 the approval of the attorney general, hire counsel and investigators **through the office of
25 professional licensure and certification** and pay the reasonable expenses of such counsel and
26 investigators for the investigation and prosecution of any violation of this subdivision.

27 55 Board of Professional Engineers. Amend RSA 310-A:25, II to read as follows:

28 II. The attorney general, or a designee, shall act as legal advisor to the board if the board so
29 requests, and render such legal assistance as deemed necessary by the board in carrying out the
30 provisions of this subdivision, provided that this responsibility shall not relieve the local prosecuting
31 officers of any of their duties under the law. With the approval of the attorney general, the board
32 may employ counsel and necessary assistance **through the office of professional licensure and
33 certification** in carrying out the provisions of this subdivision. Reasonable compensation and
34 expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such
35 purpose.

36 56 Rulemaking; Professional Engineers. Amend RSA 310-A:32, II to read as follows:

37 II. In adopting any rule under this section, the board ~~[may]~~ consult with the ~~[joint board]~~

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1 *office of professional licensure and certification* established under RSA 310-A:1 *through*
2 *RSA 310-A:1-e.*

3 57 Professional Geologists. Amend RSA 310-A:123 to read as follows:

4 310-A:123 Receipts and Disbursements. The board may employ such investigators~~[, clerical~~
5 ~~assistants, and other assistants]~~ as are necessary for the proper performance of its work *retained by*
6 *the office of professional licensure and certification* and may make expenditures *through the*
7 *office of professional licensure and certification* for any purpose which is reasonably necessary
8 for the proper performance of its duties under this subdivision, including the reasonable expenses of
9 the board's delegate to meetings and membership dues. The board may, with the approval of the
10 attorney general, hire counsel and *through the office of professional licensure and*
11 *certification* and pay the reasonable expenses of such counsel and investigators for the
12 investigation and prosecution of any violation of this subdivision.

13 58 Board of Professional Geologists; Hearings; Appeals. Amend RSA 310-A:135, II to read as
14 follows:

15 II. The attorney general, or a designee, shall act as legal advisor to the board if the board so
16 requests, and render such legal assistance as deemed necessary by the board in carrying out the
17 provisions of this subdivision. With the approval of the attorney general, the board may employ
18 counsel and necessary assistance *retained by the office of professional licensure and*
19 *certification* in carrying out the provisions of this subdivision. Reasonable compensation and
20 expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such
21 purpose.

22 59 Real Estate Appraiser Board. RSA 310-B:4, X is repealed and reenacted to read as follows:

23 X. All administrative, clerical, and business processing functions of the board shall be
24 transferred to the office of professional licensure and certification established in RSA 310-A:1
25 through RSA 310-A:1-e.

26 60 Electrician's Board. RSA 319-C:4, IV is repealed and reenacted to read as follows:

27 IV. All administrative, clerical, and business processing functions of the board shall be
28 transferred to the office of professional licensure and certification established in RSA 310-A:1
29 through RSA 310-A:1-e.

30 61 Board of Family Mediator Certification. RSA 328-C:13 is repealed and reenacted to read as
31 follows:

32 328-C:13 Board of Family Mediator Certification Administrative Functions. All administrative,
33 clerical, and business processing functions of the board shall be transferred to the office of
34 professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

35 62 Real Estate Commission. Amend RSA 331-A:5, IX to read as follows:

36 IX. The ~~[commission]~~ *office of professional licensure and certification* shall make a
37 biennial report to the governor and council on or before September 1 of each odd-numbered year.

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1 The report shall include an account of its actions, its receipts and expenses, the practical effects of
2 the application of this chapter, and any recommendations for legislation.

3 ***X. All administrative, clerical, and business processing functions of the commission***
4 ***shall be transferred to the office of professional licensure and certification established in***
5 ***RSA 310-A:1 through RSA 310-A:1-e.***

6 63 Real Estate Commission; Qualifications for Licensure. Amend the introductory paragraph
7 of RSA 331-A:10, I to read as follows:

8 I. The [~~executive director~~] ***commission, or designee***, shall issue a salesperson's license to
9 any applicant who:

10 64 Real Estate Commission; Qualifications for Licensure. Amend the introductory paragraph
11 of RSA 331-A:10, II and subparagraphs II(a) and (b) to read as follows:

12 II. The [~~executive director~~] ***commission, or designee***, shall issue a broker's license to any
13 applicant who:

14 (a) Has attained the age of 18;

15 (b) Has successfully completed an examination administered or approved by the
16 commission which demonstrates satisfactory knowledge and understanding of the principles of real
17 estate practice. The [~~executive director~~] ***commission, or designee***, shall only accept for licensure,
18 an applicant who shows proof of completion of 60 hours of approved study which shall have been
19 completed prior to the date of the applicant's examination;

20 65 Guardian ad Litem Board. RSA 490-C:7 is repealed and reenacted to read as follows:

21 490-C:7 Administrative Functions. All administrative, clerical, and business processing
22 functions of the board shall be transferred to the office of professional licensure and certification
23 established in RSA 310-A:1 through RSA 310-A:1-e.

24 66 Board of Medicine; Medical Review Subcommittee. Amend RSA 329:17, V-a to read as
25 follows:

26 V-a. A medical review subcommittee of 11 members shall be nominated by the board of
27 medicine and appointed by the governor and council. The subcommittee shall consist of one member
28 of the board of medicine and 10 other persons, 3 of whom shall be public members, one of whom shall
29 be a physician assistant, and 6 of whom shall be physicians. Any public member of the
30 subcommittee shall be a person who is not, and never was, a member of the medical profession or the
31 spouse of any such person, and who does not have, and never has had, a material financial interest
32 in either the provision of medical services or an activity directly related to medicine, including the
33 representation of the board or profession for a fee at any time during the 5 years preceding
34 appointment. The terms of the public members shall be staggered so that no 2 public members'
35 terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and
36 shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review
37 disciplinary actions reported to the board under paragraphs II-V of this section, except that matters

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1 concerning a medical director involved in a current internal or external grievance pursuant to
2 RSA 420-J shall not be reviewed until the grievance process has been completed. Following review
3 of each case, the subcommittee shall make recommendations to the board. Funds shall be
4 appropriated from the general fund for use by the subcommittee to investigate allegations under
5 paragraphs I-V of this section. The board shall employ **through the office of professional**
6 **licensure and certification** a physician as a medical review subcommittee investigator who shall
7 serve at the pleasure of the board. The salary of the medical review subcommittee investigator shall
8 be established by RSA 94:1-a.

9 67 Board of Medicine; Investigations. Amend RSA 329:18, II to read as follows:

10 II. The board **through the office of professional licensure and certification** may retain
11 expert witnesses or other qualified persons to assist with any investigation or adjudicatory
12 proceeding. Members of the board are not eligible for retainment. The board may also retain special
13 legal counsel in instances when recommended by the attorney general. To the extent the board's
14 existing appropriation does not include funds covering such expenditures, the board **through the**
15 **office of professional licensure and certification** may request the governor and council to
16 expend funds not otherwise appropriated on the condition that such funds be recovered in the
17 board's next budget at the rate of 125 percent.

18 68 Board of Medicine; Accounts. Amend RSA 329:19 to read as follows:

19 329:19 Accounts. The ~~board~~ **office of professional licensure and certification** shall keep a
20 full and true record of all fees received and all sums actually paid for expenses, and at the end of
21 each year shall account to the governor and council.

22 69 Office of Licensed Allied Health Professionals; Governing Boards. Amend RSA 328-F:3 to
23 read as follows:

24 328-F:3 Governing Boards Established; Board of Directors; Office of Licensed Allied Health
25 Professionals.

26 I. There shall be established governing boards of athletic trainers, occupational therapists,
27 recreational therapists, respiratory care practitioners, physical therapists, speech-language
28 pathologists, and genetic counselors.

29 II. The governing boards' chairpersons or their appointees shall make up the board of
30 directors of the office of licensed allied health professionals. The board of directors shall ~~subject to~~
31 ~~the rules adopted by the director of the division of personnel, have authority to establish and fill a~~
32 ~~supervisory position at labor grade 21 and technical and clerical positions to run the office's business~~
33 ~~in an efficient manner, and to~~ contract for the services of investigators and legal counsel **retained**
34 **through the office of professional licensure and certification**. The board of directors shall
35 have the authority to delegate to the person in the supervisory position matters of administrative
36 and personnel management.

37 III. There shall be an office of licensed allied health professionals established in Concord

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1 *within the office of professional licensure and certification.* [~~It shall be an administratively~~
2 ~~attached agency, under RSA 21-G:10, to the department of health and human services. In addition,~~
3 ~~the board shall be subject to the provisions of RSA 126-A:10 a.]~~

4 70 Office of Allied Health Professionals; Responsibilities of the Board of Directors. Amend
5 RSA 328-F:12 to read as follows:

6 328-F:12 Responsibilities of the Board of Directors.

7 I. [~~The board of directors shall be responsible for preparing and submitting the biennial~~
8 ~~budget, setting fees, and allocating appropriated funds to each governing board.~~

9 H.] Annually, the [~~board of directors~~] *office of professional licensure and certification*
10 shall submit to the governor a report of the transactions of the preceding year and a complete
11 statement of the receipts and expenditures of the boards.

12 [~~II.~~] *II.* The board of directors shall meet at least quarterly and more often if needed.

13 [~~III.~~] *III.* The board of directors shall provide a forum for practice issues arising in the allied
14 health professions, but shall not set policy for the governing boards.

15 [~~IV.~~] *IV.* The [~~board of directors~~] *office of professional licensure and certification* shall
16 receive and account for all moneys taken in by the governing boards pursuant to their respective
17 practice acts, and shall pay such moneys to the state treasurer to be deposited into the general fund.

18 71 Office of Allied Health Professionals; Investigations and Disciplinary Proceedings. Amend
19 RSA 328-F:24, IV(a) and (b) to read as follows:

20 (a) Retain qualified experts who are not members of the governing board *through the*
21 *office of professional licensure and certification.*

22 (b) Retain legal counsel when authorized to do so by the attorney general *through the*
23 *office of professional licensure and certification.*

24 72 Board of Nursing. Amend RSA 326-B:3, IX-XII to read as follows:

25 IX. The governor may remove any member from the board for neglect of any duty under
26 RSA 326-B:4 or for incompetence or unprofessional or dishonorable conduct. Any person may file a
27 complaint against a board member with the [~~department of health and human services~~] *office of*
28 *professional licensure and certification.* The provisions of RSA 4:1 controlling the removal of
29 public officials from office shall be followed in dismissing board members.

30 X. All members of the board and its agents or employees shall enjoy immunity from
31 individual civil liability while acting within the scope of their duties as board members, agents, or
32 employees, as long as they are not acting in a wanton or reckless manner.

33 XI. Board meetings shall be open to the public. In accordance with RSA 91-A:3, the board
34 may conduct part of a meeting in nonpublic session.

35 [~~XII. The board shall be administratively attached, under RSA 21-G:10, to the department of~~
36 ~~health and human services.]~~

37 73 Board of Nursing; Expenditures. Amend RSA 326-B:6 to read as follows:

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1 326-B:6 Collection and Expenditure of Funds. The ~~[board]~~ **office of professional licensure**
2 **and certification** shall receive and expend funds provided such funds are received and expended
3 for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges,
4 including those related to RSA 326-B:26, shall be deposited in the general fund.

5 74 Board of Nursing; Investigations. Amend RSA 326-B:38, II to read as follows:

6 II. The board may appoint legal counsel, health care advisors, or other investigators
7 **retained through the office of professional licensure and certification** to assist with any
8 investigation and with adjudicative hearings.

9 75 Board of Pharmacy; Reports. Amend RSA 318:11 to read as follows:

10 318:11 Reports. The ~~[board]~~ **office of professional licensure and certification** shall file with
11 the governor and council, on or before December 1 biennially, a report upon the condition of
12 pharmacy in the state and containing a record of their acts and proceedings.

13 76 Board of Pharmacy; Investigatory Powers. Amend RSA 318:30, II to read as follows:

14 II. The board may appoint legal counsel, technical advisors or other investigators **retained**
15 **through the office of professional licensure and certification** to assist with any investigation
16 and with adjudicatory hearings.

17 77 Board of Barbering, Cosmetology, and Esthetics; Receipts. Amend RSA 313-A:5 to read as
18 follows:

19 313-A:5 Receipts and Their Disposition. All moneys received ~~[by the board]~~ under this chapter
20 shall be ~~[paid to the secretary of the board, who shall give a receipt therefor and shall at the end of~~
21 ~~each month report to the commissioner of administrative services the total amount of money~~
22 ~~received and thereupon and]~~ **accounted for by the office of professional licensure and**
23 **certification, and shall be** deposited the same with the state treasurer.

24 78 Board of Barbering, Cosmetology, and Esthetics; Duties. Amend RSA 313-A:7, I to read as
25 follows:

26 I. The board shall:

27 (a) Prescribe the duties of its officers and employees~~[, which shall be at all times subject~~
28 ~~to the direction and supervision of the department of health and human services];~~

29 (b) Establish ~~[a principal]~~ an office, **within the office of professional licensure and**
30 **certification** at which all records and files of the board shall be kept;

31 79 Board of Barbering, Cosmetology, and Esthetics; Inspectors. Amend RSA 313-A:21, I and II
32 to read as follows:

33 I. The ~~[department of health and human services]~~ **office of professional licensure and**
34 **certification** shall employ inspectors and authorize them to enter and make reasonable
35 examination and inspection of any salon, barbershop, or school during business hours for the purpose
36 of ascertaining whether or not the administrative rules of the board and the provisions of this
37 chapter are being observed. Each inspector shall file a report with the board of such findings with

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1 respect to each inspection made. Salaries and necessary expenses of the inspectors shall be charged
2 against the fees and other moneys collected by the board.

3 II. The [~~commissioner of the department of health and human services shall, with the advice~~
4 ~~of the~~] board[;] **shall** adopt rules relative to the qualifications for inspectors under this section.

5 80 Dental Board; Investigatory Powers. Amend RSA 317-A:4, I(d) to read as follows:

6 (d) To obtain legal counsel, investigators, and such other assistance as may be required;
7 to make contracts and arrangements for the performance of administrative and similar services; and
8 to establish compensation therefor ***through the office of professional licensure and***
9 ***certification.***

10 81 Dental Board; Receipts. RSA 317-A:5 is repealed and reenacted to read as follows:

11 317-A:5 Report; Receipts. The office of professional licensure and certification shall make a
12 biennial report of the board's proceedings to the governor and council in October, and all fees and
13 fines received shall be accounted for by the office of professional licensure and certification, and shall
14 be deposited in the state treasury.

15 82 Dental Board; Investigations. Amend RSA 317-A:18, II to read as follows:

16 II. The board may retain legal counsel, dental advisors or other investigators ***through the***
17 ***office of professional licensure and certification*** to assist with any investigation and with
18 adjudicatory hearings.

19 83 Dental Board; Disposal of Fines. Amend RSA 317-A:35 to read as follows:

20 317-A:35 Disposal of Fines. All fines imposed and collected under this chapter shall be paid by
21 the court or justice to the [~~executive director of the board~~] ***office of professional licensure and***
22 ***certification.***

23 84 Dental Board; Office Amend RSA 317-A:36 to read as follows:

24 317-A:36 Location of Office. The office of the New Hampshire state board of dental examiners
25 shall be located in the [~~bureau of dental public health, department of health and human services~~]
26 ***office of professional licensure and certification.***

27 85 Board of Mental Health Practice; Receipts and Disbursements. RSA 330-A:11 is repealed
28 and reenacted to read as follows:

29 330-A:11 Receipts and Disbursements. All monies derived from the provisions of this chapter
30 shall be received and accounted for by the office of professional licensure and certification and shall
31 be deposited in the state treasury.

32 86 Board of Mental Health Practice; Records and Reports. Amend RSA 330-A:13, II, to read as
33 follows:

34 II. Biennially, as of October 1, the[~~board~~] ***office of professional licensure and***
35 ***certification*** shall submit to the governor a report of the transactions of the preceding biennium,
36 and shall also transmit a complete statement of the receipts and expenditures of the board.

37 87 Board of Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28, II to

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1 read as follows:

2 II. After determining the nature and scope of an investigation or hearing, the board may
3 employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or
4 investigators ***through the office of professional licensure and certification*** to assist with that
5 investigation or hearing. Members of the board are not eligible for retention.

6 88 Board of Podiatry; Investigations and Preliminary Hearings. Amend RSA 315:10, II to read
7 as follows:

8 II. The board may appoint legal counsel, podiatric advisors or other investigators ***retained***
9 ***through the office of professional licensure and certification*** to assist with any investigation
10 and with adjudicatory hearings.

11 89 Board of Nursing Home Administrators. Amend RSA 151-A:14 to read as follows:

12 151-A:14 Authorization. In order to provide necessary funds for training courses for nursing
13 home administrators, the state treasurer is authorized to establish a revolving fund within the
14 [~~department of health and human services~~] ***office of professional licensure and certification*** in
15 sums sufficient to carry out this provision, such funds to be reimbursed in full by federal matching
16 funds and by tuition charges to the nursing home administrators taking such training courses.

17 90 Board of Chiropractic Examiners; Income. RSA 316-A:8 is repealed and reenacted to read as
18 follows:

19 316-A:8 Income. All moneys collected by the board from fees authorized under this chapter shall
20 be received and accounted for by the office of professional licensure and certification, and shall be
21 deposited in the state treasury.

22 91 Board of Chiropractic Examiners; Report. Amend RSA 316-A:10 to read as follows:

23 316-A:10 Report. The secretary-treasurer shall file with the governor and council biennially and
24 in such form as the governor and council may prescribe, such information as is necessary to maintain
25 in the [~~department of health and human services~~] ***office of professional licensure and***
26 ***certification*** a current record of rules of the board of chiropractic examiners affecting the issuance
27 of licenses.

28 92 New Paragraph; Electrologists; Definitions. Amend RSA 314:1 by inserting after paragraph
29 IV the following new paragraph:

30 V. "Executive director" means the executive director of the office of professional licensure
31 and certification.

32 93 References Changed; Electrologists; Executive Director. Amend the following RSA provisions
33 by replacing "commissioner" with "executive director": 314:2, 314:2-a, 314:3, 314:5, 314:6, 314:7,
34 314:8, 314:9, 134:10, I, 314:13.

35 94 Embalmers and Funeral Directors. Amend RSA 325:33, II(a) and (b) to read as follows

36 (a) The board may appoint technical advisors or other investigators to assist with any
37 investigation or adjudication, and may, with the approval of the attorney general, appoint legal

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1 counsel *retained through the office of professional licensure and certification* for such
2 purposes.

3 (b) To the extent the board lacks budgeted funds to conduct a significant investigation or
4 adjudication, it may, with the approval of the attorney general, petition governor and counsel to
5 receive funds not otherwise appropriated in order to retain professional advisors [~~in the proceeding~~]
6 *retained through the office of professional licensure and certification*.

7 95 New Paragraph; Ophthalmic Dispensing; Definitions. Amend RSA 327-A:1 by inserting after
8 paragraph VI the following new paragraph:

9 VI-a. "Executive director" means the executive director of the office of professional licensure
10 and certification.

11 96 References Changed; Ophthalmic Dispensing; Executive Director. Amend the following RSA
12 provisions by replacing "commissioner" with "executive director": the introductory paragraph of
13 327-A:5, 327-A:5, VI, 327-A:6, 327-A:7, 327-A:12, 327-A:15, 327-A:17.

14 97 Ophthalmic Dispensing; Duties of Executive Director. Amend RSA 327-A:5, VII to read as
15 follows:

16 VII. Reporting to the governor and council [~~and to the commissioner of the department of~~
17 ~~health and human services~~] annually on the activities conducted under this chapter.

18 98 Ophthalmic Dispensing. Amend RSA 327-A:14 to read as follows:

19 327-A:14 Renewal of Registration; Continuing Education. Certificates of registration issued
20 under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the
21 manner prescribed by the commissioner. Certificates of registration for ophthalmic dispensing shall
22 be renewed upon the payment of the renewal fee and the completion of 8 credits of continuing
23 education during the previous 2-year period. Any national, regional, or state optical company, trade,
24 or professional group is authorized to sponsor continuing education programs approved by the
25 American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. The
26 [~~commissioner or the deputy commissioner of the department of health and human services~~]
27 *executive director* shall authorize continuing education programs which contribute to the
28 advancement, extension, or enhancement of the professional skills and the technical knowledge of
29 opticians.

30 99 Naturopathic Board; Powers. Amend RSA 328-E:8, I(d) to read as follows:

31 (d) Maintain an accurate account of all receipts, expenditures and refunds granted under
32 this chapter *through the office of professional licensure and certification*.

33 100 Naturopathic Board; Administration. Amend RSA 328-E:15 to read as follows:

34 328-E:15 Administration. The [~~commissioner of the department of health and human services~~]
35 *executive director* shall provide administrative services to the board created under this chapter.
36 All administrative services shall be a cost to the board and shall be reimbursed by fees collected by
37 the board under RSA 328-E:8, I(a).

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1 101 Board of Hearing Care Providers. Amend RSA 137-F:21, III to read as follows:

2 III. The board may appoint legal counsel, audiology experts, hearing aid dealer experts,
3 hearing officers, or other investigators ***retained through the office of professional licensure***
4 ***and certification*** to assist with any investigation or with adjudicatory hearings.

5 102 Board of Acupuncture. Amend RSA 328-G:8 to read as follows:

6 328-G:8 Disposition of Receipts. All moneys received by the board under this chapter shall be
7 ~~[paid to the administrator of the board, who shall give a receipt therefor and shall, at the end of each~~
8 ~~month, report to the commissioner of the department of health and human services the total amount~~
9 ~~of money received and deposit it]~~ ***deposited*** with the state treasurer ***through the office of***
10 ***professional licensure and certification.***

11 103 Board of Acupuncture; Duties. Amend RSA 328-G:11 I(c), to read as follows:

12 (c) Maintain an accurate account of all receipts, expenditures, and refunds granted
13 under this chapter ***through the office of licensure and certification.***

14 104 Board of Licensure for Alcohol and other Drug Use Professionals. Amend RSA 330-C:3, XII
15 to read as follows:

16 XII. The governor may remove any member from the board for neglect of any duty under
17 RSA 330-C:5 or for incompetence, or unprofessional or dishonorable conduct. Any person may file a
18 complaint against a board member or board members with the ~~[commissioner of the department of~~
19 ~~health and human services]~~ ***executive director of the office of professional licensure and***
20 ***certification.*** Upon receipt of a complaint, the commissioner shall conduct an investigation and
21 take any appropriate action and report his or her findings to the complainant. The provisions of
22 RSA 4:1 controlling the removal of public officials from office shall be followed in dismissing board
23 members.

24 105 Advisory Board of Massage Therapists. RSA 328-B:2, IV is repealed and reenacted to read
25 as follows:

26 IV. "Executive director" means the executive director of the office of professional licensure
27 and certification.

28 106 References Changed; Massage Therapists; Executive Director. Amend the following
29 RSA provisions by replacing "commissioner" with "executive director": 328-B:4, 328-B:5.

30 107 Advisory Board of Massage Therapists. Amend RSA 328-B:11-a to read as follows:

31 328-B:11-a Administrative Fines. The ~~[commissioner of the department of health and human~~
32 ~~services]~~ ***executive director of the office of professional licensure and certification,*** after
33 notice and opportunity for hearing, pursuant to rules adopted under RSA 541-A, may impose an
34 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision
35 of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the
36 ~~[commissioner]~~ ***executive director*** shall be in accordance with RSA 541. Any administrative fine
37 imposed under this section shall not preclude the imposition of further penalties or administrative

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1 actions under this chapter. The [~~commissioner~~] **executive director** shall adopt rules in accordance
2 with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and
3 severity of the violation. The sums obtained from the levying of administrative fines under this
4 chapter shall be forwarded to the state treasurer to be deposited into the general fund.

5 108 Board of Psychologists. Amend RSA 329-B:22, III to read as follows:

6 III. After determining the nature and scope of an investigation or hearing, the board may
7 employ or retain hearing officers, legal counsel, medical advisors, psychologist advisors, or
8 investigators **through the office of professional licensure and certification** to assist with that
9 investigation or hearing. Members of the board are not eligible for retention.

10 109 New Paragraph; Advisory Board of Reflexology, Structural Integration, and Asian
11 Bodywork Therapy; Definitions. Amend RSA 328-H:2 by inserting after paragraph IV the following
12 new paragraph:

13 IV-a. "Executive director" means the executive director of the office of professional licensure
14 and certification established under RSA 310-A:1 through RSA 310-A:1-e.

15 110 References Changed; Advisory Board of Reflexology, Structural Integration, and Asian
16 Bodywork Therapy; Executive Director. Amend the following RSA provisions by replacing
17 "commissioner" and "department" with "executive director": 328-H:2, I, 328-H:2, VII, 328-H:4, 328-
18 H:5, 328-H:6, 328-H:7, 328-H:8, 328-H:9, 328-H:10, 328-H:11, 328-H:12, 328-H:15, 328-H:16, 328-
19 H:17.

20 111 Repeals. The following are repealed:

21 I. RSA 126:10-a, relative to the health and human services office of professional licensing.

22 II. RSA 310-A:61, relative to expenditures by the board of land surveyors.

23 III. RSA 331-A:2, V, relative to definition of executive director of the real estate commission.

24 IV. RSA 331-A:6, relative to administrative attachment of the real estate commission.

25 V. RSA 331-A:7, I, relative to appointment of the executive director of the real estate
26 commission.

27 VI. RSA 331-A:8, relative to powers of the executive director of the real estate commission.

28 VII. RSA 326-B:4, XI and XII, relative to staff and executive director of the board of nursing.

29 VIII. RSA 326-B:5, relative to administration by the executive director of the board of
30 nursing.

31 IX. RSA 318:2-a, relative to administrative attachment of the pharmacy board.

32 X. RSA 318:9, relative to administrative duties of the pharmacy board.

33 XI. RSA 313-A:2, VI, relative to administrative attachment of the board of barbering,
34 cosmetology and esthetics.

35 XII. RSA 317-A:2, relative to administrative attachment of the dental board.

36 XIII. RSA 330-A:5, relative to administrative attachment of the board of mental health
37 practice.

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- 1 XIV. RSA 327:2, IV and V, relative to administrative attachment of the board of optometry.
- 2 XV. RSA 315:1-a, relative to administrative attachment of the board of podiatry.
- 3 XVI. RSA 151-A:3, IV, relative to administrative attachment of the board of nursing home
4 administrators.
- 5 XVII. RSA 316-A:2, relative to administrative attachment of the board of chiropractic
6 examiners.
- 7 XVIII. RSA 314:1, I and II, relative to definitions under electrolysis regulation.
- 8 XIX. RSA 325:2, IV, relative to administrative attachment of the board of funeral directors
9 and embalmers.
- 10 XX. RSA 325:10, relative to duties of the secretary of the board of funeral directors and
11 embalmers.
- 12 XXI. RSA 327-A:1, V and VI, relative to definitions under the ophthalmic dispensers board.
- 13 XXII. RSA 328-E:7, VII, relative to administrative attachment of the naturopathic board of
14 examiners.
- 15 XXIII. RSA 328-E:8, II, relative to personnel of the naturopathic board of examiners.
- 16 XXIV. RSA 328-E:11, relative to rulemaking by the naturopathic board of examiners.
- 17 XXV. RSA 137-F, VIII, relative to administrative attachment of the board of hearing care
18 providers.
- 19 XXVI. RSA 328-G:4, relative to administrative attachment of the board of acupuncture.
- 20 XXVII. RSA 328-G:11, V and VI relative to rulemaking by the board of acupuncture.
- 21 XXVIII. RSA 326-D:3, III, relative to administrative attachment of the midwifery council.
- 22 XXIX. RSA 326-D:10, II, relative to administrative services of the midwifery council.
- 23 XXX. RSA 330-C:4, relative to administrative attachment of the board of licensure for
24 alcohol and other drug use professionals.
- 25 XXXI. RSA 330-C:5, IX, relative to assistants of the board of licensure for alcohol and other
26 drug use professionals.
- 27 XXXII. RSA 330-C:5, XI, relative to reports of the board of licensure for alcohol and other
28 drug use professionals.
- 29 XXXIII. RSA 326-H:7, relative to administrative attachment of the board of licensed
30 dieticians.
- 31 XXXIV. RSA 329-B:5, relative to administrative attachment of the board of psychologists.
- 32 XXXV. RSA 328-H:2, III and IV, relative to definitions for the advisory board of reflexology,
33 structural integration, and Asian bodywork therapy.
- 34 XXXVI. RSA 328-I:1, II and III, relative to definitions for the board of registration of medical
35 technicians.
- 36 XXXVII. RSA 328-I:2, IV, relative to the administrative attachment of the board of
37 registration of medical technicians.

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1 112 Department of Agriculture, Markets, and Food; Assistant State Veterinarian; Position
2 Established. There is established within the department of agriculture, markets, and food the
3 unclassified position of assistant state veterinarian. The assistant state veterinarian shall be
4 qualified to hold that position by reason of education and experience, and shall be appointed by and
5 serve at the pleasure of the commissioner of agriculture, markets, and food. The assistant state
6 veterinarian shall assist the state veterinarian in carrying out the duties of the department of
7 agriculture, markets, and food, division of animal industry. The salary of the assistant state
8 veterinarian shall be determined after assessment and review of the appropriate temporary letter
9 grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant to RSA 94:1-d
10 and RSA 14:14-c. Funding shall be transferred into a new expenditure class 011, within accounting
11 unit 02-18-18-182010-2700.

12 113 New Sections; Agriculture, Horticulture and Animal Husbandry; Assistant State
13 Veterinarian; Powers; Salary and Expenses. Amend RSA 436 by inserting after section 9 the
14 following new sections:

15 436:9-a Appointment. The commissioner of agriculture, markets, and food shall appoint a
16 graduate of a veterinary college of recognized standing, who shall have had at least 5 years'
17 experience in the practice of veterinary medicine, including large animal practice, and who shall be
18 known as the assistant state veterinarian.

19 436:9-b Powers. The assistant state veterinarian, under the direction of the commissioner and
20 state veterinarian, shall assist the state veterinarian with the enforcement of this chapter and any
21 other law over which the division has regulatory authority. The state veterinarian may direct the
22 assistant state veterinarian to act for him or her in an official capacity whenever he or she may be
23 absent from his or her duties.

24 436:9-c Salary and Expenses. The assistant state veterinarian shall receive the annual salary
25 prescribed by RSA 94:1 through RSA 94:4, and shall be allowed his or her expenses when away from
26 the office of the department on official business.

27 114 All Agencies; Administrative Services. Unless restricted by law or administrative rule,
28 upon request of an intended recipient, an agency may provide documents by electronic mailing in
29 lieu of mail.

30 115 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds
31 in existing class 60 budgets to pay any penalties imposed under the employer shared responsibility
32 for health coverage under section 4980H of the Internal Revenue Code.

33 116 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the
34 commissioner of the department of administrative services shall offer for sale the former Laconia
35 state school land and buildings and the former Laconia state school and training center land and
36 buildings, except those portions of the land and buildings required for state use. The commissioner
37 of the department of administrative services shall submit quarterly reports on the progress of the

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1 sale to the fiscal committee of the general court. Any sale of such land and buildings shall be subject
2 to the requirements of RSA 4:40, except that review and approval of the sale of the land and
3 buildings by the council on resources and development and the long range capital planning and
4 utilization committee shall not be required. All proceeds from the sale shall be deposited into the
5 general fund.

6 117 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of
7 Appropriation. The appropriation for the administration of the client assistance program that is
8 received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years
9 2016 and 2017 may be transferred to another qualified agency or agencies upon certification by the
10 governor to the commissioner of administrative services that the program has been redesignated. If
11 the redesignation occurs and the governor's certification is made after July 1, 2015, the unexpended
12 portion of the appropriation shall be transferred.

13 118 Repeal. RSA 486:4, relative to limitation of guarantee of construction bonds for sewage
14 disposal facilities, is repealed.

15 119 Department of Environmental Services; Aid to Municipalities for Water Pollution Control.
16 Amend RSA 486:1, I(a) to read as follows:

17 I.(a) The state of New Hampshire shall~~], in addition to any federal grant made available~~
18 ~~under the provisions of the Clean Water Act of 1977 (or subsequent amendments thereof),] pay~~
19 annually 20 percent of the annual amortization charges, meaning principal and interest, on the
20 ~~[original]~~ **eligible** costs resulting from the acquisition and construction of sewage disposal facilities
21 by municipalities (meaning counties, cities, towns, or village districts), in accordance with
22 RSA 485:8, RSA 485-A:4, IX, and RSA 485-A:4, XII, for the control of water pollution. The word
23 "construction" shall include engineering services, in addition to the construction of new sewage
24 treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains
25 when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer
26 overflow structure; the altering, improving or adding to existing treatment plants, pumping stations,
27 intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a
28 cost-effective method for eliminating a combined sewer overflow structure; provided the construction
29 has been directed by the department, or constitutes a voluntary undertaking designed to control or
30 reduce pollution in the surface waters of the state as defined in RSA 485-A:2, and the plan therefor is
31 approved in compliance with the provisions of RSA 485:8, RSA 485-A:4, IX, and RSA 485-A:4, XII.
32 The term "eligible costs" as used in this ~~[section]~~ **chapter, except as noted**, shall mean the entire
33 cost of the construction of treatment plants, pumping stations, intercepting sewers and sewer
34 separation by storm drains as defined in the Clean Water Act of 1977, **less any other grant or**
35 **subsidy. Cash payments, net of any other grant or subsidy, made by municipalities toward**
36 **eligible costs shall also be eligible for state contributions in accordance with this section.**

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1 120 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, or
2 any other law to the contrary, for the biennium ending June 30, 2017, a moratorium shall be in place
3 on state aid grants for any new infrastructure projects that would have otherwise been eligible for
4 state aid grants under RSA 486-486-A or RSA 149-M, with the exception that infrastructure projects
5 that had local authorization by December 31, 2008 to construct but were not listed in 2013, 144:101
6 continue to be eligible for state aid grants subject to availability of funding. Nothing in this section
7 shall affect the provision of the future water supply land protection grants under RSA 486-A if
8 funding is available for such purposes.

9 121 Terms of Appointment. Amend RSA 21:33-a, III(a) to read as follows:

10 (a) That any commissioner or agency head of a department, as defined in RSA 21-G:5,
11 VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the
12 appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond
13 the appointed term or unexpired portion thereof with the written authorization of the governor,
14 provided that such service shall not extend beyond 6 months. This subparagraph shall also apply to
15 the adjutant general and the attorney general, and to appointees to the liquor commission, the
16 lottery commission, [~~the racing and charitable gaming commission,~~] and the public utilities
17 commission.

18 122 State Employees; Terms Defined. Amend RSA 98-A:1, III to read as follows:

19 III. "The equivalent of 6 months or more" shall mean the equivalent of 130 or more regularly
20 scheduled work days, not necessarily consecutive, provided that whenever an employee of the [~~racing~~
21 ~~commission or greyhound racing commission~~] **lottery commission** is employed on any day on a per
22 diem basis he **or she** shall be deemed to have worked one day.

23 123 Racing and Charitable Gaming; Subdivision Heading Changed. Amend the subdivision
24 heading preceding RSA 284:6 to read as follows:

25 Racing and Charitable Gaming [~~Commission~~]

26 124 Racing and Charitable Gaming Commission; Lottery Commission Authorization. Amend
27 RSA 284:6-a to read as follows:

28 284:6-a Racing and Charitable Gaming; **Lottery** Commission.

29 I. [~~There shall be a state racing and charitable gaming commission consisting of 6 members~~
30 ~~appointed by the governor with the advice and consent of the council. Each member shall hold office~~
31 ~~for a term of 3 years. Any vacancy shall be filled for the unexpired term. Annually, one member~~
32 ~~shall be chosen chairperson by the commission, and one shall be chosen as secretary.]**The**
33 **regulation of racing and charitable gaming shall be under the authority of the lottery**
34 **commission established under RSA 284:21-a.**~~

35 II. The [~~racing and charitable gaming~~] **lottery** commission shall assume the powers, rights,
36 duties, and responsibilities granted to the [~~state~~] racing **and charitable gaming** commission [~~and~~
37 ~~the state greyhound racing commission under RSA 284, and any reference to the state racing~~

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1 ~~commission or the state greyhound racing commission in RSA 284 or any other statutory cites shall~~
2 ~~be deemed to refer to the New Hampshire racing and charitable gaming commission.]~~ The
3 ~~[New Hampshire racing and charitable gaming]~~ **lottery** commission shall, in carrying out the
4 purpose of this chapter, use the applicable provisions for horse racing independent of the applicable
5 provisions for simulcast dog racing.

6 III. The ~~[racing and charitable gaming]~~ **lottery** commission shall have all the powers, duties,
7 and rights conferred upon state commissions under the United States Interstate Horseracing Act of
8 1978 as it currently exists and as it may be amended from time to time.

9 IV. The ~~[racing and charitable gaming]~~ **lottery** commission shall administer RSA 287-E
10 relating to bingo and lucky 7.

11 V. The ~~[racing and charitable gaming]~~ **lottery** commission shall administer RSA 287-D,
12 relating to games of chance conducted by charitable organizations.

13 VI. The ~~[racing and charitable gaming]~~ **lottery** commission shall not authorize the use of
14 any electronic gaming device in connection with the acceptance of wagers on running or harness
15 horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use
16 prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by
17 the general court. Electronic gaming devices shall mean and include all electro-mechanical
18 instruments and devices used for the purposes of gaming, other than wagering on live or simulcast
19 horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such
20 shall include, but not be limited to, video slot machines and other gambling devices which function or
21 are designed to function to emulate a video slot machine or historic racing machine. This section
22 shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the
23 conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of
24 equipment was in service prior to January 1, 2011, with updated or new equipment which are the
25 functional equivalent of the machines which are being replaced, provided the equipment is not an
26 electronic gaming device as described in the previous sentence. This section shall not be interpreted
27 as prohibiting licensees from accepting account wagers in compliance with applicable rules and
28 regulations.

29 125 Supervision and Hearings. Amend RSA 284:13 to read as follows:

30 284:13 Supervision and Hearings. The **lottery** commission shall have the power to conduct
31 hearings at which all matters pertaining to the administration of the affairs of the commission and
32 all activities conducted under its jurisdiction may be investigated and determined and, under the
33 hand of its chairperson, to issue subpoenas for the attendance of witnesses at such hearings. The
34 **lottery** commission on its own motion or at the request of any party may cause a complete record to
35 be made of such hearings by a competent reporter or by electronic recording which shall be
36 transcribed at the request and expense of any party desiring the same, and a copy of such
37 transcription shall be furnished to any other party upon the written request and at the expense of

1 such other party. If the record is not transcribed, the **lottery** commission shall prepare a summary
2 record of the proceedings and evidence. Any member of the **lottery** commission, **or the**
3 **commission's designee**, may administer oaths and affirmations [~~and may~~] examine witnesses, **and**
4 **receive testimony and shall forward findings to the full commission as part of the hearing.**
5 Disobedience of such subpoenas or false swearing before the **lottery** commission shall be attended
6 with the same penalties as if such disobedience or false swearing occurred in an action in the
7 superior court. The **lottery** commission shall have the power and authority to regulate, supervise
8 and check the making of pari-mutuel pools and the distributions therefrom. It shall have the further
9 power and authority to investigate as to the direct and indirect ownership and control of any
10 licensee, and any expense incurred by the **lottery** commission in so doing shall be at the expense of
11 such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in
12 proceedings before the **lottery** commission may, within 10 days after such decision is entered, appeal
13 to the superior court by petition specifying the grounds upon which the decision is claimed to be
14 unreasonable or unlawful. Findings and decisions by the **lottery** commission shall be deemed to be
15 prima facie lawful and reasonable, and shall not be set aside on appeal unless found to be arbitrary,
16 capricious, unreasonable, or unlawful.

17 **II. The lottery commission may, in accordance with the rules adopted in**
18 **accordance with RSA 541-A, appoint a hearings officer or hearings officers, as necessary,**
19 **to preside over such hearings as are required to comply with federal and state statutes and**
20 **federal or state rules or regulations. The decision of the officer shall not be contrary to**
21 **rules adopted by the lottery commission pursuant to RSA 541-A. The officer's decision shall**
22 **be binding on all parties unless such decision is overturned on appeal.**

23 126 Licensees; Restriction on Gambling. Amend RSA 284:17-c to read as follows:

24 284:17-c Restriction on Gambling. Notwithstanding any other provision of law, except as
25 provided in RSA 284:22-a and in the introductory paragraph of RSA 284:22, no licensee who holds
26 running horse races shall at the same facility hold any other kinds of races or permit any other type
27 of gambling except harness horse races and activities licensed by the lottery commission [~~or the~~
28 ~~racetrack and charitable gaming commission~~].

29 127 Stewards. Amend RSA 284:20 to read as follows:

30 284:20 Stewards. There shall be at least 3 stewards to supervise each running or harness horse
31 race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold.
32 One of such stewards shall be the official steward of the [~~state racing~~] **lottery** commission, and the
33 remaining stewards shall be appointed by the person, association, corporation, or any other type of
34 entity conducting the race or meet, subject to the approval of the commission. Said stewards shall be
35 authorized to assess fines and suspend licenses and shall exercise such other powers and perform
36 such duties at each race meet as may be prescribed by the rules and regulations of the **lottery**
37 commission. Any person who has been assessed a fine or whose license has been suspended may

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1 appeal any fine or suspension imposed by the stewards under this section to the **lottery** commission.

2 128 Rights Protected; Liability Limited. Amend RSA 284:20-a to read as follows:

3 284:20-a Rights Protected. No licensee conducting a race or meet under this chapter, no
4 member of the ~~[state racing]~~ **lottery** commission, no steward, judge, or assistant official appointed to
5 act as such pursuant to the provisions of this chapter, shall be liable for damages to any person,
6 association or corporation for any cause whatsoever arising out of or from the performance by such
7 licensee, commissioner, steward, judge or assistant official of such person's duties and exercise of
8 discretion with respect to such duties, so long as such person acted in good faith, without malice or
9 improper motive.

10 129 Lottery Commission Revenues. Amend RSA 284:21-j, I to read as follows:

11 I. The state treasurer shall credit all moneys received from the lottery commission ~~[and all~~
12 ~~moneys received from the racing and charitable gaming commission]~~ under RSA 284, RSA 287-D,
13 and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer
14 shall pay all expenses of the commission incident to the administration of this subdivision and all
15 administration and enforcement expenses of ~~[the]~~ racing and charitable gaming ~~[commission]~~ under
16 RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid
17 shall be deposited in the education trust fund established under RSA 198:39.

18 130 Change from Racing and Charitable Gaming to Lottery. Amend the following
19 RSA provisions by replacing "racing and charitable gaming commission" or "commission" with
20 "lottery commission": 21-I:18, I(n); the introductory paragraph of 21-P:4, VI; 175:1, LVI; 273-C:2, VI;
21 the introductory paragraph of 284:8; 284:12; 284:12-a; 284:13-a; 284:14; 284:15; 284:15-a; 284:15-b;
22 284:16; 284:16-a; 284:16-b; 284:16-c; 284:17; 284:18; 284:19; 284:20; 284:20-a; 284:20-c; 284:20-d;
23 284:20-f; 284:20-g; 284:21; 284:22; 284:23; 284:31; 284:32-a; 284:32-b; 284:38-a; 287-A:8, III; 787-D:1,
24 V; 287-D:1-a; the introductory paragraph of 287-D:1-b; 287-D:2; 287-D:2-a; 287-D:2-b; 287-D:2-c;
25 287-D:2-d; 287-D:3; 287-D:5; 287-D:6; 287-D:8; 287-D:9; 287-E:1, VI; 287-E:2; 287-E:16; and 647:2,
26 V(a).

27 131 Bingo and Lucky 7; Penalties. Amend RSA 287-E:25 to read as follows:

28 287-E:25 **Suspension; Revocation.** The commission shall ~~[immediately]~~ **suspend or** revoke the
29 license of any licensee **and/or impose an administrative fine upon the licensee upon a finding**
30 **that the licensee has violated** ~~[who violates]~~ any provision of this subdivision. Any licensee whose
31 license is revoked shall not be eligible for licensure for a period of up to one year from the date of
32 revocation.

33 132 Bingo and Lucky-7; Process. Amend RSA 287-E:3, IV to read as follows:

34 IV. Procedures for a hearing following the revocation of a license **and the imposition of**
35 **administrative orders and fines.**

36 133 New Paragraph; Bingo and Lucky-7; Process. Amend RSA 287-E:3 by inserting after
37 paragraph XIV the following new paragraph:

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1 XV. The issuance of subpoenas pursuant to RSA 287-E:14-a.

2 134 Administrative Orders; Subpoenas. RSA 287-E:14 is repealed and reenacted to read as
3 follows:

4 287-E:14 Administrative Orders and Fines.

5 I. The commission, pursuant to rules adopted under RSA 287-E:18, may impose an
6 administrative order or fine, which shall be scaled to reflect the scope and severity of the violation
7 for each offense, upon any person who violates any provision of this chapter or rules adopted
8 pursuant to this chapter.

9 II. Any administrative fine imposed under this section shall not preclude the imposition Of
10 further penalties or administrative actions under this chapter.

11 III. All fines imposed by the lottery commission shall be deposited in the special fund
12 established pursuant to RSA 284:21-j.

13 135 New Section; Subpoenas. Amend RSA 287-E by inserting after section 14 the following new
14 section:

15 287-E:14-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may
16 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings
17 held by the commission.

18 136 New Paragraphs; Bingo and Lucky 7. Amend RSA 287-E:18 by inserting after paragraph VI
19 the following new paragraphs:

20 VII. Procedures for a hearing following the revocation of a license, and the imposition of
21 administrative fines.

22 VIII. The issuance of subpoenas pursuant to RSA 287-E:26-b.

23 IX. Other matters related to the proper administration of this chapter.

24 137 New Section; Administrative Orders and Fines. Amend RSA 287-E by inserting after
25 section 25 the following new section:

26 287-E:25-a Administrative Orders and Fines.

27 I. The lottery commission, pursuant to rules adopted under RSA 287-E:18, may impose an
28 administrative order and fine, which shall be scaled to reflect the scope and severity of the violation
29 for each offense, upon any person who violates any provision of this chapter or rules adopted
30 pursuant to this chapter.

31 II. Any administrative fine imposed under this section shall not preclude the imposition of
32 further penalties or administrative actions under this chapter.

33 III. All fines imposed by the lottery commission shall be deposited in the special fund
34 established pursuant to RSA 284:21-j.

35 138 New Section; Bingo and Lucky 7; Subpoenas. Amend RSA 287-E by inserting after section
36 25 the following new section:

37 287-E:26-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may

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1 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings
2 held by the commission.

3 139 Repeal. The following are repealed:

4 I. RSA 284:7, relative to the office for the racing and charitable gaming commission.

5 II. RSA 284:9, relative to expenses of the racing and charitable gaming commission.

6 III. RSA 284:11, relative to the report of the racing and charitable gaming
7 commission.

8 140 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

9 I. All the functions, positions, powers, duties and responsibilities of the racing and
10 charitable gaming commission shall be transferred to the lottery commission. The transfer shall
11 include all of the equipment, books, papers, and records of the racing and charitable gaming
12 commission related to the above functions.

13 II. All existing rules, statutory responsibilities, regulations, and procedures in effect, in
14 operation, or adopted in or by the racing and charitable gaming commission are transferred to the
15 lottery commission, and are declared in effect and shall continue in effect until rescinded, revised, or
16 amended in accordance with applicable law.

17 141 Liquor Commission; Funds; Alcohol Abuse Prevention and Treatment Fund. Amend RSA
18 176:16, III to read as follows:

19 III. ~~[Fifty percent of the amount by which the current year gross profits exceed fiscal year~~
20 ~~2001 actual gross profit, but not more than 5]~~ **1.7** percent of the [current] **previous fiscal** year gross
21 profits derived by the commission from the sale of liquor ~~[and other revenues,]~~ shall be deposited into
22 the alcohol abuse prevention and treatment fund established by RSA 176-A:1. ***For the purpose of***
23 ***this section, gross profit shall be defined as total operating revenue minus the cost of sales***
24 ***and services as presented in the state of New Hampshire comprehensive annual financial***
25 ***report, statement of revenues, expenses and changes in net position for proprietary funds.***

26 142 School Money; Determination of Grants. Amend RSA 198:41, III-IV to read as follows:

27 III.(a) For the biennium ending June 30, 2013, the department of education shall not
28 distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds
29 that municipality's total education grant in the second year of the previous biennium.

30 (b) ~~[Beginning]~~ ***For each fiscal year from*** July 1, 2013~~[, and each fiscal year~~
31 ~~thereafter]~~ ***through June 30, 2016,*** the department of education shall not distribute a total
32 education grant on behalf of all pupils who reside in a municipality that exceeds 108 percent of the
33 total education grant distributed to such municipality in the previous fiscal year. ***Beginning***
34 ***July 1, 2016, the department of education shall not distribute a total education grant on***
35 ***behalf of all pupils who reside in a municipality that exceeds 140 percent of the total***
36 ***education grant distributed to such municipality in the previous fiscal year.***

37 IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in

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1 which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education
2 grant. The department shall distribute a stabilization grant to each of those municipalities equal to
3 100 percent of the decrease.

4 (b) For fiscal year 2013, the department of education shall identify all municipalities in
5 which the fiscal year 2013 total education grant, including any stabilization grant distributed
6 pursuant to subparagraph (a), will be less than the fiscal year 2011 total education grant. The
7 department shall distribute funds to each of those municipalities equal to 100 percent of the
8 decrease.

9 (c) For fiscal year 2014 ***through fiscal year 2016***, [~~and each fiscal year thereafter,~~] the
10 department of education shall distribute a total education grant to each municipality in an amount
11 equal to the total education grant for the fiscal year in which the grant is calculated plus the amount
12 of the fiscal year 2012 stabilization grant, if any, distributed to the municipality.

13 (d) ***For fiscal year 2017 and each fiscal year thereafter, the department of***
14 ***education shall distribute a total education grant to each municipality in an amount***
15 ***equal to the total education grant for the fiscal year in which the grant is calculated plus***
16 ***a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to***
17 ***the municipality; the percentage shall be 96 percent for fiscal year 2017, and shall be***
18 ***reduced by 4 percent of the amount of the 2012 education grant for each fiscal year***
19 ***thereafter.***

20 143 Repeal. RSA 198:41, III(b), relative to the cap on the total education grant to a
21 municipality, is repealed.

22 144 School Building Aid; Alternative School Building Aid.

23 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through
24 RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or
25 alternative school building aid for any project approved on or after June 30, 2015 through June 30,
26 2017.

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

30 (1) The condition of such school building or portion thereof constitutes a clear and
31 imminent danger to the life or safety of occupants or other persons, and requires remediation prior to
32 July 1, 2017; or

33 (2) A structural deficiency in the function or operation of a school building or portion
34 thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more
35 than a technical violation of the fire code, and requires remediation prior to July 1, 2017.

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

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1 deficiencies set forth in this paragraph.

2 145 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other
3 provision of law, for the fiscal year ending June 30, 2016, the state treasurer shall fund the
4 distribution of revenue to cities and towns pursuant to the formula for determining the amount of
5 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year
6 2015 distribution.

7 146 Department of Health and Human Services; Transfer Among Accounts. Notwithstanding
8 any other provision of law to the contrary and subject to the approval of the fiscal committee of the
9 general court and governor and council, for the biennium ending June 30, 2017, the commissioner of
10 the department of health and human services is hereby authorized to transfer funds within and
11 among all accounting units within the department, as the commissioner deems necessary and
12 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
13 regulations, or programs, and otherwise as necessary for the efficient management of the
14 department. If the department intends to transfer funds, which would otherwise meet the transfer
15 requirements as set forth in RSA 9:17-a, prior approval of the fiscal committee and governor and
16 council shall be required for transfers of \$75,000 or more.

17 147 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
18 the biennium ending June 30, 2017, the department of health and human services shall not
19 authorize, without prior consultation with the house health and human services and elderly affairs
20 committee and the senate health and human services committee and the approval of the fiscal
21 committee of the general court and governor and council, any change to program eligibility standards
22 or benefit levels that might be expected to increase or decrease enrollment in the program or
23 increase expenditures from any source of funds; provided, however, that no such prior approval shall
24 be required if a change to a federal program in which the state is participating as of the effective
25 date of this section is required by federal law.

26 148 Department of Health and Human Services; Division of Community-Based Care Services,
27 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the
28 biennium ending June 30, 2017, the department of health and human services shall maintain a limit
29 on benefits of \$4,000 per person per year for adults with low service utilization of community mental
30 health services, as identified in He-M 401.07; provided, that the department shall also establish, by
31 rule under RSA 541-A, a procedure for such persons or community health providers to request a
32 waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the
33 commissioner of the department of health and human services, the fiscal committee of the general
34 court may authorize a higher per person per year limit.

35 149 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule.
36 Notwithstanding any provision of law or rule to the contrary, He-W 553 relative to the home health
37 services rate setting shall be suspended for the biennium ending June 30, 2017. Payments for home

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1 health services shall be limited to appropriations for home health services as may be restricted or
2 reduced by action of the fiscal committee of the general court or by legislative action.

3 150 Department of Health and Human Services; Foster Grandparent Program. The
4 reimbursements to the foster grandparent program through the senior volunteer grant program,
5 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2017.

6 151 Department of Health and Human Services; Bureau of Adult and Elderly Services;
7 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
8 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
9 biennium ending June 30, 2017.

10 152 Department of Health and Human Services; Division for Children, Youth and Families.

11 I. Notwithstanding any provision of law or administrative rule to the contrary, for the
12 biennium ending June 30, 2017, the rates for all services, placements, and programs that are paid
13 for by the department of health and human services pursuant to RSA 169-B:40, RSA 169-C:27, and
14 RSA 169-D:29, with the exception of rates for contracted services that are approved by the governor
15 and council and rates for out-of-state placements, shall be no greater than the rates in effect for the
16 particular service, placement, or program as of June 30, 2015.

17 II. Notwithstanding any provision of paragraph I, upon the department's implementation of
18 managed care, the rate of reimbursement for Medicaid eligible services and programs for a Medicaid
19 eligible child shall be the rate agreed to by the provider and the managed care organization. The
20 total rate of reimbursement for residential placement (board and care) for a Medicaid eligible child
21 shall consist of the "room and board rate" and the "educational rate" as established by the
22 department on July 1, 2015, and the treatment or the private non-medical institution rate as agreed
23 to by the provider and the managed care organization.

24 153 Department of Health and Human Services; Suspension of Direct Graduate Medical
25 Education. The commissioner of the department of health and human services shall submit a Title
26 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
27 suspend the provision of direct graduate medical education payments to hospitals as provided in 42
28 U.S.C. section 1396a(a)(30)(A) effective July 1, 2015. Upon approval of the state plan amendment,
29 and as of the effective date of the state plan amendment, any obligations for payment of direct
30 graduate medical education shall be suspended for the biennium ending June 30, 2017.

31 154 Department of Health and Human Services; Suspension of Indirect Graduate Medical
32 Education. The commissioner of the department of health and human services shall submit a Title
33 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
34 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,
35 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan
36 amendment, any obligations for payment of indirect graduate medical education shall be suspended
37 for the biennium ending June 30, 2017.

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1 155 Department of Health and Human Services; Public Safety and Welfare; Medicaid
2 Enhancement for Children and Pregnant Women. If the New Hampshire health protection program
3 established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2016 or earlier, the
4 commissioner of the department of health and human services shall reinstate Medicaid coverage and
5 open enrollment for children and pregnant women under RSA 167:68. The commissioner of the
6 department of health and human services shall adopt rules pursuant to RSA 541-A to establish the
7 eligibility levels for Medicaid coverage under RSA 167:68 identical to the eligibility levels which were
8 in effect prior to the effective date of the New Hampshire health protection program.

9 156 Department of Health and Human Services; Public Safety and Welfare; Medicaid
10 Enhancement for Children and Pregnant Women. Amend the introductory paragraph of
11 RSA 167:68, I to read as follows:

12 I. Establish by July 1, 1999, categorically needy coverage groups under RSA 167:6, VII and
13 Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI) and
14 1902(a)(10)(i)(VII) and establish less restrictive income and resource methodologies under section
15 1902(r)(2) of Title XIX of the Social Security Act as necessary to increase the eligibility level for
16 medicaid coverage to a minimum of ~~[170]~~ **185** percent of the federal poverty level disregarding
17 resources for a family size equal to the size of the family including the woman, infant or child. This
18 includes:

19 157 Department of Health and Human Services; Bureau of Adult and Elderly Services; County
20 Payment of Funds for Persons Eligible to Receive Nursing Home Services: Limitation on County
21 Payments; Credit. Amend RSA 167:18-a, II(a) to read as follows:

22 (a) The total billings to all counties made pursuant to this section shall not exceed the
23 amounts set forth below for state fiscal years ~~[2014-2015]~~ **2016-2017**:

24 (1) State fiscal year ~~[2014, \$109,000,000]~~ **2016, \$114,562,000.**

25 (2) State fiscal year ~~[2015, \$112,500,000]~~ **2017, \$115,268,000.**

26 158 Public Health; Vaccine Association. Amend RSA 126-Q:1, III to read as follows:

27 III. "Assessable lives" means all children under 19 years of age residing in the state who
28 have assessable coverage written or administered by an assessable entity, ***with the exception of***
29 ***children whose vaccines are paid for under the federal Vaccines for Children program,***
30 ***established under 42 U.S.C. section 1396s.***

31 159 Public Health; Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, I to
32 read as follows:

33 I. The board shall determine an assessment for each assessable entity in accordance with
34 this section, ***except that no assessment shall be made based on children excluded from***
35 ***assessable lives whose vaccines are paid for under the federal Vaccines for Children***
36 ***program, established under 42 U.S.C. section 1396s.*** An assessment determination made
37 pursuant to this section is a pharmaceutical cost and not a regulatory cost for purposes of calculating

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1 the carrier's medical loss ratio.

2 160 Penalty Assessments. Amend RSA 188-F:31, I to read as follows:

3 I. Every court shall levy a penalty assessment of \$2 or 24 percent, whichever is greater, on
4 each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a
5 violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance
6 relating to motor vehicles unlawfully left or parked. ***Notwithstanding any law or rule to the***
7 ***contrary, the penalty assessment shall be levied in addition to the amount of the fine or***
8 ***penalty imposed by the court.***

9 161 Transfer of State Highway Safety Agency. The functions and responsibilities of the state
10 highway safety agency are hereby transferred to the department of safety. The transfer shall not
11 affect the validity of actions taken by the state highway safety agency prior to the effective date of
12 the transfer.

13 162 New Paragraph; Duties of Commissioner of Safety. Amend RSA 21-P:4 by inserting after
14 paragraph XV the following new paragraph:

15 XVI. Implement the state highway safety program as provided in RSA 21-P:55 through
16 RSA 21-P:63.

17 163 New Subdivisions; State Highway Safety Program; Traffic Safety Commission. Amend
18 RSA 21-P by inserting after section 54 the following new subdivisions:

State Highway Safety Program

19
20 21-P:55 Policy. It is hereby declared to be the policy of this state and in the public interest to
21 have a highway safety program designed to reduce traffic accidents and deaths, injuries and
22 property damage resulting therefrom. Such program shall include, but not be limited to,
23 improvement of driver performance, improvement of pedestrian performance, an accident record
24 system, accident investigations, vehicle registration, operation, and inspection, highway design and
25 maintenance, traffic control, vehicle codes and laws, surveillance of traffic and emergency services.

26 21-P:56 Provisions Accepted. The provisions of the federal Highway Safety Act of 1966,
27 approved September 9, 1966, entitled "An Act to provide for a coordinated national highway safety
28 program through financial assistance to the states to accelerate highway traffic safety programs, and
29 for other purposes," and all acts amendatory thereof and supplementary thereto, are assented to,
30 and the governor shall be the official of this state having the ultimate responsibility for dealing with
31 the federal government with respect to programs and activities pursuant to carrying out the
32 provisions of said acts.

33 21-P:57 Faith and Credit Pledged. The faith and credit of the state are pledged to make
34 adequate provision, from time to time, by appropriation or otherwise, to meet all the obligations of
35 the state incident to the acceptance of federal aid under the provisions of said act.

36 21-P:58 Expenditures. To meet such obligations the governor with the consent of the council is
37 authorized to accept and expend any federal funds for the highway safety program.

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1 members for 3 years; 5 members for 4 years; 5 members for 5 years. Vacancies shall be filled for the
2 unexpired term in the same manner as the original appointment. The commission shall have a
3 chairman who shall be designated by the governor from among its membership. The term of
4 chairman shall be for one year. The commission shall meet not less frequently than quarterly and at
5 such other times as it may be convened by the call of the chairman, and upon petition of 5 members,
6 it shall be the duty of the chairman to convene the commission forthwith. Members of the
7 commission shall receive no compensation but shall be entitled to expenses, including mileage, when
8 in the performance of duties required hereunder.

9 21-P:65 Powers and Duties. The traffic safety commission is authorized to act in an advisory
10 capacity to the commissioner.

11 164 Traffic Safety Commission; Continuation of Terms. Members on the effective date of this
12 section of the traffic safety commission established by RSA 238:10 shall continue as members of the
13 traffic safety commission under 21-P:64 until the scheduled expiration of their terms.

14 165 Repeal. RSA 238:1 through RSA 238:11, relative to highway safety program and traffic
15 safety commission, is repealed.

16 166 Suspension; Revenue Sharing. Notwithstanding any provision of the law to the contrary,
17 RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium
18 ending June 30, 2017.

19 167 Repeal. 2014, 229:1, relative to appropriation for state matching funds for disaster
20 assistance grants, is repealed.

21 168 Reduction in State Self-insured Health Plan Reserve. Amend RSA 21-I:30-b, I(a) to read as
22 follows:

23 (a) [~~Five~~] **Three** percent of estimated annual claims and administrative costs of the
24 health plan; and

25 169 Driver Training Fund; Transfer to Department of Safety. For the fiscal year ending June
26 30, 2015, the amount transferred from the driver training fund to the department of safety as
27 restricted revenue pursuant to RSA 263:52, II shall be increased from 1.5 million dollars to 3 million
28 dollars.

29 170 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade EE by
30 inserting the following position:

31 EE Insurance department health reform coordinator

32 171 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade FF by
33 deleting the following position:

34 FF Department of corrections warden, New Hampshire state
35 prison-women

36 172 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by
37 inserting the following positions:

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1 GG Department of information technology director of technical support
2 services
3 GG Department of information technology director of web support
4 GG Insurance department chief financial examiner
5 GG Department of corrections warden, New Hampshire
6 correctional facility for women

7 173 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by
8 deleting the following position:

9 GG Insurance department director
10 GG Department of safety director of administration

11 174 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade HH by
12 inserting the following positions:

13 HH Department of information technology director of operations
14 HH Department of administrative services manager of risks and benefits
15 HH Department of employment security deputy commissioner
16 HH Department of revenue administration director, division of municipal
17 and property
18 HH Insurance department director of financial regulation
19 HH Department of safety director of administration

20 175 Compensation of Certain State Officials; Department of Administrative Services; Title of
21 Position Amended. Amend the following position in RSA 94:1-a, I(b), salary grade HH, to read as
22 follows:

23 HH Department of administrative services director of [~~plant and property~~
24 ~~management~~] **procurement**
25 **and support services**

26 176 Transfer of Positions.

27 I. Position 11408 is abolished to allow for the transfer of this classified position with its
28 available appropriations into the unclassified position of director of web support. Funding shall be
29 transferred into class 12 within accounting unit 01-03-03-030010-7708.

30 II. Position 16614 is abolished to allow for the transfer of this classified position with its
31 available appropriations into the unclassified position of director of technical support services.
32 Funding shall be transferred into class 12 within accounting unit 01-03-03-030010-7708.

33 III. Position 16515 is abolished to allow for the transfer of this classified position with its
34 available appropriations into the unclassified position of director of operations. Funding shall be
35 transferred into class 12 within accounting unit 01-03-03-030010-7708.

36 177 Classified Employees Transferred to Unclassified Positions; Treatment of Leave, Longevity
37 Pay, Terminal Pay; Annual Pay. Classified employees in the department of information technology

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1 currently occupying position 11408, position 16614 or position 16515 who are appointed to an
2 unclassified position pursuant to this act shall retain all annual leave, sick leave, longevity pay, and
3 bonus time already accumulated in the classified system. Such annual leave, sick leave, longevity
4 pay, and bonus time shall not be used until the employee's cessation of employment or until the
5 employee transfers to the classified service. Classified employees in the department of information
6 technology currently occupying position 11408, position 16614, or position 16515 who are appointed
7 to an unclassified position at a lower level shall be paid at the same level as such employee was paid
8 prior to the appointment until the pay in the appointed position exceeds the pay the employee was
9 receiving at the time of the appointment.

10 178 Insurance Department; Deputy Commissioner and Other Department Positions. Amend
11 RSA 400-A:6, III-b to read as follows:

12 III-b. There shall be a director of [~~examinations;~~] **financial regulation** who shall be
13 appointed by the commissioner of insurance. He **or she** shall serve at the pleasure of the
14 commissioner during good behavior. The director of [~~examinations~~] **financial regulation** shall
15 perform such duties and exercise such powers of the commissioner pursuant to RSA Title XXXVII as
16 the commissioner from time to time may authorize.

17 179 Insurance Department; Compensation. Amend RSA 400-A:8, I-II to read as follows:

18 I. Compensation. The salary of the commissioner, deputy commissioner, director of
19 operations, director of [~~examinations~~] **financial regulation**, actuary, life, accident and health
20 actuary, and assistants to the commissioner shall be as prescribed in RSA 94:1-a.

21 II. Expenses. The commissioner, deputy commissioner, director of operations, director of
22 [~~examinations~~] **financial regulation**, actuary, life, accident and health actuary, and the assistants
23 to the commissioner shall be allowed their traveling expenses while engaged in the performance of
24 their duties.

25 180 Insurance Department; Deputy Commissioner and Other Department Positions. Amend
26 RSA 400-A:6, VII to read as follows:

27 VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy
28 analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance
29 fraud investigator, an assistant property and casualty actuary, a compliance and enforcement
30 counsel, **a chief financial examiner**, and a health reform coordinator, each of whom shall serve at
31 the pleasure of the commissioner during good behavior. The health care policy analyst, health care
32 statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, assistant
33 property and casualty actuary, compliance and enforcement counsel, **chief financial examiner**,
34 and health reform coordinator, shall perform such duties and exercise such powers as the
35 commissioner may authorize.

36 181 Salary of Financial Examinations Supervisor. Amend 2013, 205:2 to read as follows:

37 205:2 Salary of [~~Financial Examinations Supervisor~~] **Insurance Department Position**. [~~The~~

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1 salary of the financial examinations supervisor established in section 1 of this act shall be
2 determined after assessment and review of the appropriate temporary letter grade allocation in
3 RSA 94:1 a, I(b) for the position which shall be conducted pursuant to RSA 94:1 d and RSA 14:14 e.
4 ~~Upon completion of this action and appointment of the financial examinations supervisor,]~~ Position
5 41776 shall be abolished to allow for the transition of this classified position with its available
6 appropriations into the unclassified position of ~~[financial examinations supervisor]~~ **chief financial**
7 **examiner**. Funding shall be transferred into expenditure class ~~[014]~~ **011**, within accounting unit 02-
8 24-24-240010-2520.

9 182 Financial Examinations Supervisor Position; Effective Date Amended. Amend 2013, 205:4
10 to read as follows:

11 205:4 Effective Date.

12 ~~[I. Section 1 of this act shall take effect as provided in section 3 of this act.~~

13 ~~H. The remainder of]~~ This act shall take effect upon its passage.

14 183 Repeal. The following are repealed:

15 I. 2013, 205:1, relative to the position of financial examinations supervisor in the insurance
16 department.

17 II. 2013, 205:3, relative to the financial examinations supervisor position in the insurance
18 department.

19 184 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as
20 follows:

21 III. Both the audit division and the budget division shall conduct such investigations,
22 analyses, or research into the financial activities and condition or the financial management
23 procedures, or any specific area thereof, of any department, board, institution, commission, agency,
24 political subdivision, or entity authorized to expend state funds for the information of the legislature,
25 as the fiscal committee shall specifically direct. The authority of the legislative budget assistant to
26 investigate, analyze, or research non-state agencies shall be limited to 5 entities in a 5-year period.
27 In making any such investigation, analysis, or research, the legislative budget assistant, **and any**
28 **assistants appointed pursuant to RSA 14:34 and under the direction of the legislative**
29 **budget assistant**, shall have the power to examine whatever **operations**, accounts or records of, or
30 property or things of value held by, said department, board, institution, commission, agency, political
31 subdivision, or entity authorized to expend state funds the ~~[fiscal committee shall deem]~~ **legislative**
32 **budget assistant deems** useful to said investigation, analysis, or research.

33 **III-a. No department, board, institution, commission, agency, or political**
34 **subdivision shall assert the attorney-client privilege in response to a request for**
35 **information or examination of operations, accounts, or records by the legislative budget**
36 **assistant. The attorney-client privilege shall not be deemed waived by any department,**
37 **board, institution, commission, agency, or political subdivision that provides attorney-**

1 *client privileged materials to the legislative budget assistant pursuant to this section.*
2 *Attorney-client communications obtained from any regulated entities shall not be disclosed*
3 *to the legislative budget assistant.*

4 IV. All state departments, boards, institutions, commissions, agencies, and political
5 subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the
6 legislative budget assistant any information, including confidential ***and privileged*** information, he
7 or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-
8 a, and RSA 14:31-b, ***including online access to such information in the state's integrated,***
9 ***multi-module, information technology system, and any related subsystems,*** except that access
10 to records, files, returns, or information deemed confidential information maintained by the
11 department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If
12 the legislative budget assistant requires access to confidential ***or privileged*** information, the state
13 entity shall furnish the information[~~except for work papers as described in RSA 91 A:4, V~~]. In such
14 situations, the legislative budget assistant shall be subject to the same restrictions and penalties
15 regarding disclosure of the information as the original custodian of the information. The work
16 product of the legislative budget assistant shall also be confidential to the extent required to
17 preserve confidentiality required by law. Disclosure of confidential information to the legislative
18 budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits
19 as are required ***or permitted*** by law. The legislative budget assistant shall notify the head of any
20 state department, board, institution, commission, agency, or political subdivision, or other entity
21 authorized to expend state funds, before requiring the state entity to furnish any confidential ***or***
22 ***privileged*** information which was obtained by the entity through an exchange of information
23 agreement with another state or the federal government. This paragraph shall not be construed to
24 authorize disclosure to any member of the legislature or to any expert consultants, including
25 certified public accountants and data processing experts, hired by the legislative budget assistant to
26 assist him or her in the carrying out of the duties, except such summaries and results which do not
27 disclose any identity required by law to be confidential ***or privileged, including the attorney-***
28 ***client privilege.*** If any entity objects to providing confidential ***or privileged*** information under the
29 provisions of this paragraph, the state entity may apply to the [~~attorney general~~] ***fiscal committee***
30 ***of the general court*** for disapproval of the request. [~~The attorney general may examine any~~
31 ~~confidential information to which the legislative budget assistant has requested access to determine~~
32 ~~whether or not it is necessary for the legislative budget assistant to examine the information to carry~~
33 ~~out his or her duties as required by law. If the attorney general finds that such examination is not~~
34 ~~necessary, he or she shall disapprove the request, and the agency shall not be required to provide~~
35 ~~such information. If the entity agrees to provide the requested information, or if the attorney~~
36 ~~general determines that it is necessary for the legislative budget assistant to examine the requested~~
37 ~~information, such information shall be provided to the legislative budget assistant in a mutually~~

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1 ~~agreeable and compatible format.]~~

2 V. The commissioner of administrative services shall deliver to the legislative budget
3 assistant the official financial information under the control of the commissioner as required by this
4 section in a form unaltered from that which is finally reported in the *state's* integrated [~~financial~~],
5 ***multi-module, information technology*** system, ***including any related subsystems***. The
6 approval of the governor, the speaker of the house of representatives, and the senate president shall
7 be required for delivery of any other information, other than the official financial information
8 required by this section. The right of access to information under this section shall not arise until
9 after each transaction or event subject to RSA 91-A has taken place. Such information shall be
10 provided to the legislative budget assistant in a mutually agreeable and compatible format at the
11 end of each business day. The legislative budget assistant shall be subject to the provisions of
12 RSA 21-I:13-a, II. This paragraph shall not be construed as granting the legislative budget assistant
13 access to any information or any information system relative to the internal functions of the office of
14 the governor or any executive agency, department, board, commission, or institution [~~through the~~
15 ~~integrated financial system~~].

16 VI. In addition to any other reports required by statute or by the fiscal committee to be
17 submitted by the legislative budget assistant, he ***or she*** shall submit to the members of the
18 [~~appropriations,~~ finance[~~]~~] and ways and means committees a report of the results of post-audits,
19 program result audits, and investigations he ***or she*** has conducted since the date of his ***or her*** last
20 such report. The fiscal committee shall determine which policy committees of both houses of the
21 general court, in addition to those listed in this paragraph, shall receive reports pursuant to this
22 paragraph. The report required by this paragraph shall be submitted not later than January 25 of
23 each regular legislative session.

24 185 New Subparagraph; Medical and Surgical Benefits: Retiree Plan. Amend RSA 21-I:30, V by
25 inserting after subparagraph (b) the following new subparagraph:

26 (c) No retired employee or active employee may be enrolled in the retiree benefit plan
27 under this section if otherwise enrolled in an active state employee benefit plan sponsored by the
28 state.

29 186 Obtaining a Ballot; Proof of Identity; Photograph. Amend RSA 659:13, I(c)(2) to read as
30 follows:

31 (2) If the voter executes a challenged voter affidavit, the moderator or the
32 moderator's designee shall take a photograph of the voter and immediately print and attach the
33 photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2
34 inches, or larger, and ***may*** be in color ***or in black and white***. The moderator or his or her designee
35 who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator
36 or designee shall delete the photograph from the camera in the presence of the voter. If the
37 moderator or his or her designee is unable to take the voter's photograph due to equipment failure or

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1 other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute
2 a challenged voter affidavit without a photograph.

3 187 New Paragraph; Commissioner of Revenue Administration; Authorization to Contract for
4 Audit Services. Amend RSA 21-J:3 by inserting after paragraph XXX the following new paragraph:

5 XXXI. Have the authority, subject to appropriation, to contract with the Multistate Tax
6 Commission for participation in audits performed by the Multistate Tax Commission on behalf of
7 member states. While under contract with the state, the Multistate Tax Commission shall be an
8 authorized agent of the commissioner for the purposes RSA 21-J:14-e.

9 188 New Subparagraph; Confidentiality; Disclosure to Multistate Tax Commission. Amend
10 RSA 21-J:14, V by inserting after subparagraph (g) the following new subparagraph:

11 (h) Disclosure of department records, files, or returns to the Multistate Tax Commission,
12 in accordance with agreements entered into with the Multistate Tax Commission, for the
13 performance of tax audits on behalf of the state.

14 189 Department of Revenue Administration; Appropriation. The sum of \$163,285 from the
15 \$658,000 settlement agreement dated December 5, 2014 under the Merrimack River Valley flood
16 control compact is hereby appropriated to the department of revenue administration. The governor
17 is authorized to draw a warrant for the purpose of reimbursing towns for the Massachusetts share of
18 the Merrimack River flood control compact and the Connecticut River flood control compact for state
19 fiscal year 2013. The department shall distribute the moneys in the manner prescribed in
20 RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The
21 remainder of the settlement moneys shall lapse to the general fund.

22 190 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year
23 ending June 30, 2017, the state shall reimburse the sheriff's office for court security at the rates
24 provided in the collective bargaining agreement applicable to per diem court security officers
25 employed by the judicial branch to attend any official business, for any person employed as a bailiff
26 by the sheriff's office.

27 191 Site Evaluation Committee; Funding; Transfers. The remainder of the \$500,000 referred to
28 in RSA 162-H:21, II, as enacted by 2014, 217:23, that was not transferred from the renewable energy
29 fund to the site evaluation committee fund during fiscal year 2015 is hereby transferred. This newly
30 transferred money plus the money that was transferred during fiscal year 2015 but not expended by
31 the site evaluation committee may be budgeted and expended by the committee for any operating
32 cost of the committee, notwithstanding the allowed uses of the fund in RSA 162-H:21, I.

33 192 New Section; State Employees Health Insurance. Amend RSA 21-I by inserting after
34 section 26 the following new section:

35 21-I:26-a Excise Tax; Patient Protection and Affordable Care Act. The state shall not provide
36 any health insurance plan to state employees subject to the excise tax on high cost employer-
37 sponsored health coverage under the Patient Protection and Affordable Care act of 2009, Public Law

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1 111-148, as amended.

2 193 Applicability. RSA 21-I:26-a, as inserted by section 192 of this act, shall not apply to any
3 state employees health insurance plan in effect on the effective date of section 192 of this act.

4 194 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium
5 ending June 30, 2017, any state agency or department is authorized, with the prior written approval
6 of the department of administrative services, to enter into agreements to rent, lease, or lease-
7 purchase vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment
8 from any other state agency or department.

9 195 Allocation of Unrestricted Highway Fund Appropriations. RSA 9:9-b is repealed and
10 reenacted to read as follows:

11 9:9-b Allocation of Unrestricted Highway Fund Appropriations. In each biennium, highway
12 fund appropriations, including costs of collections of the department of safety, shall be subject to the
13 following limitations:

14 I. Department of transportation: Not less than 73 percent of anticipated total gross road toll
15 and motor vehicle fees and fines for the biennium.

16 II. Department of safety: Not to exceed 26 percent of total anticipated gross road toll and
17 motor vehicle fees and fines for the biennium.

18 III. All other agencies: Not to exceed 1 percent of total anticipated gross road toll and motor
19 vehicle fees and fines for the biennium.

20 196 Highway Fund; Construction and Reconstruction Aid; Apportionment. Amend RSA 235:23,
21 I to read as follows:

22 I. Apportionment A. In each fiscal year, the commissioner shall allocate an amount not less
23 than 12[%] **percent** of the [~~total~~] **gross** road toll revenue and motor vehicle fees collected in the
24 preceding fiscal year to a local highway aid fund. This fund shall be distributed to each city, town,
25 and unincorporated place on a formula in which 1/2 of the amount is based on the proportion which
26 the mileage of regularly maintained class IV and class V highways in each municipality, as of
27 January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount
28 is based on the proportion which the office of energy and planning population estimate of each
29 municipality bears to the latest estimate of the total population of the state as of July 1 of the year of
30 the estimate. The aid to be distributed under this paragraph shall be in addition to all other state
31 and federal aid specifically authorized by statute.

32 197 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

33 (b)(1) Except as provided in subparagraph (2), for a chartered public school authorized
34 by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to
35 RSA 198:40-a plus an additional grant of [~~\$2,000~~] **\$2,036** directly to the chartered public school for
36 each pupil who is a resident of this state in attendance at such chartered public school.

37 198 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

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1 (b)(1) Except as provided in subparagraph (2), for a chartered public school authorized
2 by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to
3 RSA 198:40-a plus an additional grant of \$2,036 *for the Virtual Learning Academy Charter*
4 *School and \$2,286 for all other chartered public schools* directly to the chartered public school
5 for each pupil who is a resident of this state in attendance at such chartered public school.
6 *Beginning July 1, 2017 and every biennium thereafter, the department of education shall*
7 *adjust the per pupil amount of the additional grant based on the average change in the*
8 *Consumer Price Index for All Urban Consumers, Northeast Region, using the “services less*
9 *medical care services” special aggregate index, as published by the Bureau of Labor*
10 *Statistics, United States Department of Labor.*

11 199 Lottery Commission; Authority to Purchase Real Property Granted. The lottery
12 commission, in consultation with the department of administrative services, is hereby authorized to
13 purchase, in the name of the state, land and buildings to serve as the lottery commission’s
14 headquarters. Such purchase shall be completed during the biennium ending June 30, 2017 and
15 shall require approval of the fiscal committee of the general court and the governor and council.

16 200 Lottery Commission; Executive Director. Amend RSA 284:21-b to read as follows:

17 284:21-b Organization.

18 *I.* The commissioners shall select one from their number to be chairperson and another to be
19 secretary of the commission. Two of the members of the commission shall constitute a quorum to do
20 business. It shall be the duty of the secretary to keep a record of all proceedings of the commission
21 and to preserve all books, documents, papers and records addressed to its care.

22 *II. The commissioners shall appoint an executive director who shall receive the*
23 *annual salary prescribed by RSA 94:1-a. The lottery executive director shall hold office for*
24 *a term of 4 years. If a vacancy shall occur, it shall be filled for the remainder of the term.*
25 *The lottery executive director may be removed by the commission for cause. Upon the*
26 *effective date of this paragraph, the person who was the executive director shall commence*
27 *the beginning of the first 4 year term, subject to renewal.*

28 201 New Paragraph; Building Code Review Board; Travel Reimbursement. Amend RSA 155-
29 A:10 by inserting after paragraph VI the following new paragraph:

30 VII. Members of the board shall receive mileage at the rate established in the United States
31 Internal Revenue Code and Regulations when attending meetings of the board for the round trip
32 distance from their residences to the location of the board meeting.

33 202 Department of Safety; Transfer Among Accounts. Notwithstanding any provision of law to
34 the contrary, except RSA 9:17-c and RSA 99:4, for the biennium ending June 30, 2017, the
35 commissioner of the department of safety is hereby authorized to transfer funds between and among
36 all class lines and accounting units within the department as the commissioner deems necessary and
37 appropriate to address present or projected budget deficits, or to respond to changes in federal law,

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1 regulations, or programs, and otherwise as necessary for the efficient management of the
2 department; provided that any transfer over \$75,000 shall require prior approval of the fiscal
3 committee of the general court and the governor and council.

4 203 Health and Human Services; Nursing Home Appropriations. Amend 2013, 143:1,
5 accounting unit 05-95-48-481510-5942 by replacing the organizational notes immediately following
6 such accounting unit with the following:

7 ORGANIZATION NOTES

8 *The appropriation contained in classes 504, 505, 506, and 529 may only be transferred between
9 and among said classes. The appropriations shall not lapse or be used for any other purpose. The
10 appropriations shall not be considered for budget reductions required pursuant to sections 10 and 14
11 of this act or any other budget reduction, including executive orders required of the department of
12 health and human services. Any balance remaining at the end of each fiscal year shall be paid as
13 additional rates based upon the rate setting methodology in effect at that time in a special rate
14 adjustment.

15 204 Health and Human Services; Nursing Home Appropriations. Pursuant to the organization
16 note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 1 of this
17 act, for any balance that remained at the end of fiscal year 2014, the department of health and
18 human services shall pay the entire amount immediately upon passage of this act in a special rate
19 adjustment. Upon payment of a special rate adjustment made pursuant to this act, the department
20 shall report the total amount of surplus, by source of funds, the total amount paid, and the date
21 payment was made to the fiscal committee of the general court.

22 205 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
23 commissioner of the department of health and human services shall submit a Title XIX Medicaid
24 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
25 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2017.

26 206 Certificate of Need; Repeal. Upon repeal of the certificate of need law on June 30, 2016,
27 pursuant to 2013, 144:84, the unexpended balance of any fees collected pursuant to 151-C:15 shall be
28 deposited in the general fund.

29 207 New Paragraph; Health Facility Licensure; License or Registration Required. Amend
30 RSA 151:2 by inserting after paragraph V the following new paragraph:

31 VI. Beds in nursing homes, skilled nursing facilities, intermediate care facilities, or
32 rehabilitation facilities, including rehabilitation hospitals, facilities offering comprehensive
33 rehabilitation services, and nursing beds in continuing care communities and supported residential
34 health care facilities, may be licensed, replaced, transferred, or relocated only to the same extent
35 that such action would have been allowable under the laws and rules in effect on June 30, 2015.

36 208 Contingency. The provisions of section 207 of this act shall only take effect upon the repeal
37 of RSA 151-C pursuant to 2013, 144:84.

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1 209 Department of Health and Human Services, Sununu Youth Services Center; Reduction in
2 Appropriation. The department of health and human services is hereby directed to reduce state
3 general fund appropriations to the Sununu Youth Services Center by \$3,496,746 for the fiscal year
4 ending June 30, 2017. The department shall operate the Sununu Youth Services Center within the
5 allotted budget, or may enter into contracts for operation of the Sununu Youth Services Center,
6 including establishing necessary class lines, as long as total operating costs do not exceed
7 \$10,100,000 for the fiscal year ending June 30, 2017.

8 210 Department of Health and Human Services; Sununu Youth Services Center; Cost Savings
9 Plan. The department of health and human services shall develop a plan to reduce the cost of
10 providing existing services at the Sununu Youth Services Center. The plan shall include
11 privatization of services, offering additional and compatible services, and consider the most
12 appropriate, cost effective, long and short-term uses of the center as described in the January 1, 2014
13 report issued pursuant to 2013, 249. The department shall submit the plan to the fiscal committee
14 of the general court for approval on or before November 1, 2015, and begin implementation of the
15 plan by January 1, 2016.

16 211 Health and Human Services. Care Management Program. Determination of Provider Rates
17 for Step I and Step II Care Management Services. For the fiscal years 2016 and 2017, the rates paid
18 to providers for home and community-based services under the choices for independence program
19 that are to be incorporated into the department's care management program beginning on
20 January 1, 2016 and the rates paid to providers of nursing services that are to be incorporated into
21 the care management program on July 1, 2016 shall not be established by the department by
22 contract with the managed care organizations or otherwise dictated by the department. The rates
23 paid to providers for home and community-based services, nursing services, all other acute care
24 medical services provided under Step I of the care management program, and any additional waiver
25 services incorporated into the care management program for any portion of the fiscal years 2016 and
26 2017 shall be determined through negotiation between the managed care organizations and the
27 providers of such services within the capitated payment for managed care services as approved by
28 the governor and council and the Centers for Medicare and Medicaid Services.

29 212 Health and Human Services; Generic Drugs Authorization. Amend RSA 126-A:3, V to read
30 as follows:

31 V. Pharmacists shall substitute generically equivalent drug products for all legend and non-
32 legend prescriptions paid for by the department of health and human services, including the
33 Medicaid program, unless the prescribing practitioner specifies that the brand name drug product is
34 medically necessary. Such notification shall be in the practitioner's own handwriting and shall be
35 retained in the pharmacist's file. The provisions of paragraph III shall not apply to the dispensing
36 by a pharmacy for medical assistance reimbursement for legend and non-legend drugs. The
37 commissioner, in consultation with pharmacy providers, shall establish medical assistance

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1 reimbursement for legend and non-legend drugs. ***For Medicaid fee for service clients, no prior***
2 ***authorization for generically equivalent drugs shall be required.***

3 213 Department of Corrections; Generic Drugs Authorization. Amend RSA 623-C:2, III to read
4 as follows:

5 III. Pharmacists shall substitute generically equivalent drug products for all legend and
6 non-legend prescriptions paid for by the department of corrections, including the Medicaid program,
7 unless the prescribing practitioner specifies that the brand name drug product is medically
8 necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in
9 the pharmacist's file. The commissioner of the department of corrections may waive the application
10 of RSA 623-C:2, I if the commissioner determines such action is necessary to ensure the availability
11 of prescription and other pharmaceutical services to persons served by the state or to avert serious
12 economic hardship in the provision of prescriptions and other pharmaceutical services. ***For***
13 ***Medicaid fee for service clients, no prior authorization for generically equivalent drugs***
14 ***shall be required.***

15 214 New Subparagraph; Medicaid Managed Care Program; Commissioner's Duties. Amend
16 RSA 126-A:5, XIX by inserting after subparagraph (d) the following new subparagraph:

17 (e) The commissioner shall seek all necessary federal approvals, including, but not
18 limited to, Medicaid state plan amendments and Medicaid care management contract approval, to
19 allow the Medicaid managed care organizations to use their own drug formulary in providing
20 pharmacy benefits and contracting with pharmacy providers. A managed care organization as
21 defined in subparagraph (c)(3) that implements its own drug formulary shall comply with the
22 provisions of the Federal Medicaid statute, 42 U.S.C. section 1927, and RSA 420-J:7-b, II, II-a, and
23 III.

24 215 Department of Health and Human Services; Consolidation of District Offices. For the
25 biennium ending June 30, 2017, the commissioner of the department of health and human services
26 shall consolidate department of health and human services district offices to achieve a reduction of
27 \$1,000,000 in general fund appropriations for the fiscal year ending June 30, 2016, and \$1,000,000
28 for the fiscal year ending June 30, 2017. The commissioner shall provide regular notice of these
29 consolidation efforts to the fiscal committee of the general court.

30 216 Expenditure of Certain Road Toll Revenue. Amend RSA 260:32-b to read as follows:

31 260:32-b Expenditure of Certain Road Toll Revenue.

32 I. For the fiscal year ending June 30, 2015, expenditure of revenues collected from
33 adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment
34 A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in
35 the following order of priority:

36 (a) \$12,000,000 shall be expended for the district rehabilitation program with said funds
37 to be distributed equally among the 6 state highway districts.

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1 (b) \$13,200,000 shall be expended for the district resurfacing program with said funds to
2 be distributed equally among the 6 state highway districts.

3 (c) All remaining funds shall be for the purpose of state bridge aid for municipal bridges
4 under RSA 234.

5 II. For the fiscal year ending June 30, 2016, expenditure of revenues collected from
6 adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment
7 A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in
8 the following order of priority:

9 (a) Debt service payments for bonds issued pursuant to RSA 6:13-d.

10 (b) [~~\$8,100,000~~] **\$4,300,000** shall be expended for the district rehabilitation program
11 with said funds to be distributed equally among the 6 state highway districts.

12 (c) [~~\$13,200,000~~] **\$7,000,000** shall be expended for the district resurfacing program with
13 said funds to be distributed equally among the 6 state highway districts.

14 (d) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for
15 municipal bridges under RSA 234.

16 (e) ***Up to \$8,300,000 shall be appropriated to the department of transportation***
17 ***bureau of highway maintenance.***

18 [~~(e)~~] (f) All remaining funds deposited into the highway and bridge betterment account
19 under RSA 235:23-a.

20 III. For the fiscal year ending June 30, 2017 and each fiscal year thereafter, expenditure of
21 revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less
22 required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for
23 the following purposes in the following order of priority:

24 (a) Debt service payments for bonds issued pursuant to RSA 6:13-d.

25 (b) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for
26 municipal bridges under RSA 234.

27 (c) ***Up to \$8,300,000 shall be appropriated the department of transportation***
28 ***bureau of highway maintenance.***

29 [~~(e)~~] (d) All remaining funds deposited into the highway and bridge betterment account
30 under RSA 235:23-a.

31 217 State Treasurer and State Accounts; Authority to Borrow; Certain Transportation Projects.
32 Amend RSA 6:13-d, I to read as follows:

33 I. The state treasurer, as may be requested from time to time by the commissioner of the
34 department of transportation, is hereby authorized to borrow upon the credit of the state not
35 exceeding the sum of \$200,000,000 and shall issue general obligation ***or revenue*** bonds, ***or both***, in
36 the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A,
37 to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester,

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1 New Hampshire. *In addition, authorization is hereby granted to enter into the federal*
2 *credit program known as the Transportation Infrastructure Finance and Innovation Act*
3 *(TIFIA), 23 U.S.C. sections 601-609, including appropriate covenants and conditions*
4 *necessary to secure favorable credit terms.*

5 218 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other
6 law to the contrary, for the fiscal year ending June 30, 2016, the department of administrative
7 services shall transfer \$2,500,000 from the funds collected for educational credentialing pursuant to
8 RSA 186:11, X to the education trust fund established under RSA 198:39.

9 219 Operating Budget; Transfer to General Fund; Legislative Branch. The legislative branch
10 shall transfer \$1,000,000 to the general fund for the biennium ending June 30, 2017.

11 220 Operating Budget; Transfer to General Fund; Legislative Branch. 2013, 143:12 is repealed
12 and reenacted to read as follows:

13 143:12 Operating Budget; Transfer to General Fund; Legislative Branch. The legislative branch
14 shall transfer \$1,000,000 for the fiscal year ending June 30, 2014 and \$1,628,307 for the fiscal year
15 ending June 30, 2015 to the general fund.

16 221 Legislative Branch; Special Account. Amend 2011, 224:217, II as amended by 2013, 144:102
17 to read as follows:

18 II.(a) The legislative accountant shall allocate the original \$3,000,000 special legislative
19 account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the
20 senate, the house of representatives, the joint offices, and the office of legislative budget assistant.
21 Beginning in fiscal year 2013 and [~~each year thereafter~~] **for fiscal year 2014**, any unexpended and
22 unencumbered appropriations shall be transferred to the appropriate subaccount, provided that no
23 subaccount balance shall exceed \$750,000. All unexpended and unencumbered appropriations
24 remaining at the close of the fiscal year shall lapse to the general fund.

25 (b) ***Beginning in fiscal year 2015 and each year thereafter, unexpended and***
26 ***unencumbered appropriations shall be transferred to the appropriate subaccount,***
27 ***provided that no subaccount balance shall exceed \$750,000. Any remaining unexpended***
28 ***and unencumbered appropriations shall not lapse.***

29 222 Department of Information Technology; Transfers Among Accounts. Notwithstanding any
30 other provision of law to the contrary, for the biennium ending June 30, 2017, the department of
31 information technology may transfer funds within and among all accounting units and class lines
32 within said department as necessary for the efficient management of the department; provided that
33 any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general
34 court and the governor and council.

35 223 Department of Administrative Services; Transfer from Consumer Protection Escrow
36 Account. The commissioner of administrative services shall transfer \$1,168,831 from the consumer
37 protection escrow account within the department of justice (02-20-20-200510-2611 revenue class 003)

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1 to the general fund on July 1, 2015. The purpose of the transfer is to reimburse the general fund for
2 general fund expenditures within the consumer protection accounting unit from prior fiscal years.

3 224 New Section; Attorney General; Disposition of Consumer Protection Settlement Funds.
4 Amend RSA 7 by inserting after section 6-e the following new section:

5 7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney
6 general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim,
7 suit, petition, or other action under RSA 358-A or related consumer protection statutes shall be
8 deposited in a consumer protection escrow account. The consumer protection escrow account shall at
9 no time exceed \$5 million, with any amount in excess of \$5 million deposited into the general fund.
10 The attorney general shall not include language in any consumer protection settlement that restricts
11 any payments to the state for attorneys' fees, investigation and litigation costs, consumer education,
12 or consumer protection enforcement to the consumer protection escrow account or any other account
13 or fund.

14 225 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2017,
15 the liquor commission is hereby authorized to do the following for purposes of supporting merchant
16 card activity:

17 I. Implement necessary business strategies in the event of a disaster or loss of services to
18 insure the continuity of the commission's business operations, including the processing of merchant
19 cards. The commission shall report to the fiscal committee of the general court within 30 days any
20 instances where it would need to implement such business strategies, including any costs and loss of
21 revenue associated with the disaster or loss of services and the implementation of such business
22 strategies.

23 II. Enter into contracts for technical and hosting services to support retail operations and
24 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered
25 into to support retail operations and merchant card processing.

26 III. Transfer and expend funds in accounting unit 02-77-77-771012-1022, class 27, transfers
27 to Oit, other than the portion budgeted for shared services costs assigned by the department of
28 information technology, to support third party services and retail operations and merchant card
29 processing. The commission shall inform the department of information technology prior to using
30 class 27 appropriations to insure sufficient funds are available to cover any expenses already
31 incurred by the department of information technology on behalf of the commission. The commission
32 shall report to the fiscal committee of the general court in December and June of each fiscal year any
33 transfer of the commission's class 27 appropriations to support third party services and retail
34 operations and merchant card processing. RSA 176:16, V shall not apply to this paragraph.

35 IV. Hire information technology technical support personnel to support its merchant card
36 activity and related technical support operations in retail stores. The commission, through the
37 department of administrative services, division of personnel, shall temporarily reclassify no more

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1 than 2 existing liquor commission positions that will be responsible for providing the necessary
2 information technology technical support required by the commission to support its merchant card
3 activity and related technical support operations in retail stores.

4 226 Department of Employment Security; Unemployment Insurance Fraud Prosecutor; Position
5 Established.

6 I. There is established within the department of employment security the unclassified
7 position of unemployment insurance fraud prosecutor appointed by the commissioner subject to
8 approval by the attorney general. The fraud prosecutor shall be licensed to practice law in
9 New Hampshire and shall be qualified to hold that position by reason of education and experience.
10 The fraud prosecutor shall work with the department of employment security in the prosecution of
11 unemployment insurance fraud under the guidance and supervision of the department of justice,
12 criminal justice bureau. The fraud prosecutor shall hold office for a term of 5 years and may be
13 removed only as provided under RSA 4:1.

14 II. The salary of the fraud prosecutor shall be determined after assessment and review of the
15 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
16 conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and
17 appointment of the fraud prosecutor, position 11026 shall be abolished to allow for the transition of
18 this classified position with its available appropriations into the unclassified position of fraud
19 prosecutor. Funding shall be transferred into expenditure class 011, within accounting unit
20 02-27-27-270010-8040. The incumbent in the abolished classified position shall be offered the
21 unclassified position.

22 227 Department of Corrections; Transfers. Notwithstanding any provision of law to the
23 contrary, for the biennium ending June 30, 2017, the commissioner of the department of corrections
24 is authorized to transfer funds within and among all accounting units within the department and to
25 create accounting units and expenditure classes as required and as the commissioner deems
26 necessary and appropriate to address present or projected budget deficits, or to respond to changes in
27 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
28 the department; provided if a transfer does not include new accounting units or expenditure classes,
29 only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court
30 and governor and council.

31 228 New Section; Transitional Housing Unit Maintenance Fund Established. Amend RSA 21-H
32 by inserting after section 14-c the following new section:

33 21-H:14-d Transitional Housing Unit Maintenance Fund Established. There is established in
34 the office of the commissioner a fund to be known as the transitional housing unit maintenance fund.
35 This fund shall be nonlapsing and continually appropriated to the commissioner for the purpose of
36 the general care, maintenance, repair, and proper upkeep of transitional housing units. The
37 commissioner shall collect funds as specified in RSA 651:25, V for deposit into the fund and may

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1 expend such funds as set forth in this section. The commissioner may also accept gifts, grants, and
2 donations from any state or federal source for deposit into the fund.

3 229 Sentences; Release From State Prison. Amend RSA 651:25, V to read as follows:

4 V. A prisoner authorized to work at paid employment in the community under this section
5 may be required to pay, and the commissioner of corrections is authorized to collect, such cost
6 incident to the prisoner's confinement as the commissioner deems appropriate and reasonable.
7 [~~Such~~] ***The commissioner shall deposit the first \$9.00 of such*** collections [~~shall be deposited~~]
8 ***from each prisoner*** with the state treasurer as a part of the general revenue of the state. ***The***
9 ***commissioner shall deposit the remaining amount into the transitional housing unit***
10 ***maintenance fund established in RSA 21-H:14-d.***

11 230 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For
12 the biennium ending June 30, 2017, the public utilities commission shall not expend any funding on
13 the implementation of an energy efficiency resource standard without prior approval of the fiscal
14 committee of the general court.

15 231 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to
16 read as follows:

17 I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall
18 be continually appropriated to the commission to be expended in accordance with this section. The
19 state treasurer shall invest the moneys deposited therein as provided by law. Income received on
20 investments made by the state treasurer shall also be credited to the fund. All payments to be made
21 under this section shall be deposited in the fund. [~~The~~] ***Of the moneys paid into the fund, the***
22 ***amount of \$720,000 for fiscal year 2016 and the amount of \$1,500,000 for fiscal year 2017***
23 ***and each fiscal year thereafter shall be transferred to the division of homeland security***
24 ***and emergency management for the purpose of disaster and emergency response***
25 ***preparedness and coordination to help minimize utility and other disruptions resulting***
26 ***from natural or manmade disasters. Any remaining*** moneys paid into the fund under
27 paragraph II of this section, excluding class II moneys, shall be used by the commission to support
28 thermal and electrical renewable energy initiatives. Class II moneys shall primarily be used to
29 support solar energy technologies in New Hampshire. All initiatives supported out of these funds
30 shall be subject to audit by the commission as deemed necessary. All fund moneys including those
31 from class II may be used to administer this chapter, but all new employee positions shall be
32 approved by the fiscal committee of the general court. No new employees shall be hired by the
33 commission due to the inclusion of useful thermal energy in class I production.

34 232 Federal Fisheries Disaster Relief Funds. For the fiscal year ending June 30, 2015, the sum
35 of \$1,136,400 of federal funds from the United States Department of Commerce National Oceanic
36 and Atmospheric Administration is hereby appropriated to the fish and game department for the
37 purpose of distributing federal fisheries disaster relief funds to northeast multispecies commercial

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1 harvesters impacted by the federal fisheries disaster declared by the secretary of commerce in 2012.
2 Said appropriation shall not lapse until June 30, 2017.

3 233 General Fund; Transfer to Fish and Game Fund. The state treasurer shall transfer
4 unrestricted general fund revenue to the fish and game department in the amounts of \$600,000 for
5 the fiscal year ending June 30, 2016 and \$600,000 for the fiscal year ending June 30, 2017. Said
6 transfers shall occur no later than August 1st of each fiscal year.

7 234 Fish and Game Department; Rulemaking; Fees. If the provisions of HB 212 of the 2015
8 legislative session which grant rulemaking authority to the executive director of fish and game to
9 establish fees for licenses and permits issued under title 18 become law, the statutory fees for any
10 such license or permit in effect on June 30, 2015 shall remain in effect until the effective date of a
11 rule adopted by executive director under RSA 541-A establishing or replacing such fee.

12 235 Department of Transportation; Route 106 Improvements. The department of transportation
13 may utilize up to \$3,000,000 of funds from available department sources to complete improvements
14 to N.H. Route 106 as contained in the state 10-year transportation improvement plan. Construction
15 work on the project may begin as soon as possible.

16 236 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2017, the
17 department of education is authorized, subject to the approval of the governor and council, to accept
18 gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations,
19 and other organizations or institutions for the purpose of funding appropriations made in accounting
20 unit 06-56-56-562010-7534 (NH Scholars Program).

21 237 Appropriation; Crotched Mountain Foundation. In addition to any other funds appropriated
22 to the department of health and human services, the sum of \$1 for the fiscal year ending June 30,
23 2016 and \$1 for the fiscal year ending June 30, 2017 are hereby appropriated to the department of
24 health and human services for the purpose of providing a supplemental enhanced rate for complex
25 patients served by the Crotched Mountain Foundation in accounting unit 05-95-4815-6173-101
26 (Medical Payments to Providers). The governor is authorized to draw a warrant for said sums out of
27 any money in the treasury not otherwise appropriated. Payment of this enhanced rate for complex
28 patients served by the Crotched Mountain Foundation shall be subject to approval by the Centers for
29 Medicare and Medicaid Services, and subject to rate setting approval by the department of health
30 and human services. The approved supplemental rate shall be paid in addition to existing rates in
31 effect as of June 30, 2015. The Crotched Mountain Foundation shall report monthly to the
32 department on utilization of beds that are subject to the supplemental enhanced rate.

33 238 New Paragraph; Commissioner of the Department of Health and Human Services;
34 Substance Use Disorder Services. Amend RSA 126-A:5 by inserting after paragraph XXVII the
35 following new paragraph:

36 XXVIII. The commissioner shall submit a state plan amendment to the Center for Medicare
37 and Medicaid Services to provide substance use disorder services to Title XIX and Title XXI

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1 beneficiaries. The commissioner shall design the benefit consistent with Substance Abuse and
2 Mental Health Service Administration (SAMHSA) treatment guidelines. The commissioner shall
3 also determine the process and timeline for implementing services and, if necessary, phase in the
4 benefit.

5 239 Department of Health and Human Services; Social Services Block Grant Cost of Living
6 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
7 June 30, 2017, the department of health and human services shall raise the income eligibility for
8 elderly and adult clients under the Social Services Block Grant program each January, by the
9 percentage amount of the cost of living increase in social security benefits on a yearly basis.

10 240 Department of Education: Transfer Among Accounts. Notwithstanding any provision of
11 law to the contrary, for the biennium ending June 30, 2017, the commissioner of the department of
12 education is hereby authorized to transfer funds within and among all accounting units within the
13 department, as the commissioner deems necessary and appropriate to address present or projected
14 budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as
15 necessary for the efficient management of the department, with the exception of class 60 transfers;
16 provided, that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of
17 the general court and the governor and council. The authority granted in this section shall not apply
18 to accounting units 06-56-56-561010-6019 (Other State Aid), 06-56-56-560010-7550 (Adequacy
19 Grants), and 06-56-56-561510-4101 (Court Ordered Placements).

20 241 New Subdivision; State House Weekend Operations Program and Fund. Amend RSA 14 by
21 inserting after section 50 the following new subdivision:

22 State House Weekend Operations

23 14:51 State House Weekend Operations Program.

24 I. There is hereby established a program in which the state house shall be open to the public
25 on Saturdays, between 10 a.m. and 2 p.m., from Memorial Day to Columbus Day. All such costs
26 associated with the program shall be funded from the state house weekend operations fund
27 established in RSA 14:52. The program shall not be implemented prior to June 1, 2016.

28 II. The legislature may enter into a memorandum of understanding with the greater
29 Concord chamber of commerce to implement the program established in paragraph I. The
30 memorandum of understanding shall consider:

31 (a) Guided tours of the state house provided by volunteer tour guides.

32 (b) A security plan developed in consultation with legislative protective services.

33 (c) A plan for visitor use of restrooms.

34 (d) Appropriate signage, including signage on Interstate 93 developed in consultation
35 with the department of transportation.

36 III. Prior to implementation of the program, the memorandum of understanding shall be
37 reviewed and approved by the legislative facilities committee.

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1 14:52 State House Weekend Operations Fund. There is hereby established in the office of the
2 state treasurer a fund to be known as the state house weekend operations fund. The legislative
3 accounting office may accept grants, gifts, or donations of any kind from any public or private source
4 for the purpose of funding initiatives associated with state house weekend operations. Such grants,
5 gifts, and donations shall be deposited in the state house weekend operations fund and shall only be
6 expended for the purposes of this subdivision. The state treasurer may invest moneys in the fund as
7 provided by law, with interest received on such investment credited to the fund. The moneys in this
8 fund shall be nonlapsing and continually appropriated to the legislative accounting office for the
9 state house weekend operations program established in RSA 14:51.

10 242 New Subparagraph; Application of Receipts; State House Weekend Operations Fund.
11 Amend RSA 6:12, I(b) by inserting after subparagraph 326 the following new subparagraph:

12 (327) Moneys deposited in the state house weekend operations fund established in RSA
13 14:52.

14 243 Business Profits Tax; Imposition of Tax; 2016. Amend RSA 77-A:2 to read as follows:

15 77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~8.5~~] **8.3** percent upon the taxable
16 business profits of every business organization.

17 244 Business Profits Tax; Imposition of Tax; 2017. Amend RSA 77-A:2 to read as follows:

18 77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~8.3~~] **8.1** percent upon the taxable
19 business profits of every business organization.

20 245 Business Profits Tax; Imposition of Tax; 2019. Amend RSA 77-A:2 to read as follows:

21 77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~8.4~~] **7.9** percent upon the taxable
22 business profits of every business organization.

23 246 Business Enterprise Tax; Imposition of Tax; 2016. Amend RSA 77-E:2 to read as follows:

24 77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~3/4 of one~~] **.725** percent upon the
25 taxable enterprise value tax base of every business enterprise.

26 247 Business Enterprise Tax; Imposition of Tax; 2017. Amend RSA 77-E:2 to read as follows:

27 77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~.725~~] **.7** percent upon the taxable
28 enterprise value tax base of every business enterprise.

29 248 Business Enterprise Tax; Imposition of Tax; 2019. Amend RSA 77-E:2 to read as follows:

30 77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~.7~~] **.675** percent upon the taxable
31 enterprise value tax base of every business enterprise.

32 249 Applicability.

33 I. Sections 243 and 246 of this act shall apply to taxable periods ending on or after December
34 31, 2016.

35 II. Sections 244 and 247 of this act shall apply to taxable periods ending on or after
36 December 31, 2017.

37 III. Sections 245 and 248 of this act shall apply to taxable period ending on or after

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1 December 31, 2019.

2 250 Business Profits Tax; Research and Development Tax Credit. Amend RSA 77-A:5, XIII(a)(1)
3 to read as follows:

4 (1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming
5 the credit shall not exceed [~~\$2,000,000~~]**\$7,000,000** for any fiscal year.

6 251 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes
7 administered and collected by the department of revenue administration, an amnesty from the
8 assessment or payment of all penalties and interest in excess of 50 percent of the applicable interest
9 rate for the tax period shall apply with respect to unpaid taxes reported and paid in full during the
10 period from December 1, 2015 through and including February 15, 2016, regardless of whether
11 previously assessed. This amnesty shall only apply to taxes due but unpaid on or February 15, 2016.

12 252 Mandatory Penalties. On or after March 1, 2016, notwithstanding the provisions of any
13 other law, the department or any administrative tribunal or court with jurisdiction, either in law or
14 equity, shall have no discretion to waive, abate, reduce or remit, for good cause or any other reason,
15 any penalties assessed with respect to taxes administered by the department, which taxes were due
16 before December 1, 2015.

17 253 Appropriation. The sum of \$50,000 is hereby appropriated to the department of revenue
18 administration for the fiscal year ending June 30, 2016 to the following account for the purposes of
19 outreach and other administration necessary for the implementation of the tax amnesty program:
20 01-084-8405-7884-102 contracts for program services. The governor is authorized to draw a warrant
21 for said sum out of any money in the treasury not otherwise appropriated.

22 254 New Paragraph; Department of Revenue Administration; Duties of the Commissioner;
23 Voluntary Disclosure Program. Amend RSA 21-J:3 by inserting after paragraph XXX the following
24 new paragraph:

25 XXXI. Establish a voluntary disclosure program for taxes administered by the department
26 where a person or entity voluntarily self-discloses a tax liability to the department and the
27 department waives applicable penalties and settles and compromises the taxes and interest due
28 through a voluntary disclosure agreement. A person or entity shall not be eligible to participate in
29 the voluntary disclosure program if the department has contacted or informed the person or entity,
30 an affiliate of the entity, or a member of a unitary business, of which the entity is a member, that the
31 department is inquiring into the person, entity, or unitary business' liability for tax or whether the
32 person, entity, or unitary business is subject to tax or tax collection responsibilities in this state. A
33 person or entity shall not be eligible to participate in the voluntary disclosure program regarding a
34 specific tax administered by the department if the person, entity, or unitary business, of which the
35 person or entity is a member, has filed a return in a previous taxable period for the specific tax,
36 except for good cause shown. A provider, operator, or retailer who collected, but failed to remit, the
37 tax to the state shall not be eligible for the voluntary disclosure program.

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1 255 New Paragraph; Rulemaking; Commissioner of Revenue Administration. Amend RSA 21-
2 J:13 by inserting after paragraph XIII the following new paragraph:

3 XIV. The implementation and administration of a voluntary disclosure program established
4 under RSA 21-J:3, XXXI.

5 256 Highway Fund. The department of transportation and department of safety shall not
6 expend or request to expend any funds from the highway surplus account for the biennium ending
7 June 30, 2015. Any highway fund budget surplus at the close of the fiscal biennium ending June 30,
8 2015 shall remain in the highway fund, and shall be used for the purposes of supporting
9 appropriations from the highway fund for the biennium ending June 30, 2017.

10 257 Purpose; CTE Centers. The provision of an adequate education in New Hampshire includes
11 career and technical education. New Hampshire career and technical education centers are established
12 for the purpose of developing a competitive workforce to support local business, industry, and economic
13 growth. The program provides high school students the opportunity to explore career options that apply
14 academic concepts to real-world situations using the most current business and industry-based
15 technologies. Through a commitment to developing the knowledge and skills required for successful
16 performance in the current and future workplace, the program further provides advanced training
17 leading to skill certification and postsecondary education with career pathways for lifelong learning and
18 opportunity.

19 258 Chapter Title; Community and Technical Education. Amend the chapter title of RSA 188-E
20 to read as follows:

CHAPTER 188-E

REGIONAL ~~[VOCATIONAL]~~ **CAREER AND TECHNICAL** EDUCATION (**CTE**)

21
22
23 259 Designation of Centers and Programs. Amend RSA 188-E:2 to read as follows:

24 188-E:1 Designation of Regional Centers and ~~[Courses]~~ **Programs**. The commissioner,
25 department of education, is hereby authorized and directed to designate high schools, and public
26 academies as defined in RSA 194:23, II, offering ~~[vocational]~~ **career and technical** education
27 programs as ~~[vocational]~~ **career and technical** education centers. In instances where it is
28 educationally and economically feasible to do so, the commissioner may designate individual
29 ~~[vocational-courses]~~ **career and technical education programs** in other than the ~~[vocational]~~
30 **career and technical** education centers as regional ~~[courses]~~ **programs**. An out-of-state school or
31 ~~[course]~~ **program** may be designated, when it is in the best interest of the state, as a part of the
32 New Hampshire regional ~~[vocational]~~ **career and technical** education plan.

33 260 Definitions. RSA 188-E:2 is repealed and reenacted to read as follows:

34 188-E:2 Definitions. In this chapter:

35 I. "Alternative education program" means a program providing at risk students with a
36 variety of options with a goal of graduation or completion by focusing on the student's individual
37 social needs and the academic requirements for a high school diploma, including:

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1 (a) A program offered at a regional career technical education center or other
2 comprehensive high school.

3 (b) An adult high school diploma program administered pursuant to rules of the
4 department.

5 (c) An adult basic education program administered pursuant to rules of the department.

6 II. "At risk student" means a high school student who has been evaluated by the local school
7 district staff and deemed to be an individual in jeopardy of dropping out of school prior to graduation.

8 III. "Career and technical education" or "CTE" means organized educational activities that:

9 (a) Offer a sequence of courses that:

10 (1) Provides individuals with coherent and rigorous content aligned with challenging
11 academic standards and relevant technical knowledge and skills needed to prepare for further
12 education and careers in current or emerging professions;

13 (2) Provides technical skill proficiency, an industry-recognized credential, a
14 certificate, or an associate degree; and

15 (3) Might include prerequisite courses, other than a remedial course; and

16 (b) Include competency-based applied learning that contributes to the academic
17 knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability
18 skills, technical skills, and occupation specific skills, and knowledge of all aspects of an industry,
19 including entrepreneurship, of an individual;

20 IV. "Construction" means the actual construction of facilities and provision of initial
21 equipment.

22 V. "Receiving district" means a school district operating a comprehensive high school or
23 public academy pursuant to RSA 194:23 which is designated as a regional center or offers a
24 designated regional program.

25 VI. "Regional career and technical education student" means a student attending a regional
26 center or a regional program, for career and technical education purposes, which is in a high school
27 other than one the student would normally attend for his or her regular education program.

28 VII. "Renovation" means an upgrade and/or addition of career and technical education space,
29 facility, and/or equipment at designated regional career and technical education centers.

30 VIII. "Sending district" means:

31 (a) A school district where students reside who attend a regional center, regional
32 program, or alternative education program other than within the district itself; or

33 (b) If a student attends a chartered public school the sending district shall be the school
34 district in which the student resides.

35 261 Construction or Renovation. Amend RSA 188-E:3 to read as follows:

36 188-E:3 Construction or Renovation of Regional ~~Vocational~~ **Career and Technical**
37 **Education** Centers.

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1 I. The commissioner, department of education, shall make grants available to designated
2 regional centers for construction of ~~[vocational]~~ **career and technical** education facilities or
3 renovation of existing regional ~~[vocational]~~ **career and technical education** centers. The state board
4 shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II, which the commissioner shall carry out,
5 relative to requirements for approval of regional ~~[vocational]~~ **career and technical** education centers
6 to receive funds for construction or renovation of such facilities. The rules shall include criteria which
7 guarantee potential sending districts an opportunity to enroll students in the regional ~~[vocational]~~
8 **career and technical education** program, and basic criteria for planning such facilities through
9 cooperative development of plans by the ~~[vocational]~~ **career and technical** education staff of the state
10 department of education and the local school district's staff. When such plans appear to be both
11 educationally and financially acceptable, the department's ~~[vocational]~~ **career and technical**
12 **education** staff shall recommend to the commissioner that they be approved for funding.

13 II. Upon completion, the constructed or renovated facility shall become the property of the
14 school district or public academy, ~~[as the case may be]~~ **for use by the career and technical**
15 **education center exclusively**. Provision of the site, parking, and other related areas shall be the
16 responsibility of the local community. Site work, including but not limited to cut and fill work,
17 compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar
18 work within an area extending to one foot beyond the outside edge of the exterior walls of the
19 building, shall be eligible for grants under paragraph I. Nothing shall prohibit the inclusion of the
20 site and related facilities which are not funded as part of construction cost by the state under this
21 chapter from being included in a regular building aid grant application of the district as provided in
22 RSA 198:15-b. However, no school district which receives any funding under this chapter shall be
23 eligible to receive school building aid grants under RSA 198:15-b for the same project.
24 **Maintenance, repair, and upkeep of the constructed or renovated facility, including all**
25 **classroom and laboratory spaces, shall be the responsibility of the school district or public**
26 **academy, as the case may be.**

27 262 CTE Program. RSA 188-E:5 is repealed and reenacted to read as follows:

28 188-E:5 Program.

29 I. The program in the regional career and technical education centers shall be broad enough
30 to serve the reasonable business and industry needs of the area, and provide for a substantial career
31 and technical offering in the region.

32 II. Career and technical education of consistent quality shall be equally available to students
33 and across the state. Each career and technical education program pathway shall include embedded
34 rigorous academic skills and technical core competencies aligned with national business and industry
35 standards delivered through a relevant sequence of courses.

36 III. Each center shall make maximum utilization of cooperative arrangements with special
37 education and vocational rehabilitation in providing career and technical education for

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1 disadvantaged and disabled persons. Opportunities for out-of-school youths, including “drop outs”
2 and others, and adult education will be provided whenever possible.

3 IV. The regional career and technical education centers, as an integral part of each career
4 and technical offering, may provide opportunities in leadership development through participation
5 by students in appropriate corresponding and nationally recognized career and technical student
6 organizations.

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

13 (a) The student has successfully completed any courses required as a prerequisite for the
14 career and technical education program selected; or

15 (b) The prerequisites have been waived by the regional career and technical education
16 center director. Such a waiver shall not be unreasonably withheld.

17 VI. The receiving district shall be responsible for determining the student’s qualifications for
18 admission and space availability.

19 VII.(a) All career and technical education students shall be given access to career and
20 technical education programs for the entire instructional time required for those programs.

21 (b) Upon a joint application by a student’s career and technical education center and his
22 or her sending district, the commissioner may grant a waiver from the requirement of subparagraph
23 (a) on a case-by-case basis.

24 VIII. Programs shall demonstrate alignment of curriculum to national technical core
25 competencies to assessment and demonstrate achievement through evidence documented by course
26 and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes,
27 portfolios, performances, exhibitions, industry certifications, projects, and community service.

28 IX. An approved career and technical education program shall be designed to enable a
29 student to meet industry standards applicable to the respective career field.

30 X. To the greatest extent possible, a career and technical education program offered at a
31 center or region shall provide students the opportunity to take advantage of any applicable career
32 pathways, including career pathways set forth in an articulation agreement with a postsecondary
33 institution or in a collaborative agreement with publicly supported secondary and postsecondary
34 educational institutions that form a dual enrollment career and technical education program.

35 263 Costs of Attendance. Amend RSA 188-E:6 to read as follows:

36 188-E:6 ~~[Reimbursement]~~ **Costs** for Students Attending Career and Technical Education Programs.

37 I. The state shall ~~[reimburse the state’s]~~ **pay a** portion of the cost of tuition and **reimburse**

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1 transportation **costs**, as provided in this section, for a **sending district** student attending an
2 approved career and technical education (CTE) program.

3 II. A student's sending district shall be financially responsible for ~~[an amount equal to]~~ 25
4 percent of the **career and technical education portion of the** receiving district's cost per pupil for
5 the prior school year, as calculated by the department of education.

6 III. Any **sending district** student who attends an approved CTE program that provides
7 instruction in subject areas approved by the state board of education shall be eligible for
8 ~~[reimbursement]~~ **payment** of tuition and **reimbursement of** transportation costs. Students enrolled
9 in introductory CTE ~~[programs]~~ **courses**, pre-CTE ~~[programs]~~ **courses**, or other CTE programs
10 offering instruction in subject areas not approved by the state board of education shall not be eligible
11 for **payment of** tuition and transportation reimbursement.

12 IV. In consultation with the house and senate committees responsible for education policy
13 and financial matters, the state board of education shall, in rules adopted pursuant to RSA 541-A,
14 develop a formula for determining the tuition and transportation costs for approved career technical
15 education programs and procedures for disbursement of funds.

16 264 Tuition. Amend RSA 188-E:7 to read as follows:

17 188-E:7 Tuition.

18 I. The department of education is authorized to pay from its regular budget tuition for full or
19 part-time **sending district** students, attending programs at designated ~~[vocational]~~ **career and**
20 **technical education** centers or designated ~~[vocational-educational courses]~~ **career and technical**
21 **education programs** at other comprehensive high schools, whose residence is in a district where
22 the high school of normal attendance does not offer a similar ~~[vocational-education course]~~ **career**
23 **and technical education program**.

24 II. **The department of education shall pay only those districts designated as**
25 **regional career and technical education centers for sending district tuition at a per**
26 **student rate calculated by dividing the total number of students into the balance of**
27 **appropriation available.**

28 III. The department is authorized to pay from its budget for at risk students who reside in a
29 school district in which the high school does not offer an alternative education program, to attend an
30 alternative education program at a ~~[regional-vocational-education center or the associated]~~
31 **comprehensive** high school **within New Hampshire.**

32 ~~[H.]~~ IV. The liability of the state and local school districts for tuition shall be determined by
33 the state board under rules adopted pursuant to RSA 541-A, provided that a receiving district may
34 charge a student from a sending district a differential **fee for** career and technical education ~~[fee]~~ not
35 to exceed 3 percent of the receiving district's cost per pupil for the prior school year, as calculated by
36 the department of education, and provided that the receiving district shall deposit the differential fee
37 into its capital reserve account to be used for career and technical education program development,

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1 improvement, and equipment.

2 ~~[[H.]]~~ V. The state's tuition liability for a student enrolled in an alternative education
3 program shall not exceed the per student cost of a student enrolled in a career and technical
4 education program, as calculated by the department of education.

5 265 Transportation. Amend RSA 188-E:8 to read as follows:

6 188-E:8 Transportation. The department of education is authorized to ~~[pay]~~ **reimburse** from its
7 regular budget the cost of transportation for **(a)** regional ~~[vocational]~~ **career and technical education**
8 students **who attend regional career and technical education centers** and for **(b)** at risk students
9 who attend alternative education programs located at a regional ~~[vocational]~~ **career and technical**
10 education center or ~~[the associated]~~ **other comprehensive** high school. Transportation costs shall not
11 exceed the rate adopted pursuant to RSA 541-A by the state board. The sending district shall be
12 responsible for paying the transportation costs and shall be reimbursed from state funds.

13 266 New Section; Advisory Council on Career and Technical Education. Amend RSA 188-E by
14 inserting after section 10-a the following new section:

15 188-E:10-b Advisory Council on Career and Technical Education.

16 I. There is established an advisory council on career and technical education (CTE). The
17 members of the council shall be as follows:

18 (a) One member of the senate, appointed by the president of the senate.

19 (b) Two members of the house of representatives, appointed by the speaker of the house
20 of representatives.

21 (c) The state director of career and technical education.

22 (d) The commissioner of the department of resources and economic development, or
23 designee.

24 (e) The chancellor of the community college system, or designee.

25 (f) Three CTE directors, one member of a school board, and one SAU administrator,
26 appointed by the commissioner of education.

27 (g) A representative of the Business and Industry Association of New Hampshire,
28 appointed by the association.

29 (h) Three representatives of skilled trades or businesses related to CTE programs,
30 appointed by the commissioner of education.

31 II. Legislative members of the council shall receive mileage at the legislative rate when
32 attending to the duties of the council.

33 III. Members of the advisory council appointed under subparagraphs I(f)-(h) shall serve for
34 terms of 3 years and may be reappointed, except that terms of initial appointments by the
35 commissioner under subparagraphs (f) and (h) shall be staggered.

36 IV. The council shall study career and technical education, and make recommendations
37 concerning:

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- 1 (a) The delivery system of career and technical education in New Hampshire;
- 2 (b) Increasing access to career and technical education programs;
- 3 (c) Increasing partnerships between businesses, skilled trades, advanced manufacturing,
- 4 and CTE programs;
- 5 (d) The establishment and implementation of Individual Learning Plans beginning in
- 6 grade 6; and
- 7 (e) Other barriers as may be identified that restrict the delivery of career and technical
- 8 education to all interested students.

9 IV. The members of the advisory council shall elect a chairperson from among the members.

10 Meetings of the advisory council shall be called by the chairperson as necessary. Seven members of

11 the council shall constitute a quorum.

12 V. The advisory council shall file an annual report of its findings and any recommendations

13 for proposed legislation to the speaker of the house of representatives, the president of the senate,

14 the house clerk, the senate clerk, the governor, and the state library on or before November 1.

15 267 Reference Changed. Amend RSA 21-N:9, II(m) to read as follows:

16 (m) Standards for approval of regional ~~[vocationa]~~ **career and technical** education

17 centers, as authorized by RSA 188-E:3.

18 268 Reference Changed. Amend RSA 189:25-a to read as follows:

19 189:25-a Universal Service Fund; Definition of "School." For the purpose of obtaining discounts

20 pursuant to the universal service fund, otherwise known as "E-rate" discounts, as established by

21 section 254 of the Telecommunications Act of 1996, "school" means any public or private elementary

22 or secondary school, and any regional ~~[vocationa]~~ **career and technical** educational ~~[school]~~

23 **center** designated under RSA 188-E, including educational programs offered at such ~~[vocationa]~~

24 **career and technical** educational ~~[schools]~~ **centers** for pre-kindergarten, adult education

25 programs, and juvenile justice programs.

26 269 Reference Changed. Amend RSA 194:23, II-a to read as follows:

27 II-a. In this section, the term "high school" shall include ~~[any]~~ **the** regional ~~[vocationa]~~

28 **career and technical** education center in the Manchester school district which complies with the

29 provisions of RSA 188-E.

30 270 Pooled Risk Management Programs; Purpose. Amend RSA 5-B:1 to read as follows:

31 5-B:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk

32 management programs and to affirm the status of such programs established for the benefit of

33 political subdivisions of the state. The legislature finds and determines that insurance and risk

34 management is essential to the proper functioning of political subdivisions; that risk management

35 can be achieved through purchase of traditional insurance or by participation in pooled risk

36 management programs established for the benefit of political subdivisions; that pooled risk

37 management is an essential governmental function by providing focused public sector loss

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1 prevention programs, accrual of interest and dividend earnings which may be returned to the public
2 benefit and establishment of costs predicated solely on the actual experience of political subdivisions
3 within the state; that the resources of political subdivisions are presently burdened by the securing
4 of insurance protection through standard carriers; and that pooled risk management programs
5 which meet the standards established by this chapter should not be subject to insurance regulation
6 and taxation by the state, ***but shall be subject to oversight by the insurance department as***
7 ***provided in this chapter.***

8 271 Pooled Risk Management Programs; Definitions. Amend RSA 5-B:2 to read as follows:

9 5-B:2 Definitions. In this chapter:

10 I. ***“Commissioner” means the insurance commissioner.***

11 II. “Department” means the ***insurance*** department [~~of state~~].

12 [~~III~~] III. “Informational filing” means an annual filing with the department made solely for
13 the purpose of providing public access to certain information concerning the nature and organization
14 of pooled risk management programs. Such informational filing shall be limited to the following:

15 (a) The name and legal address of each pooled risk management program;

16 (b) A list of current officers, their titles and addresses;

17 (c) A brief description of the coverage provided;

18 (d) The annual audit required under RSA 5-B:5, I(d);

19 (e) A written plan of operation or bylaws; and

20 (f) The annual actuarial evaluation required under RSA 5-B:5, I(f).

21 [~~III~~] IV. “Political subdivision” means any city, town, county, school district, chartered
22 public school, village district, school administrative unit, or any district or entity created for a special
23 purpose administered or funded by any of the above-named governmental units.

24 [~~IV~~] V. “Risk management” means the defense of claims and indemnification for losses
25 arising out of the ownership, maintenance, and operation of real or personal property and the acts or
26 omissions of officials, employees, and agents; the provision of loss prevention services including, but
27 not limited to, inspections of property and the training of personnel; and the investigation,
28 evaluation, and settlement of claims by and against political subdivisions.

29 272 Pooled Risk Management Programs; Authority. Amend RSA 5-B:4-a to read as follows:

30 5-B:4-a Authority of the [~~Secretary of State~~] ***Insurance Commissioner***; Investigations;
31 Cease and Desist Orders; Penalties.

32 I. Notwithstanding any other provision of law, the [~~secretary of state~~] ***commissioner*** shall
33 have exclusive authority and jurisdiction:

34 (a) To bring administrative actions to enforce this chapter, ***including the enforcement***
35 ***of all existing administrative orders, consent decrees, and other agreements relating to the***
36 ***pooled risk management program, the secretary of state, and the bureau of securities***
37 ***regulation.***

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1 (b) To investigate and impose penalties for violations of this chapter, including but not
2 limited to:

3 (1) Fines.

4 (2) Rescission, restitution, or disgorgement.

5 II. The ~~[secretary of state]~~ **commissioner** shall have all powers specifically granted or
6 reasonably implied in order to perform the substantive responsibilities imposed by this chapter.

7 III. For the purpose of any investigation, hearing, or proceeding under this chapter, the
8 ~~[secretary of state]~~ **commissioner** or any officer designated by him or her may administer oaths and
9 affirmations, subpoena witnesses, compel their attendance, take evidence and require the production
10 of any books, papers, correspondence, memoranda, agreements, or other documents or records which
11 the ~~[secretary of state]~~ **commissioner** deems relevant or material to the inquiry.

12 IV. In the event that a person refuses to obey a subpoena issued to him or her or any order
13 or determination the ~~[secretary of state]~~ **commissioner** is authorized to make, the superior court,
14 upon application by the attorney general or ~~[secretary of state]~~ **commissioner** or any officer
15 designated by the ~~[secretary of state]~~ **commissioner**, may issue to the person an order directing him
16 or her to appear before the attorney general or ~~[secretary of state]~~ **commissioner**, or the officer
17 designated by him or her, to produce documentary evidence if so ordered or to give evidence relative
18 to the matter under investigation or in question. Failure to obey the order of the court may be
19 punished by the court as contempt of court.

20 V. In any investigation to determine whether any person has violated or is about to violate
21 this chapter or any rule or order under this chapter, upon the ~~[secretary of state's]~~ **commissioner's**
22 prevailing at hearing, or the person charged with the violation being found in default, or pursuant to
23 a consent order issued by the ~~[secretary of state]~~ **commissioner**, the ~~[secretary of state]~~
24 **commissioner** shall be entitled to recover the costs of the investigation, and any related
25 proceedings, including reasonable attorney's fees, in addition to any other penalty provided for under
26 this chapter.

27 VI. Whenever it appears to the ~~[secretary of state]~~ **commissioner** that any person has
28 engaged or is about to engage in any act or practice constituting a violation of this chapter or any
29 rule or order under this chapter the ~~[secretary of state]~~ **commissioner** shall have the power to issue
30 and cause to be served upon such person an order requiring the person to cease and desist from
31 violations of this chapter. The order shall be calculated to give reasonable notice of the rights of the
32 person to request a hearing on the order and shall state the reasons for the entry of the order. All
33 hearings shall be conducted in accordance with ~~[RSA 421-B:26-a]~~ **the rules of the department**.

34 VII. The following fines and penalties may be imposed on any person who has violated this
35 chapter.

36 (a) Any person who, either knowingly or negligently, violates any provision of this
37 chapter or any rule or order thereunder, may, upon hearing, and in addition to any other penalty

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1 provided for by law, be subject to an administrative fine not to exceed \$2,500. Each of the acts
2 specified shall constitute a separate violation.

3 (b) After notice and hearing, the ~~[secretary of state]~~ **commissioner** may enter an order
4 of rescission, restitution, or disgorgement directed to a person who has violated this chapter, or rule
5 or order under this chapter. Rescission, restitution, or disgorgement shall be in addition to any other
6 penalty provided for under this chapter.

7 VIII. Decisions of the ~~[secretary of state]~~ **commissioner** may be appealed to the supreme
8 court pursuant to RSA 541.

9 ***IX. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the duties***
10 ***assigned to him or her pursuant to this chapter.***

11 273 Third Party Administrators; Exemption. Amend RSA 402-H:11-b to read as follows:

12 402-H:11-b Exemption. An association administering a pooled risk management program
13 operated pursuant to RSA 5-B or conducting business that is exempt from taxation under the
14 Internal Revenue Code, section 115 shall not be required to obtain a certificate of authority or to
15 meet the other requirements of this chapter for services provided in connection with the
16 administration of its pooled risk management plans or its section 115 business, but shall be required
17 to register with the commissioner pursuant to RSA 402-H:11-a. Pooled risk management program
18 registration may be accomplished by providing the commissioner a copy of the informational filing
19 required to be filed with the **insurance** department ~~[of state]~~ pursuant to RSA 5-B:4.

20 274 State College and University System; Trustees of the University System. Amend
21 RSA 187-A:13 to read as follows:

22 187-A:13 Trustees of University System. The general government of the university system and
23 its constituent divisions and institutions shall be vested in a single board of ~~[27]~~ trustees composed
24 as follows and in accordance with the following conditions:

25 I. Eight ex-officio members: the governor of the state, the chancellor of the university
26 system, the commissioner of agriculture, markets, and food, the commissioner of education, the
27 president of the university of New Hampshire, the president of Plymouth state university, the
28 president of Keene state college, the president of the Granite state college;

29 II. ~~[Eleven]~~ **Ten** members appointed by the governor with the advice and consent of the
30 council;

31 III.(a) Two members shall be students enrolled at Keene state college, Plymouth state
32 university, Granite state college, or the university of New Hampshire who shall serve as student
33 trustees, for the term indicated in this paragraph, on a rotating basis in the order listed below:

34 (1) One student each from the university of New Hampshire and Plymouth state
35 university.

36 (2) One student each from Plymouth state university and Granite state college.

37 (3) One student each from Granite state college and Keene state college.

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1 (4) One student each from Keene state college and the university of New Hampshire.

2 (b) The student trustees shall be elected by the student body at the school responsible for
3 providing the student trustees. The term of the student trustees shall be for one year commencing
4 July 1 of the year for which the student was elected and ending June 30 of the next year. Student
5 trustees shall be expected to serve the full duration of their elected term. In the event that a student
6 trustee ceases for any reason to attend the school from which the student was elected, the chancellor
7 of the university system shall declare a vacancy in that student trustee position, and the school
8 causing the vacancy shall elect a replacement student trustee who shall serve for the remainder of
9 the predecessor's term. Graduation of a student trustee shall not constitute a vacancy under this
10 paragraph.

11 IV. Four members elected by the alumni of the university of New Hampshire[?].

12 V. One member elected by the alumni of Keene state college[?].

13 VI. One member elected by the alumni of Plymouth state university.

14 ***VII. One member elected by the alumni of Granite state college.***

15 At all times, 2 members of the board shall be farmers and both major political parties shall be
16 represented on the board.

17 275 New Paragraphs; State College and University System; Trustees of the University System.
18 Amend RSA 187-A:13 by inserting after paragraph VII the following new paragraphs:

19 VIII. The senate president or designee from the senate leadership, who shall be a non-voting
20 member.

21 IX. The speaker of the house of representatives or designee from the house leadership, who
22 shall be a non-voting member.

23 276 Repeal. RSA 187-A:13, VIII and IX, relative to house of representatives and senate
24 membership on the university system board of trustees, are repealed.

25 277 Effective Date.

26 I. Sections 45, 187-188, 211, 235, and 270-273 shall take effect upon its passage.

27 II. Sections 170-175, 178-183, and 192-193 of this act shall take effect 60 days after its
28 passage.

29 III. Sections 3, 35, 44, 167, 169, 189, 203-205, 220, 221, 232, and 256 of this act shall take
30 effect June 30, 2015.

31 IV. Section 186 of this act shall take effect September 1, 2015 at 12:03 a.m.

32 V. Sections 190, 198, and 243-249 of this act shall take effect July 1, 2016.

33 VI. Sections 46 shall take effect November 1, 2016.

34 VII. Sections 143 and 250 of this act shall take effect July 1, 2017.

35 VIII. Section 276 of this act shall take effect December 1, 2018.

36 IX. The remainder of this act shall take effect July 1, 2015.

37

1

2015-1986s

AMENDED ANALYSIS

This bill:

1. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
2. Permits the department of administrative services to transfer funds among accounting units and class codes within the department.
3. Establishes a hiring preference for laid off classified employees.
4. Clarifies that information in a state employee's health risk appraisal is protected health information.
5. Provides for application of the state employees health plan to unrepresented active state employees.
6. Permits executive councilors to participate at their own expense in the state group health and dental insurance arrangement during their tenure in office.
7. Revises components of the state energy performance contracting program.
8. Requires retired employees to provide proof of enrollment in Medicare Parts A and B to remain eligible to participate in the state retiree benefit plan and the judicial retirement plan, and allows the commissioner of administrative services to determine the premium contribution percentages for retirees.
9. Authorizes the lottery commission to establish an employee recognition and incentive program.
10. Requires the liquor commission to reimburse the state for certain legal services provided by the department of justice.
11. Permits the department of justice, bureau of civil law to hire an attorney to review contracts.
12. Clarifies the procedures for the transfer of attorneys from other state agencies to the department of justice.
13. Clarifies disclosure of records in accordance with the Nonparticipating Manufacturer Adjustment Settlement Agreement.
14. Limits the number of judicial appointments for the biennium ending June 30, 2017.
15. Authorizes the judicial branch to transfer funds within accounting units.
16. Requires the community college system to remit retiree health care payments to the state.
17. Modifies revenue for the forest management and protection fund.
18. Eliminates the continual appropriation of the state-owned ski area account to the commissioner of the department of resources and economic development and eliminates the requirement for prior approval by the governor and council and the fiscal committee of the general court of expenditures from the state park account.

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19. Authorizes transfers of funds by the department of resources and economic development for welcome centers.
20. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the Cannon Mountain capital improvement fund until June 30, 2017.
21. Suspends certain provisions regarding funeral expenses for recipients of public assistance.
22. Allows the commissioner of the department of transportation to transfer funds within accounting units of the department.
23. Requires the department of information technology to establish statewide standards for information technology, networks, and cyber security.
24. Clarifies the department of information technology's purchasing policy for state agencies.
25. Appropriates sums received from the federal government by the department of transportation for reimbursement for costs of emergency response to the department.
26. Continues an appropriation in 2011, 223:1 regarding emergency management for the biennium ending June 30, 2017.
27. Abolishes a position to allow for the transition to an unclassified position within the department of safety for a second assistant commissioner.
28. Authorizes state agency heads to accept credit cards or debit cards for payment of taxes, penalties, interest, or fees.
29. Allows the commissioner of the department of corrections, the commissioner of the department of health and human services, and the commissioner of the department of safety to fill unfunded positions.
30. Repeals 1899, 42 which requires an annual fee to be paid to the University of New Hampshire.
31. Deposits the administrative and enforcement fee for original notices of intent to excavate into the general fund.
32. Extends the prospective repeal relative to the waitlist for community mental health services.
33. Requires that \$34,000,000 of the surplus for the fiscal year ending June 30, 2015 remain in the general fund.
34. Establishes a commission to study the planning functions of the office of energy and planning.
35. Establishes the office of professional licensure and certification and consolidates the duties and authority of the joint board for licensure and certification, the office of professional licensing in the department of health and human services, and the executive director of the real estate commission, and incorporates the administrative, clerical, and business processing functions of various boards, commissions, and councils into the office of professional licensure and certification under an unclassified executive director.
36. Establishes the position of assistant state veterinarian within the department of agriculture, markets, and food.
37. Permits all agencies to provide documents by electronic mail in lieu of mail.

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38. Permits agencies to use funds in class 60 budgets to pay penalties imposed under the employer shared responsibility for health coverage under the Internal Revenue Code.

39. 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.

40. 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 2016 and 2017 to another qualified agency.

41. Repeals the limitation of guarantee of construction bonds for sewage disposal facilities.

42. Permits certain cash payments made by municipalities toward eligible costs resulting from the acquisition and construction of sewage disposal facilities to also be eligible for state contributions.

43. 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.

44. Consolidates the racing and charitable gaming commission and the lottery commission, transferring authority over racing and charitable gaming to the lottery commission.

45. Modifies the amount of liquor revenues to be deposited in the alcohol abuse prevention and treatment fund.

46. Determines the formula for education grants to municipalities.

47. Suspends school building aid for the biennium.

48. Funds the distribution of revenue from the meals and rooms tax to cities and towns at no more than the fiscal year 2015 distribution for fiscal year 2016.

49. Allows the commissioner of the department of health and human services to transfer funds within accounting units of the department.

50. Requires that for the biennium ending June 30, 2017, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.

51. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law.

52. Suspends He-W553 relative to home health rate setting.

53. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

54. Suspends congregate housing and congregate services.

55. Clarifies the rate of reimbursement for services and programs for a Medicaid-eligible child.

56. 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

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payments to hospitals for the biennium ending June 30, 2017.

57. Requires the commissioner of the department of health and human services to reinstate Medicaid coverage and open enrollment for children and pregnant women if the New Hampshire health protection program is repealed effective December 31, 2016 or earlier.

58. Clarifies the eligibility level for Medicaid coverage regarding resources for a family size equal to the size of the family including a woman, infant, or child.

59. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2017.

60. Modifies the definition of "assessable lives" for the purpose of the vaccine association.

61. Clarifies that penalty assessments are to be an amount additional to the fines or penalties on which the penalty assessments are levied.

62. Makes the state highway safety agency a unit of the department of safety.

63. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2017.

64. Repeals an appropriation for state matching funds for disaster assistance grants.

65. Makes a reduction in the state self-insured health plan reserve.

66. Increases the transfer from the driver training fund to the department of safety for the fiscal year ending June 30, 2015.

67. Codifies the salaries of certain unclassified positions and clarifies treatment of leave, longevity pay, terminal pay and annual pay of certain classified employees transferred to unclassified positions.

68. Amends the title of a position in the department of administrative services.

69. Amends 2013, 205 to repeal references to the financial examinations supervisor position in the insurance department.

70. Clarifies state agency communications with the office of the legislative budget assistant.

71. Prohibits enrollment in the retiree medical and surgical benefits plan by retired or active employees enrolled in another employee benefit plan sponsored by the state.

72. Eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.

73. Authorizes the commissioner of revenue administration to contract with the Multistate Tax Commission to participate in audits.

74. Makes an appropriation to the department of revenue administration for the purpose of reimbursing towns for the Massachusetts share of the Merrimack River flood control compact and the Connecticut River flood control compact for state fiscal year 2013.

75. Provides that for the 2017 fiscal year, the state shall reimburse a sheriff providing court security at the same rate applicable to per diem court security officers.

76. Transfers to the site evaluation committee the remaining amount from the original \$500,000

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of renewable energy funds authorized in 2014 legislation.

77. Declares that the state shall not offer state employees any health care plan subject to the excise tax under the Patient Protection and Affordable Care Act.

78. Authorizes departments to enter agreements to lease-purchase vehicles and equipment.

79. Clarifies the allocation of unrestricted highway fund appropriations.

80. Adjusts the additional grants for chartered public school pupils based on the Consumer Price Index and increases the grant beginning July 1, 2016 for chartered public schools other than the Virtual Learning Academy Charter School.

81. Authorizes the lottery commission to purchase land and buildings to serve as its headquarters.

82. Allows the lottery commission to appoint an executive director for a term of 4 years.

83. Allows members of the building code review board to receive reimbursement for travel to and from board meetings.

84. Allows the commissioner of the department of safety to transfer funds within accounting units of the department.

85. Clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.

86. Suspends catastrophic aid payments to hospitals for the biennium ending June 30, 2017.

87. Requires that upon the repeal of the certificate of need law on June 30, 2016, the unexpended balance of any fees collected pursuant to 151-C:15 shall be deposited in the general fund.

88. Permits beds in nursing homes, skilled nursing facilities, intermediate care facilities, or rehabilitation facilities to be licensed, replaced, transferred, or relocated to the extent such action would have been permitted under laws in effect on June 30, 2015.

89. Reduces the appropriation to the Sununu Youth Services Center and requires the department of health and human services to develop and implement a cost savings plan for the center.

90. Clarifies the procedure to determine rate payments for providers of home and community-based services and nursing services under the care management program, department of health and human services.

91. Eliminates prior authorization for generic drugs for Medicaid fee for service clients.

92. Requires the commissioner of health and human services to seek federal approval to allow the Medicaid managed care organizations to use their own drug formulary in providing pharmacy benefits and contracting with pharmacy providers.

93. Requires that the commissioner of the department of health and human services consolidate department of health and human services district offices to achieve reductions in general fund appropriations for the 2016 and 2017 fiscal years.

94. Changes expenditures of road toll revenues.

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95. Authorizes the state treasurer to enter into the Transportation Infrastructure Finance and Innovation Act program.
96. Transfers funds collected for educational credentialing to the education trust fund.
97. Requires the legislative branch to transfer certain moneys to the general fund.
98. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.
99. Permits the department of information technology to transfer funds within and among accounting units and class lines.
100. Transfers certain funds from the consumer protection escrow account within the department of justice to the general fund.
101. Requires that funds received by the attorney general from consumer protection judgments and settlements be deposited in a consumer protection escrow account.
102. Provides additional authority for the biennium to the liquor commission for purposes of supporting merchant card activity.
103. Establishes the position of unemployment insurance fraud prosecutor in the department of employment security.
104. Authorizes transfers of funds by the department of corrections.
105. Establishes a transitional housing unit maintenance fund in the department of corrections and authorizes the commissioner to make deposits into the fund.
106. Prohibits the public utilities commission from expending funds on implementation of an energy efficiency resource standard for the biennium ending June 30, 2017.
107. Transfers funds from the renewable energy fund to the division of homeland security and emergency management.
108. Appropriates federal funds to northeast multispecies commercial harvesters impacted by the 2012 federal fisheries disaster.
109. Transfers certain general fund revenues to the fish and game department.
110. Allows current statutory fees for fish and game licenses and permits to remain in effect until rules authorized by HB 212 are adopted under RSA 541-A and are effective.
111. Permits the department of transportation to utilize funds from department sources to complete certain improvements in the state 10-year transportation improvement plan.
112. Authorizes the department of education to accept gifts to fund appropriations in accounting unit 06-56-56-562010-7534.
113. Makes an appropriation for an enhanced rate for complex patients served by the Crotched Mountain Foundation.
114. Requires the commissioner of the department of health and human services to submit a state plan amendment to provide substance use disorder services to Title XIX and Title XXI

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beneficiaries.

115. Raises income eligibility for the Social Services Block Grant program based on the cost of living increase in social security benefits.

116. Authorizes the commissioner of the department of education to transfer funds within and among all accounting units within the department.

117. Establishes the state house weekend operations program and state house weekend operations fund.

118. Reduces the rate of the business profits tax.

119. Reduces the rate of the business enterprise tax.

120. Increases the research and development tax credit against the business profits tax.

121. Establishes a temporary tax amnesty program for taxes administered and collected by the department of revenue administration.

122. Establishes a voluntary disclosure program for taxes in the department of revenue administration.

123. Limits the uses of highway fund surplus for the biennium ending June 30, 2015.

124. Modifies the determination of financial responsibility for tuition for career and technical education center programs and the administration of CTE programs by the department of education.

125. Transfers the authority to administer pooled risk management programs from the secretary of state to the insurance commissioner.

126. Changes the membership of the university system of New Hampshire board of trustees.