

HB 2-FN-A-LOCAL - AS AMENDED BY THE SENATE

1Apr2015... 1163h
1Apr2015... 1224h
1Apr2015... 1162h
1Apr2015... 1196h
06/04/2015 1986s
06/04/2015 2005s
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2015 SESSION

15-1032
09/01

HOUSE BILL ***2-FN-A-LOCAL***

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

SPONSORS: Rep. Kurk, Hills 2

COMMITTEE: Finance

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.

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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.
19. Authorizes transfers of funds by the department of resources and economic development for welcome centers.
20. Suspends certain provisions regarding funeral expenses for recipients of public assistance.
21. Allows the commissioner of the department of transportation to transfer funds within accounting units of the department.
22. Requires the department of information technology to establish statewide standards for information technology, networks, and cyber security.
23. Clarifies the department of information technology's purchasing policy for state agencies.
24. Appropriates sums received from the federal government by the department of transportation for reimbursement for costs of emergency response to the department.
25. Continues an appropriation in 2011, 223:1 regarding emergency management for the biennium ending June 30, 2017.
26. Abolishes a position to allow for the transition to an unclassified position within the department of safety for a second assistant commissioner.
27. Authorizes state agency heads to accept credit cards or debit cards for payment of taxes, penalties, interest, or fees.
28. 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.
29. Repeals 1899, 42 which requires an annual fee to be paid to the University of New Hampshire.
30. Deposits the administrative and enforcement fee for original notices of intent to excavate into the general fund.
31. Extends the prospective repeal relative to the waitlist for community mental health services.
32. Requires that \$34,000,000 of the surplus for the fiscal year ending June 30, 2015 remain in the general fund.
33. Establishes a commission to study the planning functions of the office of energy and planning.

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34. 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.

35. Establishes the position of assistant state veterinarian within the department of agriculture, markets, and food.

36. Permits all agencies to provide documents by electronic mail in lieu of mail.

37. 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.

38. 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.

39. 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.

40. Repeals the limitation of guarantee of construction bonds for sewage disposal facilities.

41. 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.

42. 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.

43. Consolidates the racing and charitable gaming commission and the lottery commission, transferring authority over racing and charitable gaming to the lottery commission.

44. Modifies the amount of liquor revenues to be deposited in the alcohol abuse prevention and treatment fund.

45. Determines the formula for education grants to municipalities.

46. Suspends school building aid for the biennium.

47. 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.

48. Allows the commissioner of the department of health and human services to transfer funds within accounting units of the department.

49. 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.

50. 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.

51. Suspends He-W553 relative to home health rate setting.

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52. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.
53. Suspends congregate housing and congregate services.
54. Clarifies the rate of reimbursement for services and programs for a Medicaid-eligible child.
55. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2017.
56. 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.
57. 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.
58. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2017.
59. Modifies the definition of “assessable lives” for the purpose of the vaccine association.
60. Clarifies that penalty assessments are to be an amount additional to the fines or penalties on which the penalty assessments are levied.
61. Makes the state highway safety agency a unit of the department of safety.
62. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2017.
63. Repeals an appropriation for state matching funds for disaster assistance grants.
64. Makes a reduction in the state self-insured health plan reserve.
65. Increases the transfer from the driver training fund to the department of safety for the fiscal year ending June 30, 2015.
66. 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.
67. Amends the title of a position in the department of administrative services.
68. Amends 2013, 205 to repeal references to the financial examinations supervisor position in the insurance department.
69. Clarifies state agency communications with the office of the legislative budget assistant.
70. 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.
71. Eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.
72. Authorizes the commissioner of revenue administration to contract with the Multistate Tax Commission to participate in audits.

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73. 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.

74. 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.

75. Transfers to the site evaluation committee the remaining amount from the original \$500,000 of renewable energy funds authorized in 2014 legislation.

76. 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.

77. Authorizes departments to enter agreements to lease-purchase vehicles and equipment.

78. Clarifies the allocation of unrestricted highway fund appropriations.

79. 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.

80. Authorizes the lottery commission to purchase land and buildings to serve as its headquarters.

81. Allows the lottery commission to appoint an executive director for a term of 4 years.

82. Allows members of the building code review board to receive reimbursement for travel to and from board meetings.

83. Allows the commissioner of the department of safety to transfer funds within accounting units of the department.

84. Clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.

85. Suspends catastrophic aid payments to hospitals for the biennium ending June 30, 2017.

86. 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.

87. 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.

88. 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.

89. 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.

90. Eliminates prior authorization for generic drugs for Medicaid fee for service clients.

91. Requires the commissioner of health and human services to seek federal approval to allow

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the Medicaid managed care organizations to use their own drug formulary in providing pharmacy benefits and contracting with pharmacy providers.

92. 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.

93. Changes expenditures of road toll revenues.

954. Authorizes the state treasurer to enter into the Transportation Infrastructure Finance and Innovation Act program.

95. Transfers funds collected for educational credentialing to the education trust fund.

96. Requires the legislative branch to transfer certain moneys to the general fund.

97. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.

98. Permits the department of information technology to transfer funds within and among accounting units and class lines.

99. Transfers certain funds from the consumer protection escrow account within the department of justice to the general fund.

100. Requires that funds received by the attorney general from consumer protection judgments and settlements be deposited in a consumer protection escrow account.

101. Provides additional authority for the biennium to the liquor commission for purposes of supporting merchant card activity.

102. Establishes the position of unemployment insurance fraud prosecutor in the department of employment security.

103. Authorizes transfers of funds by the department of corrections.

104. Establishes a transitional housing unit maintenance fund in the department of corrections and authorizes the commissioner to make deposits into the fund.

105. Prohibits the public utilities commission from expending funds on implementation of an energy efficiency resource standard for the biennium ending June 30, 2017.

106. Transfers funds from the renewable energy fund to the division of homeland security and emergency management.

107. Appropriates federal funds to northeast multispecies commercial harvesters impacted by the 2012 federal fisheries disaster.

108. Transfers certain general fund revenues to the fish and game department.

109. 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.

110. Permits the department of transportation to utilize funds from department sources to complete certain improvements in the state 10-year transportation improvement plan.

111. Authorizes the department of education to accept gifts to fund appropriations in accounting

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unit 06-56-56-562010-7534.

112. Makes an appropriation for an enhanced rate for complex patients served by the Crotched Mountain Foundation.

113. 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 beneficiaries.

114. Raises income eligibility for the Social Services Block Grant program based on the cost of living increase in social security benefits.

115. Authorizes the commissioner of the department of education to transfer funds within and among all accounting units within the department.

116. Establishes the state house weekend operations program and state house weekend operations fund.

117. Reduces the rate of the business profits tax.

118. Reduces the rate of the business enterprise tax.

119. Increases the research and development tax credit against the business profits tax.

120. Establishes a temporary tax amnesty program for taxes administered and collected by the department of revenue administration.

121. Establishes a voluntary disclosure program for taxes in the department of revenue administration.

122. Limits the uses of highway fund surplus for the biennium ending June 30, 2015.

123. 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.

124. Establishes a committee to study the regulation of pooled risk management programs.

125. Changes the membership of the university system of New Hampshire board of trustees.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

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

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

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

3 I. Notwithstanding any law or administrative rule to the contrary, the commissioner of
4 administrative services, with the prior approval of the fiscal committee of the general court and the
5 governor and council, may make such transfers of appropriation items and changes in allocations of
6 funds available for operational purposes to the department of administrative services, from any
7 other agency except for the liquor commission, as necessary to effectuate the efficient consolidation of
8 human resource and payroll functions within state government.

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

25 III. The commissioner of administrative services may locate personnel whose positions have

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1 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
2 consolidation of human resource and payroll functions. Such work spaces may include either space
3 currently owned or rented by the state, or space which may be rented by the commissioner utilizing
4 amounts which may be saved by the state as the result of the consolidation of human resources and
5 payroll functions.

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

9 2 Department of Administrative Services; Consolidation of Business Processing Functions.

10 I. The commissioner of administrative services, with the prior approval of the fiscal
11 committee of the general court and the governor and council, may make such transfers of
12 appropriation items and changes in allocations of funds available for operational purposes to the
13 department of administrative services from any other agency except for the liquor commission as
14 necessary to effectuate the efficient consolidation of business processing functions within state
15 government. Such business processing functions shall include:

16 (a) Accounts receivable;

17 (b) Accounts payable;

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

20 (d) Such other finance and accounting functions and transactions the commissioner of
21 administrative services determines would achieve substantial efficiencies from consolidation.

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

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

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1 IV. The commissioner of administrative services may locate personnel whose positions have
2 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
3 consolidation of business functions. Such work spaces may include either space currently owned or
4 rented by the state, or space which may be rented by the commissioner utilizing amounts which may
5 be saved by the state as the result of the consolidation of human resources and payroll functions.

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

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

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

30 5 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

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

35 II. It is the intent of the general court that any classified position which becomes available
36 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
37 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of

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1 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does
2 not receive a promotion as a result of the rehire.

3 III. The head of each department or agency shall submit the name and classification of any
4 individual laid off between July 1, 2015 and June 30, 2017, to the director of the division of personnel
5 within 10 days of the layoff.

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

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

21 8 New Paragraph; Executive Councilors. Amend RSA 94:1-a by inserting after paragraph IV the
22 following new paragraph:

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

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

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

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

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1 amounts.

2 (e) Failure to remit payment in full for participation pursuant to paragraph II within 60
3 days of billing shall be grounds for permanently terminating benefits effective upon the beginning of
4 the billing period. Either in the billing notice or in a separate notice to the person billed, the
5 department of administrative services shall advise that failure to pay the specified amount in full
6 within the required time shall be grounds for permanent termination of benefits.

7 9 New Paragraph; Department of Administrative Services; State Facility Energy Cost
8 Reduction; Definition of Renewable Energy Added. Amend RSA 21-I:19-b by inserting after
9 paragraph VI the following new paragraph:

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

14 10 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-
15 I:19-d, I to read as follows:

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

24 11 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-I:
25 19-d, II(f) to read as follows:

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

32 12 New Paragraph; State Employees Group Insurance; Medical and Surgical Benefits. Amend
33 RSA 21-I:30 by inserting after paragraph II the following new paragraph:

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

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1 13 Department of Administrative Services; State Employees Group Insurance; Medical and
2 Surgical Benefits. RSA 21-I:30, III is repealed and reenacted to read as follows:

3 III. The state shall pay a partial premium for each retired employee, as defined in
4 paragraphs VI and VII, who is not eligible for Medicare and for his or her spouse for their lifetimes,
5 toward group health care coverage within the limits of the funds appropriated at each legislative
6 session and providing any change in plan is approved by the fiscal committee of the general court
7 prior to its adoption. Pursuant to paragraph XIII, a portion of the premium shall be paid by each
8 retiree and his or her spouse. Retired employees who are not eligible for Medicare may voluntarily
9 cease participation in plan benefits at any time and, not less than one year from the date of
10 withdrawal, may reenroll without restriction.

11 14 Department of Administrative Services; State Employees Group Insurance; Medical and
12 Surgical Benefits. Amend RSA 21-I: 30, XIII to read as follows:

13 XIII. The commissioner of administrative services shall invoice and collect from retired state
14 employees [~~under the age of 65 years~~] **and/or each applicable spouse who are not Medicare**
15 **eligible and** receiving medical and surgical benefits provided under this section, who do not receive
16 a retirement allowance as defined in RSA 100-A:1, XXII, [~~the~~] **a** premium contribution [~~amounts of~~
17 ~~12.5 percent~~] **amount based on a percentage** of the total monthly premium [~~for each such retiree~~
18 ~~and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge~~
19 ~~to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants]~~
20 **attributable to the applicable retiree and/or spouse, as determined by the commissioner of**
21 **administrative services, with prior approval by the fiscal committee of the general court,**
22 **provided the percentage is not lower than 12.5 percent.** The commissioner of administrative
23 services is also authorized to invoice and collect from such other participants contribution amounts
24 as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk
25 management fund. Failure to remit payment of the contribution amount in full within 30 days of
26 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.
27 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts
28 within 6 months of the termination date. If a participant fails to remit payment in full for
29 participation within 30 days of billing, on the 30th day the participant shall be notified by certified
30 mail, return receipt requested, that he or she shall remit payment to the department within 10
31 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th
32 business day after receipt of the letter and that reenrollment shall be dependent upon payment of
33 any outstanding contribution or other amount within 6 months of the termination date.

34 15 Department of Administrative Services; New Hampshire Retirement System; Medical
35 Benefits. Amend RSA 100-A:54, III to read as follows:

36 III. The retirement system shall deduct from the monthly retirement allowance of retired
37 state employees [~~under the age of 65 years~~] **and/or each applicable spouse who are not**

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

21 16 Department of Administrative Services; Judicial Retirement Plan. Amend RSA 100-C:11-a to
 22 read as follows:

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

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1 thereto.

2 17 Lottery Commission; Incentive Program. Amend RSA 284:21-h by inserting after paragraph
3 VI the following new paragraph:

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

10 18 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any
11 provision of law to the contrary, for the biennium ending June 30, 2017, the liquor commission shall
12 reimburse the cost for any legal services provided by the department of justice to the commission
13 that would not normally be included as part of the statewide cost allocation paid by the commission.

14 19 New Paragraph; Department of Justice; Civil Bureau; Contract Attorney. Amend RSA 21-
15 M:11 by inserting after paragraph II the following new paragraph:

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

22 20 Department of Justice; Agency Attorneys and Attorney Positions. RSA 7:13 is repealed and
23 reenacted to read as follows:

24 7:13 Transfer of Attorneys From Other Departments.

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

36 II. The attorney general shall be notified whenever an attorney position in an agency
37 becomes vacant. The attorney general, in consultation with the agency head, shall evaluate whether

1 the transfer of the vacant position to the department of justice would advance the provision of legal
2 services to that agency. A transfer shall not be considered if the position is for a hearings examiner
3 or an attorney who represents the state in child abuse and neglect proceedings, or requires
4 specialized legal knowledge or experience in a subject matter unique to the agency. Upon request of
5 the attorney general, the governor is authorized to transfer any vacant attorney position if the
6 governor deems such transfer to be in the best interests of the state. If the agency head disagrees
7 with the attorney general's request, he or she shall be afforded the opportunity to confer with the
8 governor before a decision on the transfer request is made. When a transfer is made, all unexpended
9 appropriations and funds allocated for the payment of the salary associated with such position shall
10 be transferred from the agency to the department of justice, provided that if the unexpended
11 appropriations and funds of the transferring agency are restricted by law, then any person filling the
12 transferred position shall continue to perform legal work exclusively for the transferring agency in
13 compliance with the funding restrictions. Upon transfer from the agency to the department of
14 justice, the position shall be converted to an unclassified position.

15 21 Department of Justice; Compliance with Nonparticipating Manufacturer Adjustment
16 Settlement Agreement. Amend RSA 21-J:14, XII to read as follows:

17 XII. Department records, files, or information obtained by the commissioner or other
18 department employee under the provisions of RSA 78, RSA 541-C, or RSA 541-D may be disclosed to
19 the attorney general, or designee, and other federal, state, or local agencies as provided under
20 RSA 541-D:5, II. ***The attorney general or designee may further disclose such records, files,
21 or information pursuant to an agreement with an entity designated to serve as a data
22 clearinghouse in accordance with the terms of the Nonparticipating Manufacturer
23 Adjustment Settlement Agreement. The Nonparticipating Manufacturer Adjustment
24 Settlement Agreement means, for purposes of this paragraph, the settlement agreement
25 between the state of New Hampshire and the participating manufacturers, as primarily set
26 forth in the term sheet dated November 14, 2012 and approved by the general court in
27 2013, 6.***

28 22 Judicial Appointments; Number Limited; Vacancies.

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

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

35 23 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and
36 subject to approval of the fiscal committee of the general court, for the biennium ending June 30,
37 2017, the supreme court is hereby authorized to transfer funds within and among all accounting

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1 units within the judicial branch as the supreme court deems necessary and appropriate to address
2 budget reductions or to respond to changes in federal laws, regulations, or programs, and otherwise
3 as necessary for the efficient management of the judicial branch. If the supreme court intends to
4 transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,
5 prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

6 24 New Paragraph; Community College System; Retiree Health Care Payments. Amend
7 RSA 188-F:7 by inserting after paragraph IV the following new paragraph:

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

14 25 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

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

28 26 State Park Fund. RSA 216-A:3-i, II is repealed and reenacted to read as follows:

29 II. Any funds deposited into the state park account are hereby continually appropriated to
30 and may be expended by the commissioner of the department of resources and economic development
31 to cover budgeted appropriations provided the balance in the state park account does not go below
32 \$1.5 million and any transfer is reported to the governor and council and fiscal committee of the
33 general court within 60 days.

34 27 Department of Resources and Economic Development; Transfer of Funds Authorized. The
35 commissioner of the department of resources and economic development may transfer funds between
36 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-
37 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike

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1 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2017. The
2 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court
3 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers
4 made under this section.

5 28 Suspension. The following are suspended for each fiscal year of the biennium ending
6 June 30, 2017:

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

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

9 29 Department of Transportation; Transfer of Funds. Notwithstanding any provision of law to
10 the contrary, for the biennium ending June 30, 2017, the commissioner of transportation is
11 authorized to transfer funds within and among all accounting units within the department and to
12 create accounting units and expenditure classes as required and as the commissioner deems
13 necessary and appropriate to address present or projected budget deficits, or to respond to changes in
14 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
15 the department; provided if a transfer does not include new accounting units or expenditure classes,
16 only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court
17 and the governor and council.

18 30 New Paragraph; Department of Information Technology; Statewide Standards and Protocols.
19 Amend RSA 21-R:4 by inserting after paragraph XVII the following new paragraph:

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

24 31 Department of Information Technology; Purchasing Policy. RSA 21-R:8-a is repealed and
25 reenacted to read as follows:

26 21-R:8-a Purchasing Policy.

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

32 II. Prior to an agency's issuance of a solicitation for the purchase of computer hardware,
33 software, related licenses, media, documentation, support and maintenance services, and other
34 related services including a request for proposal, request for purchase, or other procurement
35 documentation, the agency shall consult with and seek approval from the department of information
36 technology.

37 III. The department of information technology, in consultation with the information

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1 technology council, shall annually review and set dollar, or other, limits for purchases and contracts
2 that require approval from the chief information officer before proceeding.

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

5 32 Repeal. RSA 21-I:11, I(a)(9), relative to approval by the chief information officer, is repealed.

6 33 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received
7 in the fiscal years ending June 30, 2016 or June 30, 2017 from the Federal Emergency Management
8 Agency or Federal Highway Administration's Emergency Relief Program or any other federal
9 program providing emergency assistance to the department of transportation to reimburse costs
10 incurred for emergency response, including but not limited to, equipment rental, snow plowing,
11 sanding, salting, flood damage response, and personnel overtime during any emergency declared
12 shall be collected by the appropriate agency and appropriated to the department of transportation.

13 34 Continuation of Appropriation Regarding Emergency Management. The sums appropriated
14 pursuant to 2011, 223:1 as amended by 2013, 144:118 in accounting unit 02-23-23-236010-2740,
15 class 244, state match public assistance, shall not lapse until June 30, 2017.

16 35 Department of Safety; Assistant Commissioners.

17 I. Upon the appointment of the second assistant commissioner under RSA 21-P:5, I, position
18 9U539 shall be abolished to allow for the transition of this unclassified position with its available
19 appropriations into the unclassified position of assistant commissioner. Funding shall be in
20 expenditure class 013, within accounting unit 02-23-23-231015-2300. The incumbent in the
21 abolished unclassified position shall be offered the opportunity to seek the commissioner's
22 nomination for the unclassified position of assistant commissioner.

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

26 36 Department of Safety; Assistant Commissioners. Amend RSA 21-P:5, I and II, to read as
27 follows:

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

33 II. ~~[The]~~ **Each** assistant commissioner shall perform such duties as are assigned by the
34 commissioner. ~~[The assistant commissioner shall assume the duties of the commissioner]~~ In the
35 event that the commissioner is unable for any reason to perform ~~[such]~~ **his or her** duties, **the**
36 **assistant commissioner who has served in that capacity longer shall assume the duties of**
37 **the commissioner, unless otherwise designated by the commissioner.** The assistant

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1 ~~[commissioner]~~ **commissioners** shall be responsible for the operations of the bureau of hearings,
2 and shall, subject to the supervision of the commissioner, exercise authority as required to ensure
3 that the divisions and their directors are implementing the organizational goals and managing the
4 work of the department in an effective manner.

5 37 New Section; Departments; Electronic Credit Card Payments; Authorization to Administer.
6 Amend RSA 21-G by inserting after section 6 the following new section:

7 21-G:6-a Electronic Credit Card Payments; Authorization to Administer. Notwithstanding other
8 provision of law to the contrary, the head of any state agency or department and any authorized
9 employee or agent of the head, may accept credit cards or debit cards for the online payment of any
10 of the taxes, penalties, interest, or fees administered by such commissioner or collected by the
11 department. The amount of any service charge collected shall be disclosed in advance of the
12 transaction to the individual paying the tax, penalty or fee and shall be at a reasonable and
13 customary rate approved in advance by the comptroller.

14 38 Department of Corrections, Department of Health and Human Services, and Department of
15 Safety; Filling Unfunded Positions; Authorization. Notwithstanding other provisions of law to the
16 contrary, the commissioner of the department of corrections, the commissioner of the department of
17 health and human services, and the commissioner of the department of safety may fill unfunded
18 positions in their respective departments during the biennium ending June 30, 2017, provided that
19 the total expenditure for such positions shall not exceed the amount appropriated for personal
20 services.

21 39 Repeal. 1899, 42, relative to the payment of a fee to university system of New Hampshire, is
22 repealed.

23 40 Department of Revenue Administration; Administration and Enforcement Fee. Amend
24 RSA 72-B:16 to read as follows:

25 72-B:16 Administration and Enforcement Fee. There shall be an administration and
26 enforcement fee of \$100 for each original notice of intent to excavate filed with the department. Such
27 fee shall accompany the original intent to excavate and shall be deposited into ~~[a revolving fund~~
28 ~~within the department to be used by the department for the administration and enforcement of this~~
29 ~~chapter and for the education of municipal officials regarding the chapter. It also may be used to~~
30 ~~educate state personnel responsible for the administration and enforcement of this chapter]~~ **the**
31 **general fund.**

32 41 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I to read
33 as follows:

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

35 42 Discrimination Prohibited; Eligibility for Services. Amend 2013, 140:2, V-a to read as
36 follows:

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

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1 43 Transfer to Revenue Stabilization Reserve Account. For the fiscal year ending June 30, 2015,
2 \$34,000,000 of the surplus, as determined by the official audit performed pursuant to RSA 21-I:8,
3 II(a), shall remain in the general fund and shall not be transferred to the revenue stabilization
4 reserve account in accordance with RSA 9:13-e.

5 44 New Section; Office of Energy and State Planning; Commission to Study the Planning
6 Functions of the Office of Energy and Planning. Amend RSA 4-C by inserting after section 1 the
7 following new section:

8 4-C:1-a Commission to Study the Planning Functions of the Office of Energy and Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 IV. The commission shall study the planning functions of the office of energy and planning.
34 The commission shall examine alternative methods of providing these and other planning functions,
35 including, but not limited to, the establishment of a state planning commission and the creation of a
36 separate office of state planning. The commission may seek input from any individual, agency, or
37 organization it deems to be relevant. The commission may make recommendations for future

1 legislation.

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

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

9 45 Repeal. RSA 4-C:1-a, relative to the commission to study the planning functions of the office
10 of energy and planning, is repealed.

11 46 Chapter Heading; Joint Board; Office of Professional Licensure and Certification. Amend the
12 chapter heading of RSA 310-A to read as follows:

13 CHAPTER 310-A

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

15 47 Office of Professional Licensure and Certification. RSA 310-A:1 and 310-A:1-a are repealed
16 and reenacted to read as follows:

17 310-A:1 Office of Professional Licensure and Certification; Purpose. The purpose of the office of
18 professional licensure and certification is to promote efficiency and economy in the administration of
19 the business processing, recordkeeping, and other administrative and clerical operations of
20 professional licensing and certification boards, including both professional healthcare licensing and
21 professional technical licensing. The individual licensing and certification boards that are organized
22 under the office of professional licensure and certification have specialized knowledge and experience
23 and are separate and distinct for the purpose of regulating their various professions.
24 Notwithstanding the unique regulatory role of each board, the legislature finds that there are
25 opportunities for improving efficiency and customer service by providing for the joint administration
26 of the boards' administrative, clerical, business processing, and recordkeeping functions. Except as
27 provided in this section, the licensing and certification boards and entities organized under the office
28 of professional licensure and certification shall exercise the powers, duties, functions, and
29 responsibilities granted by statute.

30 310-A:1-a Office of Professional Licensure and Certification; Division of Technical Professions
31 and Division of Health Professions Established. There shall be an office of professional licensure and
32 certification that shall consist of the division of technical professions and the division of health
33 professions.

34 I. The division of technical professions shall consist of each of the boards, councils, and
35 commissions of:

36 (a) Professional engineers under RSA 310-A:3.

37 (b) Architects under RSA 310-A:29.

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

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

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

37 H:6.

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- 1 (t) Massage therapists under RSA 328-B:5.
- 2 (u) Medicine under RSA 329:2.
- 3 (v) Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-B:26.
- 4 (w) Pharmacy under RSA 318:2 .
- 5 (x) Barbering, cosmetology, and esthetics under RSA 313-A:2.
- 6 (y) Medical technicians under RSA 328-A:2.

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

10 48 New Sections; Executive Director; Administration; Investigations. Amend RSA 310-A by
11 inserting after section 1-a the following new sections:

12 310-A:1-b Executive Director of the Office of Professional Licensure and Certification.

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

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

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

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

30 310-A:1-c Division Directors; Positions Transferred.

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

34 II. Every classified or unclassified state employee position authorized in the boards,
35 councils, and commissions under RSA 310-A:1-a shall be transferred to the office of professional
36 licensure and certification and subject to the supervisory authority of the executive director.

37 III. The authority granted to the executive director of the real estate commission under

1 RSA 331-A:8, relative to the issuance and denial of licenses, hearing and procedures on denial of
2 licenses, the hiring of clerical, administrative and investigative staff, maintenance of the official
3 record, and implementation of a program for consumer education, is hereby transferred to the
4 executive director of the office of professional licensure and certification.

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

11 310-A:1-d Administration of the Office of Professional Licensure and Certification.

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

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

19 (a) Supervision of the division directors;

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

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

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

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

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

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

31 310-A:1-e Fees.

32 I.(a) The executive director of the office of professional licensure and certification shall
33 assess an annual license and renewal fee of either \$55 or \$150, or a biennial license and renewal fee
34 of \$110 or \$300, for each professional regulatory board, council, or commission listed in
35 subparagraph (b). The prescribed fees shall not apply to the board of dental examiners under
36 RSA 317-A; the office of licensed allied health professionals under RSA 328-F; the board of mental
37 health practice under RSA 330-A; or any other board, council, or commission subject to this chapter

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1 that has an established license or renewal fee set in statute as of the effective date of this section.

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

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

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

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

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

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

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

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

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

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

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

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

15 (13) Electrologists under RSA 314.

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

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

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

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

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

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

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

33 49 Positions Transferred; Department of Information Technology; Health and Human Services.

34 I. Position 41197 in the department of information technology is hereby transferred to the
35 office of professional licensure and certification including the transfer of all associated books, papers,
36 records, personnel files, and equipment, including but not limited to work station and information
37 technology equipment, and shall include the transfer of any unexpended appropriations for any of

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1 the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or
2 any other costs associated with the transferred personnel.

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

9 50 Board of Manufactured Housing; Administrative and Processing Functions. RSA 205-A:29-a
10 is repealed and reenacted to read as follows:

11 205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and
12 business processing functions of the board shall be transferred to the office of professional licensure
13 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

14 51 Manufactured Housing Installation Standards Board; Administrative and Processing
15 Functions. RSA 205-D:3-a is repealed and reenacted to read as follows:

16 205-D:3-a Administrative and Business Processing Functions. All administrative, clerical, and
17 business processing functions of the board shall be transferred to the office of professional licensure
18 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

19 52 Board of Accountancy. Amend RSA 309-B:4, III-X to read as follows:

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

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

25 IV. The board shall establish fees for examination of applicants, for licenses, for certificates
26 of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates
27 to practice under this chapter, for late renewals, for verification of licensure or examination, and for
28 transcribing and transferring records and other services. All moneys collected by the board from fees
29 authorized under this chapter shall be received and accounted for by the board, shall be deposited in
30 the state treasury. Administration expenses shall be limited to the funds collected and may include,
31 but shall not be limited to, the costs of conducting investigations and of taking testimony and
32 procuring the attendance of witnesses before the board or its committees; all legal proceedings taken
33 under this chapter for the enforcement of this chapter; and educational programs for the benefit of
34 the public or licensees and their employees. ~~[All fees prescribed by the board under prior law shall~~
35 ~~remain in effect until the board shall prescribe a new schedule of fees pursuant to RSA 541-A.]~~

36 V. The board shall file an annual report of its activities with the governor, the president of
37 the senate, and the speaker of the house of representatives. The report shall include a statement of

1 all receipts and disbursements and a listing of all current licensees under this chapter. The board
2 shall mail a copy of the annual report to any person requesting it, upon payment of a reasonable
3 charge.

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

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

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

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

26 (b) Rules of procedure governing the conduct of investigations and hearings by the
27 board.

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

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

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

36 (f) Rules governing the manner and circumstances of use of the titles "certified public
37 accountant", "CPA," "public accountant" and "PA."

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

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

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

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

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

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

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

14 53 Board of Professional Engineers. Amend RSA 310-A:8 to read as follows:

15 310-A:8 Receipts and Disbursements. The board may employ such investigators, ~~[clerical, and~~
16 ~~other assistants as are necessary for the proper performance of its work]~~ **retained through the**
17 **office of professional licensure and certification**, and may make expenditures for ~~[any purpose~~
18 ~~which is reasonably necessary for the proper performance of its duties under this subdivision,~~
19 ~~including]~~ the reasonable expenses of the board's delegate to meetings of, and membership dues to,
20 the National Council of Examiners for Engineering and Surveying (NCEES). The board may, with
21 the approval of the attorney general, hire counsel and investigators **through the office of**
22 **professional licensure and certification** and pay the reasonable expenses of such counsel and
23 investigators for the investigation and prosecution of any violation of this subdivision.

24 54 Board of Professional Engineers. Amend RSA 310-A:25, II to read as follows:

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

33 55 Rulemaking; Professional Engineers. Amend RSA 310-A:32, II to read as follows:

34 II. In adopting any rule under this section, the board ~~[may]~~ consult with the ~~[joint board]~~
35 **office of professional licensure and certification** established under RSA 310-A:1 **through**
36 **RSA 310-A:1-e.**

37 56 Professional Geologists. Amend RSA 310-A:123 to read as follows:

1 310-A:123 Receipts and Disbursements. The board may employ such investigators[~~clerical~~
2 ~~assistants, and other assistants~~] as are necessary for the proper performance of its work **retained by**
3 **the office of professional licensure and certification** and may make expenditures **through the**
4 **office of professional licensure and certification** for any purpose which is reasonably necessary
5 for the proper performance of its duties under this subdivision, including the reasonable expenses of
6 the board's delegate to meetings and membership dues. The board may, with the approval of the
7 attorney general, hire counsel and **through the office of professional licensure and**
8 **certification** and pay the reasonable expenses of such counsel and investigators for the
9 investigation and prosecution of any violation of this subdivision.

10 57 Board of Professional Geologists; Hearings; Appeals. Amend RSA 310-A:135, II to read as
11 follows:

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

19 58 Real Estate Appraiser Board. RSA 310-B:4, X is repealed and reenacted to read as follows:

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

23 59 Electrician's Board. RSA 319-C:4, IV is repealed and reenacted to read as follows:

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

27 60 Board of Family Mediator Certification. RSA 328-C:13 is repealed and reenacted to read as
28 follows:

29 328-C:13 Board of Family Mediator Certification Administrative Functions. All administrative,
30 clerical, and business processing functions of the board shall be transferred to the office of
31 professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

32 61 Real Estate Commission. Amend RSA 331-A:5, IX to read as follows:

33 IX. The ~~commission~~ **office of professional licensure and certification** shall make a
34 biennial report to the governor and council on or before September 1 of each odd-numbered year.
35 The report shall include an account of its actions, its receipts and expenses, the practical effects of
36 the application of this chapter, and any recommendations for legislation.

37 **X. All administrative, clerical, and business processing functions of the commission**

1 *shall be transferred to the office of professional licensure and certification established in*
2 *RSA 310-A:1 through RSA 310-A:1-e.*

3 62 Real Estate Commission; Qualifications for Licensure. Amend the introductory paragraph
4 of RSA 331-A:10, I to read as follows:

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

7 63 Real Estate Commission; Qualifications for Licensure. Amend the introductory paragraph
8 of RSA 331-A:10, II and subparagraphs II(a) and (b) to read as follows:

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

11 (a) Has attained the age of 18;

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

17 64 Guardian ad Litem Board. RSA 490-C:7 is repealed and reenacted to read as follows:

18 490-C:7 Administrative Functions. All administrative, clerical, and business processing
19 functions of the board shall be transferred to the office of professional licensure and certification
20 established in RSA 310-A:1 through RSA 310-A:1-e.

21 65 Board of Medicine; Medical Review Subcommittee. Amend RSA 329:17, V-a to read as
22 follows:

23 V-a. A medical review subcommittee of 11 members shall be nominated by the board of
24 medicine and appointed by the governor and council. The subcommittee shall consist of one member
25 of the board of medicine and 10 other persons, 3 of whom shall be public members, one of whom shall
26 be a physician assistant, and 6 of whom shall be physicians. Any public member of the
27 subcommittee shall be a person who is not, and never was, a member of the medical profession or the
28 spouse of any such person, and who does not have, and never has had, a material financial interest
29 in either the provision of medical services or an activity directly related to medicine, including the
30 representation of the board or profession for a fee at any time during the 5 years preceding
31 appointment. The terms of the public members shall be staggered so that no 2 public members'
32 terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and
33 shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review
34 disciplinary actions reported to the board under paragraphs II-V of this section, except that matters
35 concerning a medical director involved in a current internal or external grievance pursuant to
36 RSA 420-J shall not be reviewed until the grievance process has been completed. Following review
37 of each case, the subcommittee shall make recommendations to the board. Funds shall be

1 appropriated from the general fund for use by the subcommittee to investigate allegations under
2 paragraphs I-V of this section. The board shall employ *through the office of professional*
3 *licensure and certification* a physician as a medical review subcommittee investigator who shall
4 serve at the pleasure of the board. The salary of the medical review subcommittee investigator shall
5 be established by RSA 94:1-a.

6 66 Board of Medicine; Investigations. Amend RSA 329:18, II to read as follows:

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

15 67 Board of Medicine; Accounts. Amend RSA 329:19 to read as follows:

16 329:19 Accounts. The ~~board~~ *office of professional licensure and certification* shall keep a
17 full and true record of all fees received and all sums actually paid for expenses, and at the end of
18 each year shall account to the governor and council.

19 68 Office of Licensed Allied Health Professionals; Governing Boards. Amend RSA 328-F:3 to
20 read as follows:

21 328-F:3 Governing Boards Established; Board of Directors; Office of Licensed Allied Health
22 Professionals.

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

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

34 III. There shall be an office of licensed allied health professionals established in Concord
35 *within the office of professional licensure and certification*. ~~[It shall be an administratively~~
36 ~~attached agency, under RSA 21-C:10, to the department of health and human services. In addition,~~
37 ~~the board shall be subject to the provisions of RSA 126-A:10-a.]~~

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1 69 Office of Allied Health Professionals; Responsibilities of the Board of Directors. Amend
2 RSA 328-F:12 to read as follows:

3 328-F:12 Responsibilities of the Board of Directors.

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

6 ~~II.]~~ Annually, the ~~[board of directors]~~ **office of professional licensure and certification**
7 shall submit to the governor a report of the transactions of the preceding year and a complete
8 statement of the receipts and expenditures of the boards.

9 ~~III.]~~ II. The board of directors shall meet at least quarterly and more often if needed.

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

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

15 70 Office of Allied Health Professionals; Investigations and Disciplinary Proceedings. Amend
16 RSA 328-F:24, IV(a) and (b) to read as follows:

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

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

21 71 Board of Nursing. Amend RSA 326-B:3, IX-XII to read as follows:

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

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

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

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

34 72 Board of Nursing; Expenditures. Amend RSA 326-B:6 to read as follows:

35 326-B:6 Collection and Expenditure of Funds. The ~~[board]~~ **office of professional licensure**
36 **and certification** shall receive and expend funds provided such funds are received and expended
37 for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges,

1 including those related to RSA 326-B:26, shall be deposited in the general fund.

2 73 Board of Nursing; Investigations. Amend RSA 326-B:38, II to read as follows:

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

6 74 Board of Pharmacy; Reports. Amend RSA 318:11 to read as follows:

7 318:11 Reports. The ~~board~~ ***office of professional licensure and certification*** shall file with
8 the governor and council, on or before December 1 biennially, a report upon the condition of
9 pharmacy in the state and containing a record of their acts and proceedings.

10 75 Board of Pharmacy; Investigatory Powers. Amend RSA 318:30, II to read as follows:

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

14 76 Board of Barbering, Cosmetology, and Esthetics; Receipts. Amend RSA 313-A:5 to read as
15 follows:

16 313-A:5 Receipts and Their Disposition. All moneys received ~~[by the board]~~ under this chapter
17 shall be ~~[paid to the secretary of the board, who shall give a receipt therefor and shall at the end of~~
18 ~~each month report to the commissioner of administrative services the total amount of money~~
19 ~~received and thereupon and]~~ ***accounted for by the office of professional licensure and***
20 ***certification, and shall be*** deposited the same with the state treasurer.

21 77 Board of Barbering, Cosmetology, and Esthetics; Duties. Amend RSA 313-A:7, I to read as
22 follows:

23 I. The board shall:

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

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

28 78 Board of Barbering, Cosmetology, and Esthetics; Inspectors. Amend RSA 313-A:21, I and II
29 to read as follows:

30 I. The ~~[department of health and human services]~~ ***office of professional licensure and***
31 ***certification*** shall employ inspectors and authorize them to enter and make reasonable
32 examination and inspection of any salon, barbershop, or school during business hours for the purpose
33 of ascertaining whether or not the administrative rules of the board and the provisions of this
34 chapter are being observed. Each inspector shall file a report with the board of such findings with
35 respect to each inspection made. Salaries and necessary expenses of the inspectors shall be charged
36 against the fees and other moneys collected by the board.

37 II. The ~~[commissioner of the department of health and human services shall, with the advice~~

1 of the] board[;] **shall** adopt rules relative to the qualifications for inspectors under this section.

2 79 Dental Board; Investigatory Powers. Amend RSA 317-A:4, I(d) to read as follows:

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

7 80 Dental Board; Receipts. RSA 317-A:5 is repealed and reenacted to read as follows:

8 317-A:5 Report; Receipts. The office of professional licensure and certification shall make a
9 biennial report of the board's proceedings to the governor and council in October, and all fees and
10 fines received shall be accounted for by the office of professional licensure and certification, and shall
11 be deposited in the state treasury.

12 81 Dental Board; Investigations. Amend RSA 317-A:18, II to read as follows:

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

16 82 Dental Board; Disposal of Fines. Amend RSA 317-A:35 to read as follows:

17 317-A:35 Disposal of Fines. All fines imposed and collected under this chapter shall be paid by
18 the court or justice to the [~~executive director of the board~~] **office of professional licensure and**
19 **certification.**

20 83 Dental Board; Office Amend RSA 317-A:36 to read as follows:

21 317-A:36 Location of Office. The office of the New Hampshire state board of dental examiners
22 shall be located in the [~~bureau of dental public health, department of health and human services~~]
23 **office of professional licensure and certification.**

24 84 Board of Mental Health Practice; Receipts and Disbursements. RSA 330-A:11 is repealed
25 and reenacted to read as follows:

26 330-A:11 Receipts and Disbursements. All monies derived from the provisions of this chapter
27 shall be received and accounted for by the office of professional licensure and certification and shall
28 be deposited in the state treasury.

29 85 Board of Mental Health Practice; Records and Reports. Amend RSA 330-A:13, II, to read as
30 follows:

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

34 86 Board of Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28, II to
35 read as follows:

36 II. After determining the nature and scope of an investigation or hearing, the board may
37 employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or

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1 investigators *through the office of professional licensure and certification* to assist with that
2 investigation or hearing. Members of the board are not eligible for retention.

3 87 Board of Podiatry; Investigations and Preliminary Hearings. Amend RSA 315:10, II to read
4 as follows:

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

8 88 Board of Nursing Home Administrators. Amend RSA 151-A:14 to read as follows:

9 151-A:14 Authorization. In order to provide necessary funds for training courses for nursing
10 home administrators, the state treasurer is authorized to establish a revolving fund within the
11 [~~department of health and human services~~] *office of professional licensure and certification* in
12 sums sufficient to carry out this provision, such funds to be reimbursed in full by federal matching
13 funds and by tuition charges to the nursing home administrators taking such training courses.

14 89 Board of Chiropractic Examiners; Income. RSA 316-A:8 is repealed and reenacted to read as
15 follows:

16 316-A:8 Income. All moneys collected by the board from fees authorized under this chapter shall
17 be received and accounted for by the office of professional licensure and certification, and shall be
18 deposited in the state treasury.

19 90 Board of Chiropractic Examiners; Report. Amend RSA 316-A:10 to read as follows:

20 316-A:10 Report. The secretary-treasurer shall file with the governor and council biennially and
21 in such form as the governor and council may prescribe, such information as is necessary to maintain
22 in the [~~department of health and human services~~] *office of professional licensure and*
23 *certification* a current record of rules of the board of chiropractic examiners affecting the issuance
24 of licenses.

25 91 New Paragraph; Electrologists; Definitions. Amend RSA 314:1 by inserting after paragraph
26 IV the following new paragraph:

27 V. "Executive director" means the executive director of the office of professional licensure
28 and certification.

29 92 References Changed; Electrologists; Executive Director. Amend the following RSA provisions
30 by replacing "commissioner" with "executive director": 314:2, 314:2-a, 314:3, 314:5, 314:6, 314:7,
31 314:8, 314:9, 134:10, I, 314:13.

32 93 Embalmers and Funeral Directors. Amend RSA 325:33, II(a) and (b) to read as follows

33 (a) The board may appoint technical advisors or other investigators to assist with any
34 investigation or adjudication, and may, with the approval of the attorney general, appoint legal
35 counsel *retained through the office of professional licensure and certification* for such
36 purposes.

37 (b) To the extent the board lacks budgeted funds to conduct a significant investigation or

1 adjudication, it may, with the approval of the attorney general, petition governor and counsel to
2 receive funds not otherwise appropriated in order to retain professional advisors [~~in the proceeding~~]
3 **retained through the office of professional licensure and certification.**

4 94 New Paragraph; Ophthalmic Dispensing; Definitions. Amend RSA 327-A:1 by inserting after
5 paragraph VI the following new paragraph:

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

8 95 References Changed; Ophthalmic Dispensing; Executive Director. Amend the following RSA
9 provisions by replacing "commissioner" with "executive director": the introductory paragraph of
10 327-A:5, 327-A:5, VI, 327-A:6, 327-A:7, 327-A:12, 327-A:15, 327-A:17.

11 96 Ophthalmic Dispensing; Duties of Executive Director. Amend RSA 327-A:5, VII to read as
12 follows:

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

15 97 Ophthalmic Dispensing. Amend RSA 327-A:14 to read as follows:

16 327-A:14 Renewal of Registration; Continuing Education. Certificates of registration issued
17 under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the
18 manner prescribed by the commissioner. Certificates of registration for ophthalmic dispensing shall
19 be renewed upon the payment of the renewal fee and the completion of 8 credits of continuing
20 education during the previous 2-year period. Any national, regional, or state optical company, trade,
21 or professional group is authorized to sponsor continuing education programs approved by the
22 American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. The
23 [~~commissioner or the deputy commissioner of the department of health and human services~~]
24 **executive director** shall authorize continuing education programs which contribute to the
25 advancement, extension, or enhancement of the professional skills and the technical knowledge of
26 opticians.

27 98 Naturopathic Board; Powers. Amend RSA 328-E:8, I(d) to read as follows:

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

30 99 Naturopathic Board; Administration. Amend RSA 328-E:15 to read as follows:

31 328-E:15 Administration. The [~~commissioner of the department of health and human services~~]
32 **executive director** shall provide administrative services to the board created under this chapter.
33 All administrative services shall be a cost to the board and shall be reimbursed by fees collected by
34 the board under RSA 328-E:8, I(a).

35 100 Board of Hearing Care Providers. Amend RSA 137-F:21, III to read as follows:

36 III. The board may appoint legal counsel, audiology experts, hearing aid dealer experts,
37 hearing officers, or other investigators **retained through the office of professional licensure**

1 **and certification** to assist with any investigation or with adjudicatory hearings.

2 101 Board of Acupuncture. Amend RSA 328-G:8 to read as follows:

3 328-G:8 Disposition of Receipts. All moneys received by the board under this chapter shall be
4 ~~[paid to the administrator of the board, who shall give a receipt therefor and shall, at the end of each~~
5 ~~month, report to the commissioner of the department of health and human services the total amount~~
6 ~~of money received and deposit it]~~ **deposited** with the state treasurer **through the office of**
7 **professional licensure and certification.**

8 102 Board of Acupuncture; Duties. Amend RSA 328-G:11 I(c), to read as follows:

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

11 103 Board of Licensure for Alcohol and other Drug Use Professionals. Amend RSA 330-C:3, XII
12 to read as follows:

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

21 104 Advisory Board of Massage Therapists. RSA 328-B:2, IV is repealed and reenacted to read
22 as follows:

23 IV. "Executive director" means the executive director of the office of professional licensure
24 and certification.

25 105 References Changed; Massage Therapists; Executive Director. Amend the following
26 RSA provisions by replacing "commissioner" with "executive director": 328-B:4, 328-B:5.

27 106 Advisory Board of Massage Therapists. Amend RSA 328-B:11-a to read as follows:

28 328-B:11-a Administrative Fines. The ~~[commissioner of the department of health and human~~
29 ~~services]~~ **executive director of the office of professional licensure and certification**, after
30 notice and opportunity for hearing, pursuant to rules adopted under RSA 541-A, may impose an
31 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision
32 of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the
33 ~~[commissioner]~~ **executive director** shall be in accordance with RSA 541. Any administrative fine
34 imposed under this section shall not preclude the imposition of further penalties or administrative
35 actions under this chapter. The ~~[commissioner]~~ **executive director** shall adopt rules in accordance
36 with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and
37 severity of the violation. The sums obtained from the levying of administrative fines under this

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1 chapter shall be forwarded to the state treasurer to be deposited into the general fund.

2 107 Board of Psychologists. Amend RSA 329-B:22, III to read as follows:

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

7 108 New Paragraph; Advisory Board of Reflexology, Structural Integration, and Asian
8 Bodywork Therapy; Definitions. Amend RSA 328-H:2 by inserting after paragraph IV the following
9 new paragraph:

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

12 109 References Changed; Advisory Board of Reflexology, Structural Integration, and Asian
13 Bodywork Therapy; Executive Director. Amend the following RSA provisions by replacing
14 "commissioner" and "department" with "executive director": 328-H:2, I, 328-H:2, VII, 328-H:4, 328-
15 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-
16 H:17.

17 110 Repeals. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

35 XIV. RSA 327:2, IV and V, relative to administrative attachment of the board of optometry.

36 XV. RSA 315:1-a, relative to administrative attachment of the board of podiatry.

37 XVI. RSA 151-A:3, IV, relative to administrative attachment of the board of nursing home

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1 administrators.

2 XVII. RSA 316-A:2, relative to administrative attachment of the board of chiropractic
3 examiners.

4 XVIII. RSA 314:1, I and II, relative to definitions under electrolysis regulation.

5 XIX. RSA 325:2, IV, relative to administrative attachment of the board of funeral directors
6 and embalmers.

7 XX. RSA 325:10, relative to duties of the secretary of the board of funeral directors and
8 embalmers.

9 XXI. RSA 327-A:1, V and VI, relative to definitions under the ophthalmic dispensers board.

10 XXII. RSA 328-E:7, VII, relative to administrative attachment of the naturopathic board of
11 examiners.

12 XXIII. RSA 328-E:8, II, relative to personnel of the naturopathic board of examiners.

13 XXIV. RSA 328-E:11, relative to rulemaking by the naturopathic board of examiners.

14 XXV. RSA 137-F, VIII, relative to administrative attachment of the board of hearing care
15 providers.

16 XXVI. RSA 328-G:4, relative to administrative attachment of the board of acupuncture.

17 XXVII. RSA 328-G:11, V and VI relative to rulemaking by the board of acupuncture.

18 XXVIII. RSA 326-D:3, III, relative to administrative attachment of the midwifery council.

19 XXIX. RSA 326-D:10, II, relative to administrative services of the midwifery council.

20 XXX. RSA 330-C:4, relative to administrative attachment of the board of licensure for
21 alcohol and other drug use professionals.

22 XXXI. RSA 330-C:5, IX, relative to assistants of the board of licensure for alcohol and other
23 drug use professionals.

24 XXXII. RSA 330-C:5, XI, relative to reports of the board of licensure for alcohol and other
25 drug use professionals.

26 XXXIII. RSA 326-H:7, relative to administrative attachment of the board of licensed
27 dieticians.

28 XXXIV. RSA 329-B:5, relative to administrative attachment of the board of psychologists.

29 XXXV. RSA 328-H:2, III and IV, relative to definitions for the advisory board of reflexology,
30 structural integration, and Asian bodywork therapy.

31 XXXVI. RSA 328-I:1, II and III, relative to definitions for the board of registration of medical
32 technicians.

33 XXXVII. RSA 328-I:2, IV, relative to the administrative attachment of the board of
34 registration of medical technicians.

35 111 Department of Agriculture, Markets, and Food; Assistant State Veterinarian; Position
36 Established. There is established within the department of agriculture, markets, and food the
37 unclassified position of assistant state veterinarian. The assistant state veterinarian shall be

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

9 112 New Sections; Agriculture, Horticulture and Animal Husbandry; Assistant State
10 Veterinarian; Powers; Salary and Expenses. Amend RSA 436 by inserting after section 9 the
11 following new sections:

12 436:9-a Appointment. The commissioner of agriculture, markets, and food shall appoint a
13 graduate of a veterinary college of recognized standing, who shall have had at least 5 years'
14 experience in the practice of veterinary medicine, including large animal practice, and who shall be
15 known as the assistant state veterinarian.

16 436:9-b Powers. The assistant state veterinarian, under the direction of the commissioner and
17 state veterinarian, shall assist the state veterinarian with the enforcement of this chapter and any
18 other law over which the division has regulatory authority. The state veterinarian may direct the
19 assistant state veterinarian to act for him or her in an official capacity whenever he or she may be
20 absent from his or her duties.

21 436:9-c Salary and Expenses. The assistant state veterinarian shall receive the annual salary
22 prescribed by RSA 94:1 through RSA 94:4, and shall be allowed his or her expenses when away from
23 the office of the department on official business.

24 113 All Agencies; Administrative Services. Unless restricted by law or administrative rule,
25 upon request of an intended recipient, an agency may provide documents by electronic mailing in
26 lieu of mail.

27 114 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds
28 in existing class 60 budgets to pay any penalties imposed under the employer shared responsibility
29 for health coverage under section 4980H of the Internal Revenue Code.

30 115 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the
31 commissioner of the department of administrative services shall offer for sale the former Laconia
32 state school land and buildings and the former Laconia state school and training center land and
33 buildings, except those portions of the land and buildings required for state use. The commissioner
34 of the department of administrative services shall submit quarterly reports on the progress of the
35 sale to the fiscal committee of the general court. Any sale of such land and buildings shall be subject
36 to the requirements of RSA 4:40, except that review and approval of the sale of the land and
37 buildings by the council on resources and development and the long range capital planning and

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1 utilization committee shall not be required. All proceeds from the sale shall be deposited into the
2 general fund.

3 116 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of
4 Appropriation. The appropriation for the administration of the client assistance program that is
5 received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years
6 2016 and 2017 may be transferred to another qualified agency or agencies upon certification by the
7 governor to the commissioner of administrative services that the program has been redesignated. If
8 the redesignation occurs and the governor's certification is made after July 1, 2015, the unexpended
9 portion of the appropriation shall be transferred.

10 117 Repeal. RSA 486:4, relative to limitation of guarantee of construction bonds for sewage
11 disposal facilities, is repealed.

12 118 Department of Environmental Services; Aid to Municipalities for Water Pollution Control.
13 Amend RSA 486:1, I(a) to read as follows:

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

34 119 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, or
35 any other law to the contrary, for the biennium ending June 30, 2017, a moratorium shall be in place
36 on state aid grants for any new infrastructure projects that would have otherwise been eligible for
37 state aid grants under RSA 486-486-A or RSA 149-M, with the exception that infrastructure projects

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1 that had local authorization by December 31, 2008 to construct but were not listed in 2013, 144:101
2 continue to be eligible for state aid grants subject to availability of funding. Nothing in this section
3 shall affect the provision of the future water supply land protection grants under RSA 486-A if
4 funding is available for such purposes.

5 120 Terms of Appointment. Amend RSA 21:33-a, III(a) to read as follows:

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

14 121 State Employees; Terms Defined. Amend RSA 98-A:1, III to read as follows:

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

19 122 Racing and Charitable Gaming; Subdivision Heading Changed. Amend the subdivision
20 heading preceding RSA 284:6 to read as follows:

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

22 123 Racing and Charitable Gaming Commission; Lottery Commission Authorization. Amend
23 RSA 284:6-a to read as follows:

24 284:6-a Racing and Charitable Gaming; **Lottery** Commission.

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

31 II. The [~~racing and charitable gaming~~] **lottery** commission shall assume the powers, rights,
32 duties, and responsibilities granted to the [~~state~~] **racing and charitable gaming** commission [~~and
33 the state greyhound racing commission under RSA 284, and any reference to the state racing
34 commission or the state greyhound racing commission in RSA 284 or any other statutory cites shall
35 be deemed to refer to the New Hampshire racing and charitable gaming commission.~~] The
36 [~~New Hampshire racing and charitable gaming~~] **lottery** commission shall, in carrying out the
37 purpose of this chapter, use the applicable provisions for horse racing independent of the applicable

1 provisions for simulcast dog racing.

2 III. The ~~[racing and charitable gaming]~~ **lottery** commission shall have all the powers, duties,
3 and rights conferred upon state commissions under the United States Interstate Horseracing Act of
4 1978 as it currently exists and as it may be amended from time to time.

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

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

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

25 124 Supervision and Hearings. Amend RSA 284:13 to read as follows:

26 284:13 Supervision and Hearings. The **lottery** commission shall have the power to conduct
27 hearings at which all matters pertaining to the administration of the affairs of the commission and
28 all activities conducted under its jurisdiction may be investigated and determined and, under the
29 hand of its chairperson, to issue subpoenas for the attendance of witnesses at such hearings. The
30 **lottery** commission on its own motion or at the request of any party may cause a complete record to
31 be made of such hearings by a competent reporter or by electronic recording which shall be
32 transcribed at the request and expense of any party desiring the same, and a copy of such
33 transcription shall be furnished to any other party upon the written request and at the expense of
34 such other party. If the record is not transcribed, the **lottery** commission shall prepare a summary
35 record of the proceedings and evidence. Any member of the **lottery** commission, **or the**
36 **commission's designee**, may administer oaths and affirmations ~~[and may]~~ examine witnesses, **and**
37 **receive testimony and shall forward findings to the full commission as part of the hearing.**

1 Disobedience of such subpoenas or false swearing before the **lottery** commission shall be attended
 2 with the same penalties as if such disobedience or false swearing occurred in an action in the
 3 superior court. The **lottery** commission shall have the power and authority to regulate, supervise
 4 and check the making of pari-mutuel pools and the distributions therefrom. It shall have the further
 5 power and authority to investigate as to the direct and indirect ownership and control of any
 6 licensee, and any expense incurred by the **lottery** commission in so doing shall be at the expense of
 7 such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in
 8 proceedings before the **lottery** commission may, within 10 days after such decision is entered, appeal
 9 to the superior court by petition specifying the grounds upon which the decision is claimed to be
 10 unreasonable or unlawful. Findings and decisions by the **lottery** commission shall be deemed to be
 11 prima facie lawful and reasonable, and shall not be set aside on appeal unless found to be arbitrary,
 12 capricious, unreasonable, or unlawful.

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

19 125 Licensees; Restriction on Gambling. Amend RSA 284:17-c to read as follows:

20 284:17-c Restriction on Gambling. Notwithstanding any other provision of law, except as
 21 provided in RSA 284:22-a and in the introductory paragraph of RSA 284:22, no licensee who holds
 22 running horse races shall at the same facility hold any other kinds of races or permit any other type
 23 of gambling except harness horse races and activities licensed by the lottery commission [~~or the~~
 24 ~~racetrack and charitable gaming commission~~].

25 126 Stewards. Amend RSA 284:20 to read as follows:

26 284:20 Stewards. There shall be at least 3 stewards to supervise each running or harness horse
 27 race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold.
 28 One of such stewards shall be the official steward of the [~~state racing~~] **lottery** commission, and the
 29 remaining stewards shall be appointed by the person, association, corporation, or any other type of
 30 entity conducting the race or meet, subject to the approval of the commission. Said stewards shall be
 31 authorized to assess fines and suspend licenses and shall exercise such other powers and perform
 32 such duties at each race meet as may be prescribed by the rules and regulations of the **lottery**
 33 commission. Any person who has been assessed a fine or whose license has been suspended may
 34 appeal any fine or suspension imposed by the stewards under this section to the **lottery** commission.

35 127 Rights Protected; Liability Limited. Amend RSA 284:20-a to read as follows:

36 284:20-a Rights Protected. No licensee conducting a race or meet under this chapter, no
 37 member of the [~~state racing~~] **lottery** commission, no steward, judge, or assistant official appointed to

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1 act as such pursuant to the provisions of this chapter, shall be liable for damages to any person,
2 association or corporation for any cause whatsoever arising out of or from the performance by such
3 licensee, commissioner, steward, judge or assistant official of such person's duties and exercise of
4 discretion with respect to such duties, so long as such person acted in good faith, without malice or
5 improper motive.

6 128 Lottery Commission Revenues. Amend RSA 284:21-j, I to read as follows:

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

14 129 Change from Racing and Charitable Gaming to Lottery. Amend the following
15 RSA provisions by replacing "racing and charitable gaming commission" or "commission" with
16 "lottery commission": 21-I:18, I(n); the introductory paragraph of 21-P:4, VI; 175:1, LVI; 273-C:2, VI;
17 the introductory paragraph of 284:8; 284:12; 284:12-a; 284:13-a; 284:14; 284:15; 284:15-a; 284:15-b;
18 284:16; 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;
19 284:20-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,
20 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;
21 287-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,
22 V(a).

23 130 Bingo and Lucky 7; Penalties. Amend RSA 287-E:25 to read as follows:

24 287-E:25 **Suspension;** Revocation. The commission shall [~~immediately~~] **suspend or** revoke the
25 license of any licensee **and/or impose an administrative fine upon the licensee upon a finding**
26 **that the licensee has violated** [~~who violates~~] any provision of this subdivision. Any licensee whose
27 license is revoked shall not be eligible for licensure for a period of up to one year from the date of
28 revocation.

29 131 Bingo and Lucky-7; Process. Amend RSA 287-E:3, IV to read as follows:

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

32 132 New Paragraph; Bingo and Lucky-7; Process. Amend RSA 287-E:3 by inserting after
33 paragraph XIV the following new paragraph:

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

35 133 Administrative Orders; Subpoenas. RSA 287-E:14 is repealed and reenacted to read as
36 follows:

37 287-E:14 Administrative Orders and Fines.

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

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

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

9 134 New Section; Subpoenas. Amend RSA 287-E by inserting after section 14 the following new
10 section:

11 287-E:14-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may
12 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings
13 held by the commission.

14 135 New Paragraphs; Bingo and Lucky 7. Amend RSA 287-E:18 by inserting after paragraph VI
15 the following new paragraphs:

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

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

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

20 136 New Section; Administrative Orders and Fines. Amend RSA 287-E by inserting after
21 section 25 the following new section:

22 287-E:25-a Administrative Orders and Fines.

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

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

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

31 137 New Section; Bingo and Lucky 7; Subpoenas. Amend RSA 287-E by inserting after section
32 25 the following new section:

33 287-E:26-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may
34 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings
35 held by the commission.

36 138 Repeal. The following are repealed:

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

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

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

4 139 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

5 I. All the functions, positions, powers, duties and responsibilities of the racing and
6 charitable gaming commission shall be transferred to the lottery commission. The transfer shall
7 include all of the equipment, books, papers, and records of the racing and charitable gaming
8 commission related to the above functions.

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

13 140 Liquor Commission; Funds; Alcohol Abuse Prevention and Treatment Fund. Amend RSA
14 176:16, III to read as follows:

15 III. ~~[Fifty percent of the amount by which the current year gross profits exceed fiscal year~~
16 ~~2001 actual gross profit, but not more than 5]~~ **1.7** percent of the [current] **previous fiscal** year gross
17 profits derived by the commission from the sale of liquor ~~[and other revenues,]~~ shall be deposited into
18 the alcohol abuse prevention and treatment fund established by RSA 176-A:1. ***For the purpose of***
19 ***this section, gross profit shall be defined as total operating revenue minus the cost of sales***
20 ***and services as presented in the state of New Hampshire comprehensive annual financial***
21 ***report, statement of revenues, expenses and changes in net position for proprietary funds.***

22 141 School Money; Determination of Grants. Amend RSA 198:41, III-IV to read as follows:

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

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

33 IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in
34 which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education
35 grant. The department shall distribute a stabilization grant to each of those municipalities equal to
36 100 percent of the decrease.

37 (b) For fiscal year 2013, the department of education shall identify all municipalities in

1 which the fiscal year 2013 total education grant, including any stabilization grant distributed
2 pursuant to subparagraph (a), will be less than the fiscal year 2011 total education grant. The
3 department shall distribute funds to each of those municipalities equal to 100 percent of the
4 decrease.

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

9 (d) ***For fiscal year 2017 and each fiscal year thereafter, the department of***
10 ***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***
12 ***a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to***
13 ***the municipality; the percentage shall be 96 percent for fiscal year 2017, and shall be***
14 ***reduced by 4 percent of the amount of the 2012 education grant for each fiscal year***
15 ***thereafter.***

16 142 Repeal. RSA 198:41, III(b), relative to the cap on the total education grant to a
17 municipality, is repealed.

18 143 School Building Aid; Alternative School Building Aid.

19 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through
20 RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or
21 alternative school building aid for any project approved on or after June 30, 2015 through June 30,
22 2017.

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

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

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

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

35 144 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other
36 provision of law, for the fiscal year ending June 30, 2016, the state treasurer shall fund the
37 distribution of revenue to cities and towns pursuant to the formula for determining the amount of

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1 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year
2 2015 distribution.

3 145 Department of Health and Human Services; Transfer Among Accounts. Notwithstanding
4 any other provision of law to the contrary and subject to the approval of the fiscal committee of the
5 general court and governor and council, for the biennium ending June 30, 2017, the commissioner of the
6 department of health and human services is hereby authorized to transfer funds within and
7 among all accounting units within the department, as the commissioner deems necessary and
8 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
9 regulations, or programs, and otherwise as necessary for the efficient management of the
10 department. If the department intends to transfer funds, which would otherwise meet the transfer
11 requirements as set forth in RSA 9:17-a, prior approval of the fiscal committee and governor and
12 council shall be required for transfers of \$75,000 or more.

13 146 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
14 the biennium ending June 30, 2017, the department of health and human services shall not
15 authorize, without prior consultation with the house health and human services and elderly affairs
16 committee and the senate health and human services committee and the approval of the fiscal
17 committee of the general court and governor and council, any change to program eligibility standards
18 or benefit levels that might be expected to increase or decrease enrollment in the program or
19 increase expenditures from any source of funds; provided, however, that no such prior approval shall
20 be required if a change to a federal program in which the state is participating as of the effective
21 date of this section is required by federal law.

22 147 Department of Health and Human Services; Division of Community-Based Care Services,
23 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the
24 biennium ending June 30, 2017, the department of health and human services shall maintain a limit
25 on benefits of \$4,000 per person per year for adults with low service utilization of community mental
26 health services, as identified in He-M 401.07; provided, that the department shall also establish, by
27 rule under RSA 541-A, a procedure for such persons or community health providers to request a
28 waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the
29 commissioner of the department of health and human services, the fiscal committee of the general
30 court may authorize a higher per person per year limit.

31 148 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule.
32 Notwithstanding any provision of law or rule to the contrary, He-W 553 relative to the home health
33 services rate setting shall be suspended for the biennium ending June 30, 2017. Payments for home
34 health services shall be limited to appropriations for home health services as may be restricted or
35 reduced by action of the fiscal committee of the general court or by legislative action.

36 149 Department of Health and Human Services; Foster Grandparent Program. The
37 reimbursements to the foster grandparent program through the senior volunteer grant program,

1 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2017.

2 150 Department of Health and Human Services; Bureau of Adult and Elderly Services;
3 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
4 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
5 biennium ending June 30, 2017.

6 151 Department of Health and Human Services; Division for Children, Youth and Families.

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

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

20 152 Department of Health and Human Services; Suspension of Direct Graduate Medical
21 Education. The commissioner of the department of health and human services shall submit a Title
22 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
23 suspend the provision of direct graduate medical education payments to hospitals as provided in 42
24 U.S.C. section 1396a(a)(30)(A) effective July 1, 2015. Upon approval of the state plan amendment,
25 and as of the effective date of the state plan amendment, any obligations for payment of direct
26 graduate medical education shall be suspended for the biennium ending June 30, 2017.

27 153 Department of Health and Human Services; Suspension of Indirect Graduate Medical
28 Education. The commissioner of the department of health and human services shall submit a Title
29 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
30 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,
31 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan
32 amendment, any obligations for payment of indirect graduate medical education shall be suspended
33 for the biennium ending June 30, 2017.

34 154 Department of Health and Human Services; Public Safety and Welfare; Medicaid
35 Enhancement for Children and Pregnant Women. If the New Hampshire health protection program
36 established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2016 or earlier, the
37 commissioner of the department of health and human services shall reinstate Medicaid coverage and

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1 open enrollment for children and pregnant women under RSA 167:68. The commissioner of the
2 department of health and human services shall adopt rules pursuant to RSA 541-A to establish the
3 eligibility levels for Medicaid coverage under RSA 167:68 identical to the eligibility levels which were
4 in effect prior to the effective date of the New Hampshire health protection program.

5 155 Department of Health and Human Services; Public Safety and Welfare; Medicaid
6 Enhancement for Children and Pregnant Women. Amend the introductory paragraph of
7 RSA 167:68, I to read as follows:

8 I. Establish by July 1, 1999, categorically needy coverage groups under RSA 167:6, VII and
9 Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI) and
10 1902(a)(10)(i)(VII) and establish less restrictive income and resource methodologies under section
11 1902(r)(2) of Title XIX of the Social Security Act as necessary to increase the eligibility level for
12 medicaid coverage to a minimum of ~~[470]~~ **185** percent of the federal poverty level disregarding
13 resources for a family size equal to the size of the family including the woman, infant or child. This
14 includes:

15 156 Department of Health and Human Services; Bureau of Adult and Elderly Services; County
16 Payment of Funds for Persons Eligible to Receive Nursing Home Services: Limitation on County
17 Payments; Credit. Amend RSA 167:18-a, II(a) to read as follows:

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

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

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

22 157 Public Health; Vaccine Association. Amend RSA 126-Q:1, III to read as follows:

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

27 158 Public Health; Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, I to
28 read as follows:

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

35 159 Penalty Assessments. Amend RSA 188-F:31, I to read as follows:

36 I. Every court shall levy a penalty assessment of \$2 or 24 percent, whichever is greater, on
37 each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a

1 violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance
2 relating to motor vehicles unlawfully left or parked. *Notwithstanding any law or rule to the*
3 *contrary, the penalty assessment shall be levied in addition to the amount of the fine or*
4 *penalty imposed by the court.*

5 160 Transfer of State Highway Safety Agency. The functions and responsibilities of the state
6 highway safety agency are hereby transferred to the department of safety. The transfer shall not
7 affect the validity of actions taken by the state highway safety agency prior to the effective date of
8 the transfer.

9 161 New Paragraph; Duties of Commissioner of Safety. Amend RSA 21-P:4 by inserting after
10 paragraph XV the following new paragraph:

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

13 162 New Subdivisions; State Highway Safety Program; Traffic Safety Commission. Amend
14 RSA 21-P by inserting after section 54 the following new subdivisions:

15 State Highway Safety Program

16 21-P:55 Policy. It is hereby declared to be the policy of this state and in the public interest to
17 have a highway safety program designed to reduce traffic accidents and deaths, injuries and
18 property damage resulting therefrom. Such program shall include, but not be limited to,
19 improvement of driver performance, improvement of pedestrian performance, an accident record
20 system, accident investigations, vehicle registration, operation, and inspection, highway design and
21 maintenance, traffic control, vehicle codes and laws, surveillance of traffic and emergency services.

22 21-P:56 Provisions Accepted. The provisions of the federal Highway Safety Act of 1966,
23 approved September 9, 1966, entitled "An Act to provide for a coordinated national highway safety
24 program through financial assistance to the states to accelerate highway traffic safety programs, and
25 for other purposes," and all acts amendatory thereof and supplementary thereto, are assented to,
26 and the governor shall be the official of this state having the ultimate responsibility for dealing with
27 the federal government with respect to programs and activities pursuant to carrying out the
28 provisions of said acts.

29 21-P:57 Faith and Credit Pledged. The faith and credit of the state are pledged to make
30 adequate provision, from time to time, by appropriation or otherwise, to meet all the obligations of
31 the state incident to the acceptance of federal aid under the provisions of said act.

32 21-P:58 Expenditures. To meet such obligations the governor with the consent of the council is
33 authorized to accept and expend any federal funds for the highway safety program.

34 21-P:59 Governor's Authority. The governor in addition to other duties and responsibilities
35 conferred upon him or her by the constitution and laws of this state is hereby empowered to contract
36 and to do all other things necessary in behalf of this state to secure the full benefits available to this
37 state under the federal Highway Safety Act of 1966 and all acts amendatory and supplemental

1 thereto, and in so doing, to cooperate with federal and state agencies, agencies private and public,
2 interested organizations, and individuals, to effectuate the purposes of that enactment, and any and
3 all subsequent amendments thereto. The governor shall coordinate the activities of any and all
4 departments and agencies of this state and its subdivisions, relating thereto.

5 21-P:60 Local Highway Safety Programs.

6 I. The towns, village districts, school districts, cities, and counties are hereby authorized to
7 establish highway safety programs.

8 II. A school district providing comprehensive driver training programs in accordance with
9 the federal statutory provisions assented to in and under RSA 21-P:56 shall be eligible for
10 reimbursement of federal funds apportioned to this state for such programs. A school district shall
11 mean a town school district, a special school district, an incorporated school district operating within
12 a city, a city operating a dependent school department, a cooperative school district, and an
13 authorized regional enrollment (AREA) school.

14 III. Each political subdivision enumerated herein which implements highway safety
15 programs approved by the governor in accordance with the Highway Safety Act of 1966 is eligible for
16 reimbursement of federal funds apportioned to this state for such programs.

17 21-P:61 Highway Safety Unit; Governor's Representative. There is hereby created the state
18 highway safety unit as a unit within the department of safety which shall be the agency responsible
19 under the executive direction of the governor to develop and implement the state's highway safety
20 program. The commissioner shall be the governor's representative with the national highway traffic
21 safety administration and he will aid the governor in the coordination of interdepartmental activities
22 and those of the various political subdivisions.

23 21-P:62 Staff. Subject to state personnel regulations and within budgetary appropriations, the
24 commissioner shall appoint such field representatives and secretarial and clerical assistants as may
25 be needed to carry out the purpose of this chapter.

26 21-P:63 Gifts and Grants. The governor is authorized to receive gifts and grants from any
27 source, public or private, in the name of the state, and to expend these monies for the state highway
28 safety program. Any monies accepted by the governor shall be deemed to be an appropriation of the
29 same amount for the purposes hereof.

30 Traffic Safety Commission

31 21-P:64 Establishment. There is hereby established a traffic safety commission consisting of 15
32 members appointed by the governor and council for a term of 5 years and until their successors are
33 appointed and qualified. Initial appointments by the governor and council shall be as follows: 5
34 members for 3 years; 5 members for 4 years; 5 members for 5 years. Vacancies shall be filled for the
35 unexpired term in the same manner as the original appointment. The commission shall have a
36 chairman who shall be designated by the governor from among its membership. The term of
37 chairman shall be for one year. The commission shall meet not less frequently than quarterly and at

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1 such other times as it may be convened by the call of the chairman, and upon petition of 5 members,
2 it shall be the duty of the chairman to convene the commission forthwith. Members of the
3 commission shall receive no compensation but shall be entitled to expenses, including mileage, when
4 in the performance of duties required hereunder.

5 21-P:65 Powers and Duties. The traffic safety commission is authorized to act in an advisory
6 capacity to the commissioner.

7 163 Traffic Safety Commission; Continuation of Terms. Members on the effective date of this
8 section of the traffic safety commission established by RSA 238:10 shall continue as members of the
9 traffic safety commission under 21-P:64 until the scheduled expiration of their terms.

10 164 Repeal. RSA 238:1 through RSA 238:11, relative to highway safety program and traffic
11 safety commission, is repealed.

12 165 Suspension; Revenue Sharing. Notwithstanding any provision of the law to the contrary,
13 RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium
14 ending June 30, 2017.

15 166 Repeal. 2014, 229:1, relative to appropriation for state matching funds for disaster
16 assistance grants, is repealed.

17 167 Reduction in State Self-insured Health Plan Reserve. Amend RSA 21-I:30-b, I(a) to read as
18 follows:

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

21 168 Driver Training Fund; Transfer to Department of Safety. For the fiscal year ending June
22 30, 2015, the amount transferred from the driver training fund to the department of safety as
23 restricted revenue pursuant to RSA 263:52, II shall be increased from 1.5 million dollars to 3 million
24 dollars.

25 169 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade EE by
26 inserting the following position:

27 EE Insurance department health reform coordinator

28 170 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade FF by
29 deleting the following position:

30 FF Department of corrections warden, New Hampshire state
31 prison-women

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

34 GG Department of information technology director of technical support
35 services

36 GG Department of information technology director of web support

37 GG Insurance department chief financial examiner

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1 GG Department of corrections warden, New Hampshire
2 correctional facility for women

3 172 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by
4 deleting the following position:

5 GG Insurance department director

6 GG Department of safety director of administration

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

9 HH Department of information technology director of operations

10 HH Department of administrative services manager of risks and benefits

11 HH Department of employment security deputy commissioner

12 HH Department of revenue administration director, division of municipal
13 and property

14 HH Insurance department director of financial regulation

15 HH Department of safety director of administration

16 174 Compensation of Certain State Officials; Department of Administrative Services; Title of
17 Position Amended. Amend the following position in RSA 94:1-a, I(b), salary grade HH, to read as
18 follows:

19 HH Department of administrative services director of [~~plant and property~~
20 ~~management~~] **procurement**
21 **and support services**

22 175 Transfer of Positions.

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

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

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

32 176 Classified Employees Transferred to Unclassified Positions; Treatment of Leave, Longevity
33 Pay, Terminal Pay; Annual Pay. Classified employees in the department of information technology
34 currently occupying position 11408, position 16614 or position 16515 who are appointed to an
35 unclassified position pursuant to this act shall retain all annual leave, sick leave, longevity pay, and
36 bonus time already accumulated in the classified system. Such annual leave, sick leave, longevity
37 pay, and bonus time shall not be used until the employee's cessation of employment or until the

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1 employee transfers to the classified service. Classified employees in the department of information
2 technology currently occupying position 11408, position 16614, or position 16515 who are appointed
3 to an unclassified position at a lower level shall be paid at the same level as such employee was paid
4 prior to the appointment until the pay in the appointed position exceeds the pay the employee was
5 receiving at the time of the appointment.

6 177 Insurance Department; Deputy Commissioner and Other Department Positions. Amend
7 RSA 400-A:6, III-b to read as follows:

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

13 178 Insurance Department; Compensation. Amend RSA 400-A:8, I-II to read as follows:

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

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

21 179 Insurance Department; Deputy Commissioner and Other Department Positions. Amend
22 RSA 400-A:6, VII to read as follows:

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

32 180 Salary of Financial Examinations Supervisor. Amend 2013, 205:2 to read as follows:

33 205:2 Salary of [~~Financial Examinations Supervisor~~] **Insurance Department Position**. [~~The~~
34 ~~salary of the financial examinations supervisor established in section 1 of this act shall be~~
35 ~~determined after assessment and review of the appropriate temporary letter grade allocation in~~
36 ~~RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-e.~~
37 ~~Upon completion of this action and appointment of the financial examinations supervisor,] Position~~

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1 41776 shall be abolished to allow for the transition of this classified position with its available
2 appropriations into the unclassified position of ~~[financial examinations supervisor]~~ **chief financial**
3 **examiner**. Funding shall be transferred into expenditure class ~~[014]~~ **011**, within accounting unit 02-
4 24-24-240010-2520.

5 181 Financial Examinations Supervisor Position; Effective Date Amended. Amend 2013, 205:4
6 to read as follows:

7 205:4 Effective Date.

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

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

10 182 Repeal. The following are repealed:

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

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

15 183 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as
16 follows:

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

29 **III-a. No department, board, institution, commission, agency, or political**
30 **subdivision shall assert the attorney-client privilege in response to a request for**
31 **information or examination of operations, accounts, or records by the legislative budget**
32 **assistant. The attorney-client privilege shall not be deemed waived by any department,**
33 **board, institution, commission, agency, or political subdivision that provides attorney-**
34 **client privileged materials to the legislative budget assistant pursuant to this section.**
35 **Attorney-client communications obtained from any regulated entities shall not be disclosed**
36 **to the legislative budget assistant.**

37 IV. All state departments, boards, institutions, commissions, agencies, and political

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

35 V. The commissioner of administrative services shall deliver to the legislative budget
 36 assistant the official financial information under the control of the commissioner as required by this
 37 section in a form unaltered from that which is finally reported in the **state's** integrated ~~[financial],~~

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

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

20 184 New Subparagraph; Medical and Surgical Benefits: Retiree Plan. Amend RSA 21-I:30, V by
 21 inserting after subparagraph (b) the following new subparagraph:

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

25 185 Obtaining a Ballot; Proof of Identity; Photograph. Amend RSA 659:13, I(c)(2) to read as
 26 follows:

27 (2) If the voter executes a challenged voter affidavit, the moderator or the
 28 moderator's designee shall take a photograph of the voter and immediately print and attach the
 29 photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2
 30 inches, or larger, and *may* be in color *or in black and white*. The moderator or his or her designee
 31 who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator
 32 or designee shall delete the photograph from the camera in the presence of the voter. If the
 33 moderator or his or her designee is unable to take the voter's photograph due to equipment failure or
 34 other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute
 35 a challenged voter affidavit without a photograph.

36 186 New Paragraph; Commissioner of Revenue Administration; Authorization to Contract for
 37 Audit Services. Amend RSA 21-J:3 by inserting after paragraph XXX the following new paragraph:

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

5 187 New Subparagraph; Confidentiality; Disclosure to Multistate Tax Commission. Amend
6 RSA 21-J:14, V by inserting after subparagraph (g) the following new subparagraph:

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

10 188 Department of Revenue Administration; Appropriation. The sum of \$163,285 from the
11 \$658,000 settlement agreement dated December 5, 2014 under the Merrimack River Valley flood
12 control compact is hereby appropriated to the department of revenue administration. The governor
13 is authorized to draw a warrant for the purpose of reimbursing towns for the Massachusetts share of
14 the Merrimack River flood control compact and the Connecticut River flood control compact for state
15 fiscal year 2013. The department shall distribute the moneys in the manner prescribed in
16 RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The
17 remainder of the settlement moneys shall lapse to the general fund.

18 189 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year
19 ending June 30, 2017, the state shall reimburse the sheriff's office for court security at the rates
20 provided in the collective bargaining agreement applicable to per diem court security officers
21 employed by the judicial branch to attend any official business, for any person employed as a bailiff
22 by the sheriff's office.

23 190 Site Evaluation Committee; Funding; Transfers. The remainder of the \$500,000 referred to
24 in RSA 162-H:21, II, as enacted by 2014, 217:23, that was not transferred from the renewable energy
25 fund to the site evaluation committee fund during fiscal year 2015 is hereby transferred. This newly
26 transferred money plus the money that was transferred during fiscal year 2015 but not expended by
27 the site evaluation committee may be budgeted and expended by the committee for any operating
28 cost of the committee, notwithstanding the allowed uses of the fund in RSA 162-H:21, I.

29 191 New Section; State Employees Health Insurance. Amend RSA 21-I by inserting after
30 section 26 the following new section:

31 21-I:26-a Excise Tax; Patient Protection and Affordable Care Act. The state shall not provide
32 any health insurance plan to state employees subject to the excise tax on high cost employer-
33 sponsored health coverage under the Patient Protection and Affordable Care act of 2009, Public Law
34 111-148, as amended.

35 192 Applicability. RSA 21-I:26-a, as inserted by section 191 of this act, shall not apply to any
36 state employees health insurance plan in effect on the effective date of section 192 of this act.

37 193 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium

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1 ending June 30, 2017, any state agency or department is authorized, with the prior written approval
2 of the department of administrative services, to enter into agreements to rent, lease, or lease-
3 purchase vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment
4 from any other state agency or department.

5 194 Allocation of Unrestricted Highway Fund Appropriations. RSA 9:9-b is repealed and
6 reenacted to read as follows:

7 9:9-b Allocation of Unrestricted Highway Fund Appropriations. In each biennium, highway
8 fund appropriations, including costs of collections of the department of safety, shall be subject to the
9 following limitations:

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

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

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

16 195 Highway Fund; Construction and Reconstruction Aid; Apportionment. Amend RSA 235:23,
17 I to read as follows:

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

28 196 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

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

33 197 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

34 (b)(1) Except as provided in subparagraph (2), for a chartered public school authorized
35 by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to
36 RSA 198:40-a plus an additional grant of \$2,036 **for the Virtual Learning Academy Charter**
37 **School and \$2,286 for all other chartered public schools** directly to the chartered public school

1 for each pupil who is a resident of this state in attendance at such chartered public school.
2 ***Beginning July 1, 2017 and every biennium thereafter, the department of education shall***
3 ***adjust the per pupil amount of the additional grant based on the average change in the***
4 ***Consumer Price Index for All Urban Consumers, Northeast Region, using the “services less***
5 ***medical care services” special aggregate index, as published by the Bureau of Labor***
6 ***Statistics, United States Department of Labor.***

7 198 Lottery Commission; Authority to Purchase Real Property Granted. The lottery
8 commission, in consultation with the department of administrative services, is hereby authorized to
9 purchase, in the name of the state, land and buildings to serve as the lottery commission’s
10 headquarters. Such purchase shall be completed during the biennium ending June 30, 2017 and
11 shall require approval of the fiscal committee of the general court and the governor and council.

12 199 Lottery Commission; Executive Director. Amend RSA 284:21-b to read as follows:

13 284:21-b Organization.

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

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

24 200 New Paragraph; Building Code Review Board; Travel Reimbursement. Amend RSA 155-
25 A:10 by inserting after paragraph VI the following new paragraph:

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

29 201 Department of Safety; Transfer Among Accounts. Notwithstanding any provision of law to
30 the contrary, except RSA 9:17-c and RSA 99:4, for the biennium ending June 30, 2017, the
31 commissioner of the department of safety is hereby authorized to transfer funds between and among
32 all class lines and accounting units within the department as the commissioner deems necessary and
33 appropriate to address present or projected budget deficits, or to respond to changes in federal law,
34 regulations, or programs, and otherwise as necessary for the efficient management of the
35 department; provided that any transfer over \$75,000 shall require prior approval of the fiscal
36 committee of the general court and the governor and council.

37 202 Health and Human Services; Nursing Home Appropriations. Amend 2013, 143:1,

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1 accounting unit 05-95-48-481510-5942 by replacing the organizational notes immediately following
2 such accounting unit with the following:

3 ORGANIZATION NOTES

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

11 203 Health and Human Services; Nursing Home Appropriations. Pursuant to the organization
12 note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 1 of this
13 act, for any balance that remained at the end of fiscal year 2014, the department of health and
14 human services shall pay the entire amount immediately upon passage of this act in a special rate
15 adjustment. Upon payment of a special rate adjustment made pursuant to this act, the department
16 shall report the total amount of surplus, by source of funds, the total amount paid, and the date
17 payment was made to the fiscal committee of the general court.

18 204 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
19 commissioner of the department of health and human services shall submit a Title XIX Medicaid
20 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
21 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2017.

22 205 Certificate of Need; Repeal. Upon repeal of the certificate of need law on June 30, 2016,
23 pursuant to 2013, 144:84, the unexpended balance of any fees collected pursuant to 151-C:15 shall be
24 deposited in the general fund.

25 206 New Paragraph; Health Facility Licensure; License or Registration Required. Amend
26 RSA 151:2 by inserting after paragraph V the following new paragraph:

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

32 207 Contingency. The provisions of section 206 of this act shall only take effect upon the repeal
33 of RSA 151-C pursuant to 2013, 144:84.

34 208 Department of Health and Human Services, Sununu Youth Services Center; Reduction in
35 Appropriation. The department of health and human services is hereby directed to reduce state
36 general fund appropriations to the Sununu Youth Services Center by \$3,496,746 for the fiscal year
37 ending June 30, 2017. The department shall operate the Sununu Youth Services Center within the

1 allotted budget, or may enter into contracts for operation of the Sununu Youth Services Center,
2 including establishing necessary class lines, as long as total operating costs do not exceed
3 \$10,100,000 for the fiscal year ending June 30, 2017.

4 209 Department of Health and Human Services; Sununu Youth Services Center; Cost Savings
5 Plan. The department of health and human services shall develop a plan to reduce the cost of
6 providing existing services at the Sununu Youth Services Center. The plan shall include
7 privatization of services, offering additional and compatible services, and consider the most
8 appropriate, cost effective, long and short-term uses of the center as described in the January 1, 2014
9 report issued pursuant to 2013, 249. The department shall submit the plan to the fiscal committee
10 of the general court for approval on or before November 1, 2015, and begin implementation of the
11 plan by January 1, 2016.

12 210 Health and Human Services. Care Management Program. Determination of Provider Rates
13 for Step I and Step II Care Management Services. For the fiscal years 2016 and 2017, the rates paid
14 to providers for home and community-based services under the choices for independence program
15 that are to be incorporated into the department's care management program beginning on
16 January 1, 2016 and the rates paid to providers of nursing services that are to be incorporated into
17 the care management program on July 1, 2016 shall not be established by the department by
18 contract with the managed care organizations or otherwise dictated by the department. The rates
19 paid to providers for home and community-based services, nursing services, all other acute care
20 medical services provided under Step I of the care management program, and any additional waiver
21 services incorporated into the care management program for any portion of the fiscal years 2016 and
22 2017 shall be determined through negotiation between the managed care organizations and the
23 providers of such services within the capitated payment for managed care services as approved by
24 the governor and council and the Centers for Medicare and Medicaid Services.

25 211 Health and Human Services; Generic Drugs Authorization. Amend RSA 126-A:3, V to read
26 as follows:

27 V. Pharmacists shall substitute generically equivalent drug products for all legend and non-
28 legend prescriptions paid for by the department of health and human services, including the
29 Medicaid program, unless the prescribing practitioner specifies that the brand name drug product is
30 medically necessary. Such notification shall be in the practitioner's own handwriting and shall be
31 retained in the pharmacist's file. The provisions of paragraph III shall not apply to the dispensing
32 by a pharmacy for medical assistance reimbursement for legend and non-legend drugs. The
33 commissioner, in consultation with pharmacy providers, shall establish medical assistance
34 reimbursement for legend and non-legend drugs. ***For Medicaid fee for service clients, no prior***
35 ***authorization for generically equivalent drugs shall be required.***

36 212 Department of Corrections; Generic Drugs Authorization. Amend RSA 623-C:2, III to read
37 as follows:

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

11 213 New Subparagraph; Medicaid Managed Care Program; Commissioner's Duties. Amend
12 RSA 126-A:5, XIX by inserting after subparagraph (d) the following new subparagraph:

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

20 214 Department of Health and Human Services; Consolidation of District Offices. For the
21 biennium ending June 30, 2017, the commissioner of the department of health and human services
22 shall consolidate department of health and human services district offices to achieve a reduction of
23 \$1,000,000 in general fund appropriations for the fiscal year ending June 30, 2016, and \$1,000,000
24 for the fiscal year ending June 30, 2017. The commissioner shall provide regular notice of these
25 consolidation efforts to the fiscal committee of the general court.

26 215 Expenditure of Certain Road Toll Revenue. Amend RSA 260:32-b to read as follows:

27 260:32-b Expenditure of Certain Road Toll Revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 216 State Treasurer and State Accounts; Authority to Borrow; Certain Transportation Projects.
28 Amend RSA 6:13-d, I to read as follows:

29 I. The state treasurer, as may be requested from time to time by the commissioner of the
30 department of transportation, is hereby authorized to borrow upon the credit of the state not
31 exceeding the sum of \$200,000,000 and shall issue general obligation ***or revenue*** bonds, ***or both***, in
32 the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A,
33 to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester,
34 New Hampshire. ***In addition, authorization is hereby granted to enter into the federal***
35 ***credit program known as the Transportation Infrastructure Finance and Innovation Act***
36 ***(TIFIA), 23 U.S.C. sections 601-609, including appropriate covenants and conditions***
37 ***necessary to secure favorable credit terms.***

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1 217 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other
2 law to the contrary, for the fiscal year ending June 30, 2016, the department of administrative
3 services shall transfer \$2,500,000 from the funds collected for educational credentialing pursuant to
4 RSA 186:11, X to the education trust fund established under RSA 198:39.

5 218 Operating Budget; Transfer to General Fund; Legislative Branch. The legislative branch
6 shall transfer \$1,000,000 to the general fund for the biennium ending June 30, 2017.

7 219 Operating Budget; Transfer to General Fund; Legislative Branch. 2013, 143:12 is repealed
8 and reenacted to read as follows:

9 143:12 Operating Budget; Transfer to General Fund; Legislative Branch. The legislative branch
10 shall transfer \$1,000,000 for the fiscal year ending June 30, 2014 and \$1,628,307 for the fiscal year
11 ending June 30, 2015 to the general fund.

12 220 Legislative Branch; Special Account. Amend 2011, 224:217, II as amended by 2013, 144:102
13 to read as follows:

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

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

25 221 Department of Information Technology; Transfers Among Accounts. Notwithstanding any
26 other provision of law to the contrary, for the biennium ending June 30, 2017, the department of
27 information technology may transfer funds within and among all accounting units and class lines
28 within said department as necessary for the efficient management of the department; provided that
29 any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general
30 court and the governor and council.

31 222 Department of Administrative Services; Transfer from Consumer Protection Escrow
32 Account. The commissioner of administrative services shall transfer \$1,168,831 from the consumer
33 protection escrow account within the department of justice (02-20-20-200510-2611 revenue class 003)
34 to the general fund on July 1, 2015. The purpose of the transfer is to reimburse the general fund for
35 general fund expenditures within the consumer protection accounting unit from prior fiscal years.

36 223 New Section; Attorney General; Disposition of Consumer Protection Settlement Funds.
37 Amend RSA 7 by inserting after section 6-e the following new section:

1 7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney
2 general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim,
3 suit, petition, or other action under RSA 358-A or related consumer protection statutes shall be
4 deposited in a consumer protection escrow account. The consumer protection escrow account shall at
5 no time exceed \$5 million, with any amount in excess of \$5 million deposited into the general fund.
6 The attorney general shall not include language in any consumer protection settlement that restricts
7 any payments to the state for attorneys' fees, investigation and litigation costs, consumer education,
8 or consumer protection enforcement to the consumer protection escrow account or any other account
9 or fund.

10 224 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2017,
11 the liquor commission is hereby authorized to do the following for purposes of supporting merchant
12 card activity:

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

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

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

31 IV. Hire information technology technical support personnel to support its merchant card
32 activity and related technical support operations in retail stores. The commission, through the
33 department of administrative services, division of personnel, shall temporarily reclassify no more
34 than 2 existing liquor commission positions that will be responsible for providing the necessary
35 information technology technical support required by the commission to support its merchant card
36 activity and related technical support operations in retail stores.

37 225 Department of Employment Security; Unemployment Insurance Fraud Prosecutor; Position

1 Established.

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

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

18 226 Department of Corrections; Transfers. Notwithstanding any provision of law to the
19 contrary, for the biennium ending June 30, 2017, the commissioner of the department of corrections
20 is authorized to transfer funds within and among all accounting units within the department and to
21 create accounting units and expenditure classes as required and as the commissioner deems
22 necessary and appropriate to address present or projected budget deficits, or to respond to changes in
23 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
24 the department; provided if a transfer does not include new accounting units or expenditure classes,
25 only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court
26 and governor and council.

27 227 New Section; Transitional Housing Unit Maintenance Fund Established. Amend RSA 21-H
28 by inserting after section 14-c the following new section:

29 21-H:14-d Transitional Housing Unit Maintenance Fund Established. There is established in
30 the office of the commissioner a fund to be known as the transitional housing unit maintenance fund.
31 This fund shall be nonlapsing and continually appropriated to the commissioner for the purpose of
32 the general care, maintenance, repair, and proper upkeep of transitional housing units. The
33 commissioner shall collect funds as specified in RSA 651:25, V for deposit into the fund and may
34 expend such funds as set forth in this section. The commissioner may also accept gifts, grants, and
35 donations from any state or federal source for deposit into the fund.

36 228 Sentences; Release From State Prison. Amend RSA 651:25, V to read as follows:

37 V. A prisoner authorized to work at paid employment in the community under this section

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

7 229 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For
 8 the biennium ending June 30, 2017, the public utilities commission shall not expend any funding on
 9 the implementation of an energy efficiency resource standard without prior approval of the fiscal
 10 committee of the general court.

11 230 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to
 12 read as follows:

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

30 231 Federal Fisheries Disaster Relief Funds. For the fiscal year ending June 30, 2015, the sum
 31 of \$1,136,400 of federal funds from the United States Department of Commerce National Oceanic
 32 and Atmospheric Administration is hereby appropriated to the fish and game department for the
 33 purpose of distributing federal fisheries disaster relief funds to northeast multispecies commercial
 34 harvesters impacted by the federal fisheries disaster declared by the secretary of commerce in 2012.
 35 Said appropriation shall not lapse until June 30, 2017.

36 232 General Fund; Transfer to Fish and Game Fund. The state treasurer shall transfer
 37 unrestricted general fund revenue to the fish and game department in the amounts of \$600,000 for

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1 the fiscal year ending June 30, 2016 and \$600,000 for the fiscal year ending June 30, 2017. Said
2 transfers shall occur no later than August 1st of each fiscal year.

3 233 Fish and Game Department; Rulemaking; Fees. If the provisions of HB 212 of the 2015
4 legislative session which grant rulemaking authority to the executive director of fish and game to
5 establish fees for licenses and permits issued under title 18 become law, the statutory fees for any
6 such license or permit in effect on June 30, 2015 shall remain in effect until the effective date of a
7 rule adopted by executive director under RSA 541-A establishing or replacing such fee.

8 234 Department of Transportation; Route 106 Improvements. The department of transportation
9 may utilize up to \$3,000,000 of funds from available department sources to complete improvements
10 to N.H. Route 106 as contained in the state 10-year transportation improvement plan. Construction
11 work on the project may begin as soon as possible.

12 235 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2017, the
13 department of education is authorized, subject to the approval of the governor and council, to accept
14 gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations,
15 and other organizations or institutions for the purpose of funding appropriations made in accounting
16 unit 06-56-56-562010-7534 (NH Scholars Program).

17 236 Appropriation; Crotched Mountain Foundation. In addition to any other funds appropriated
18 to the department of health and human services, the sum of \$1 for the fiscal year ending June 30,
19 2016 and \$1 for the fiscal year ending June 30, 2017 are hereby appropriated to the department of
20 health and human services for the purpose of providing a supplemental enhanced rate for complex
21 patients served by the Crotched Mountain Foundation in accounting unit 05-95-4815-6173-101
22 (Medical Payments to Providers). The governor is authorized to draw a warrant for said sums out of
23 any money in the treasury not otherwise appropriated. Payment of this enhanced rate for complex
24 patients served by the Crotched Mountain Foundation shall be subject to approval by the Centers for
25 Medicare and Medicaid Services, and subject to rate setting approval by the department of health
26 and human services. The approved supplemental rate shall be paid in addition to existing rates in
27 effect as of June 30, 2015. The Crotched Mountain Foundation shall report monthly to the
28 department on utilization of beds that are subject to the supplemental enhanced rate.

29 237 New Paragraph; Commissioner of the Department of Health and Human Services;
30 Substance Use Disorder Services. Amend RSA 126-A:5 by inserting after paragraph XXVII the
31 following new paragraph:

32 XXVIII. The commissioner shall submit a state plan amendment to the Center for Medicare
33 and Medicaid Services to provide substance use disorder services to Title XIX and Title XXI
34 beneficiaries. The commissioner shall design the benefit consistent with Substance Abuse and
35 Mental Health Service Administration (SAMHSA) treatment guidelines. The commissioner shall
36 also determine the process and timeline for implementing services and, if necessary, phase in the
37 benefit.

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1 gifts, and donations shall be deposited in the state house weekend operations fund and shall only be
2 expended for the purposes of this subdivision. The state treasurer may invest moneys in the fund as
3 provided by law, with interest received on such investment credited to the fund. The moneys in this
4 fund shall be nonlapsing and continually appropriated to the legislative accounting office for the
5 state house weekend operations program established in RSA 14:51.

6 241 New Subparagraph; Application of Receipts; State House Weekend Operations Fund.
7 Amend RSA 6:12, I(b) by inserting after subparagraph 326 the following new subparagraph:

8 (327) Moneys deposited in the state house weekend operations fund established in RSA
9 14:52.

10 242 Business Profits Tax; Imposition of Tax; 2016. Amend RSA 77-A:2 to read as follows:

11 77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.5]~~ **8.3** percent upon the taxable
12 business profits of every business organization.

13 243 Business Profits Tax; Imposition of Tax; 2017. Amend RSA 77-A:2 to read as follows:

14 77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.3]~~ **8.1** percent upon the taxable
15 business profits of every business organization.

16 244 Business Profits Tax; Imposition of Tax; 2019. Amend RSA 77-A:2 to read as follows:

17 77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.1]~~ **7.9** percent upon the taxable
18 business profits of every business organization.

19 245 Business Enterprise Tax; Imposition of Tax; 2016. Amend RSA 77-E:2 to read as follows:

20 77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[3/4 of one]~~ **.725** percent upon the
21 taxable enterprise value tax base of every business enterprise.

22 246 Business Enterprise Tax; Imposition of Tax; 2017. Amend RSA 77-E:2 to read as follows:

23 77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[-.725]~~ **.7** percent upon the taxable
24 enterprise value tax base of every business enterprise.

25 247 Business Enterprise Tax; Imposition of Tax; 2019. Amend RSA 77-E:2 to read as follows:

26 77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[-.7]~~ **.675** percent upon the taxable
27 enterprise value tax base of every business enterprise.

28 248 Applicability.

29 I. Sections 242 and 245 of this act shall apply to taxable periods ending on or after December
30 31, 2016.

31 II. Sections 243 and 246 of this act shall apply to taxable periods ending on or after
32 December 31, 2017.

33 III. Sections 244 and 247 of this act shall apply to taxable period ending on or after
34 December 31, 2019.

35 249 Business Profits Tax; Research and Development Tax Credit. Amend RSA 77-A:5, XIII(a)(1)
36 to read as follows:

37 (1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming

1 the credit shall not exceed [~~\$2,000,000~~] **\$7,000,000** for any fiscal year.

2 250 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes
3 administered and collected by the department of revenue administration, an amnesty from the
4 assessment or payment of all penalties and interest in excess of 50 percent of the applicable interest
5 rate for the tax period shall apply with respect to unpaid taxes reported and paid in full during the
6 period from December 1, 2015 through and including February 15, 2016, regardless of whether
7 previously assessed. This amnesty shall only apply to taxes due but unpaid on or February 15, 2016.

8 251 Mandatory Penalties. On or after March 1, 2016, notwithstanding the provisions of any
9 other law, the department or any administrative tribunal or court with jurisdiction, either in law or
10 equity, shall have no discretion to waive, abate, reduce or remit, for good cause or any other reason,
11 any penalties assessed with respect to taxes administered by the department, which taxes were due
12 before December 1, 2015.

13 252 Appropriation. The sum of \$50,000 is hereby appropriated to the department of revenue
14 administration for the fiscal year ending June 30, 2016 to the following account for the purposes of
15 outreach and other administration necessary for the implementation of the tax amnesty program:
16 01-084-8405-7884-102 contracts for program services. The governor is authorized to draw a warrant
17 for said sum out of any money in the treasury not otherwise appropriated.

18 253 New Paragraph; Department of Revenue Administration; Duties of the Commissioner;
19 Voluntary Disclosure Program. Amend RSA 21-J:3 by inserting after paragraph XXX the following
20 new paragraph:

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

34 254 New Paragraph; Rulemaking; Commissioner of Revenue Administration. Amend RSA 21-
35 J:13 by inserting after paragraph XIII the following new paragraph:

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

1 255 Highway Fund. The department of transportation and department of safety shall not
2 expend or request to expend any funds from the highway surplus account for the biennium ending
3 June 30, 2015. Any highway fund budget surplus at the close of the fiscal biennium ending June 30,
4 2015 shall remain in the highway fund, and shall be used for the purposes of supporting
5 appropriations from the highway fund for the biennium ending June 30, 2017.

6 256 Purpose; CTE Centers. The provision of an adequate education in New Hampshire includes
7 career and technical education. New Hampshire career and technical education centers are established
8 for the purpose of developing a competitive workforce to support local business, industry, and economic
9 growth. The program provides high school students the opportunity to explore career options that apply
10 academic concepts to real-world situations using the most current business and industry-based
11 technologies. Through a commitment to developing the knowledge and skills required for successful
12 performance in the current and future workplace, the program further provides advanced training
13 leading to skill certification and postsecondary education with career pathways for lifelong learning and
14 opportunity.

15 257 Chapter Title; Community and Technical Education. Amend the chapter title of RSA 188-E
16 to read as follows:

17 CHAPTER 188-E

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

19 258 Designation of Centers and Programs. Amend RSA 188-E:2 to read as follows:

20 188-E:1 Designation of Regional Centers and ~~[Courses]~~ **Programs**. The commissioner,
21 department of education, is hereby authorized and directed to designate high schools, and public
22 academies as defined in RSA 194:23, II, offering ~~[vocational]~~ **career and technical** education
23 programs as ~~[vocational]~~ **career and technical** education centers. In instances where it is
24 educationally and economically feasible to do so, the commissioner may designate individual
25 ~~[vocational courses]~~ **career and technical education programs** in other than the ~~[vocational]~~
26 **career and technical** education centers as regional ~~[courses]~~ **programs**. An out-of-state school or
27 ~~[course]~~ **program** may be designated, when it is in the best interest of the state, as a part of the
28 New Hampshire regional ~~[vocational]~~ **career and technical** education plan.

29 259 Definitions. RSA 188-E:2 is repealed and reenacted to read as follows:

30 188-E:2 Definitions. In this chapter:

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

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

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

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

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

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

5 (a) Offer a sequence of courses that:

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

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

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

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

16 IV. "Construction" means the actual construction of facilities and provision of initial
17 equipment.

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

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

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

26 VIII. "Sending district" means:

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

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

31 260 Construction or Renovation. Amend RSA 188-E:3 to read as follows:

32 188-E:3 Construction or Renovation of Regional [~~Vocational~~] **Career and Technical**
33 **Education** Centers.

34 I. The commissioner, department of education, shall make grants available to designated
35 regional centers for construction of [~~vocational~~] **career and technical** education facilities or
36 renovation of existing regional [~~vocational~~] **career and technical education** centers. The state board
37 shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II, which the commissioner shall carry out,

1 relative to requirements for approval of regional [~~vocational~~] **career and technical** education centers
 2 to receive funds for construction or renovation of such facilities. The rules shall include criteria which
 3 guarantee potential sending districts an opportunity to enroll students in the regional [~~vocational~~]
 4 **career and technical education** program, and basic criteria for planning such facilities through
 5 cooperative development of plans by the [~~vocational~~] **career and technical** education staff of the state
 6 department of education and the local school district's staff. When such plans appear to be both
 7 educationally and financially acceptable, the department's [~~vocational~~] **career and technical**
 8 **education** staff shall recommend to the commissioner that they be approved for funding.

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

23 261 CTE Program. RSA 188-E:5 is repealed and reenacted to read as follows:

24 188-E:5 Program.

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

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

32 III. Each center shall make maximum utilization of cooperative arrangements with special
 33 education and vocational rehabilitation in providing career and technical education for
 34 disadvantaged and disabled persons. Opportunities for out-of-school youths, including "drop outs"
 35 and others, and adult education will be provided whenever possible.

36 IV. The regional career and technical education centers, as an integral part of each career
 37 and technical offering, may provide opportunities in leadership development through participation

1 by students in appropriate corresponding and nationally recognized career and technical student
2 organizations.

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

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

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

13 VI. The receiving district shall be responsible for determining the student's qualifications for
14 admission and space availability.

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

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

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

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

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

31 262 Costs of Attendance. Amend RSA 188-E:6 to read as follows:

32 188-E:6 ~~[Reimbursement]~~ **Costs** for Students Attending Career and Technical Education Programs.

33 I. The state shall ~~[reimburse the state's]~~ **pay a** portion of the cost of tuition and **reimburse**
34 transportation **costs**, as provided in this section, for a **sending district** student attending an
35 approved career and technical education (CTE) program.

36 II. A student's sending district shall be financially responsible for ~~[an amount equal to]~~ 25
37 percent of the **career and technical education portion of the** receiving district's cost per pupil for

1 the prior school year, as calculated by the department of education.

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

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

12 263 Tuition. Amend RSA 188-E:7 to read as follows:

13 188-E:7 Tuition.

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

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

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

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

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

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1 264 Transportation. Amend RSA 188-E:8 to read as follows:

2 188-E:8 Transportation. The department of education is authorized to ~~pay~~ *reimburse* from its
3 regular budget the cost of transportation for **(a)** regional ~~vocational~~ *career and technical education*
4 students *who attend regional career and technical education centers* and for **(b)** at risk students
5 who attend alternative education programs located at a regional ~~vocational~~ *career and technical*
6 education center or ~~the associated~~ *other comprehensive* high school. Transportation costs shall not
7 exceed the rate adopted pursuant to RSA 541-A by the state board. The sending district shall be
8 responsible for paying the transportation costs and shall be reimbursed from state funds.

9 265 New Section; Advisory Council on Career and Technical Education. Amend RSA 188-E by
10 inserting after section 10-a the following new section:

11 188-E:10-b Advisory Council on Career and Technical Education.

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

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

15 (b) Two members of the house of representatives, appointed by the speaker of the house
16 of representatives.

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

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

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

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

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

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

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

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

32 IV. The council shall study career and technical education, and make recommendations
33 concerning:

34 (a) The delivery system of career and technical education in New Hampshire;

35 (b) Increasing access to career and technical education programs;

36 (c) Increasing partnerships between businesses, skilled trades, advanced manufacturing,
37 and CTE programs;

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1 (d) The establishment and implementation of Individual Learning Plans beginning in
2 grade 6; and

3 (e) Other barriers as may be identified that restrict the delivery of career and technical
4 education to all interested students.

5 IV. The members of the advisory council shall elect a chairperson from among the members.
6 Meetings of the advisory council shall be called by the chairperson as necessary. Seven members of
7 the council shall constitute a quorum.

8 V. The advisory council shall file an annual report of its findings and any recommendations
9 for proposed legislation to the speaker of the house of representatives, the president of the senate,
10 the house clerk, the senate clerk, the governor, and the state library on or before November 1.

11 266 Reference Changed. Amend RSA 21-N:9, II(m) to read as follows:

12 (m) Standards for approval of regional [~~vocational~~] **career and technical** education
13 centers, as authorized by RSA 188-E:3.

14 267 Reference Changed. Amend RSA 189:25-a to read as follows:

15 189:25-a Universal Service Fund; Definition of "School." For the purpose of obtaining discounts
16 pursuant to the universal service fund, otherwise known as "E-rate" discounts, as established by
17 section 254 of the Telecommunications Act of 1996, "school" means any public or private elementary
18 or secondary school, and any regional [~~vocational~~] **career and technical** educational [~~school~~]
19 **center** designated under RSA 188-E, including educational programs offered at such [~~vocational~~]
20 **career and technical** educational [~~schools~~] **centers** for pre-kindergarten, adult education
21 programs, and juvenile justice programs.

22 268 Reference Changed. Amend RSA 194:23, II-a to read as follows:

23 II-a. In this section, the term "high school" shall include [~~any~~] **the** regional [~~vocational~~]
24 **career and technical** education center in the Manchester school district which complies with the
25 provisions of RSA 188-E.

26 269 Committee Established; Pooled Risk Management Programs. There is established a
27 committee to study the regulation of pooled risk management programs.

28 I. The members of the committee shall be as follows:

29 (a) Three members of the senate, appointed by the president of the senate.

30 (b) Three members of the house of representatives, appointed by the speaker of the
31 house of representatives.

32 II. Members of the committee shall receive mileage at the legislative rate when attending to
33 the duties of the committee.

34 III. The members of the study committee shall elect a chairperson from among the members.
35 The first meeting of the committee shall be called by the first-named senate member. The first
36 meeting of the committee shall be held within 45 days after the effective date of this section.

37 270 Duties of Committee; Report. The committee established under section 270 shall study the

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1 history of the regulation of pooled risk management programs under RSA 5-B, and shall consider
2 whether such programs should be subject to regulation under the authority of the secretary of state,
3 the commissioner of insurance, or another state agency. The committee shall report its findings and
4 any recommendations for proposed legislation to the speaker of the house of representatives, the
5 president of the senate, the house clerk, the senate clerk, the governor, and, the state library on or
6 before November 1, 2015.

7 271 State College and University System; Trustees of the University System. Amend
8 RSA 187-A:13 to read as follows:

9 187-A:13 Trustees of University System. The general government of the university system and
10 its constituent divisions and institutions shall be vested in a single board of [27] trustees composed
11 as follows and in accordance with the following conditions:

12 I. Eight ex-officio members: the governor of the state, the chancellor of the university
13 system, the commissioner of agriculture, markets, and food, the commissioner of education, the
14 president of the university of New Hampshire, the president of Plymouth state university, the
15 president of Keene state college, the president of the Granite state college;

16 II. [~~Eleven~~] **Ten** members appointed by the governor with the advice and consent of the
17 council;

18 III.(a) Two members shall be students enrolled at Keene state college, Plymouth state
19 university, Granite state college, or the university of New Hampshire who shall serve as student
20 trustees, for the term indicated in this paragraph, on a rotating basis in the order listed below:

21 (1) One student each from the university of New Hampshire and Plymouth state
22 university.

23 (2) One student each from Plymouth state university and Granite state college.

24 (3) One student each from Granite state college and Keene state college.

25 (4) One student each from Keene state college and the university of New Hampshire.

26 (b) The student trustees shall be elected by the student body at the school responsible for
27 providing the student trustees. The term of the student trustees shall be for one year commencing
28 July 1 of the year for which the student was elected and ending June 30 of the next year. Student
29 trustees shall be expected to serve the full duration of their elected term. In the event that a student
30 trustee ceases for any reason to attend the school from which the student was elected, the chancellor
31 of the university system shall declare a vacancy in that student trustee position, and the school
32 causing the vacancy shall elect a replacement student trustee who shall serve for the remainder of
33 the predecessor's term. Graduation of a student trustee shall not constitute a vacancy under this
34 paragraph.

35 IV. Four members elected by the alumni of the university of New Hampshire[?].

36 V. One member elected by the alumni of Keene state college[?].

37 VI. One member elected by the alumni of Plymouth state university.

1 **VII. One member elected by the alumni of Granite state college.**

2 At all times, 2 members of the board shall be farmers and both major political parties shall be
3 represented on the board.

4 272 New Paragraphs; State College and University System; Trustees of the University System.
5 Amend RSA 187-A:13 by inserting after paragraph VII the following new paragraphs:

6 VIII. The senate president or designee from the senate leadership, who shall be a non-voting
7 member.

8 IX. The speaker of the house of representatives or designee from the house leadership, who
9 shall be a non-voting member.

10 273 Repeal. RSA 187-A:13, VIII and IX, relative to house of representatives and senate
11 membership on the university system board of trustees, are repealed.

12 274 Effective Date.

13 I. Sections 44, 186-187, 210, 234, and 269-272 shall take effect upon its passage.

14 II. Sections 169-174, 177-182, and 191-192 of this act shall take effect 60 days after its
15 passage.

16 III. Sections 3, 34, 43, 166, 168, 188, 202-204, 219, 220, 231, and 255 of this act shall take
17 effect June 30, 2015.

18 IV. Section 185 of this act shall take effect September 1, 2015 at 12:03 a.m.

19 V. Sections 189, 197, and 242-248 of this act shall take effect July 1, 2016.

20 VI. Sections 45 shall take effect November 1, 2016.

21 VII. Sections 142 and 249 of this act shall take effect July 1, 2017.

22 VIII. Section 273 of this act shall take effect December 1, 2018.

23 IX. The remainder of this act shall take effect July 1, 2015.

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HB 2-FN-A-LOCAL - FISCAL NOTE

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

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.