

**HOUSE FINANCE - DIVISION I**  
**HB 1 and HB 2 PROPOSED AMENDMENTS**

<b>HB 1</b>				
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100-104	33-35	New Paragraph; Duties of Commissioner of Revenue Administration. Definitions; Water's Edge Combined Group. New Paragraphs; Definitions; Tax Haven; Accumulated Profits. Department of Revenue Administration; Treatment of Dividends from Tax Havens. Applicability.	Delete (0774h)	24
105-110	35	Tobacco Tax; Definition of Tobacco Products. New Paragraph; Tobacco Tax; Definitions. Repeal. Relative to the definition of premium cigar. Tobacco Tax; Cigarette Tax. Tobacco Tax; Tobacco Products Other Than Cigarettes. Applicability.	Delete (0773h)	25
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**HOUSE FINANCE - DIVISION I  
HB 1 and HB 2 PROPOSED AMENDMENTS**

<b>HB 2</b>				
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272-274	83-84	Horse and Dog Racing; Lottery; Organization. Legislative Budget Assistant; Charge Back of Financial Audits of Special Funds Agencies. New Subparagraph; Department of Administrative Services; Division of Accounting Services.	Amend (0749h)	34
280	85	Repeal. Relative to aid to municipalities for water pollution control.	Delete (1047h)	35
282-283	86	New Section; Office of the Chief Operating Officer. New Subparagraph; Government Innovation Fund.	Amend (0867h)	36
303	91	Repeal; relative to the racing and charitable gaming commission.	Amend (0951h)	37
313	97	Meals and Rooms Tax; Distribution to Cities and Towns.	Amend (0779h)	38
343	104	Department of Resources and Economic Development; Travel and Tourism Revolving Fund.	Delete (0762h)	39
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NEW	N/A	Entry Fees; Judicial Branch fees.	Amend (0571h)	61
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NEW	N/A	Relative to mandatory minimum sentences.	Amend (0927h)	71
NEW	N/A	Liquor Commission; relative to transfer between accounts.	Amend (0777h)	77
NEW	N/A	Site Evaluation Committee Fund.	Amend (0916h)	78
NEW	N/A	Employee Health Insurance.	Amend (0752h)	79

Draft Amendment to HB 1-A

1 Amend paragraph A of section 1.08 of the bill by replacing it with the following:

2

3 A. The appropriation budgeted in class 023-heat-electricity-water, class 027-transfers to  
4 DoIT, class 028-transfers to general services, class 035-shared services support, class 041-audit  
5 funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment  
6 compensation, class 062-workers compensation, class 064-retiree pension benefit-health insurance,  
7 shall not be transferred or expended for any other purpose, except that agencies may transfer any  
8 portion of funds in class 027 transfers to OIT not related to IT shared services upon consultation  
9 with and approval from the CIO. For the biennium ending June 30, 2017, the following account  
10 numbers within the department of resources and economic development: 03-35-35-351510-3701,  
11 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414,  
12 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486,  
13 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746,  
14 03-35-35-351510-3777, 03-35-35-351510-8146, 03-35-35-351510-6161, 03-35-35-351510-3717, and  
15 03-35-35-351510-3703 shall be exempt from these provisions.

Draft Amendment to HB 1-A

1 Amend the bill by replacing section 3 with the following:

2

3       3 Assignment of Office Space. If, during the biennium ending June 30, 2017, because of  
4 program reductions, consolidations, or any other reason, office space becomes available in the health  
5 and human services complex, the Hayes building, or any other state building, except office space  
6 under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative  
7 services shall, with the prior approval of the fiscal committee of the general court, and with the  
8 approval of the governor and council, require that any agency renting private space be required to  
9 occupy such available space in said building or buildings forthwith. Such funds as have been  
10 allocated or committed by any agency affected by this section for outside rental shall be transferred  
11 by the director of the division of accounting services to the bureau of general services, account  
12 number 01-14-14-141510-2950 for maintenance of state buildings.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 1 and 2 with the following:

2  
3 1 Department of Administrative Services; Consolidation of Human Resources and Payroll  
4 Functions.

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

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

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

1           2 Department of Administrative Services; Consolidation of Business Processing Functions.

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

8                 (a) Accounts receivable;

9                 (b) Accounts payable;

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

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

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

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

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

Rep. L. Ober, Hills. 37  
March 12, 2015  
2015-0863h  
05/03

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 14.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 17-19 with the following:

2

3 17 Department of Administrative Services; State Employees Group Insurance; Medical and  
4 Surgical Benefits. Amend RSA 21-I: 30, XIII to read as follows:

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

26 18 Department of Administrative Services; New Hampshire Retirement System; Medical  
27 Benefits. Amend RSA 100-A:54, III to read as follows:

28 III. The retirement system shall deduct from the monthly retirement allowance of retired  
29 state employees ~~[under the age of 65 years]~~ **and/or each applicable spouse who are not**  
30 **Medicare eligible and** receiving medical and surgical benefits provided pursuant to RSA 21-I:30,  
31 ~~[the]~~ **a** premium contribution ~~[amounts of 12.5 percent]~~ **amount based on a percentage** of the



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

19 19 Department of Administrative Services; Judicial Retirement Plan. Amend RSA 100-C:11-a to  
20 read as follows:

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

2015-0565h

AMENDED ANALYSIS

9. 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.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 23 with the following:

2

3 23 Department of Justice; Agency Attorneys. Amend RSA 7:13 to read as follows:

4 7:13 Transfer of Attorneys From Other Departments.

5 *I. Upon request of the attorney general, the governor is hereby authorized to transfer any*  
6 *employee authorized to do legal work, and all unexpended appropriations and funds allocated for the*  
7 *payment of such employee's salary, from any department or agency of the state to the department of*  
8 *justice whenever such action is deemed by the governor to be in the best interest of the state. Upon*  
9 *transfer, the employee's position shall be converted to an unclassified attorney position.*  
10 *The transferring agency shall be responsible for any eligible earned but unused leave due*  
11 *to the employee.* Any such employee so transferred or employed by the expenditure of such funds  
12 and appropriations shall be directly responsible to the attorney general and shall perform such  
13 services as the attorney general may direct. [~~The provisions of this section shall not apply to the~~  
14 ~~general counsel and counsel of the department of employment security.~~]

15 *II. Whenever an attorney position in any agency or department becomes vacant, the*  
16 *attorney general shall have the option of transferring the position and any related*  
17 *appropriations to the department of justice. The attorney general shall be notified*  
18 *whenever such a vacancy occurs, and shall decide whether to request a transfer of the*  
19 *position pursuant to paragraph I.*

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 25 with the following:

2

3 25 Judicial Appointments; Number Limited; Vacancies.

4 I. Except as provided in paragraph II, for the biennium ending June 30, 2017, the number of  
5 judges serving on the superior court shall not exceed 20 and the number of full-time judges serving  
6 on the circuit court shall not exceed 31.

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

Draft Amendment to HB 2-FN-A-LOCAL

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2015-0688h

AMENDED ANALYSIS

15. Limits the number of judicial appointments for the biennium ending June 30, 2017.

Rep. L. Ober, Hills. 37  
March 19, 2015  
2015-1051h  
06/10

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 27.

Draft Amendment to 2-FN-A-LOCAL  
- Page 2 -

2015-1051h

AMENDED ANALYSIS

Deletes paragraph 17 authorizing the department of corrections to transfer funds within accounting units of the department.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 66 with the following:

2

3 66 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

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

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 72 with the following:

2

3 72 New Paragraph; Salt Applicators; Rulemaking. Amend RSA 489-C:3 by inserting after  
4 paragraph V the following new paragraph:

5 VI. Establishing and collecting fees to cover the cost of program implementation *with all*  
6 *fees collected to be deposited in the general fund.*

7

8 Amend the bill by deleting sections 73 and 74.

Draft Amendment to HB 2-FN-A-LOCAL  
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2015-0995h

AMENDED ANALYSIS

32. Authorizes the commissioner of the department of environmental services to adopt rules establishing fees to cover the cost of the salt applicator certification program and requires all fees collected to be deposited in the general fund.

Rep. L. Ober, Hills. 37  
March 10, 2015  
2015-0809h  
08/01

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 75 through 80.

Draft Amendment to HB 2-FN-A-LOCAL  
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2015-0809h

AMENDED ANALYSIS

Deletes paragraph 33 which modifies authorized uses of the site evaluation committee fund.

Deletes paragraph 34 which establishes fees for energy facility evaluation.



Rep. L. Ober, Hills. 37  
March 16, 2015  
2015-0895h  
08/04

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 82.

Draft Amendment to HB 2-FN-A-LOCAL  
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2015-0895h

AMENDED ANALYSIS

Deletes paragraph 36 which authorizes the department of information technology to transfer funds among accounts for the biennium ending June 30, 2017.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 83 and 84 with the following:

2  
3 83 New Paragraph; Department of Information Technology; Statewide Standards and Protocols.  
4 Amend RSA 21-R:4 by inserting after paragraph XVII the following new paragraph:

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

9 84 Department of Information Technology; Purchasing Policy. RSA 21-R:8-a is repealed and  
10 reenacted to read as follows:

11 21-R:8-a Purchasing Policy.

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

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

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

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

27 84a Repeal. RSA 21-I:11, I(a)(9), relative to approval by the chief information officer, is  
28 repealed.

2015-0947h

AMENDED ANALYSIS

37. Requires the department of information technology to establish statewide standards for information technology, networks, and cyber security.

38. Clarifies the department of information technology's purchasing policy for state agencies.

Rep. L. Ober, Hills. 37  
March 17, 2015  
2015-0968h  
09/04

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 93.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0968h

AMENDED ANALYSIS

Deletes paragraph 44, which continually appropriates the trust fund for the New Hampshire land and community heritage program.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 94 with the following:

2

3 94 Insect Pests and Plant Diseases; Pesticide Product Registration. RSA 430:38, III is repealed  
4 and reenacted to read as follows:

5 III.(a) The registrant shall pay an annual fee for each pesticide registered as follows:

6 (1) A restricted use pesticide.

7 (2) A general use pesticide, other than a specialty/household pesticide.

8 (b) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the amount  
9 of the fees charged under subparagraph (a). Until such rules are adopted, the fees under  
10 subparagraph (a) shall be the same as the fees which were in effect on June 30, 2015.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-1030h

AMENDED ANALYSIS

45. Requires fees for pesticide product registration to be adopted by administrative rule and increases the percentage of such fees to be deposited into the integrated pest management fund.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 95 with the following:

2

3 95 Insect Pests and Plant Diseases; Integrated Pest Management Program. Amend RSA 430:50,  
4 II to read as follows:

5 II. There is established a nonlapsing fund to be known as the integrated pest management  
6 fund. [~~Ten~~] *Twenty-five* percent of the pesticide registration fees collected under RSA 430:38, III  
7 shall be deposited in the fund. The fund shall only be used to support the purposes of the integrated  
8 pest management program. The state treasurer may invest moneys in the fund as provided by law  
9 and all interest received on such investment shall be credited to the fund. The commissioner shall be  
10 authorized to accept grants, gifts, and donations from any public or private sources for deposit in the  
11 fund.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 96 with the following:

2

3 96 New Paragraph; Governor's Commission on Disability; Committee on Architectural Barrier-  
4 Free Design; Waivers. Amend RSA 275-C:15 by inserting after paragraph V the following new  
5 paragraph:

6 VI. Charge a non-refundable fee for any application for waiver request submitted under  
7 paragraph IV or V, which shall be payable to the governor's commission on disability. Each  
8 application for waiver request shall contain no more than 2 items to be reviewed for waiver. All fees  
9 shall be paid in advance with the application for waiver request. Any building or facility, as defined  
10 in RSA 275-C:10 II, shall not be subject to an application fee but shall file an application for waiver  
11 request as provided in this section.

12 97 New Paragraph; Governor's Commission on Disability; Rulemaking. Amend RSA 275-C:6 by  
13 inserting after paragraph VII the following new paragraph:

14 VIII. To adopt rules, pursuant to RSA 541-A, relative to:

- 15 (a) The application procedure for waiver requests.  
16 (b) Information required on an application for waiver request.  
17 (c) The fee for an application for waiver request.  
18 (d) Other matters related to the administration of applications for waiver requests.

Rep. Kurk, Hills. 2  
March 9, 2015  
2015-0774h  
06/09

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 100 through 104.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0774h

AMENDED ANALYSIS

Deletes paragraph 49 which changes certain business profits tax laws to prevent the diversion of business income to certain offshore tax havens.



Rep. Kurk, Hills. 2  
March 9, 2015  
2015-0773h  
06/09

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 105 through 110.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0773h

AMENDED ANALYSIS

Deletes paragraph 50 which increases the tobacco tax, redefines tobacco products under the tobacco tax to include nicotine vapor products, and taxes premium cigars.

Rep. Kurk, Hills. 2  
March 9, 2015  
2015-0775h  
06/09

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 111 and 112.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0775h

AMENDED ANALYSIS

Deletes paragraph 51 which increases the reasonable compensation deduction under the business profits tax.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 113 - 115 with the following:

2

3 113 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes  
4 administered and collected by the department of revenue administration, an amnesty from the  
5 assessment or payment of all penalties and interest in excess of 50 percent of the applicable interest  
6 rate for the tax period shall apply with respect to unpaid taxes reported and paid in full during the  
7 period from December 1, 2015 through and including February 15, 2016, regardless of whether  
8 previously assessed. This amnesty shall only apply to taxes due but unpaid on or February 15, 2016.

9 114 Mandatory Penalties. On or after March 1, 2016, notwithstanding the provisions of any  
10 other law, the department or any administrative tribunal or court with jurisdiction, either in law or  
11 equity, shall have no discretion to waive, abate, reduce or remit, for good cause or any other reason,  
12 any penalties assessed with respect to taxes administered by the department, which taxes were due  
13 before December 1, 2015.

14 115 Appropriation. The sum of \$50,000 is hereby appropriated to the department of revenue  
15 administration for the fiscal year ending June 30, 2016 to the following account for the purposes of  
16 outreach and other administration necessary for the implementation of the tax amnesty program:  
17 01-084-8405-7884-102 contracts for program services. The governor is authorized to draw a warrant  
18 for said sum out of any money in the treasury not otherwise appropriated.

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

2015-0791h

AMENDED ANALYSIS

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

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 78-A:25, III as inserted by section 121 of the bill by replacing it with the following:

2  
3  
4  
5  
6  
7  
8  
9  
10

III. On or before April 30 of each year, the ~~[office of energy and planning]~~ *department of employment security* shall notify the chief administrative officer in each community of all the data components which will be used as the basis for the estimate of population. Municipalities believing that such data components are incorrect shall file their specific objections and evidence in support thereof with the ~~[office of energy and planning]~~ *department of employment security* on or before May 30 of the same year. After due consideration of such evidence, the ~~[director of energy and planning]~~ *commissioner of the department of employment security* shall determine the final components and resulting estimates.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0953h

AMENDED ANALYSIS

54. Transfers duties regarding data on population figures for purposes of the tax on meals and rooms from the office of energy and planning to the department of employment security.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 131 with the following:

2

3 131a Land Conservation Investment Program; Transfer of Personnel and Functions.  
4 Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties,  
5 responsibilities, and funding of the land conservation investment program, including positions 42501  
6 and 42502, shall be transferred to the fish and game commission on July 1, 2015. The transfer  
7 provided in this section shall include all of the all associated books, papers, records, personnel files,  
8 and equipment, including but not limited to work station and information technology equipment,  
9 and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as  
10 any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs  
11 associated with the transferred personnel.

12 131b State Data Center; Transfer of Personnel and Functions. Notwithstanding any provision of  
13 law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the  
14 state data center, including position number 10014, shall be transferred to the department of  
15 employment security on July 1, 2015. The transfer provided in this section shall include all  
16 associated books, papers, records, personnel files, and equipment, including but not limited to work  
17 station and information technology equipment, and shall include the transfer of any unexpended  
18 appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll,  
19 benefits, support costs, or any other costs associated with the transferred personnel.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 310-A:1-e, I as inserted by section 135 of the bill by replacing it with the following:

2

3 I. Investigative Costs. For any order issued in resolution of a disciplinary proceeding by any  
4 board or commission authorized under this title, where such board or commission has found  
5 misconduct sufficient to support disciplinary action, the board or commission may require the  
6 licensee, registrant, or certificate holder who is the subject of such finding to pay the board or  
7 commission a sum not to exceed the reasonable cost of investigation and prosecution of the  
8 proceeding. Except where otherwise limited, this sum shall not exceed \$10,000. This sum may be  
9 imposed in addition to any otherwise authorized administrative fines levied by the board or  
10 commission as part of the penalty. The investigative and prosecution costs shall be assessed by the  
11 board or commission and any sums recovered shall be credited for the use of the board or commission  
12 and disbursed by the board or commission for any future investigations of complaints.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 212 with the following:

2  
3 212 State Liquor Stores; Closing of State Stores. Amend RSA 177:2 to read as follows:

4 177:2 Closing of State Stores.

5 I. The commission may close any state liquor store to improve profitability and efficiency. In  
6 determining net operating profit or loss, the commission shall adhere to generally accepted  
7 accounting principles for both revenues and expenses and shall include an allocation for indirect  
8 costs. All information regarding a decision to close any state liquor store shall be made available, by  
9 the commission, to the public upon request. The commission shall provide public notice 30 days  
10 prior to closing any state liquor store. The commission shall submit a [semi-annual] report of state  
11 liquor store closings to the fiscal committee of the general court *when store closings occur*.

12 II. In order to properly reflect the operating expenses of each state store, the commission  
13 shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the  
14 commission. All such expenses of the commission, with the exception of the enforcement and  
15 licensing division operating expenses, shall be included in the plan and allocated to all state stores  
16 on a consistent, rational basis. [~~The indirect cost allocation plan for each fiscal year shall be~~  
17 ~~submitted to the fiscal committee and the governor and council for approval, no later than 3 months~~  
18 ~~before the start of each fiscal year.] *No later than 3 months prior to the closing of any state*  
19 *liquor store, the commission shall submit a revised indirect cost allocation plan to the*  
20 *fiscal committee of the general court and the governor and council for approval.*~~

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 215 with the following:

2

3 215 State Trust Funds; Reporting. Amend RSA 11:5-b to read as follows:

4 11:5-b Reporting.

5 I. The state treasurer shall report annually or more often as required by the trust fund  
6 administrators or the terms of the trust instrument to the administrator on the financial activities of  
7 the respective trust fund.

8 II. The state treasurer shall keep appropriate bookkeeping records, showing on an annual  
9 basis the amount of each trust fund and the profits and income allocable to each trust. [~~A copy of  
10 such records shall be approved annually by the governor and council and filed with the director of  
11 charitable trusts who serves under the supervision of the attorney general under RSA 7:20.~~]

12 III. Trust fund administrators shall report on the use of state trust funds and the income  
13 received thereon pursuant to the requirements of RSA 7:28 and provide a copy of such reports to the  
14 governor and council.



Rep. L. Ober, Hills. 37  
March 5, 2015  
2015-0750h  
08/09

Draft Amendment to HB 2-FN-LOCAL

- 1 Amend section 236 of the bill by deleting paragraph IV and renumbering the original paragraphs V
- 2 through XXVII to read as IV through XXVI, respectively.

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 272-274.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0749h

AMENDED ANALYSIS

Delete:

71. Requires the lottery commission to appoint an independent accountant to conduct an annual audit to be presented to the fiscal committee of the general court.

72. Requires the fiscal committee to approve the scope of services, audit schedule, estimated number of audit hours, and estimated cost of the audit prior to the beginning of any audit of special fund agencies.

73. Requires the legislative budget assistant to outsource audits based on the lowest cost to the state.

Rep. L. Ober, Hills. 37  
March 19, 2015  
2015-1047h  
06/04

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 280.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-1047h

AMENDED ANALYSIS

Deletes paragraph 79 repealing certain provisions relative to aid to municipalities for water pollution control.

Rep. L. Ober, Hills. 37  
March 12, 2015  
2015-0867h  
03/05

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend section 362 of the bill by inserting after paragraph IV the following and renumbering the  
2 original paragraph V to read as VI:

3

4 → V. Sections 282 and 283 shall take effect July 1, 2016.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 303 with the following:

2

3 303 Repeal. The following are repealed:

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

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

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

7 commission.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 313 with the following:

2

3 313 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other  
4 provision of law, for the fiscal years ending June 30, 2016 and June 30, 2017, the state treasurer  
5 shall fund the distribution of revenue to cities and towns pursuant to the formula for determining  
6 the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than  
7 the fiscal year 2015 distribution.

Rep. L. Ober, Hills. 37  
March 6, 2015  
2015-0762h  
01/09

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 343.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0762h

AMENDED ANALYSIS

Deletes paragraph 107 which revises the reporting requirements for travel and tourism revolving fund and the travel and tourism development fund in the department of resources and economic development.





1           7 Transfer of Positions.

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

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

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

11           8 Insurance Department; Deputy Commissioner and Other Department Positions. Amend  
12 RSA 400-A:6, III-b to read as follows:

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

18           9 Insurance Department; Compensation. Amend RSA 400-A:8, I-II to read as follows:

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

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

26           10 Insurance Department; Deputy Commissioner and Other Department Positions. Amend  
27 RSA 400-A:6, VII to read as follows:

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

37           11 Salary of Financial Examinations Supervisor. Amend 2013, 205:2 to read as follows:

Draft Amendment to HB 2-FN-A-LOCAL

- Page 3 -

1       205:2 Salary of [~~Financial Examinations Supervisor~~] *Insurance Department Position*. [~~The~~  
2 ~~salary of the financial examinations supervisor established in section 1 of this act shall be~~  
3 ~~determined after assessment and review of the appropriate temporary letter grade allocation in~~  
4 ~~RSA 94:1 a, I(b) for the position which shall be conducted pursuant to RSA 94:1 d and RSA 14:14 e.~~  
5 ~~Upon completion of this action and appointment of the financial examinations supervisor,] Position  
6 41776 shall be abolished to allow for the transition of this classified position with its available  
7 appropriations into the unclassified position of [~~financial examinations supervisor~~] *chief financial*  
8 *examiner*. Funding shall be transferred into expenditure class [014] *011*, within accounting unit 02-  
9 24-24-240010-2520.~~

10       12 Financial Examinations Supervisor Position; Effective Date Amended. Amend 2013, 205:4 to  
11 read as follows:

12       205:4 Effective Date.

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

14           II. ~~The remainder of~~ This act shall take effect upon its passage.

15       13 Repeal. The following are repealed:

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

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

20       14 Effective Date.

21           I. Section 7 of this act shall take effect July 1, 2015.

22           II. The remainder of this act shall take effect 60 days after its passage.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-1068h

AMENDED ANALYSIS

This bill:

I. Codifies the salaries of certain unclassified positions.

II. Amends the title of a position in the department of administrative services.

III. Amends 2013, 205 to repeal references to the financial examinations supervisor position in the insurance department.



Rep. L. Ober, Hills 37  
February 26, 2015  
2015-0564h  
10/06

Draft Amendment to HB 2-FN-A-LOCAL

1           1 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as  
2 follows:

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

15           **III-a. No department, board, institution, commission, agency, or political**  
16 **subdivision shall assert the attorney-client privilege in response to a request for**  
17 **information or examination of operations, accounts, or records by the legislative budget**  
18 **assistant. The attorney-client privilege shall not be deemed waived by any department,**  
19 **board, institution, commission, agency, or political subdivision that provides attorney-**  
20 **client privileged materials to the legislative budget assistant pursuant to this section.**  
21 **Attorney-client communications obtained from any regulated entities shall not be disclosed**  
22 **to the legislative budget assistant.**

23           IV. All state departments, boards, institutions, commissions, agencies, and political  
24 subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the  
25 legislative budget assistant any information, including confidential **and privileged** information, he  
26 or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-  
27 a, and RSA 14:31-b, **including online access to such information in the state's integrated,**  
28 **multi-module, information technology system, and any related subsystems**, except that access  
29 to records, files, returns, or information deemed confidential information maintained by the  
30 department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If  
31 the legislative budget assistant requires access to confidential **or privileged** information, the state  
32 entity shall furnish the information~~[-, except for work papers as described in RSA 91-A:4, V].~~ In such



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

26 V. The commissioner of administrative services shall deliver to the legislative budget  
27 assistant the official financial information under the control of the commissioner as required by this  
28 section in a form unaltered from that which is finally reported in the *state's* integrated [financial],  
29 *multi-module, information technology* system, *including any related subsystems*. The  
30 approval of the governor, the speaker of the house of representatives, and the senate president shall  
31 be required for delivery of any other information, other than the official financial information  
32 required by this section. The right of access to information under this section shall not arise until  
33 after each transaction or event subject to RSA 91-A has taken place. Such information shall be  
34 provided to the legislative budget assistant in a mutually agreeable and compatible format at the  
35 end of each business day. The legislative budget assistant shall be subject to the provisions of  
36 RSA 21-I:13-a, II. This paragraph shall not be construed as granting the legislative budget assistant  
37 access to any information or any information system relative to the internal functions of the office of



1 the governor or any executive agency, department, board, commission, or institution [through the  
2 integrated financial system].

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



2015-0564h

AMENDED ANALYSIS

1. Clarifies state agency communications with the office of the legislative budget assistant.

Draft Amendment to HB 2-FN-A-LOCAL

1           1 Department of Administrative Services; Additional Purchasing Authority. Amend RSA 21-  
2 I:17-a, I to read as follows:

3           I. The director of procurement and support services may, upon written application of the  
4 governing board of any agency, authorize such governing board, or one or more individuals  
5 designated by such board, to purchase supplies for the agency directly from vendors by the use of  
6 field purchase orders, or by the use of procurement cards issued for that purpose; provided, however,  
7 that no such field purchase order or procurement card shall be used where a total expenditure of  
8 more than \$500 is involved *unless such use is otherwise allowed by law*. The form and use of  
9 such field purchase orders or procurement cards shall be prescribed by rules adopted by the  
10 commissioner of administrative services pursuant to RSA 541-A in consultation with the state  
11 treasurer, or in the department's manual of procedures described in RSA 21-I:14, I. Rules or  
12 procedures adopted by the commissioner relative to procurement cards shall include processes for  
13 monitoring the use of such cards. Procurement cards shall be used only for ~~[the]~~ state purposes  
14 ~~[permitted under this paragraph]~~. Unauthorized use of a procurement card may result in  
15 disciplinary action up to and including termination of employment. Any person who knowingly uses  
16 a procurement card in violation of this section shall be guilty of a misdemeanor. *Agencies' use of*  
17 *procurement cards shall be subject to the limitations of the amounts appropriated by the*  
18 *legislature.*

19           2 New Section; Use of Procurement Cards for Purchase of Commodities or Services. Amend  
20 RSA 21-I by inserting after section 17-c the following new section:

21           21-I:17-d Use of Procurement Cards for Purchase of Commodities or Services.

22           I. The director of procurement and support services may, upon written application of an  
23 agency, authorize the agency, or one or more individuals designated by the agency, to purchase  
24 commodities or services secured by or through the division using procurement cards issued for that  
25 purpose; provided, however, that no such card shall be used for an expenditure which is greater than  
26 the amount allowed by the division for purchases under the applicable contract, or the price allowed  
27 by the division for the commodity or service, and provided further that use of such cards shall be in  
28 accordance with paragraphs II and III.

29           II. Use of a procurement card under paragraph I shall not alter any other purchasing  
30 requirements which may apply to the agency or to the type of purchase at issue, including but not  
31 limited to any restrictions or limitations contained in contracts entered into by the division of  
32 procurement and support services and any processes, rules, or manual of procedures provisions

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 adopted by the department of administrative services which are applicable to the purchase.  
2 Agencies' use of procurement cards shall be subject to the limitations of the amounts appropriated by  
3 the legislature.

4 III. The form and use of credit cards to conduct or pay for purchases under paragraph I shall  
5 be prescribed by rules adopted by the commissioner of administrative services pursuant to RSA 541-  
6 A in consultation with the state treasurer, or in the department's manual of procedures described in  
7 RSA 21-1:14, I. Rules or procedures adopted by the commissioner shall include processes for  
8 monitoring the use of cards. Cards shall be used only for state purposes. Unauthorized use of a card  
9 may result in disciplinary action up to and including termination of employment. Any person who  
10 knowingly uses a card in violation of this section shall be guilty of a misdemeanor.

Amendment to HB 2-FN-A-LOCAL

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2015-0568h

AMENDED ANALYSIS

This bill limits the use of procurement cards for purchase of commodities or services by the department of administrative services.

Draft Amendment to HB 2-FN-A-LOCAL

1       \_\_ New Subparagraph; Medical and Surgical Benefits: Retiree Plan. Amend RSA 21-I:30, V by  
2 inserting after subparagraph (b) the following new subparagraph:  
3               (c) No retired employee or active employee may be enrolled in the retiree benefit plan  
4 under this section if otherwise enrolled in an active state employee benefit plan sponsored by the  
5 state.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0948h

AMENDED ANALYSIS

\_\_ 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.



Draft Amendment to HB 2-FN-A-LOCAL

1        1 Department of State. For the biennium ending June 30, 2017, and notwithstanding any other  
2 law to the contrary, the secretary of state shall have the authority to administer all elections-related  
3 responsibilities assigned to the department of state under RSA 5 and RSA 652 through 671, and  
4 pursuant to the New Hampshire constitution. This authority shall include the authority to hire staff  
5 as necessary to administer such responsibilities.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0889h

AMENDED ANALYSIS

1. Addresses the authority of the department of state to administer state elections laws.

Draft Amendment to HB 2-FN-A-LOCAL

1       1 Obtaining a Ballot; Proof of Identity; Photograph. Amend RSA 659:13, I(c)(2) to read as  
2 follows:

3               (2) If the voter executes a challenged voter affidavit, the moderator or the  
4 moderator's designee shall take a photograph of the voter and immediately print and attach the  
5 photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2  
6 inches, or larger, and *may* be in color *or in black and white*. The moderator or his or her designee  
7 who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator  
8 or designee shall delete the photograph from the camera in the presence of the voter. If the  
9 moderator or his or her designee is unable to take the voter's photograph due to equipment failure or  
10 other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute  
11 a challenged voter affidavit without a photograph.

12       2 Effective Date. This act shall take effect September 1, 2015, at 12:03 a.m.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-1001h

AMENDED ANALYSIS

Eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.

Draft Amendment to HB 2-FN-A-LOCAL

1       1 Voters and Checklists; Determining Qualifications of Applicants; Version Effective  
2 July 1, 2015. Amend RSA 654:12, V(c) to read as follows:

3           (c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b)  
4 that are returned as undeliverable by the United States Post Office to be referred to the attorney  
5 general. The secretary of state shall also prepare and forward to the attorney general a list of all  
6 persons who were mailed letters under subparagraph (b) and have not confirmed their registration.  
7 [~~Upon receipt of notice from a person who receives a letter of identity verification that the person did~~  
8 ~~not register and vote, or upon receipt of a referral from the secretary of state, the attorney general~~  
9 ~~shall cause an investigation to be made to determine whether fraudulent registration or voting~~  
10 ~~occurred.~~]

11       2 Voters and Checklists; Determining Qualifications of Applicants; Version Effective  
12 July 1, 2015. Amend RSA 654:12, V(e) to read as follows:

13           (e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d)  
14 that are returned as undeliverable by the United States Post Office to be referred to the attorney  
15 general [~~and the attorney general shall cause an investigation to be made to determine whether~~  
16 ~~fraudulent registration or voting occurred.~~]

17       3 Voters and Checklists; Determining Qualifications of Applicants; Version Effective  
18 July 1, 2017. Amend RSA 654:12, V(c) to read as follows:

19           (c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b)  
20 that are returned as undeliverable by the United States Post Office to be referred to the attorney  
21 general. The secretary of state shall also prepare and forward to the attorney general a list of all  
22 persons who were mailed letters under subparagraph (b) and have not confirmed their registration.  
23 *Upon receipt of notice from a person who receives a letter of identity verification that the*  
24 *person did not register and vote, or upon receipt of a referral from the secretary of state,*  
25 *the attorney general shall cause an investigation to be made to determine whether*  
26 *fraudulent registration or voting occurred.*

27       4 Voters and Checklists; Determining Qualifications of Applicants; Version Effective July 1,  
28 2017. Amend RSA 654:12, V(e) to read as follows:

29           (e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d)  
30 that are returned as undeliverable by the United States Post Office to be referred to the attorney

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 general *and the attorney general shall cause an investigation to be made to determine*  
2 *whether fraudulent registration or voting occurred.*

3 5 Effective Date.

4 I. Sections 1 and 2 of this act shall take effect July 1, 2015.

5 II. Sections 3 and 4 of this act shall take effect July 1, 2017.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-0954h

AMENDED ANALYSIS

This bill suspends the attorney general's responsibility to investigate fraudulent voter registration and fraudulent voting for the biennium ending June 30, 2017.

Draft Amendment to HB 2-FN-A-LOCAL

- 1        1 Obtaining a Ballot; Prospective Version; Effective Date Changed. Amend 2013, 278:5 and  
2 278:6 to read as follows:  
3        278:5 Voter Identification; Effective Date Extended. Amend 2012, 284:15, I to read as follows:  
4            I. Sections 7-13 of this act shall take effect [~~September 1, 2015~~] *July 1, 2017*.  
5        278:6 Voter Identification; Effective Date Extended. Amend 2012, 289:6, I to read as follows:  
6            I. Section 4 of this act shall take effect [~~September 1, 2015~~] *July 1, 2017*, at 12:01 a.m.  
7        2 Obtaining a Ballot; Prospective Version; Effective Date Changed. Amend 2013, 278:8, I to  
8 read as follows:  
9            I. Section 7 of this act shall take effect [~~September 1, 2015~~] *July 1, 2017*, at 12:02 a.m.  
10        3 Obtaining a Ballot; Prospective Version; Effective Date Changed. Amend 2014, 131:4, I to  
11 read as follows:  
12            I. Sections 2-3 of this act shall take effect [~~September 1, 2015~~] *July 1, 2017*, at 12:03 a.m.  
13        4 Obtaining a Ballot; Prospective Version; Effective Date Changed. Amend 2014, 319:19, I to  
14 read as follows:  
15            I. Section 6 of this act shall take effect [~~September 1, 2015~~] *July 1, 2017* at 12:02 a.m.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-1000h

AMENDED ANALYSIS

\_\_\_ Postpones the requirement that moderators photograph voters without identification to July 1, 2017.

Draft Amendment to HB 2-FN-A-LOCAL

1           1 New Paragraph; Commissioner of Revenue Administration; Authorization to Contract for  
2 Audit Services. Amend RSA 21-J:3 by inserting after paragraph XXX the following new paragraph:

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

7           2 New Subparagraph; Confidentiality; Disclosure to Multistate Tax Commission. Amend  
8 RSA 21-J:14, V by inserting after subparagraph (g) the following new subparagraph:

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

12           3 Effective Date. This act shall take effect upon its passage.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0926h

AMENDED ANALYSIS

\_\_\_\_. Authorizes the commissioner of revenue administration to contract with the Multistate Tax Commission to participate in audits.

Draft Amendment to HB 2-FN-A-LOCAL

- 1        1 Department of Revenue Administration; Appropriation. The sum of \$163,285 from the  
2 \$658,000 settlement agreement dated December 5, 2014 under the Merrimack River Valley flood  
3 control compact is hereby appropriated to the department of revenue administration. The governor  
4 is authorized to draw a warrant for the purpose of reimbursing towns for the Massachusetts share of  
5 the Merrimack River flood control compact and the Connecticut River flood control compact for state  
6 fiscal year 2013. The department shall distribute the moneys in the manner prescribed in  
7 RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The  
8 remainder of the settlement moneys shall lapse to the general fund.  
9        2 Effective Date. This act shall take effect June 30, 2015.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-0556h

AMENDED ANALYSIS

This bill 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.

Draft Amendment to HB 2-FN-A-LOCAL

1           1 Flood Control; Reimbursement of Cities and Towns. Amend RSA 122:4, I to read as follows:  
2           I. On a date not later than 30 days following the establishment and approval of tax rates for  
3 each city and town affected by and subject to the provisions of this chapter, the state treasurer shall  
4 pay to each town and city in which any taxable real estate or interest therein has been acquired  
5 under this chapter by the United States and thus become tax exempt for such year, *excluding*  
6 *property acquired under the interstate flood compacts contained in RSA 484:1 and RSA*  
7 *484:7*, a sum equal to the taxes which would have been assessed against the real estate or interest  
8 therein in such town or city if the same had been included in the list of taxable property as proposed  
9 by the commissioner of revenue administration in RSA 122:6. For land acquired by the United  
10 States under this chapter, reimbursement shall be made upon a valuation determined as provided  
11 herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate  
12 on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be  
13 land hereunder. For all artificial improvements on land acquired by the United States under this  
14 chapter, including buildings, structures and other artificial real estate fixtures of any kind,  
15 reimbursement shall be made upon a valuation determined initially as provided herein and  
16 thereafter annually reduced by 2- 1/2 percent so that at the end of 40 years reimbursement therefor  
17 shall have terminated. On land and improvements thereon acquired by the United States under this  
18 chapter the initial assessed valuation of the land and improvements for purposes of reimbursement  
19 shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the  
20 assessors and the commissioner of revenue administration acting as a joint board, so as to make such  
21 valuation proportional to the value of all other property in such town or city subject to taxation. For  
22 purposes of this section the joint board may subdivide such assessment equitably between land and  
23 improvements thereon or between real estate acquired and that not acquired, if the official  
24 assessment was not thus subdivided. The valuations of improvements thus determined shall  
25 thereafter be annually reduced over a 40-year period as above provided. On land, and artificial  
26 improvements, the valuations initially established as above provided in a town or city shall be  
27 reviewed by the commissioner at least once in every 5 years and more frequently if reasonably  
28 necessary and be changed as necessary to make them proportional with the assessed value of all  
29 other taxable property in such town or city. The amount of the reimbursement due to each town and  
30 city hereunder shall be determined by the commissioner and certified by it to the state treasurer not  
31 later than 30 days following the establishment and approval of the tax rates of each town and city



1 under this chapter. The commissioner shall reduce the amount of reimbursement thus determined  
2 by any amount paid or due that town or city for that year by or from the United States, another  
3 state, [an interstate flood control agency] or other source, because of such loss of taxable valuation.  
4 [~~The governor is authorized to draw a warrant for the payment of such reimbursements out of any~~  
5 ~~money in the treasury not otherwise appropriated.~~] Provided, however, that reimbursement  
6 payments for loss of taxes on account of the acquisition of railroad or public utility property shall be  
7 reduced to the extent that such railroad or public utility property is relocated and reconstructed in  
8 the same town or city as a result of such acquisition, and thereby is included to that extent in the list  
9 of taxable property in said town or city as relocated.

10 2. New Paragraphs; Flood Control; Reimbursement to Cities and Towns. Amend RSA 122:4 by  
11 inserting after paragraph II the following new paragraphs:

12 III. The commissioner of the department of revenue administration shall determine the  
13 amount owed to cities and towns under the Connecticut River Valley flood control compact under  
14 RSA 484:1 and the Merrimack River Valley flood control compact under RSA 484:7. The department  
15 shall pay to cities and towns affected by the compacts the New Hampshire share of payments owed  
16 under the compacts, which shall be equal to 10 percent of the total amount owed to cities and towns  
17 under the Connecticut River Valley flood control compact and 30 percent of the total amount owed to  
18 cities and towns under the Merrimack River Valley flood control compact. The governor is  
19 authorized to draw a warrant for sums sufficient to make such payments out of any money in the  
20 treasury not otherwise appropriated. The department shall not pay to cities and towns the share of  
21 payments owed by Massachusetts or Connecticut unless payment is received from those states, in  
22 which case the department shall distribute payment to cities and towns in accordance with  
23 paragraph IV.

24 IV. The department of revenue administration shall distribute to cities and towns affected  
25 by the Merrimack River Valley and Connecticut River Valley flood control compacts any money  
26 received from the Commonwealth of Massachusetts and the state of Connecticut under the compacts.  
27 The department shall distribute such money to cities and towns on a pro rata basis, based on the  
28 amounts owed to cities and towns as determined by the department in accordance with paragraph  
29 III. The department shall make such payments within 30 days of receipt of any money received.

2015-0890h

AMENDED ANALYSIS

1. Requires the department of revenue administration to pay cities and towns affected by the Merrimack River Valley and Connecticut River Valley flood control compacts the New Hampshire share of payments owed and to distribute to such towns money received from Massachusetts and Connecticut under the compacts.

Rep. L. Ober, Hills. 37  
March 13, 2015  
2015-0883h  
03/09

Draft Amendment to HB 2-FN-A-LOCAL

1       \_\_ Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The  
2 provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the  
3 department of resources and economic development, division of travel and tourism development, are  
4 hereby suspended for the biennium ending June 30, 2017.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0883h

AMENDED ANALYSIS

\_\_ Suspends the credit of meals and rooms tax revenue to the division of travel and tourism.

Draft Amendment to HB 2-FN-A-LOCAL

- 1        1 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year  
2 ending June 30, 2017, the state shall reimburse the sheriff's office for court security at the rates  
3 provided in the collective bargaining agreement applicable to per diem court security officers  
4 employed by the judicial branch to attend any official business, for any person employed as a bailiff  
5 by the sheriff's office, provided the sheriff shall have entered a memorandum of understanding with  
6 the judicial branch addressing the sheriff's responsibilities, bailiffs' duties and training and  
7 certification requirements, staffing requirements and emergency plans for each courthouse, security  
8 incident reporting, and equipment responsibilities.
- 9        2 Effective Date. This act shall take effect July, 1, 2016.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0888h

AMENDED ANALYSIS

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.

Draft Amendment to HB 2-FN-A-LOCAL

1       1 Entry Fees; Pro Hac Vice. Amend RSA 490:24,I to read as follows:

2           I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved  
3 case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other  
4 document supplementary to the entered case, and for any service rendered by the clerk, such fees as  
5 shall from time to time be established by the court. The clerk shall set aside 6 percent of each entry  
6 fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and  
7 30 percent of each entry fee paid into the court for deposit into the judicial branch information  
8 technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court  
9 pro hac vice shall be paid *with 50 percent deposited* into the law library revolving fund established  
10 in RSA 490:25, III *and 50 percent deposited into the general fund.*

11       2 Judicial Branch Family Division Clerks; Fees. Amend RSA 490-D:12, II to read as follows:

12           II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
13 the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set  
14 aside 6 percent of each entry fee paid into the court for deposit into a special escrow account  
15 established under RSA 490:26-c and 30 percent of each entry fee paid into the court for deposit into  
16 the judicial branch information technology fund established under RSA 490:26-h. The proceeds of  
17 fees for motions to appear in court pro hac vice shall be paid *with 50 percent deposited* into the  
18 law library revolving fund established in RSA 490:25, III *and 50 percent deposited into the*  
19 *general fund.*

20       3 Superior Court Fees. Amend RSA 499:18 to read as follows:

21           II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of  
22 the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set  
23 aside 6 percent of each entry fee paid into the court for deposit into a special escrow account  
24 established under RSA 490:26-c and 30 percent of each entry fee paid into the court for deposit into  
25 the judicial branch information technology fund established under RSA 490:26-h. The proceeds of  
26 fees for motions to appear in court pro hac vice shall be paid *with 50 percent deposited* into the  
27 law library revolving fund established in RSA 490:25, III *and 50 percent deposited into the*  
28 *general fund.*

29       4 District Court Fees. Amend RSA 502-A:28, II to read as follows:

30           II. The clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a  
31 special escrow account established under RSA 490:26-c and 30 percent of each entry fee paid into the  
32 court for deposit into the judicial branch information technology fund established under RSA 490:26-

1 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid *with 50 percent*  
2 *deposited* into the law library revolving fund established in RSA 490:25, III *and 50 percent*  
3 *deposited into the general fund.*

4 5 Probate Court Entry Fees. Amend RSA 547:27-c, II to read as follows:

5 II. The clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a  
6 special escrow account established under RSA 490:26-c and 30 percent of each entry fee paid into the  
7 court for deposit into the judicial branch information technology fund established under RSA 490:26-

8 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid *with 50 percent*  
9 *deposited* into the law library revolving fund established in RSA 490:25, III *and 50 percent*  
10 *deposited into the general fund.*

2015-0571h

AMENDED ANALYSIS

This bill directs half of certain fees collected by the courts to the general fund.



1 felonies first project.

2 V. During the implementation of the felonies first project, this chapter shall supersede any  
3 statutory references to the filing of felony charges in circuit court district division or other statutes  
4 that are inconsistent with this chapter.

5 VI. Prior to the implementation of this chapter in counties other than Cheshire county and  
6 Strafford county, the supreme court shall issue a report on the implementation of this chapter to the  
7 senate president, the speaker of the house of representatives, and the chairpersons of the senate and  
8 house judiciary committees. Beginning January 1, 2017 and ending in January, 2020, the supreme  
9 court shall issue an annual report on the implementation of this chapter to the senate president, the  
10 speaker of the house, and the chairpersons of the senate and house judiciary committees

11 592-B:3 Commencement of Criminal Proceeding.

12 I. Criminal proceedings in superior court shall be commenced by the filing of a complaint by  
13 the attorney general, county attorney or the county attorney's designee, or by indictment by the  
14 grand jury. If a complaint is filed, the accused shall subsequently be indicted by a grand jury or  
15 waive grand jury indictment pursuant to RSA 601:2 for the case to proceed.

16 II. The complaint shall be addressed to the court and shall set forth by name or  
17 description the party accused and the offense charged. The description of an accused may  
18 include an identifiable ridge skin impression or a DNA profile. A complaint that contains only  
19 an identifiable ridge skin impression or DNA profile, and that alleges one or more of the  
20 following offenses shall, upon its filing, toll the applicable statute of limitations under RSA 625:8  
21 for:

- 22 (a) Capital murder under RSA 630:1.
- 23 (b) First degree murder under RSA 630:1-a.
- 24 (c) Second degree murder under RSA 630:1-b.
- 25 (d) Manslaughter under RSA 630:2.
- 26 (e) Negligent homicide under RSA 630:3.
- 27 (f) First degree assault under RSA 631:1.
- 28 (g) Second degree assault under RSA 631:2.
- 29 (h) Aggravated felonious sexual assault under RSA 632-A:2.
- 30 (i) Felonious sexual assault under RSA 632-A:3.
- 31 (j) Kidnapping under RSA 633:1.
- 32 (k) Arson under RSA 634:1, I-III.
- 33 (l) Robbery under RSA 636:1.

34 592-B:4 Warrants. A justice of the peace or justice of the superior or circuit court, upon such  
35 complaint or indictment, may issue a warrant for the arrest of the person so charged with an offense  
36 committed or triable in the county, directed to the sheriff of any county or his deputy or to any  
37 constable or police officer of any town in the county.



1 592-B:5 When Warrants Returnable to Superior Court. If such warrant is issued, it shall be  
2 made returnable before the superior court having jurisdiction over the case and not elsewhere.

3 592-B:6 Discovery.

4 I. Prior to indictment, the accused shall have the same rights to discovery and deposition as  
5 the accused has subsequent to indictment, provided that all judicial proceedings with respect thereto  
6 shall be within the jurisdiction of the superior court, and notice of petition and hearing shall be given  
7 to the county attorney, or to the attorney general if the attorney general shall have entered the case.

8 II. For incarcerated defendants, the state shall provide or make available to defense counsel  
9 copies of all discovery in its possession, no more than 10 calendar days after the arraignment of the  
10 defendant, unless otherwise ordered by the court. For non-incarcerated defendants, the state shall  
11 provide or make available to defense counsel copies of all discovery in its possession, no more than 20  
12 calendar days after the arraignment of the defendant, unless otherwise ordered by the court. The  
13 state may request an extension of the discovery deadlines for complex case types.

14 III. The state shall have a continuing obligation to provide discovery to defendants as it  
15 becomes available.

16 592-B:7 Probable Cause.

17 I. A defendant may challenge probable cause during the period from arrest to indictment by  
18 motion requesting a probable cause hearing under the following conditions:

19 (a) A complaint has been filed in superior court;

20 (b) The defendant has not been indicted by the grand jury; and

21 (c) The defendant asserts a claim that a material element of the charge is without  
22 factual basis or that the charge is legally insufficient to constitute a felony offense.

23 II. Upon review of the motion, the court shall determine whether a hearing is necessary to  
24 assist the court in its determination of probable cause. If a hearing is scheduled, it shall be held as  
25 soon as the court docket permits, but in any event within 10 days of the filing of the motion if the  
26 defendant is incarcerated and within 20 days of the filing of the motion if the defendant is not  
27 incarcerated.

28 III. If an arrest is supported by an affidavit that was filed under seal, and the affidavit  
29 remains under seal at the time of the request for a probable cause hearing, a hearing shall be  
30 scheduled.

31 IV. If a hearing is held, the state shall bear the burden of proving there is probable cause to  
32 believe that a felony has been committed and that the person charged has committed it. At the  
33 hearing, the defendant may cross-examine witnesses and present evidence.

34 3 Competency; Commitment for Evaluation. Amend RSA 135:17, I(a)-(b) to read as follows:

35 I.(a) When a person is charged or indicted for any offense, or is ~~[bound over by any district or~~  
36 ~~superior court to await]~~ **awaiting** the action of the grand jury **on any felony**, the ~~[district]~~ **circuit** or  
37 superior court before which he or she is to be tried, if a plea of insanity is made in court, or said court is

1 notified by either party that there is a question as to the competency or sanity of the person, may make  
2 such order for a pre-trial examination of such person by a qualified psychiatrist or psychologist on the  
3 staff of any public institution or by a private qualified psychiatrist or psychologist as the circumstances  
4 of the case may require, which order may include, though without limitation, examination at the  
5 secure psychiatric unit on an out-patient basis, the utilization of local mental health clinics on an in- or  
6 out-patient basis, or the examination of such person, should he or she be incarcerated for any reason,  
7 at his or her place of detention by qualified psychiatrists or psychologists assigned to a state or local  
8 mental health facility. Such pre-trial examination shall be completed within 45 days in the case of a  
9 person being held at a county correctional facility, otherwise 90 days after the date of the order for such  
10 examination, unless either party requests an extension of this period. For the purposes of this  
11 paragraph and RSA 135:17-a, III, "qualified" means board-eligible or board-certified in forensic  
12 psychiatry or psychology, or demonstrated competence and experience in completing court-ordered  
13 forensic criminal evaluations. A licensed out-of-state psychiatrist or psychologist who meets the  
14 definition of qualified may also conduct evaluations under this paragraph and RSA 135:17-a, III.

15 (b) In cases where the person is being held at a county correctional facility *or the New*  
16 *Hampshire state prison*, the facility may request a pre-trial examination of such person for the  
17 purpose of determining if the person is competent to stand trial. Such request shall be reviewed, and  
18 a decision rendered by the district or superior court before which he or she is to be tried.

19 4 Competency; Commitment for Evaluation. Amend the introductory paragraph of RSA 135:17,  
20 II to read as follows:

21 II. The [~~district~~] *circuit* or superior court may allow the parties to obtain separate  
22 competency evaluations if such request is made and the circumstances require it. The competency  
23 evaluations shall address:

24 5 Study, Treatment and Care of Inebriants; Acceptance and Admissions. Amend RSA 172:13, II  
25 to read as follows:

26 II. When a person is indicted for any felony[~~; is bound over by any district or municipal court~~  
27 ~~to await~~] *or is awaiting* the action of the grand jury on any felony, or is charged with a  
28 misdemeanor, and question as to the drug or alcohol dependency of the person is raised by either  
29 party, any justice of the superior[~~; district~~] or [~~municipal~~] *circuit* court *having jurisdiction over*  
30 *the matter* may, after hearing, order such person to be examined in accordance with the  
31 instructions of the commissioner to determine whether said person is drug or alcohol dependent.  
32 The commissioner shall report the results of the examination and his findings to the court in writing.

33 6 Jurisdiction and Procedure Generally; Superior Court. Amend RSA 592-A:1 to read as follows:  
34 592-A:1 Superior Court. The superior court has jurisdiction of all criminal cases and  
35 proceedings; but it may dismiss a prosecution originally begun therein which is within the  
36 jurisdiction of a [~~district or municipal~~] *circuit* court.

37 7 Search Warrants; Requisites of Warrant. Amend RSA 595-A:2 to read as follows:

1 595-A:2 Requisites of Warrant. Search warrants shall designate or describe the person,  
2 building, vessel, or vehicle to be searched and shall particularly describe the property or articles to  
3 be searched for. They shall be substantially in the form prescribed in RSA 595-A:3 and shall be  
4 directed to a sheriff or his deputy or to a constable or police officer, commanding him to search in the  
5 daytime, or if the warrant so directs, in the nighttime, the person, building, vessel, or vehicle where  
6 the property or articles for which he is required to search are believed to be concealed, and to bring  
7 such property or articles when found, and the persons in whose possession they are found, before any  
8 ~~[district]~~ *circuit* or ~~[municipal]~~ *superior* court named therein.

9 8 Preliminary Examinations; Adjournments. Amend RSA 596-A:1 to read as follows:

10 596-A:1 Adjournments. When an accused person is brought before a ~~[district or municipal]~~  
11 *circuit* court, upon a warrant or complaint, for trial ~~[or preliminary examination]~~, the proceedings  
12 may be adjourned for cause, from time to time, as shall be adjudged reasonable, and the accused may  
13 be detained in custody, or required to recognize, with or without sureties, for ~~[his]~~ *the accused's*  
14 appearance, as the nature of the case may require.

15 9 Bail and Recognizances; Probationees and Parolees. Amend RSA 597:1-d, I to read as follows:

16 I. If there is a judicial finding of probable cause to believe that a person has committed a  
17 violation of RSA 630, RSA 631, RSA 632-A:2-4 or RSA 633:1-3 from an arrest warrant affidavit ~~[or an~~  
18 ~~affidavit issued pursuant to district court administrative order number 91-03 or any other district~~  
19 ~~court administrative order which supersedes it]~~ and the person is on probation or parole for a  
20 conviction of a violent crime listed in RSA 651:4-a or a substantially similar crime in any state or  
21 federal court in this or any other state, the District of Columbia, the Commonwealth of Puerto Rico, or  
22 any territory or possession of the United States, it is presumed that release on bail and imposition of  
23 any condition or set of conditions listed in RSA 597:2 will not reasonably assure the appearance of the  
24 person as required and will endanger the safety of the person or of any other person or the community.

25 10 Bail and Recognizances; When Requirable. Amend RSA 597:5 to read as follows:

26 597:5 When Requirable. Every court and justice may, when a person is accused of an offense in  
27 which said court or justice is authorized to receive bail, release said person on personal recognizance  
28 or require ~~[him]~~ *said person* to recognize, with sureties, to appear at a future time before ~~[himself]~~  
29 *said court or justice* or any other competent tribunal. *Bail in felony cases is returnable only to*  
30 *the superior court.*

31 11 Chapter Heading. Amend the chapter heading of RSA 599 to read as follows:

32 CHAPTER 599

33 APPEALS FROM CONVICTIONS IN ~~[MUNICIPAL OR DISTRICT]~~ *CIRCUIT* COURT

34 12 Appeals From Convictions in Circuit Court. Amend RSA 599:1 to read as follows:

35 599:1 Appeals. A person convicted by a ~~[district]~~ *circuit* court of a class A misdemeanor, at the  
36 time the sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior  
37 court, which shall hear the appeal. The appeal shall be entered by the defendant at the next return

1 day unless for good cause shown the time is extended by the superior court. If, after a jury trial in  
2 the superior court, the defendant is found guilty, the superior court shall sentence the defendant,  
3 and the defendant may appeal questions of law arising therefrom to the supreme court. In the event  
4 the defendant waives the right to jury trial after the case has been appealed, the superior court shall  
5 forthwith remand the case to the [district] *circuit* court for imposition of the sentence originally  
6 imposed by the [district] *circuit* court, and the defendant may appeal questions of law arising  
7 therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court ~~or~~  
8 ~~in which defendants are bound over~~, it shall be the duty of the superior court to transmit to the  
9 justice of the [district] *circuit* court, within 10 days after the case is finally disposed of, a certificate  
10 showing the final disposition of the case.

11 13 Indictments, Informations, and Complaints; Waiving Indictment. Amend RSA 601:2 to read  
12 as follows:

13 601:2 Waiving Indictment. Any person who has been ~~bound over or~~ committed by a justice ~~or~~  
14 ~~district or municipal court under the provisions of RSA 592-A:4 or 6~~ for trial in the superior court  
15 upon a complaint charging a crime not punishable by death, and who desires to waive indictment,  
16 ~~[may apply in writing to the superior court for prompt arraignment upon such complaint]~~ **shall**  
17 **notify the court.** Upon ~~[the filing of such an application,]~~ **such notification, the attorney**  
18 **general or** the county attorney may, with the approval of the court, proceed against the defendant  
19 by complaint, and in such case ~~[he]~~ **the defendant** shall be held to answer and the court shall have  
20 as full jurisdiction of the complaint as if an indictment had been found. The arraignment of the  
21 defendant shall be at such time as the court may designate. Every person when so committed ~~or~~  
22 ~~bound over~~ upon such a complaint shall be notified by the court of his right to apply for waiver of  
23 indictment and prompt arraignment as aforesaid.

24 14 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a to read as  
25 follows:

26 594:20-a Place and Time of Detention.

27 I. When a person is arrested with or without a warrant he or she may be committed to a  
28 county correctional facility, to a police station or other place provided for the detention of offenders,  
29 or otherwise detained in custody; provided, however, that he or she shall be taken before a [district]  
30 ***circuit court, or a superior court in the case of felony complaints and misdemeanors and***  
31 ***violation level charges that are directly related to those felonies,*** without unreasonable delay,  
32 but not exceeding 24 hours, Saturdays, Sundays, and holidays excepted, to answer for the offense.

33 II. Notwithstanding the provisions of paragraph I, defendants detained under RSA 173-B  
34 shall have timely access to a bail hearing by telephonic means or otherwise as determined by the  
35 [district] *circuit court or the superior court in the case of felony complaints and*  
36 ***misdemeanors and violation level charges that are directly related to those felonies.***

37 15 Indictments, Informations, and Complaints; Additional Charges. Amend RSA 601:3 to read

1 as follows:

2 601:3 Additional Charges. If the *attorney general or the* county attorney desires to charge a  
3 defendant making application under RSA 601:2 with a crime or crimes not punishable by death  
4 other than a crime charged in the complaint upon which the defendant has been committed [~~or~~  
5 ~~bound over~~], the *attorney general or the* county attorney may, before consenting to such  
6 application, prepare a complaint or complaints charging such other crime or crimes and serve the  
7 same upon the defendant in order that he may have an opportunity to waive indictment upon such  
8 other charges. [~~If an application for waiver of indictment as to any such other charge is~~  
9 ~~subsequently filed, the court shall, before approving such application, require an affidavit of service~~  
10 ~~upon the defendant as part of the record of the case.] The superior court shall by rule establish  
11 forms for application to waive indictment under this chapter and may by rule make such other  
12 regulations of procedure under this chapter as justice may require.~~

13 16 Repeal. The following are repealed:

- 14 I. RSA 502-A:13, relative to binding over by district court.  
15 II. RSA 592-A:4, relative to binding over by justice.  
16 III. RSA 596-A:2, relative to the record in preliminary examinations.  
17 IV. RSA 596-A:3, relative to caution to accused in preliminary examinations.  
18 V. RSA 596-A:4, relative to procedure in preliminary examinations.  
19 VI. RSA 596-A:5, relative to testimony of the accused in preliminary examinations.  
20 VII. RSA 596-A:6, relative to excluding witnesses in preliminary examinations.  
21 VIII. RSA 596-A:7 relative to commitment and bail in preliminary examinations.  
22 IX. RSA 597:6 relative to appearance at superior court.  
23 X. RSA 597:11 relative to copies and binding over.  
24 XI. RSA 604:1-a relative to discovery in criminal matters.

25 17 Application; Contingency. Sections 1-16 of this act shall take effect on January 1, 2016 in  
26 Cheshire county and Strafford county. This act shall take effect in the remaining counties as of the  
27 date set forth in an order of the supreme court as provided for in RSA 592-B:2, II, which order shall  
28 be issued at least 90 days prior to the effective date of the act in a particular county. The repeals in  
29 section 15 of this act shall take effect on the date on which this act is effective for all counties. In  
30 addition to such other notice as the supreme court deems necessary, the court shall send copies of its  
31 orders implementing this act in counties other than Cheshire and Strafford to the secretary of state  
32 and the director of legislative services.

33 18 Effective Date. This act shall take effect January 1, 2016.

2015-0907h

AMENDED ANALYSIS

\_\_\_\_\_ Makes changes in criminal procedure laws to require felonies to be filed first in the superior court.

Draft Amendment to HB 2-FN-A-LOCAL

1           1 Pistols and Revolvers; Armed Career Criminals. Amend RSA 159:3-a, II-III to read as follows:

2           II. Any person who violates paragraph I shall be guilty of a felony and, notwithstanding  
3 RSA 651:2, II, shall be sentenced to a ~~[minimum mandatory term of 10 years imprisonment and a]~~  
4 maximum term of imprisonment of not more than 40 years and shall be fined not more than \$25,000.

5           III. Notwithstanding any other provision of law, neither the whole, nor any part of the  
6 ~~[minimum mandatory]~~ sentence provided under paragraph II shall be served concurrently with any  
7 other term, nor shall the whole or any part of such additional term of imprisonment be suspended or  
8 deferred. No action brought to enforce sentencing under this section shall be continued for  
9 sentencing, nor shall the provisions of RSA 651:20 relative to suspensions or RSA 651-A relative to  
10 parole apply to any sentence of imprisonment imposed.

11           2 Habitual Offenders; Penalty. Amend RSA 262:23 to read as follows:

12           262:23 Penalty.

13           I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state  
14 while an order of the director or the court prohibiting such driving remains in effect. If any person  
15 found to be an habitual offender under the provisions of this chapter is convicted of driving a motor  
16 vehicle on the ways of this state while an order of the director or the court prohibiting such operation  
17 is in effect, he or she shall be guilty of a felony and sentenced, notwithstanding the provisions of  
18 RSA title LXII, to imprisonment for not ~~[less than one year nor]~~ more than 5 years. No ~~[portion of~~  
19 ~~the minimum mandatory sentence shall be suspended, and no]~~ case brought to enforce this chapter  
20 shall be continued for sentencing; provided, however, that any sentence or part thereof imposed  
21 pursuant to this section may be suspended in cases in which the driving of a motor vehicle was  
22 necessitated by situations of apparent extreme emergency which required such operation to save life  
23 or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a  
24 county correctional facility. The sentencing court may order that any such offender may serve his or  
25 her sentence under home confinement pursuant to RSA 651:19 based on the rules and regulations of  
26 the county correctional facility where the sentence is to be served ~~[for the minimum mandatory term~~  
27 ~~or any portion thereof]~~, provided the offender first serves 14 consecutive days of imprisonment prior  
28 to eligibility for home confinement. Habitual offenders shall only be eligible for the home  
29 confinement program once per lifetime. Any sentence of more than one year imposed pursuant to  
30 this paragraph shall be served in the state prison.

31           II. For the purpose of enforcing this section, in any case in which the accused is charged with  
32 driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked, or is

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 charged with driving without a license, the court before hearing such charge shall determine  
2 whether such person has been held an habitual offender and by reason of such holding is barred from  
3 driving a motor vehicle on the ways of this state. For the purposes of this section, in determining  
4 whether the person has been held an habitual offender and by reason of such holding is barred from  
5 driving a motor vehicle on the ways of this state, a certified copy of the individual's motor vehicle  
6 record on file with the division shall be as competent evidence in any court within this state as the  
7 original record would be if produced by the director as legal custodian thereof.

8 III. ~~[Notwithstanding paragraph I, any person who qualifies under RSA 259:39 shall not be~~  
9 ~~subject to the minimum mandatory provisions of paragraph I if, and only if, that person's~~  
10 ~~certification was not based on any conviction under RSA 265-A:2, I or any misdemeanor or felony~~  
11 ~~motor vehicle conviction pursuant to RSA title XXI, and that person has not been convicted of any~~  
12 ~~such offense, or any reasonably similar offense in any jurisdiction within the United States and~~  
13 ~~Canada, since the date of the certification; provided, however, that any such person shall be guilty of~~  
14 ~~a class A misdemeanor and may be sentenced to one year or less.] Any person incarcerated upon the~~  
15 effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39,  
16 who does not have a conviction under RSA 265-A:2, I involving a vehicle or any misdemeanor or  
17 felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior  
18 court for sentence review and reduction.

19 3 License Suspension and Revocation; Driving After Revocation or Suspension. Amend  
20 RSA 263:64, IV to read as follows:

21 IV. Any person who violates this section by driving or attempting to drive a motor vehicle or  
22 by operating or attempting to operate an OHRV or snowmobile in this state during the period of  
23 suspension or revocation of his or her license or driving privilege for a violation of RSA 265:79 or an  
24 equivalent offense in another jurisdiction shall be guilty of a misdemeanor. Any person who violates  
25 this section by driving or attempting to drive a motor vehicle or by operating or attempting to  
26 operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or  
27 her license or driving privilege for a violation of RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II,  
28 RSA 265:82, or RSA 265:82-a or an equivalent offense in another jurisdiction shall be guilty of a  
29 misdemeanor and shall be sentenced to imprisonment for a period not [less] **more** than 7 consecutive  
30 24-hour periods to be served within 6 months of the conviction, shall be fined not more than \$1,000,  
31 and shall have his or her license or privilege revoked for an additional year. ~~[No portion of the~~  
32 ~~minimum mandatory sentence of imprisonment shall be suspended by the court.] No case brought to~~  
33 enforce this paragraph shall be continued for sentencing for longer than 35 days. ~~[No person serving~~  
34 ~~the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority~~  
35 ~~granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any~~  
36 ~~manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum~~  
37 ~~mandatory sentence under any authority granted by title LXII or any other provision of law.]~~



1 4 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, I(c)(3)  
2 to read as follows:

3 (3) Sentenced to [~~a mandatory sentence of not less~~] **not more** than 35 consecutive  
4 days in the county correctional facility, of which 21 shall be suspended. The court shall refer the  
5 person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the  
6 suspension shall be that upon release from serving the 14 days in the county correctional facility, the  
7 person shall schedule a substance use disorder evaluation within 30 days of release, complete the  
8 required substance use disorder evaluation within 60 days of release, and comply with the service  
9 plan developed. The IDCMP shall administer the substance use disorder evaluation and shall  
10 develop the service plan from that substance use disorder evaluation. Any portion of the suspended  
11 sentence to the county correctional facility may be imposed if the defendant does not comply with all  
12 of the requirements of this subparagraph or becomes noncompliant with the service plan during the  
13 suspension period;

14 5 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, IV(a)-  
15 (b) to read as follows:

16 (a) For a second offense:

17 (1) The person shall be guilty of a class A misdemeanor;

18 (2) The person shall be fined not less than \$750;

19 (3)(A) If the complaint alleges that the prior conviction occurred within 2 years  
20 preceding the date of the second offense, the person shall be sentenced to [~~a mandatory sentence of~~  
21 ~~not less~~] **not more** than 60 consecutive days in the county correctional facility, of which 30 days  
22 shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use  
23 disorder evaluation. A condition of the suspension shall be that upon release from serving the 30  
24 days in the county correctional facility, the person shall schedule a substance use disorder evaluation  
25 within 30 days of release, complete the required substance use disorder evaluation within 60 days of  
26 release, and comply with the service plan developed. The IDCMP shall administer the substance use  
27 disorder evaluation and shall develop the service plan from that substance use disorder evaluation.  
28 Any portion of the suspended sentence to the county correctional facility may be imposed if the  
29 defendant does not comply with all of the requirements of this subparagraph or becomes  
30 noncompliant with the service plan during the suspension period;

31 (B) If the complaint alleges that the prior conviction occurred more than 2 but  
32 not more than 10 years preceding the date of the second offense, the person shall be sentenced to [~~a~~  
33 ~~mandatory sentence of not less~~] **not more** than 17 consecutive days in the county correctional  
34 facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to  
35 schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon  
36 release from serving the 5 days in the county correctional facility, the person shall schedule a  
37 substance use disorder evaluation within 30 days of release, complete the required substance use

1 disorder evaluation within 60 days of release, and comply with the service plan developed. The  
2 IDCMP shall administer the substance use disorder evaluation and shall develop the service plan  
3 from that substance use disorder evaluation. Any portion of the suspended sentence to the county  
4 correctional facility may be imposed if the defendant does not comply with all of the requirements of  
5 this subparagraph or becomes noncompliant with the service plan during the suspension period; and

6 (4) The person's driver's license or privilege to drive shall be revoked for not less  
7 than 3 years. The person's driver's license or privilege to drive shall not be restored by the  
8 department until the person shall have completed the service plan developed by the IDCMP, and  
9 paid all relevant fees.

10 (b) For a third offense, any person convicted under this paragraph shall be subject to all  
11 the penalties of subparagraph (a) except that:

12 (1) The person's driver's license or privilege to drive shall be revoked indefinitely and  
13 shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the  
14 person may petition the court for eligibility to reapply for a driver's license and the court, for good  
15 cause shown, may grant such eligibility subject to such terms and conditions as the court may  
16 prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If  
17 such petition is granted and the person is otherwise eligible for license restoration, the person may  
18 then apply to the director for restoration of driver's license, but the license shall not be restored until  
19 all requirements under law are met. The person's driver's license or privilege to drive shall not be  
20 restored by the department until the person shall have completed the service plan developed by the  
21 IDCMP, and paid all relevant fees.

22 (2) The person shall be sentenced to [~~a mandatory sentence of not less~~] *not more*  
23 than 180 consecutive days of which 150 shall be suspended. The court shall refer the person to an  
24 IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be  
25 that upon release from serving the 30 days in the county correctional facility, the person shall  
26 schedule a substance use disorder evaluation within 30 days of release, complete the required  
27 substance use disorder evaluation within 60 days of release, and comply with the service plan  
28 developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the  
29 service plan from that substance use disorder evaluation. Any portion of the suspended sentence to  
30 the county correctional facility may be imposed if the defendant does not comply with all of the  
31 requirements of this subparagraph or becomes noncompliant with the service plan during the  
32 suspension period. The remainder of the sentence may be deferred for a period of up to 2 years. The  
33 court may, at the satisfactory completion of any required treatment, suspend any remaining deferred  
34 sentence.

35 6 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, VII to  
36 read as follows:

37 VII. [~~No portion of the minimum mandatory sentence of imprisonment and no portion of the~~

1 ~~mandatory sentence of the period of revocation and no portion of any fine imposed under this section~~  
2 ~~shall be suspended or reduced by the court.]~~ No case brought to enforce this section shall be  
3 continued for sentencing for longer than 35 days. [~~No person serving the minimum mandatory~~  
4 ~~sentence under this section shall be discharged pursuant to authority granted under RSA 651:18,~~  
5 ~~released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in~~  
6 ~~RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any~~  
7 ~~authority granted by RSA title LXII or any other provision of law.]~~

8 7 Controlled Drug Act; Penalties. Amend RSA 318-B:26, V-VI to read as follows:

9 V. Any person who violates this chapter by manufacturing, selling, prescribing,  
10 administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled  
11 drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private  
12 elementary, secondary, or secondary vocational-technical school, may be sentenced to a term of  
13 imprisonment or fine, or both, up to twice that otherwise authorized by this section. [~~Except to the~~  
14 ~~extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under~~  
15 ~~this paragraph shall include a mandatory minimum term of imprisonment of not less than one year.~~  
16 ~~Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph~~  
17 ~~shall be suspended or reduced.]~~

18 VI. Except as otherwise provided in this paragraph, a person convicted under RSA 318-B:2,  
19 XII as a drug enterprise leader [~~shall be sentenced to a mandatory minimum term of not less than 25~~  
20 ~~years and]~~ may be sentenced to a maximum term of not more than life imprisonment. The court may  
21 also impose a fine not to exceed \$500,000 or 5 times the street value of the controlled drug or  
22 controlled drug analog involved, whichever is greater. [~~Upon conviction, the court shall impose the~~  
23 ~~mandatory sentence unless the defendant has pleaded guilty pursuant to a negotiated agreement or,~~  
24 ~~in cases resulting in trial, the defendant and the state have entered into a post-conviction agreement~~  
25 ~~which provides for a lesser sentence. The negotiated plea or post-conviction agreement may provide~~  
26 ~~for a specified term of imprisonment within the range of ordinary or extended sentences authorized~~  
27 ~~by law, a specified fine, or other disposition. In that event, the court at sentencing shall not impose a~~  
28 ~~lesser term of imprisonment or fine than that expressly provided for under the terms of the plea or~~  
29 ~~post-conviction agreement.]~~

30 8 Methamphetamine-Related Offenses; Manufacture of Methamphetamine. Amend RSA 318-  
31 D:2, II to read as follows:

32 II. Notwithstanding the provisions of RSA 318-B:26, I, a person convicted under this section  
33 may be sentenced to imprisonment for not more than 30 years, a fine of not more than \$500,000, or  
34 both. A person convicted under this section who has one or more prior offenses as defined in  
35 RSA 318-B:27, [shall] *may* be sentenced *up* to [~~imprisonment for not less than 5 years and not more~~  
36 ~~than]~~ life imprisonment, *and* a fine of not more than \$500,000, or both.

37 9 Discretionary Sentences; Release for Purpose of Gainful Employment, Rehabilitation, or Home

Draft Amendment to HB 2-FN-A-LOCAL

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1 Confinement. Amend RSA 651:19, I to read as follows:

2 I.(a) A sentencing court may recommend at the time of sentencing, or the superintendent of  
3 the county correctional facility may, at any time during the sentence, allow any person who has been  
4 committed to a correctional institution other than state prison under a criminal sentence to be  
5 released therefrom for the purpose of obtaining and working at gainful employment, for the  
6 performance of uncompensated public service as provided in RSA 651:68-70, under the terms of a  
7 day reporting program, provided the correctional facility has a day reporting program, or to serve the  
8 sentence under home confinement, provided the correctional facility has a home confinement  
9 program.

10 (b) *A sentencing court shall include the use of home confinement in the*  
11 *sentencing orders for any person convicted of a nonviolent offense with no minimum*  
12 *sentence, subject to the provisions of paragraphs II-IV. In this subparagraph, "nonviolent*  
13 *offense" shall have the same meaning as in RSA 651-A:2, VI.*

Draft Amendment to HB 2-FN-A-LOCAL

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2015-0927h

AMENDED ANALYSIS

1. Eliminates mandatory minimum sentences for certain criminal, motor vehicle, and drug offenses.

2. Requires a sentencing court to include the use of home confinement in the sentencing orders for any nonviolent offender with no minimum sentence.

Draft Amendment to HB 2-FN-A-LOCAL

1 Reference Change. Amend RSA 176:16, IV to read as follows:

2 IV. Notwithstanding any other provision of law, if the expenditure of additional funds over  
3 budget estimates is necessary for the proper funding of retirement and health benefits for  
4 commission employees, the [~~commission~~] *commissioner* may request, with prior approval of the  
5 fiscal committee of the general court, that the governor and council authorize the transfer of funds  
6 from the liquor commission fund.

7 2 Transfer of funds; Liquor Commission. RSA 176:16, V is repealed and reenacted to read as  
8 follows:

9 V. The commissioner is authorized to transfer funds within and among all accounting units  
10 within the commission's operating budget and to create accounting units and expenditure classes as  
11 required and as the commissioner deems necessary and appropriate to address present or projected  
12 budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as  
13 necessary for the efficient management of the department. Any transfer of \$75,000 or more shall  
14 require prior approval of the fiscal committee of the general court and governor and council. The  
15 provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

Draft Amendment to HB 2 FN-A-LOCAL

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2015-0777h

AMENDED ANALYSIS

This bill corrects a reference.

This bill also requires approval of the fiscal committee of the general court and governor and council for any departmental transfer of \$75,000 or more.

Draft Amendment to HB 2-FN-A-LOCAL

1        1 Site Evaluation Committee Fund. Amend RSA 162-H:21, II to read as follows:

2            II. The site evaluation committee fund shall be funded upon request of the committee by a  
3 one-time grant, not to exceed \$500,000, which may be received in installments, from the renewable  
4 energy fund established in RSA 362-F:10. The initial transfer to the fund shall occur following  
5 approval by the fiscal committee of the general court of a proposed budget plan for fiscal year 2015  
6 as provided in paragraph III. Any subsequent transfer requests of the one-time grant from the  
7 renewable energy fund shall require prior approval of the fiscal committee. *Any unused portions*  
8 *of the \$500,000 shall not lapse and may be budgeted and expended by the site evaluation*  
9 *committee for the biennium ending June 30, 2017.*

Draft Amendment to HB 2-FN-A-LOCAL

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2015-0916h

AMENDED ANALYSIS

Permits the site evaluation committee to expend unused portions of a one-time grant from the renewable energy fund for the biennium ending June 30, 2017.

Draft Amendment to HB 2-FN-A-LOCAL

1       1 New Section; Employee Health Insurance. Amend RSA 21-I by inserting after section 26 the  
2 following new section:

3       21-I:26-a Excise Tax; Patient Protection and Affordable Care Act. The state, or any political  
4 subdivision of the state, shall not provide any health insurance plan to its employees subject to the  
5 excise tax on high cost employer-sponsored health coverage under the Patient Protection and  
6 Affordable Care act of 2009, Public Law 111-148, as amended, unless the expenses associated with  
7 such tax is borne by the plan participants. The expenses arising from the excise tax shall not be  
8 transferred to the public.

9       2 Applicability. Section 1 of this act shall not apply to any health insurance plan in effect on the  
10 effective date of this act.

11       3 Effective Date. This act shall take effect 60 days after its passage.

Draft Amendment to HB 2-FN-A-LOCAL  
- Page 2 -

2015-0752h

AMENDED ANALYSIS

1. Declares that the state, or any political subdivision of the state, shall not offer its employees any health care plan subject to the excise tax under the Patient Protection and Affordable Care Act unless the extra expense arising from such tax is borne by the plan participants.