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STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM

REPORTS & AMENDMENTS

**THE SENATE WILL MEET IN SESSION ON
WEDNESDAY, MARCH 17, 2004 & THURSDAY, MARCH 18, 2004 AT 10:00 A.M.**

REPORT

EXECUTIVE DEPARTMENTS & ADMINISTRATION

SB 534-FN-A, relative to the reorganization of certain functions and duties of state agencies.

Ought to pass with amendment, Vote 3-2

Senator Prescott for the committee.

AMENDMENT

Senate Executive Departments and Administration

March 16, 2004

2004-0849s

09/01

Amendment to SB 534-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; Tobacco Tax. Amend RSA 78:1 by inserting after paragraph XX the following new paragraph:

XXI. "Liquor commission" means the liquor commission established in RSA 176:1.

2 Tobacco Products Retail Sales and Vending Machine Licensing Authority Transferred From Department of Revenue Administration to Liquor Commission; License Fees Increased. RSA 78:2 is repealed and reenacted to read as follows:

78:2 Licenses.

I.(a) Each manufacturer, wholesaler and sub-jobber shall secure a license from the commissioner before engaging in the business of selling or distributing tobacco products in this state or continuing to engage in such business. Each wholesale or sub-job outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person.

(b) The commissioner shall issue a license upon application stating such information necessary to identify the outlet and the character of business transacted.

(c) The annual fees for licenses shall be: \$100 for a manufacturer's license; \$250 for a wholesaler's license; \$150 for a sub-jobber's license. All license fees collected by the commissioner shall be paid over to the state treasurer for deposit in the general fund.

(d) Each license shall be prominently displayed on the premises described in it. Any person who shall sell, offer for sale or possess with intent to sell any tobacco products without such license as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

II.(a) Each vending machine operator, retailer and sampler shall secure a license from the liquor commission before engaging in the business of selling or distributing tobacco products in this state or continuing to engage in such business. Each retail outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person. Each tobacco products vending machine to be operated in this state shall be licensed by the liquor commission and shall be appropriately identified as being licensed.

(b) The liquor commission shall adopt rules pursuant to RSA 541-A relative to the licensing and identification of each tobacco products vending machine, and the information required in application for a license.

(c) The liquor commission shall issue a license upon application stating such information necessary to identify the outlet and the character of business transacted.

(d) The annual fees for licenses shall be: \$10 for a retailer's license; \$10 for a sampler's license; \$70 for a vending machine operator's license and \$10 for each vending machine location. All license fees collected shall be paid over by the liquor commission to the state treasurer for deposit in the general fund.

(e) Each license shall be prominently displayed on the premises described in it. Any person who shall sell, offer for sale or possess with intent to sell any tobacco products without such license as provided in this section shall be guilty of a misdemeanor.

(f) The liquor commission, when issuing or renewing a retailer's license under RSA 78:2, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products to persons under age 18 and the purchase, possession, or use of tobacco products by persons under age 18. Warning: violators of these provisions may be subject to a fine." The sign shall be posted at any location where tobacco products are sold or distributed. The liquor commission shall adopt rules, under RSA 541-A, relative to placement of these warning signs in areas where tobacco products are sold or distributed.

III. The liquor commission shall provide the commissioner with quarterly updated lists of all licensees under this section. To the extent necessary for their respective administration and enforcement duties and responsibilities under this chapter, the commissioner and the liquor commission may share information, including information in a compatible electronic data format.

IV. Notwithstanding RSA 21-J:14, information regarding licenses issued pursuant to this section and information regarding enforcement actions taken pursuant to this chapter and RSA 126-K shall be public records.

V. Unlicensed tobacco product vending machines retailing tobacco products are those machines without a current sticker or license affixed to them. The commissioner or the commissioner's agent or the liquor commission or an agent of the liquor commission shall seal each unlicensed machine, until such time as said machine is licensed as evidenced by the presence of a visible current sticker or license on said machine. Said sealing shall be so as to prevent the purchase of tobacco products and the use of the machine.

VI. No person shall sell tobacco products through a vending machine unless access to said machine is readily available or it is constructed so as to permit the commissioner or the liquor commission or an agent of the liquor commission to readily determine whether the packages of tobacco products being sold have proper stamps affixed to them which show payment of the tobacco tax imposed under RSA 78:7.

3 Tampering With Seal. Amend RSA 78:3 to read as follows:

78:3 Tampering with Seal. It shall be unlawful for any person, licensed or unlicensed, to tamper with any seal affixed by the commissioner ~~[or his]~~, **the commissioner's agents, or the liquor commission or agents of the liquor commission** to any tobacco products vending machine, as required under RSA 78:2. Any person who violates this section shall be guilty of a violation for the first offense. For each subsequent offense ~~[he]~~ **such person** shall be guilty of a misdemeanor.

4 Reference Corrected. Term of License; Renewals. Amend RSA 78:4 to read as follow:

78:4 Term of License; Renewals. Licenses issued under RSA 78:2 shall expire ~~[on June 30 in each even-numbered year]~~ **12 months from date of issue, with the month in which the license is effective counted as the first month**, unless sooner revoked or unless the business in respect to which the license was issued should change ownership. Licenses may be renewed upon signed application as provided in RSA 78:2 and upon paying the prescribed fee, provided that a license shall not be renewed if there are unpaid fees, fines, or penalties resulting from violations of this chapter or RSA ~~[126-F]~~ **126-K** attributable to the license or the licensee.

5 Suspension and Revocation of License by Commissioner. RSA 78:6 is repealed and reenacted read as follows:

78:6 Suspension and Revocation of License by Commissioner and Liquor Commission.

I. The commissioner may adopt rules pursuant to RSA 541-A relative to accomplishing the purpose of RSA 78.

II. The commissioner may suspend or revoke any license issued by the commissioner under RSA 78:2 for failure to comply with the provisions of this chapter and with any rules which the commissioner may adopt.

III. The liquor commission may suspend or revoke any license issued by the liquor commission under RSA 78:2 for failure to comply with the provisions of this chapter or RSA 126-K and with any rules which the liquor commission may adopt pursuant to rulemaking authority granted in this chapter or RSA 126-K.

6 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

78:12-a Unauthorized Sales. Manufacturers, wholesalers and sub-jobbers shall not sell tobacco products to any licensee who does not possess a valid or current license issued by the commissioner **or the liquor commission**. Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.

7 Vending Machines; Lists of Locations. Amend RSA 78:12-d, V to read as follows:

V. Vending machine operators shall supply the **liquor commission and the** commissioner with a list specifying the location of each licensed machine.

8 Vending Machines; Violations; Penalties. Amend RSA 78:12-d, VII to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the ~~commissioner~~ **liquor commission** against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the ~~commissioner~~ **liquor commission** shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the ~~commissioner~~ **liquor commission** shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40-consecutive days. For any violation beyond the fourth, the ~~commissioner~~ **liquor commission** shall revoke any license for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The **liquor** commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.

9 Forfeiture; Seizure by Liquor Commission Added. Amend RSA 78:16 to read as follows:

78:16 Forfeiture. Unless the tobacco products are subject to the exemption under RSA 78:12, II, tobacco products found at any place in this state without the necessary stamps affixed to them, unless they shall be in the possession of a licensed manufacturer or wholesaler, or unless they shall be in the course of transit by common carrier from a bonded warehouse and consigned to a licensed manufacturer, wholesaler or anyone exempted by statute, shall be declared to be contraband goods and subject to forfeiture to the state. The commissioner, ~~his~~ **the commissioner's** authorized agents, **the liquor commission or agents of the liquor commission**, sheriffs, deputy sheriffs and policemen shall have the power to seize such tobacco products in the manner provided under RSA 617.

10 Inspections Authorized. Amend RSA 78:26 to read as follows:

78:26 Inspections Authorized.

I. The commissioner or any agent or employee of the department of revenue administration, and any policeman, constable, sheriff or deputy sheriff, **or an agent of the liquor commission** may enter in and upon any place or premises where tobacco products are held, kept, located, **manufactured**, or stored for the purpose of inspecting such products and ascertaining that the tobacco products at such premises, or any portion thereof, shall not be sold, used or consumed in this state without the tobacco products tax first having been paid.

II. Any member of the liquor commission, agent, or investigator with the liquor commission may enter any place where tobacco products are sold or manufactured, at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this chapter and RSA 126-K.

11 Penalties; Violations of Federal Requirements. Amend RSA 78:34, VII to read as follows:

VII. The penalty for violation of ~~any provision~~ **paragraphs I-VI** of this section is loss of license for a period of 90 days for a first offense, loss of license for a period of one year for subsequent offenses, and a fine to be determined by the commissioner **or liquor commission** which shall not exceed \$10,000.

12 Youth Access to Tobacco Products; Penalties; License Suspensions and Revocations. Amend RSA 126-K:12, II-III to read as follows:

II. The commission may issue administrative warnings and assess fines and may ~~order the commissioner of revenue administration to~~ suspend or revoke a license issued pursuant to RSA 78 for a specified period of time for violations of this chapter.

III. On or before April 1 of each ~~even-numbered~~ year, the commission shall provide the department of revenue administration with a list of the names and addresses of all persons against whom fines and penalties were assessed pursuant to this chapter and who have not paid said fines and penalties in full by the date of the list. The commission shall update the information provided to the department of revenue administration prior to June 30 of each ~~even-numbered~~ year and thereafter as requested by the department.

13 Transition; Tobacco Licenses. Licenses issued pursuant to RSA 78:2 in effect prior to the effective date of this act shall expire on the date that such license would have expired under RSA 78:4 in effect prior to the effective date of this act. Upon such expiration such tobacco licenses shall be issued or renewed according to the provisions of RSA 78 as amended by this act.

14 New Paragraph; Pari-Mutuel Commission; Additional Duties. Amend RSA 284:6-a by inserting after paragraph III the following new paragraph:

IV. The pari-mutuel commission shall administer RSA 287-E relating to bingo and lucky 7.

15 New Paragraph; Pari-Mutuel Commission; Rulemaking. Amend RSA 284:12 by inserting after paragraph VI the following new paragraph:

VII. Rules for bingo and lucky 7 as authorized under RSA 287-E.

16 New Subparagraph; Purchase of Supplies; Exemption. Amend RSA 21-I:18, I by inserting after subparagraph (m) the following new subparagraph:

(n) The purchase of gaming tickets and their dispensing equipment by the pari-mutuel commission under RSA 287-E. The pari-mutuel commission shall make such purchases under competitive bidding requirements, except when waived by the pari-mutuel commission or its authorized agent with written justification.

17 Police Officer; Definition. Amend RSA 100-A:1, VII-a (b) to read as follows:

(b) Any bingo or lucky 7 inspector, security officer appointed pursuant to RSA ~~[135:41]~~ **21-P:7-b**, any juvenile probation and parole officer, or any person employed in the bureau of trails of the department of resources and economic development; or

18 Sweepstakes Commission. Amend RSA 284:21-a to read as follows:

284:21-a State Sweepstakes Commission. There shall be and hereby is created a state sweepstakes commission consisting of 3 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. One member shall be appointed for one year, one for 2 years and one for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. No member of the commission shall have any pecuniary or other interest in any supplier or agent to the commission~~[-, or in any supplier or lessor of bingo equipment or halls, or in any officer of a bingo licensee licensed under RSA 287-E,]~~ or in any licensee licensed under the provisions of this chapter.

19 Sweepstakes Commission. Amend RSA 284:21-i, I to read as follows:

I. The sweepstakes commission shall be empowered to employ such technical assistants and employees to carry out the provisions of this subdivision as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the personnel commission. No employee of the commission shall have any pecuniary or other interest in any supplier or agent to the commission~~[-, or in any supplier or lessor of bingo equipment or halls, or in any officer of a bingo licensee licensed under RSA 287-E,]~~ or in any licensee licensed under this chapter.

20 Sweepstakes Commission. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the sweepstakes commission **and all moneys received from the pari-mutuel commission under RSA 287-E**, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision, ~~[and]~~ **all administration expenses of the pari-mutuel commission and all enforcement expenses of the department of safety under RSA 287-E**. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

21 Reference Change; Raffles Held in Conjunction With Bingo Games. Amend RSA 287-A:8, III to read as follows:

III. Notwithstanding RSA 287-A:4, raffle tickets sold in conjunction with bingo games shall be sold only by members of a charitable organization licensed by the [sweepstakes] **pari-mutuel** commission to conduct bingo and only at bingo games being operated by the charitable organization.

22 Bingo and Lucky 7; Definitions. Amend RSA 287-E:1, VI to read as follows:

VI. "Commission" means the state [sweepstakes] **pari-mutuel** commission.

23 Bingo; Administration and Enforcement. Amend RSA 287-E:2 to read as follows:

287-E:2 Administration and Enforcement. The [sweepstakes] **pari-mutuel** commission shall administer and the commissioner of safety shall enforce this subdivision relating to bingo.

24 Lucky 7; Administration and Enforcement. Amend RSA 287-E:16 to read as follows:

287-E:16 Administration and Enforcement. The [sweepstakes] **pari-mutuel** commission shall administer and the commissioner of safety shall enforce this subdivision relating to the sale of lucky 7 tickets.

25 Gambling Offenses; Exceptions. Amend RSA 647:2, V(a) to read as follows:

(a) Dispenser devices approved by the [sweepstakes] **pari-mutuel** commission which are located at the regular meeting place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under RSA 287-E:20.

26 Transfer of Authority. The pari-mutuel commission shall assume all authority, functions, duties, and responsibilities of the sweepstakes commission regarding the administration and licensing of RSA 287-E. All existing rules adopted by the sweepstakes commission for administration and licensing under RSA 287-E shall remain in effect and be enforced by the respective commission.

27 Transfer of Employees. Classified employees of the sweepstakes commission responsible for the administration and licensing of bingo and lucky 7 shall be transferred to the pari-mutuel commission. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds, property, or obligations of any kind of the sweepstakes commission for administration and licensing of bingo and lucky 7.

28 New Paragraph; Department of Safety; Duties of Commissioner. Amend RSA 21-P:4 by inserting after paragraph X the following new paragraph:

XI. Have the discretion to grant to security officers of the New Hampshire hospital security force such titles, ranks and police powers as the commissioner deems necessary up to and including that of ex officio constables including the power of arrest for violations of the criminal and motor vehicle laws and the power to serve criminal process, and may limit such powers as deemed necessary. They shall have general police powers on the state office campus and New Hampshire hospital grounds and when in hot pursuit of a person who has committed a crime on the campus or escaped from the hospital, and when acting to transport a patient to or from the hospital, the court or another mental health facility.

29 New Sections; Department of Safety; New Hampshire Hospital Security Force. Amend RSA 21-P by inserting after section 7-a the following new sections:

21-P:7-b New Hampshire Hospital Security Force. The commissioner of safety is authorized to organize a hospital security force for the purpose of patrolling the hospital's buildings, roads, and grounds of the campus of the state office park south and providing for general security on the campus. The hospital security force shall be under the immediate control of and responsible to the commissioner of safety or his or her designee.

21-P:7-c Authority of Hospital Security Force Officers; Memorandum of Understanding; Funding.

I. All security officers of the hospital security force shall possess such police powers as are granted to them by the commissioner of safety pursuant to RSA 21-P:4, XI. All officers of the hospital security force hired after the effective date of this paragraph shall be required to meet the training standards required generally of police officers by the police standards and training council pursuant to RSA 188-F and in addition shall receive additional training in dealing with persons with mental illness as specified by the commissioner of safety after consultation with the superintendent of the New Hampshire hospital.

II. The commissioner of the department of health and human services shall enter into a memorandum of understanding with the commissioner of safety for the purposes of delineating the functions, duties, and responsibilities of the department of safety in regard to the provision of security and dispatch services to the New Hampshire hospital. The memorandum of understanding shall include, but not be limited to: responding to emergencies within New Hampshire hospital, maintaining the security of the hospital buildings, insuring the safety of patients, staff and visitors, apprehending involuntarily committed persons who leave the hospital without authorization, accepting custody of involuntary admissions, transporting patients for medical, legal and other purposes, investigating cases of abuse, neglect, sexual assault and other criminal conduct, providing training and conducting searches and seizures of contraband. In addition, the department of safety shall provide dispatch services including, but not limited to: monitoring hospital access between 8 p.m. and 8 a.m. operating and monitoring video security systems, receiving incoming communications, assessing the priority of the call and dispatching appropriate assistance, coordinating emergency preparedness procedures, receiving incoming fire calls and alarms and operating the switchboard between 8 p.m. and 8 a.m. and at other times as needed.

III. Within the limits of funds budgeted for hospital security force positions, the department of health and human services shall maintain the funding for the hospital security force and pay the department of safety for providing these services.

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

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties and responsibilities of the department of health and human services, division of behavioral health, New Hampshire hospital security force used for the provision of security to the hospital's building, roads and grounds of the campus of the state office park south and providing for the general security on campus shall be transferred to the department of safety. The transfer provided in this section shall include all of the equipment, books, papers, and records of the department of health and human services, division of behavioral health, New Hampshire hospital related to the above functions and authorized for use by the New Hampshire hospital security force.

II. All existing rules, statutory responsibilities, regulations and procedures in effect, in operation or adopted in or by the department of health and human services, division of behavioral health, New Hampshire hospital security force are transferred to the department of safety, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

31 Repeal. The following are repealed:

I. RSA 135:41, relative to hospital security force.

II. RSA 135:42, relative to authority.

III. RSA 135:43, relative to training.

32 Transfer of Certain Public Health Programs to Department of Environmental Services.

I. Notwithstanding any provision of law to the contrary, and except as provided in paragraph III, all of the positions, functions, powers, duties and responsibilities of the department of health and human services, office of community and public health, bureau of environmental and occupational health, and bureau of radiological health shall be transferred to the department of environmental services on July 1, 2004. The transfer shall also include all of the equipment, books, papers, records, unexpended appropriations, and other available funds in any account or subdivision of an account of the department of health and human services, office of community and public health, related to the above functions and authorized for use by the bureau of environmental and occupational health or the bureau of radiological health.

II. All existing rules, statutory responsibilities, regulations, and procedures in effect, in operation or adopted in or by the former department of health and human services, bureau of environmental and occupational health and bureau of radiological health are transferred to the department of environmental services, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

III. The duties and responsibilities of the department of health and human services under RSA 130-A, relative to lead paint poisoning prevention and control, shall be exempt from the transfers made in paragraphs I and II.

33 Transfer of Radiological Health Program From Department of Health and Human Services to Department of Environmental Services. Amend RSA 125-F by replacing “department of health and human services” with “department of environmental services” whichever such term occurs.

34 Department of Environmental Services; Nomination of Division Directors. Amend RSA 21-O:2, III(a) and (b) to read as follows:

(a) ~~[The water council shall, after consulting with]~~ The commissioner[;] ***shall, after consultation with and consent of the water council,*** nominate for appointment by the governor and council a director of the division of water. The nominee shall have a baccalaureate degree from an accredited college or university, hold a valid license or certificate of registration to practice civil, sanitary, or environmental engineering issued by the lawfully constituted registration board of any state of the United States, and shall have a minimum of 5 years’ responsible experience in the administration of sanitary or environmental engineering programs in the public or private sector.

(b) ~~[The air resources council shall, after consultation with]~~ The commissioner[;] ***shall, after consultation with and consent of the air resources council,*** nominate for appointment by the governor and council a director of air resources. Each nominee shall be qualified by reason of education and experience.

35 Transfer of Certain Programs From Office of State Planning and Energy Programs to Department of Environmental Services.

I. Notwithstanding any provision of law to the contrary, all of the functions, powers, duties and responsibilities of the office of state planning and energy programs relating to the coastal zone management program and the New Hampshire estuaries project shall be transferred to the department of environmental services. The transfer provided in this section, shall include all of the personnel, equipment, books, papers, records, unexpended appropriations, and other available funds in any account or subdivision of an account of the office of state planning and energy programs related to the above functions and authorized for use by the office of state planning and energy programs for said programs.

II. All existing rules, statutory responsibilities, regulations, and procedures in effect, in operation, or adopted in or by the former coastal zone management program and New Hampshire estuaries program are transferred to the department of environmental services, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

36 Department of Revenue Administration; General Provisions. Amend RSA 21-J:2, II-III to read as follows:

II. The commissioner shall nominate a director, division of audits, and a director, division of ~~[returns]~~ ***document*** processing, for appointment by the governor, with the consent of the council. These division directors shall serve at the pleasure of the commissioner. The directors of the divisions shall be qualified by reason of professional competence, education, and experience.

III. The salaries of the commissioner and the director, division of audits, and the director, division of ~~[returns]~~ ***document*** processing, shall be as specified in RSA 94:1-a.

37 Department of Revenue Administration; General Provisions. Amend RSA 21-J:4, II to read as follows:

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. ~~[The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.]~~

38 New Section; Department of Revenue Administration; Deputy Commissioner for Taxation. Amend RSA 21-J by inserting after section 4 the following new section:

21-J:4-a Deputy Commissioner for Taxation.

I. The commissioner of the department of revenue administration shall nominate a deputy commissioner for taxation for appointment by the governor, with the consent of the council. The deputy commissioner shall serve for a term of 4 years. The deputy commissioner shall be qualified by reason of education and experience.

II. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The salary of the deputy commissioner shall be as specified in RSA 94:1-a.

39 Department of Revenue Administration; General Provisions. Amend RSA 21-J:5, IV to read as follows:

IV. The commissioner shall appoint an assistant director for each division, ***except for the assistant director of audits***. Assistant division directors shall be classified employees, except for the assistant director of audits ~~[and director of document processing]~~ who shall be ***an unclassified [employees] employee nominated by the commissioner for appointment by the governor with consent of council. The assistant director of audits shall serve for a term of 4 years.***

40 Department of Revenue Administration; General Provisions. Amend RSA 21-J:6 to read as follows:

21-J:6 Administration Unit. There is hereby established within the department an administration unit~~[-The assistant commissioner shall supervise the administration unit and]~~ ***which*** shall be responsible for the following functions, in accordance with applicable laws:

I. Budget, personnel, payroll, and purchasing matters.

II. ~~[Handling]~~ ***Internal control*** of all taxes receivable and the accounts receivable for the municipal services and property appraisal divisions.

III. Assistance to the commissioner with short and long range department level planning activities.

IV. Taxpayer assistance services.

41 Department of Revenue Administration; General Provisions. Amend the introductory paragraph of RSA 21-J:8, I to read as follows:

I. There is established within the department the division of collections, under the supervision of ~~[a classified]~~ ***an unclassified*** director of collections who shall be responsible for the following functions, in accordance with applicable laws:

42 New Paragraphs; Department of Revenue Administration; General Provisions. Amend RSA 21-J:8 by inserting after paragraph I the following new paragraphs:

I-a. The commissioner shall nominate for appointment by the governor, with the consent of council, an individual to serve in the position of director of collections who shall serve for a term of 4 years.

I-b. The salary of the director of collections shall be as specified in RSA 94:1-a.

43 New Section; Department of Revenue Administration; General Provisions. Amend RSA 21-J by inserting after section 12 the following new section:

21-J:12-a Central Account Maintenance.

I. There is established within the department the division of central account maintenance under the supervision of an unclassified director of central account maintenance who shall be responsible for all taxpayer account maintenance activities relative to tax returns filed with the department.

II. The commissioner shall nominate for appointment by the governor, with the consent of council, an individual to serve in the position of director of central account maintenance who shall serve for a term of 4 years.

III. The salary of the director of central account maintenance shall be as specified in RSA 94:1-a.

44 Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) to read as follows:

I.(a) Delete:

HH Department of revenue
administration

director of audit division

(b) Replace with:

HH Department of revenue
administration

deputy commissioner for taxation

II. Delete:

FF Department of revenue
administration

director of community services

III.(a) Delete:

EE Department of revenue
administration

chief of field audits

(b) Replace with:

EE Department of revenue
administration

assistant director, chief of field audits

IV. (a) Delete:

FF Department of revenue
administration

assistant director, audit division

(b) Replace with:

DD Department of revenue
administration

chief instate audit

V. Insert:

GG Department of revenue
administration

director of audit division

VI. Insert:

DD Department of revenue
administration

director, collections division

VII. Insert:

DD Department of revenue
administration

director, central account maintenance

VIII. Amend:

FF Department of revenue
administration

director of [returns] **document** processing

45 Repeal. RSA 21-J:10-a, relative to the division of community services, is repealed.

46 Transfer of Public Works From Department of Transportation to Department of Administrative Services.

I. As of July 1, 2005, the bureau of public works, division of plant and property management, department of administrative services, shall, through its officials, be responsible for all functions formerly performed by the department of transportation, division of public works.

II. As of July 1, 2005, the director of public works and the personnel under his or her supervision in the department of transportation immediately prior to the effective date of this act shall be transferred to the department of administrative services, division of plant and property management, bureau of public works, together with all of the books, papers, payroll, records, equipment, unexpended appropriations for personnel and all public works functions or other available funds in any account or subdivision of any account of the department of transportation related to public works projects funded through the capital budget.

III. All existing rules, statutory responsibilities, regulations and procedures in effect, in operation or adopted in or by the department of transportation are declared in effect and shall continue in effect until rescinded, revised or amended in accordance with applicable law. Further, rules or procedures of the commissioner of transportation currently in effect relating to the division of public works or bidding for major capital projects shall remain in effect and shall continue in effect until rescinded, revised or amended by the commissioner of transportation or until replaced or superceded by rules or procedures adopted by the commissioner of administrative services. The commissioner and department of administrative services may utilize the rules and procedures of the commissioner and department of transportation relating to public works, or to bidding for capital projects, or portions of those rules or procedures, with or without modification, as their own rules and procedures, until such a time as the commissioner of administrative services adopts rules or procedures relative to public works or bidding or capital projects.

47 New Subparagraph; Department of Administrative Services; General Functions. Amend RSA 21-I:1, II by inserting after subparagraph (j) the following new subparagraph:

(k) Public works.

48 Reference Change; Division of Accounting Services. Amend RSA 21-I:8, II(b) to read as follows:

(b) Developing and operating risk reduction programs, in accordance with the loss prevention guidelines adopted pursuant to RSA 21-I:14, ~~[H]~~ **I(b)**.

49 New Paragraph; Department of Administrative Services; Division of Plant and Property Management; Functions. Amend RSA 21-I:11 by inserting after paragraph XII the following new paragraph:

XIII. Except as otherwise provided by law, developing and maintaining state owned and supported land and buildings, and preparing a long range state capital improvements plan.

50 Reference Change; Bureau of Planning and Management. Amend RSA 21-I:12, II(c) and (d) to read as follows:

(c) Planning for any additional office space needs of the state in consultation with the ~~[department of public works and highways]~~ **bureau of public works**.

(d) Planning for any major renovation to state office buildings in consultation with the ~~[department of public works and highways]~~ **bureau of public works**.

51 New Paragraph; Division of Plant and Property Management; Bureau of Public Works. Amend RSA 21-I:12 by inserting after paragraph IV the following new paragraph:

V. A bureau of public works, under the supervision of a classified administrator of public works, who shall be a registered professional engineer or a registered architect and shall be responsible for the following functions, in accordance with applicable laws:

(a) Public works engineering, including planning and design for all public works projects.

(b) Field supervision of all public works construction.

(c) Maintenance, supervision, and coordination of all state owned and supported land and buildings, including, but not limited to, those functions specified in RSA 21-I:79, I.

(d) Operation of all public works not otherwise assigned.

52 Commissioner of Administrative Services; Rulemaking Authority. Amend RSA 21-I:14 to read as follows:
21-I:14 Rulemaking Authority.

I. The commissioner of administrative services shall adopt rules, pursuant to RSA 541-A, relative to:

~~[F:]~~ **(a)** A comprehensive and uniform system of state financial management as required by RSA 21-I:8, I(a). Rules relating to accounting and financial reporting shall conform with generally accepted accounting principles. Rules adopted by the commissioner under this paragraph shall be contained in a written manual, to be updated and revised as he deems necessary, that clearly explains procedures applicable to all state agencies, officers and employees other than the legislative branch and the state judicial branch. Rules adopted pursuant to this section shall not be filed in final form with the director of legislative services until they shall be approved by the governor, with the consent of the council.

~~[H:]~~ **(b)** Loss prevention guidelines for the purpose of risk management.

~~[H:]~~ **(c)** Standards governing state data processing facilities, including the acquisition of data processing equipment.

~~[IV: Repealed:]~~

~~[V:]~~ **(d)** Standards for the provision of graphic services which will insure efficiency and high quality work.

~~[VI:]~~ **(e)** Standards governing the purchase and continuing ownership of graphic services equipment by agencies not exempted by RSA 21-I:9, VIII.

~~[VII:]~~ **(f)** Standards governing the allocation and use of state photocopiers by the agencies not exempted by RSA 21-I:9, VIII.

~~[VIII:]~~ **(g)** Standards necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

~~[IX:]~~ **(h)** Standards for the format, content and style of agency annual or biennial reports, after consultation with the administrator of the bureau of graphic services with regard to format. These standards shall require that agency reports provide statistical information on agency activities and operations in addition to narrative discussions; and that agency reports analyze the operational efficiency of state operations

and program performance in terms of explicitly stating the statutory functions each agency is to perform and how these statutory functions are being accomplished, in terms of unit-cost measurement, workload efficiency data, and program output standards established by the commissioner.

~~[X-]~~ **(i)** Qualification, continuing eligibility and disqualification of recipients to receive commodities distributed by the surplus distribution section established by RSA 21-I:12, I, and procedures for determining the same. Such rules shall:

~~[(a)]~~ **(1)** Comply with requirements, if any, established by the department, division or agency of the United States which is the source of the commodities.

~~[(b)]~~ **(2)** Be binding on all recipient agencies and shall have the force of law. No recipient agency, nor any officer or employee thereof, shall be liable for damages for any claimed injury arising from a determination made in accordance with said rules.

~~[X-]~~ **(j)** Fair and equitable charges to be assessed against recipients receiving any donated surpluses from the surplus distribution section based on recommendations provided according to RSA 21-I:11, VIII.

~~[X-]~~ **(k)** Standards and procedures governing the purchase of all materials, supplies and equipment by the division of plant and property management.

~~[X-]~~ **(l)** Procedures for the waiver of certain provisions of RSA 21-I relative to purchasing under RSA 21-I:18, II.

~~[X-]~~ **(m)** Management of the state employees group insurance program authorized by RSA 21-I:26 through 21-I:36.

~~[X-]~~ **(n)** The administration of retirement benefits for certain legislative and constitutional officers as provided in RSA 14:27-c.

~~[X-]~~ **(o)** The general liability insurance provisions of standard state contracts to reflect that a contractor, which qualifies for nonprofit status under section 501(c)(3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000, shall provide such insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate.

II.(a) The commissioner shall adopt rules relative to bidding for major capital projects, as authorized by RSA 21-I: 75; RSA 21-I: 76 and RSA 21-I: 77, but such rules shall be exempt from the requirements, procedures and provisions of RSA 541-A.

(b) The commissioner may adopt such other rules relating to public works as are necessary for the bureau of public works to properly perform its duties and functions in accordance with applicable law. Such rules shall be exempt from the requirements, procedures, and provisions of RSA 541-A.

53 Reference Change; Delegation of Purchasing Authority. Amend RSA 21-I:17-a, II to read as follows:

II. Upon the joint recommendation of the commissioner of administrative services and the governing board of any agency, the governor and council, in their discretion, may authorize such governing board, or one or more individuals designated by such governing board to purchase supplies for the agency directly from vendors in such quantities and for such sums as the governor and council shall prescribe; provided, however, that any such authority shall be subject to the limitations of the amounts appropriated and the purposes authorized by the legislature for the agency, and provided further that all such delegations of purchasing authority shall expire on December 31 of the even numbered years. Whenever such purchasing authority is so delegated to any agency, the requirements of RSA 21-I:11, IV and V, and rules adopted pursuant to RSA 21-I:14, ~~[X]~~ **I(i)**, shall apply to the governing board or its authorized agent exercising such delegated authority.

54 New Subdivision; Capital Projects; Public Works. Amend RSA 21-I by inserting after section 72 the following new subdivision:

Capital Projects; Public Works

21-I:73 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of administrative services.

II. "Contract construction" means all construction performed in whole or in part by an independent contractor.

III. "Cost-plus contract" means one under which the payment for the work is the actual cost, plus either a fixed fee or a percentage of the cost as profit.

IV. "Department" means the department of administrative services.

V. "Force account basis" means use of a work force directly on the state payroll, rather than an independent contractor.

VI. "Registered architect or professional engineer" means a person licensed in the state as an architect or engineer.

VII. "Project" means any construction, reconstruction, alteration, or maintenance in any building, plant, fixture, or facility.

VIII. "Using agency or institution" means any executive department, commission, independent establishment or public corporation which is an instrumentality of a state board, bureau, division, institution, service, office, officer, authority, administration or other establishment in the executive branch of the government, which will have the control of the property after the work is completed.

21-I:74 Capital Projects Under \$25,000. Projects for which the estimated cost is equal to or does not exceed \$25,000 may be done on a force account basis, as defined in RSA 21-I:73, V, or by contracts awarded through competitive bidding administered by the using agency or institution with the approval of governor and council.

21-I:75 Major Capital Projects.

I. Each state capital budget project whose estimated cost is more than \$25,000 shall be built under contracts awarded to the lowest responsible bidder through competitive bidding. The following are excluded from this competitive bidding requirement:

(a) Normal highway and bridge maintenance and improvements, unless they involve federal funds. This includes state-aided town road and bridge projects.

(b) Projects executed under RSA 481 with approval of the governor and council.

(c) Projects for the department of fish and game and the department of resources and economic development whose estimated total cost is not more than \$250,000. Such projects may be done on a force account basis, by contracts awarded through competitive bidding, by short-term rental of construction equipment, or by any combination of these methods. These departments are authorized to rent construction equipment for periods not exceeding 6 months at rates the departments deem competitive through the use of quotes or bids.

(d) In an emergency, projects may be done on a force account basis upon the recommendation of the commissioner, with the approval of the governor and council.

(e) Projects may be built through lease-purchase arrangements based on a request for proposal; provided, that selection and award is based on an objective standard and that there are measurable criteria for evaluation. Capital budget projects may be built under the design build concept based on a request for proposal provided that selection and award is based on an objective standard and that there are measurable criteria for evaluation only if such projects are expressly designated as design build and authorized as such by the capital budget while the general court is in session or by the fiscal committee when the general court is out of session. The commissioner shall report the results of any capital budget project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.

(f) Statewide transportation improvement program projects with a cost not to exceed \$1,000,000 and which are related to transportation enhancement, congestion mitigation and air quality, or intelligent transportation systems, may be developed and constructed utilizing the design build concept based on a request for proposal; provided, that selection is based on an objective standard and measurable criteria for evaluation of the proposals. The commissioner shall report the results of any statewide transportation improvement program project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.

II. Any state capital budget project whose estimated cost is more than \$500,000 shall be designed by a registered architect or professional engineer unless, upon recommendation of the commissioner, the governor and council shall find that it is in the best interests of the state to provide for in-house design. He or she shall prepare plans and specifications which meet the requirements of all applicable codes and shall provide on-site observation and inspection services. Each registered architect or professional engineer shall carry professional liability insurance in an amount satisfactory to the commissioner consistent with industry standards.

III. After written application to the fiscal committee, the requirements of RSA 228:4, II may be waived upon approval of the fiscal committee and the governor and council.

IV. State capital budget projects shall not be awarded through cost-plus contracts.

V. Any repair project authorized in the capital budget which requires consultant services shall be put into effect within 90 days after the general court passes the capital budget.

21-I:76 Competitive Bidding. No project subject to the competitive bidding requirements of RSA 21-I:75 shall be awarded to any independent contractor except:

I. If the commissioner decides that the bid of the lowest bidder should be accepted, he or she shall prepare a contract of acceptance of the lowest bid within 60 days from the opening of bids. He or she shall execute the contract in the name of the state. After the contract is executed by the lowest bidder, the form of it approved by the attorney general, and the availability of funds approved by the commissioner of administrative services, he or she shall transmit the contract to the governor and council. Upon approval by the governor and council, it shall become a valid contract of the state.

II. The state reserves the right to reject any and all bids or to negotiate with the lowest responsible bidder.

III. If the commissioner decides that for just cause shown the lowest bid submitted should be rejected, the commissioner shall promptly transmit to the governor and council his or her recommendation for rejection including his or her reasons. The governor and council shall review the recommendation and any other facts available to them, and make such determination as in their judgment shall be for the best interest of the state. They shall require a public hearing upon request of any bidder or on their own motion to fully establish such facts. Their determination shall be entered upon the records of the secretary of state.

IV. If not more than one bid is received on any state project advertised for contract construction, the commissioner may negotiate a contract for such construction upon terms which he or she may deem most advantageous to the state, subject to the approval of the governor and council. For projects built with federal aid, if any provision of this section is inconsistent with the requirements of applicable federal law and regulations, the latter shall control.

21-I:77 Client Relationship. Without limiting the provisions of RSA 21-I:75 and RSA 21-I:76, and to enable the department to maintain a client relationship with the using agencies or institutions in the construction of capital budget items, the department is authorized to:

I. Determine requirements, prepare estimates, advertise, receive bids and award contracts subject to the approval of the governor and council. Also execute all contracts for projects in the name of the state and for the using agency or institution, with the advice and assistance of the attorney general; and after concurrence of the governor and council, commissioner of administrative services and using agency or institution, subject to other statutory limitations.

II. Cause to be undertaken and completed, all construction exceeding \$25,000 for any individual project, except as otherwise authorized by the governor and council.

III. Exercise general supervision, control and direction over all matters pertaining to design, construction, maintenance standards, and preservations of all state buildings, and related facilities.

IV. Except as otherwise authorized by the governor and council, cooperate with the department of environmental services by letting for contract and supervising all projects on state-owned dams and reservoirs, and perform inspections requested by the division. However, operation of facilities under the control of the department of environmental service shall not be delegated to the department of administrative services.

21-I:78 Compliance With Contracts.

I.(a) The performance of contracts for all state projects costing over \$25,000 shall be inspected to assure compliance with the plans and specifications. The department shall require inspection service by one of the following methods:

- (1) By the registered architect or professional engineer or his representative;
- (2) By qualified personnel of the state agency, institution, or department concerned; or
- (3) By personnel of the department of administrative services.

(b) Prior to the execution of a contract for a state project, the department shall notify the state agency, institution, or department concerned which method of inspection shall be followed.

II. The department or its agent shall periodically give to the using agency or institution signed statements that the contract is being executed according to specifications including a final statement that the project has been completed in accordance with the specifications.

III. Manifests for such payments shall be made and signed by the using agency or institution. Manifests for final payment shall certify that inspections have been carried out, that the project has been completed in accordance with the specifications and contract, and that it has been accepted. Such manifest shall be certified by the department that the progress reports furnished by the department are correct and that inspections have been made and the provisions of the plans and specifications have been carried out.

21-I:79 General Powers and Duties. The department is further authorized to:

I. Exercise general supervision over standards of operation and maintenance of state-owned buildings, (except state armories and military reservations) and fixed (plant) equipment, in the same manner as it has been exercised heretofore by the executive officers of the using agencies or institutions, and except as otherwise provided by law.

II. Coordinate long range capital planning to meet the needs of the state, as may be requested by the governor and council and subject to their approval.

III. Operate all public works, not otherwise assigned.

IV. Assist any using agency or institution of the state in the acquisition of lands for a public use, when requested.

V. Employ such technical consultants and other assistants as may be necessary, wherever required in the best interests of the state and consistent with the policy declared in RSA 21-I:75.

VI. Upon request of the director of plant and property management, inspect and test, and advise the acceptance or rejection of, all materials and supplies purchased by the division of plant and property management.

21-I:80 Planning and Design Costs. The bureau of public works shall not perform any design and planning work for any non-general fund state agency, unless the bureau is reimbursed for such work by the agency.

21-I:81 Public Works Appeals. Appeal of decisions of the bureau of public works shall be to the commissioner. Appeals of decisions of the commissioner relative to public works shall be to the department of transportation's appeals board established by RSA 21-L:14.

55 Department of Transportation; Division of Administration. Amend RSA 21-L:6, III-VIII to read as follows:

III. ~~[Property;]~~ Contracts~~[-]~~ and grants management.

~~[IV. Data processing.]~~

~~[V.]~~ **IV.** Assistance to the commissioner with short and long range department level **financial** planning activities.

~~[VI.]~~ **V.** Control of department inventory.

~~[VII.]~~ **VI.** Department printing.

~~[VIII. Issuing of all permits, registrations, and licenses for which the department is responsible.]~~

56 Department of Transportation; Division of Aeronautics Changed to Division of Intermodal Transportation. Amend the introductory paragraph of RSA 21-L:7 to read as follows:

21-L:7 Division of ~~[Aeronautics]~~ **Intermodal Transportation**. There is established within the department the division of ~~[aeronautics]~~ **intermodal transportation**, under the supervision of an unclassified director of ~~[aeronautics]~~ **intermodal transportation**, who shall be responsible for the following functions:

57 New Paragraph; Department of Transportation; Division of Intermodal Transportation. Amend RSA 21-L:7 by inserting after paragraph VI the following new paragraph:

VII. Planning, designing, and facilitating construction, and servicing intermodal transportation facilities including but not limited to pedestrian, bicycle, transit, rideshare, and railroad modes.

58 Department of Transportation; Division of Project Development; Functions. Amend RSA 21-L:9, I to read as follows:

I. Transportation engineering, including planning and design for state highway, rail, and other forms of transportation, ***as required to coordinate the state's transportation system.***

59 New Paragraph; Department of Transportation; Division of Operations; Function Added. Amend RSA 21-L:10 by inserting after paragraph II the following new paragraph:

III. Issuing of all permits, registrations, and licenses for which the department is responsible.

60 Commissioner of Transportation; Rulemaking; Capital Projects. Amend RSA 21-L:12, I to read as follows:

I. Bidding for major capital projects, as authorized by RSA 228:4, I[:] ***and*** 228:4-a[~~;~~~~and~~ 228:5].

61 Department of Transportation; Appeals Board. Amend RSA 21-L:15, I to read as follows:

I. The board shall hear and decide appeals from decisions of the commissioner relative to contract interpretation or other decisions affecting persons not employed by the department, municipalities, or private property, except condemnations of property for public purposes, and the assessment of damages therefor. Decisions of division directors shall be appealed to the commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions relative to aeronautical matters, which may be appealed to the aviation users advisory board established under RSA 21-L:8, and decisions relative to common carriers by rail, which may be appealed to the railroad appeals board established under RSA 21-L:16. ***The board shall also hear appeals from the department of administrative services relating to such matters involving public works as were administered prior to July 1, 2005 by the division of public works, department of transportation.***

62 General Powers and Duties. RSA 228:6 is repealed and reenacted to read as follows:

228:6 General Powers and Duties. The department is further authorized to:

I. Cooperate with the department of administrative services in long range capital planning to meet the needs of the state, as may be requested by the governor and council and subject to their approval.

II. Assist any using agency or institution of the state in the acquisition of lands for a public use, when requested.

III. Employ such technical consultants and other assistants as may be necessary, wherever required in the best interests of the state and consistent with the policy declared in section RSA 228:4.

IV. Accept, subject to the approval of the governor and council, donations of money, labor and materials to be expended or used upon class I, class II or class III highways at such points or places designated by the donor, provided that in the commissioner's opinion the project is practicable and in the public interest.

63 Unclassified Salary. Amend RSA 94:1-a, I(b) by deleting:

HH Department of Transportationdirector of public works

64 Reference Change; Administrative Procedure Act; Definition of Rule. Amend RSA 541-A:1, XV to read as follows:

XV. "Rule" means each regulation, standard, or other statement of general applicability adopted by an agency to (a) implement, interpret, or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters, or other explanatory material which refer to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against such employee, (d) declaratory rulings, or (e) forms. The term "rule" shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system. Notwithstanding the requirements of RSA 21-I:14, the term "rule" shall not include the manual described in RSA 21-I:14, I(***a***) or the standards for the format, content, and style of agency annual and biennial reports described in RSA 21-I:14, [~~IX~~] I(***h***), which together comprise the manual commonly known as the administrative services manual of procedures. The manual shall be subject to the approval of governor and council.

65 Repeal. The following are repealed:

- I. RSA 21-L:11, relative to the division of public works.
- II. RSA 21-L:2, II(b), relative to a general function of the department of transportation.
- III. RSA 228:4, I(c), relative to certain capital projects costing \$250,000 or less.
- IV. RSA 228:5, relative to client relationship.
- V. RSA 228:5-a, relative to compliance with contracts.
- VI. RSA 228:46-a, relative to planning and design costs.

66 Change From Division of Aeronautics to Division of Intermodal Transportation. Amend the following RSA provisions by replacing “division of aeronautics” and “aeronautics division” with “division of intermodal transportation”: 72:38, I-III; 21-L:8, III and V; 422:3, XIX; 422:39; 423:11, III; 423-A:3.

67 Change From Director of Aeronautics to Director of Intermodal Transportation. Amend the following RSA provisions by replacing “director of aeronautics” with “director of intermodal transportation”: 21-L:8, VI; 94:1-a, I(b) FF; 149-H:1, I(g); 270:12, II; 422:6; 422:38, II and IV.

68 Change From Commissioner of Public Works and Highways to Commissioner of Transportation. Amend the following RSA provisions by replacing “commissioner of public works and highways” and “commissioner, public works and highways” with “commissioner of transportation”: 12-A:5, I(b) and V; 14:15-b; 37:6, VII; 48-B:2; 215-A:8; 216-B:3; 216-B:5; 216-B:6; 216-C:2; 216-C:5; 216-C:6; 265:22; 266:72, V(a); 472:5.

69 Change From Department of Public Works, Department of Public Works and Highways, and Public Works and Highways Department to Department of Transportation. Amend the following RSA provisions by replacing “department of public works”, “department of public works and highways,” and “public works and highways department” with “department of transportation”: RSA 21-I:8, I(e); 153:10; 162-B:3, III; 210:11, IV; 216-B:6; 216-C:6; 217:1; 237:17, VIII; 284:21-h, II(b); 447:17; 498-A:21, II.

70 Authority Over State House Rooms. Amend RSA 14:14-b, III to read as follows:

III. All rooms and other spaces in the basement and on the first and third floors of the state house[; ~~with the exception of rooms numbered 122, 123 and 124 and the passageway immediately adjacent thereto~~].

71 Effective Date.

- I. Sections 1-13 and 46-69 of this act shall take effect July 1, 2005.
- II. Sections 28-31 of this act shall take effect January 1, 2005.
- III. The remainder of this act shall take effect July 1, 2004.

2004-0849s

AMENDED ANALYSIS

This bill:

I. Transfers tobacco products sales retail licensing authority from the department of revenue administration to the liquor commission.

II. Transfers administration of bingo and lucky 7 to the pari-mutuel commission.

III. Transfers authority over the New Hampshire hospital security force from the department of health and human services to the department of safety.

IV. Transfers the bureau of environmental and occupational health and the bureau of radiological health from the department of health and human services to the department of environmental services.

V. Authorizes the commissioner of the department of environmental services to nominate certain division directors.

VI. Transfers certain programs from the office of state planning and energy programs to the department of environmental services.

VII. Reorganizes certain divisions and positions within the department of revenue administration.

VIII. Transfers the division of public works from the department of transportation to a new bureau of public works in the department of administrative services; reorganizes divisions within the department of transportation; and changes obsolete references to the department of public works and highways to the department of transportation.

IX. Transfers certain state house rooms from the executive branch to the legislative branch.