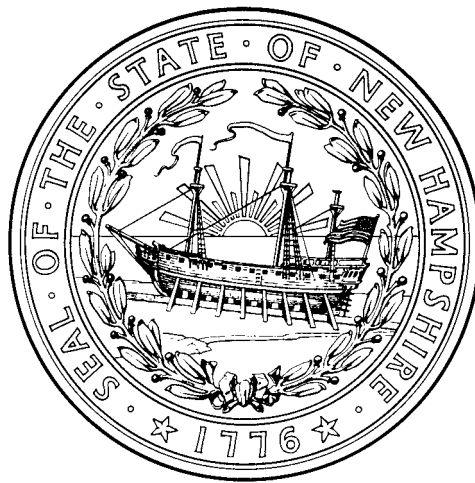


**June 4, 2015
Nos. 16-17**

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**First Year of the 164th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 28, 2015 SESSION
COMMENCEMENT – JUNE 4, 2015 SESSION**

SENATE JOURNAL 16 *(continued)*

May 28, 2015

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 133, relative to recounts on questions.

HB 153, relative to the telecommunications planning and development advisory committee.

HB 187, relative to information sharing for enforcement of the tobacco tax and relative to the biennial adjustment of the filing threshold for the business enterprise tax.

HB 190, establishing a statutory commission to study the standards for collaborative pharmacy practice.

HB 206, establishing a committee to study non-academic surveys or questionnaires administered by a public school to its students and relative to non-academic surveys or questionnaires given to students.

HB 212, relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing and relative to the authority of the fish and game department to establish fees.

HB 233, relative to local approval of mining activity.

HB 258-FN-L, relative to fees for preparing motor vehicle registration documents.

HB 281, defining “exotic aquatic species of wildlife” and relative to the duties of the exotic aquatic weeds and species committee.

HB 292, expanding the good Samaritan law to engineers and architects.

HB 328, relative to delivery of absentee ballots.

HB 332, relative to school district policy regarding objectionable course material.

HB 333, establishing a process for review and reporting of dedicated funds.

HB 344, relative to tax increment financing plans of municipal economic development and revitalization districts.

HB 347, relative to payment of wages of certain hourly school district employees.

HB 391-FN, applying the E911 surcharge to prepaid cellular telephones.

HB 425, relative to procedures for the adoption of agency rules under the administrative procedures act.

HB 449, relative to the duration of child support.

HB 451, relative to local approval of mining permits.

HB 455-FN, relative to the board of managers of the New Hampshire veterans’ home, relative to the reporting process for certain departments and divisions of departments, and extending the commission to study mental health implementation in New Hampshire.

HB 464, establishing the traditional commercial and recreational fishing protection act, prohibiting political subdivisions from interfering with commercial and recreational operations, relative to protective well radii for sewage disposal systems of commercial buildings, and relative to rulemaking by the commissioner of environmental services on certain minimal impact projects.

HB 472, relative to the parole board and parole board procedures.

HB 476-FN, amending the definition of “qualifying medical condition” in the therapeutic cannabis law.

HB 484, relative to medication administration by licensed nursing assistants and relative to exemptions from regulation for certain nursing care and attendant care services.

HB 493, relative to minimum voting booths for city, town, school district, and village district elections.

HB 506, clarifying the conditions under which motor vehicle information may be used.

HB 519, establishing a committee to study policies which it determines are necessary for dyslexic students.
HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale.
HB 564-FN, relative to prior authorization for certain prescription drugs.
HB 584-FN, making various changes to laws relating to motor vehicles and vessels.
HB 597-FN, relative to penalties for indecent exposure and lewdness.
HB 616-FN, relative to compensation to claimants under the victims' assistance fund.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 35, relative to the definition of wine-fortified.
SB 73, relative to documentation of age to purchase alcoholic beverages and tobacco products.
SB 88, establishing a committee to study public-private partnerships for intermodal transportation.
SB 104-FN, relative to licensure of research organizations by the pharmacy board.
SB 111, making changes to the life and health insurance guaranty association.
SB 132-FN, relative to dredging projects conducted by the Pease development authority division of ports and harbors.
SB 145, relative to wine consumed at cocktail lounges.
SB 160, relative to duplicate vessel registration certificates.
SB 163, relative to wholesale hospital-to-hospital laboratory and testing services.
SB 188-FN, revising banking, credit union, and trust laws.
SB 189, relative to liquor manufacturers.
SB 213-FN-A-L, establishing a committee to study the formula for distribution of meals and rooms tax revenues.
SB 223-FN, relative to name availability for business organizations.
SB 232-FN-A, exempting certain leases from the real estate transfer tax.
SB 241, relative to authorization for the town of Rindge to make capital expenditures from a trust fund.
SCR 1, recognizing the contribution of Bhutanese refugees to New Hampshire, and requesting the United States government to work diligently on resolving the Bhutanese refugee crisis, reaching an agreement to allow the option of repatriation, and promoting human rights and democracy in Bhutan.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 52, establishing a commission to study the issue of residential tenancies in foreclosed properties.
SB 77-L, authorizing the creation of a special purpose village district within the town of Danbury.
SB 216-FN, relative to sales of alcoholic beverages by manufacturers.
SB 218-FN, making spoofing an unfair and deceptive act under the consumer protection law.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 240, protecting certified public accountants from prosecution or penalty for providing services to alternative treatment centers.
SCR 2, urging Congress to discontinue foreign aid to Argentina until financial disputes are resolved.

May 29, 2015
2015-1998-EBA
06/09

Enrolled Bill Amendment to SB 46

The Committee on Enrolled Bills to which was referred SB 46

AN ACT relative to public safety radio interoperability.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 46

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 46

Amend RSA 21-P:48, VI(c) as inserted by section 4 of the bill by replacing line 2 with the following:
group of the SIEC representing the interest of his or her group.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 28, 2015
2015-1996-EBA
06/03

Enrolled Bill Amendment to SB 86

The Committee on Enrolled Bills to which was referred SB 86

AN ACT relative to state procurement of goods and services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 86

This enrolled bill amendment makes grammatical and technical changes.

Enrolled Bill Amendment to SB 86

Amend RSA 21-G:36, II as inserted by section 1 of the bill by replacing line 2 with the following:
similar request for submission with an offer to sell goods or services.

Amend RSA 21-G:36, VI as inserted by section 1 of the bill by replacing line 3 with the following:
similar request for submission, as provided in RSA 21-I:22-a and RSA 21-I:22-b, or which has been

Amend RSA 21-G:37, II(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) In the case of an RFB, hold a public bid opening at which it shall disclose the name of

Amend RSA 21-G:37, II(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) In the case of an RFP, RFA, or similar request for submission, post the number of

Amend RSA 21-G:37, III(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) In the case of an RFB that requires approval from the governor and executive council,

Amend RSA 21-G:37, III(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) In the case of an RFB that does not require approval from the governor and executive

Amend RSA 21-G:37, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) In the case of an RFP, RFA, or similar request for submission that requires approval

Amend RSA 21-G:37, III(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) In the case of an RFP, RFA, or similar request for submission that does not require

Amend RSA 21-G:37, VI(a) as inserted by section 1 of the bill by replacing line 1 with the following:

VI.(a) When an agency cancels an RFB, RFP, RFA, or similar request for submission,

Amend RSA 21-G:38, I as inserted by section 1 of the bill by replacing line 4 with the following:

such official or employee who will select, evaluate, or award an RFB, RFP, RFA, or similar request for

Amend RSA 21-G:38, II as inserted by section 1 of the bill by replacing line 3 with the following:

or award of an RFB, RFP, RFA, or similar request for submission, shall accept any gift, expense

Amend section 4 of the bill by replacing line 1 with the following:

4 Repeal. RSA 21-I:13-a, II, relative to certain requests for financial information not available to

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 28, 2015

2015-1997-EBA

04/03

Enrolled Bill Amendment to SB 202-FN

The Committee on Enrolled Bills to which was referred SB 202-FN

AN ACT relative to licensure of outsourcing facilities by the pharmacy board.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 202-FN

This enrolled bill amendment makes technical and grammatical corrections to the bill.

Enrolled Bill Amendment to SB 202-FN

Amend RSA 318-51-d, II as inserted by section 3 of the bill by replacing it with the following:

II. Facilities are subject to inspection by the FDA on a risk-based schedule.

Amend RSA 318-51-d, V as inserted by section 3 of the bill by replacing line 4 with the following:

testing is conducted and the results confirm that the finished drug product meets specifications. Copies of

Amend RSA 318-51-d, VI as inserted by section 3 of the bill by replacing line 3 with the following:

percent of the lots of each product shipped into New Hampshire. Results of these tests shall be

Amend RSA 318-51-e, VI-VII as inserted by section 3 of the bill by replacing them with the following:

VI. Inspection requirements;

VII. Dispensing and distribution requirements of prescription drugs;

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 102, relative to consideration of warrant articles.

HB 171, relative to rebating.

HB 180, relative to the definition of "price or consideration" under the real estate transfer tax and relative to the exception for transfers by devise under such tax.

HB 198, relative to retention requirements for certain motor vehicle records.

HB 255, relative to petitioning for annulment of a class B misdemeanor offense.

HB 322, relative to protection of personally-identifiable data by the department of education.

HB 329, relative to a construction project at the state veterans cemetery.

HB 418, relative to waiver of rights to devised or inherited real property.

HB 603, relative to student exemption from the statewide assessment.

HB 664, consolidating existing oil pollution funds.

SB 22, relative to certain changes in the law governing the therapeutic use of cannabis.

SB 23, allowing certain advanced practice registered nurses to authorize involuntary commitment and voluntary admission to state institutions.

SB 49, relative to clinical eligibility determination for long-term care.

SB 53, repealing the interagency coordinating council for women offenders and relative to the membership of the interbranch criminal and juvenile justice council.

SB 56, establishing a commission to study oversight, regulation, and reporting of patient safety and infectious disease prevention and control issues in health care settings.

SB 60, establishing a commission to investigate implementation of decoupling for New Hampshire utilities.

SB 62, relative to drivers' licenses for persons without a permanent address.

SB 72, establishing a commission to study the use of police personnel files as they relate to the Laurie List.

SB 92, establishing a committee to study public access to political campaign information.

SB 134, relative to the escheat of United States savings bonds.

SB 153, relative to the accessibility of criminal records.

SB 159, reinstating the division for children, youth and families advisory board.

SB 171, establishing a committee to study issues concerning parking for those with walking disabilities.

SB 244, relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 17

June 4, 2015

The Senate reconvened at 10:00 a.m. a quorum being present.

Reverend Jason Wells, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Good morning. As I bring a prayer to you I ask your prayers especially for Father Dan Cinnabaldi of Saint Mary and Peter Church in Rochester. Senator Cataldo's pastor. His pastor is facing stage 4 cancer, so please keep that in your mind this morning. And, if any of you do have prayer requests of your own things that are weighing on your hearts, I do write those down and keep them, literally, close to my heart, but in my prayers. So, please do bring those to me as one of your chaplains.

A few weeks ago I went out to till the garden, and I ran the tiller over hard soil, mixing in compost and manure. And, at the end, I saw crooked lines of loose, rich, dark earth ready for planting. I was pretty satisfied with the work, but I realized that my work that day wasn't done. It wasn't done for the rest of the season. There was planting, and watering, and weeding, harvesting, canning, and eating all yet to come. Some days our work is incomplete, but it's enough work for the day. Even though the work isn't always done perfectly, even if it's only good, we can take rest in it being good enough for today. Let us pray.

Almighty God, in whom no work is perfect except your works of love, and in whom no word is final except your holy Word. We offer to you our work today, imperfect and incomplete. Take this offering from us, limited though it be, and give us rest and peace to serve you for, yet, one more day. Amen.

Sen. Boutin led the Pledge of Allegiance.

INTRODUCTION OF PAGES

Sen. Sanborn introduced Charlotte Olivia Lechner from ConVal Regional High School in Peterborough, and Rowan Beaudoin-Friede from Brooks School in North Andover, Massachusetts serving as Senate Pages for the day.

INTRODUCTION OF GUESTS

(The Chair recognized Sen. Cataldo.)

SENATOR CATALDO: Thank you, Mister President. As we all know that yesterday was a special day for me, and for someone else who is here today. And I would like to introduce before I introduce my wife, by the way, Cheryl...forty-two years ago yesterday, we were married in the church with some 40 people who were our friends from that church in Saint Mary's and Saint Peter's in Farmington, and after 40 years I still have to say that I'm truly in love with this lady. And Mrs. C., please stand.

Sen. Daniels introduced Gate City Charter School for the Arts of Merrimack visiting in the gallery today.

Sen. Kelly introduced Winchester School visiting in the gallery today.

Sen. Stiles introduced Lincoln Akerman School of Hampton Falls visiting in the gallery today.

SPECIAL ORDER

Without objection, the following bills were special ordered to the front of the Regular Calendar.

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

SPECIAL ORDER

Without objection, the following bills were special ordered to the end of the Regular Calendar.

ENERGY AND NATURAL RESOURCES

HB 572-FN-L, relative to taking land by eminent domain for high pressure gas pipelines and requiring payment of the land use change tax when land is taken by eminent domain to build energy infrastructure.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 508, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association.

CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

JUDICIARY

HB 309, permitting landlords to remove tenants' property in certain circumstances. Removed by Sen. Stiles.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

JUDICIARY

HB 225, requiring the defendant to personally appear in the courtroom during a victim impact statement. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill requires the defendant in a criminal proceeding to personally appear in court when the victim or victim's next of kin addresses the judge. Commonly referred to as the "victim impact statement," this statement at the closure of the trial, and after the defendant has been found guilty, is a vital part of the family's healing. Testimony was convincing that having the defendant personally appear at this time is of great importance to the family.

HB 285, relative to discussion with legal counsel under the right-to-know law. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This is one of three bills on the right-to-know statute, RSA 91-A, being re-referred to committee. The purpose is to look at all three aspects in the different bills in the larger context of the entire statute.

HB 287, allowing citizens to record by audio or video a traffic stop by law enforcement officers. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill seeks to place into statute the right to video or audio record a traffic stop by a law enforcement officer. This right has already been affirmed in case law. While we appreciate the sponsor's desire to codify this in statute, this bill actually is more narrow than the Supreme Court decisions, therefore we recommend that the bill not go forward.

HB 613, relative to governmental records exempted under the right-to-know law. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This is the second right-to-know bill being re-referred that raised a number of questions in committee which need to be reviewed within the larger context of RSA 91-A.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR REPORTS

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017. Ought to Pass with Amendment, Vote 4-2. Senator Forrester for the committee.

(Note: Committee Amendment 2015-1962s to HB 1-A will be printed in its entirety in the 2015 permanent *Journal of the Senate*.)

Senate Finance

May 27, 2015

2015-1962s

10/04

Amendment to HB 1-A

Amend the bill by replacing all after section 1.07 with the following:

1.08 Budget Footnotes; General. For any state department, as defined in RSA 9:1 the following general budget footnotes that contain class codes shall apply to all specified class codes in section 1.01 through 1.07 unless specifically exempted.

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

B. The appropriation budgeted in class 047-own forces maintenance-buildings and grounds, class 048-contractual maintenance-buildings and grounds, shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2017. For the biennium ending June 30, 2017, the following account numbers within the department of resources and economic development: 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414, 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-351510-3777, 03-35-35-351510-8146, 03-35-35-351510-6161, 03-35-35-351510-3717 and 03-35-35-351510-3703 shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision.

C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The appropriation budgeted in class 040-indirect costs are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2017.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2017.

H. Not used.

I. In the event that estimated revenue in revenue class 001-transfers for other agencies, 002-transfers from department of transportation, 003-revolving funds, 004-agency income, 005-private local funds, 006-agency income, 007-agency income, 008-agency income, 009-agency income is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits. For the biennium ending June 30, 2017, account number 02-46-46-4620-5731 within the department of corrections shall be exempt from these provisions. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

2 General Fund and Total Appropriation Limits. The amounts included in section 1 for all university system accounts and community college system accounts, under estimated source of funds from general funds, shall be the total appropriation from general funds for such accounting units that may be expended for the purpose of section 1 of this act. Any funds received by said systems from other than general funds are hereby appropriated for the use of the systems and may be expended by said systems whether or not this will result in an appropriation and expenditure by the system in excess of the total appropriation therefor.

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

4 Lottery Commission; Authority Granted. For the biennium ending June 30, 2017, in order to provide sufficient funding to the lottery commission to carry out lottery games that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new games, the expansion of any existing lottery games, or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$6,000,000 for the biennium ending June 30, 2017.

5 Positions Abolished.

I. The following positions are hereby abolished effective at the close of business on June 30, 2015:

Department of Revenue Administration

01-84-84-8405-1301	14485	14437	14498
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Department of Information Technology

01-03-03-030010-7708	10182	10193	17106	19663	20166
	21131	21591	30066	41136	42041
	42129				

Department of Administrative Services

01-014-014-141510-2950	10131			
01-014-014-141510-2042	9U461			
01-014-014-141510-8050	18027			
01-014-014-141510-8000	13322	13324		

Office of Professional Licensure and Certification

01-021-021-212010-2405	41607	13763		
01-021-021-215010-2406	19881	41672		

Adjutant General Department

02-012-012-120010-2240	43161	43162	43163	
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New Hampshire Insurance Department

02-024-024-240010-2521	41776			
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Department of Labor

02-026-026-261010-6200	10987			
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NH Employment Security

02-27-27-270010-8040	11037	11040	11048	11050	11052
	11059	11066	11089	11127	11180
	11207	11213	11215	11248	11259
	11264	11266	11269	11270	11284
	11289	11297	11307	11317	30142
	41216	42025	43667		

New Hampshire Banking Department

02-072-072-720010-2046	13789			
02-072-072-720510-2043	43341			

Department of Transportation

04-096-096-962015-3025	20761	20845	21770	
04-096-096-962015-3028	21499			
04-096-096-962015-3032	21160			
04-096-096-962015-3034	21233			
04-096-096-960515-3035	21174			
04-096-096-960515-3005	20285			
04-096-096-960515-3007	17289	20654	21530	

Department of Health and Human Services

05-095-042-421510-7917	11668			
05-095-042-427010-7929	12263			
05-095-045-450010-6127	43635			
05-095-047-470010-7937	14690	40876	42628	42906
05-095-048-480510-9250	15737			

05-095-049-491510-2987	16604	42891		
05-095-090-903010-7966	12027			
05-095-094-940010-8750	15930	9U443	9U444	9U445 9U446
	9U449	9U450		
05-095-095-951010-7935	15745			
05-095-095-952010-5683	12193			
05-095-095-952010-5146	14640	17416		
05-095-095-953010-5677	40354			
05-095-095-954010-5952	43577			
New Hampshire Department of Education				
06-056-056-563510-8277	41106			
06-056-056-562110-4985	42290			
06-056-056-562110-4993	42296			
06-056-056-562010-6424	42780	42779		
06-056-056-563010-3095	19169	19790		
06-056-056-563010-3274	42286			
06-056-056-563010-6101	42288			
06-056-056-562110-4980	43260			
06-056-056-564010-3002	41105	16941	13318	13308
06-056-056-565010-4095	42768			
06-056-056-566510-1859	43263			
06-056-056-565510-4020	13271	19798		
06-056-056-565510-4040	30379	40578		
06-056-056-565510-4080	13110			
New Hampshire Lottery Commission				
06-083-083-830014-4972	9U162			
Police Standards and Training				
06-087-087-870510-8980	40309			
06-087-087-871010-8999	14553			

II. The following positions are hereby abolished effective at the close of business on June 30, 2016:

Department of Information Technology

01-03-03-030010-7708	9U451
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New Hampshire Lottery Commission

06-083-083-830014-4972	9U160	9U161
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III. The following positions are hereby abolished at the close of business on January 1, 2017:

05-095-045-451010-7993	11610	11852	12162	12356	12725
14621 14894	15703	15753	15837		
16065 16272	16350	16431	16504		

16553	16959	18989	19183	19459
19463	30887	40347	40372	40515
41081	42095	42761	42997	43633

6 Department of Health and Human Services; Division of Child Support Services; Payments to the Administrative Office of the Courts. The appropriation in account number 05-95-42-427010-7929, class 049, includes funds for payment to the administrative office of the courts in accordance with the cooperative agreement between the division of child support services and the administrative office of the courts. The division of child support services and the administrative office of the courts shall, prior to payment of such funds, enter into a cooperative agreement specifying in detail the services to be performed by the administrative office of the courts and the estimated costs of such services. Any change or modification in the services to be performed shall likewise be agreed to in writing and specify the change and the adjustment to the costs. Funds appropriated for these purposes shall be paid only after demonstration by the administrative office of the courts that it consistently transmits court orders to the division of child support services in accordance with the cooperative agreement.

7 Liquor Commission; Revenue Shortfalls. If the transfer from the liquor commission to the general fund falls short of the revenue plan for the fiscal year ending June 30, 2016, the commission shall reduce the commission's budgeted appropriations for the fiscal year ending June 30, 2017 by an amount equal to the shortfall up to 5 percent of the budgeted appropriations and shall provide a report by September 30, 2016 of the reductions to the comptroller, the commissioner of the department of administrative services, and the fiscal committee of the general court.

8 Estimates of Unrestricted Revenue.

GENERAL FUND	<u>FY 2016</u>	<u>FY 2017</u>
BUSINESS PROFITS TAX	\$275,100,000	\$282,000,000
BUSINESS ENTERPRISE TAX	<u>73,800,000</u>	<u>75,600,000</u>
SUBTOTAL BUSINESS TAXES	\$348,900,000	\$357,600,000
MEALS AND ROOMS TAX	284,700,000	301,800,000
TOBACCO TAX	125,300,000	125,900,000
TRANSFER FROM LIQUOR	141,400,000	146,400,000
INTEREST AND DIVIDENDS TAX	93,000,000	94,400,000
INSURANCE	118,300,000	114,400,000
COMMUNICATIONS TAX	59,900,000	61,400,000
REAL ESTATE TRANSFER TAX	81,200,000	86,500,000
COURT FINES & FEES	13,800,000	13,800,000
SECURITIES REVENUE	42,200,000	42,800,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BEER TAX	13,400,000	13,400,000
OTHER REVENUES	69,800,000	70,200,000
TOBACCO SETTLEMENT	2,300,000	0
MEDICAID RECOVERIES	<u>9,800,000</u>	<u>10,400,000</u>
TOTAL GENERAL FUND	\$1,410,000,000	\$1,445,000,000
EDUCATION FUND	<u>FY 2016</u>	<u>FY 2017</u>
BUSINESS PROFITS TAX	\$60,400,000	\$61,900,000
BUSINESS ENTERPRISE TAX	<u>149,800,000</u>	<u>153,600,000</u>
SUBTOTAL BUSINESS TAXES	\$210,200,000	\$215,500,000
MEALS AND ROOMS TAX	8,800,000	9,300,000
TOBACCO TAX	98,500,000	99,000,000
REAL ESTATE TRANSFER TAX	40,000,000	42,600,000
TRANSFER FROM LOTTERY	73,200,000	75,200,000
TRANSFER FROM RACING & CHARITABLE GAMING	2,500,000	2,500,000
TOBACCO SETTLEMENT	40,000,000	39,000,000
UTILITY PROPERTY TAX	41,300,000	41,800,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	\$877,600,000	\$88,000,000

HIGHWAY FUND	FY 2016	FY 2017
GASOLINE ROAD TOLL	\$125,900,000	\$125,900,000
MOTOR VEHICLE FEES	106,400,000	113,500,000
MISCELLANEOUS	<u>1,300,000</u>	<u>900,000</u>
TOTAL HIGHWAY FUND	\$233,600,000	\$240,300,000
FISH AND GAME FUND	FY 2016	FY 2017
FISH AND GAME LICENSES	\$8,500,000	\$8,500,000
FINES AND MISCELLANEOUS	<u>1,800,000</u>	<u>1,800,000</u>
TOTAL FISH AND GAME FUND	\$10,300,000	\$10,300,000

9 Effective Date. This act shall take effect July 1, 2015.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Bradley, seconded by Sen. Sanborn.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

June 3, 2015

2015-2051s

05/09

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following and renumbering the original sections 8-9 to read as 10-11, respectively:

8 Appropriations and Charges; New Hampshire Health Protection Program. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2016	FY 2017
05-95	Department of Health and Human Services			
05-95-45-4510-7993	Field Eligibility and Operations	General Funds	0	\$975,711
05-95-45-4510-7993	Field Eligibility and Operations	Federal Funds	0	\$1,213,827
05-95-47-4700-7941	BCC Program	General Funds	0	(\$800,000)
05-95-47-4700-7941	BCC Program	Federal Funds	0	(\$801,600)
05-95-47-4700-7937	Medicaid Administration	General Funds	\$1,400,000	\$1,550,000
05-95-47-4700-7937	Medicaid Administration	Federal Funds	\$1,400,000	\$1,550,000
05-95-47-4700-7948	Medicaid Care Management	General Funds	0	\$11,200,000
05-95-47-4700-7948	Medicaid Care Management	Federal Funds	0	(\$800,000)
05-95-45-4510-7996	Director's Office	General Funds	0	\$27,429
05-95-45-4510-7996	Director's Office	Federal Funds	0	\$246,857
05-95-95-9540-5952	Office of Information Services	General Funds	0	\$78,750
05-95-47-4700-7948	Medicaid Care Management	Federal Funds	0	\$236,250

9 Appropriations and Charges; Community Health Centers. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2016	FY 2017
05-95	Department of Health and Human Services			
05-95-90-9020-5190	Maternal – Child Health	General Funds	\$1,000,000	\$1,000,000

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Pierce, seconded by Sen. Avard.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. Hosmer offered a floor amendment.

Sen. Hosmer, Dist. 7

June 3, 2015

2015-2054s

05/09

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Appropriations and Charges; Community Mental Health Services. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2016	FY 2017
05-95	Department of Health and Human Services			
05-95-92-9100-7010	Community Mental Health Services	General Funds	\$1,615,077	\$1,169,583
05-95-92-9100-7010	Community Mental Health Services	Federal Funds	\$1,615,076	\$1,169,583
05-95-92-9100-5945	CMH Program Support	General Funds	\$2,010,289	\$1,455,783

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Hosmer.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

June 3, 2015

2015-2048s

04/10

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following new section and renumbering the original sections 8-9 to read as 9-10, respectively.

8 Appropriations and Charges; Substance Use Disorder Funding. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations and charges are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department / Agency	Fund Source	FY 2016	FY 2017
05-95	Department of Health and Human Services			
05-95-49-4915-2989	Governor Commission Funds	General Funds	\$3,735,761	\$5,673,864
05-95-49-4915-2989	Governor Commission Funds	Other Funds	(\$3,187,757)	(\$3,283,390)
01-02	Executive Office			
01-02-02-0200-2411	Office of Substance Use Disorders	General Funds	\$61,239	\$123,136

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Pierce, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21

June 3, 2015

2015-2053s

10/09

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Appropriations; Department of Safety; Fund Sources. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations and charges are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2016	FY 2017
02-23	Department of Safety			
02-23-23-2360-2730	Dir of Homeland Sec-Emer Mgmt	General Funds	\$191,723	\$169,002
02-23-23-2360-2730	Dir of Homeland Sec-Emer Mgmt	Other Funds	(\$191,723)	(\$169,002)
02-23-23-2360-2740	Emergency Mgmt Admin	General Funds	\$64,312	\$872,352
02-23-23-2360-2740	Emergency Mgmt Admin	Other Funds	(\$64,312)	(\$872,352)
02-23-23-2360-2748	Rim-C	General Funds	\$0	\$8,779
02-23-23-2360-2748	Rim-C	Other Funds	\$0	(\$8,779)
02-23-23-2310-2300	Office of the Commissioner	General Fund	\$201,274	\$207,278
02-23-23-2310-2300	Office of the Commissioner	Other Funds	(\$201,274)	(\$207,278)
02-23-23-2310-2310	Business Office	General Funds	\$287,810	\$295,605
02-23-23-2310-2310	Business Office	Other Funds	(\$287,810)	(\$295,605)

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Watters.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
 June 3, 2015
 2015-2058s
 04/10

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 11 and 12, respectively:

8 Department of Corrections; Appropriation for Staffing New Women's Prison. The sum of \$1,600,000 is hereby appropriated to the department of corrections for state fiscal year 2017 for the purpose of establishing up to 50 new positions to staff the opening of the new women's prison. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated. This appropriation is in addition to any other appropriations to the department.

9 Additional Appropriations. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2016	FY 2017
02-23	Department of Safety			
02-23-23-2310-7546	Highway Safety Administration	Highway Funds	\$73,846	\$73,846
02-23-23-2310-7546	Highway Safety Administration	Federal Funds	\$35,107	\$35,107
02-23-23-2330-2311	Driver Licensing	Other Funds	\$165,000	\$200,000
02-23-23-2330-2314	Certificate of Title	Other Funds	\$12,453	\$25,360
02-23-23-2330-2926	Operations	Other Funds	\$42,357	\$0
02-23-23-2330-3100	Admin-Div of Motor Vehicles	Other Funds	\$100,000	\$100,000
02-23-23-2340-2305	Commercial Enforcement	General Funds	\$149,198	\$77,514
02-23-23-2340-2305	Commercial Enforcement	Highway Funds	\$72,789	\$38,006
02-23-23-2340-4003	Traffic Bureau	General Funds	\$269,878	\$260,683
02-23-23-2340-4003	Traffic Bureau	Highway Funds	\$199,488	\$193,731
02-23-23-2340-4003	Traffic Bureau	Turnpike Funds	\$139,015	\$134,434
02-23-23-2340-4010	Enforcement	General Funds	\$0	\$15,927
02-23-23-2340-4010	Enforcement	Highway Funds	\$0	\$7,809
02-23-23-2340-4011	Hampton Beach Detail	General Funds	\$49,401	\$49,320
02-23-23-2340-4011	Hampton Beach Detail	Highway Funds	\$24,101	\$24,182

10 New Section; Appropriations and Charges; Department of Corrections Overtime. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations are hereby authorized to the department of corrections. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Class	Department/Agency	Fund Source	FY 2016	FY 2017
02-46-46-4630-7120		NHSP/M Prison			
02-46-46-4630-7120	018	Overtime	General Funds	\$1,223,854	\$1,103,895
02-46-46-4660-8250		Berlin Prison (NCF)			
02-46-46-4660-8250	018	Overtime	General Funds	\$184,146	\$135,670

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Hosmer.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. Watters offered a floor amendment.

Sen. Watters, Dist. 4
June 3, 2015
2015-2050s
10/09

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Appropriations; Department of Transportation; Winter Maintenance and Municipal Bridge Aid. In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2016	FY 2017
04-96	Department of Transportation			
04-96-96-960515-2928	Winter Maintenance	Highway Funds	\$2,400,000	\$2,400,000
04-96-96-962515-2942	Municipal Bridge	Highway Funds	\$6,800,000	\$6,800,000

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Sanborn, seconded by Sen. Hosmer.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21
June 3, 2015
2015-2073s
06/10

Floor Amendment to HB 1-A

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 In addition to any other sums appropriated for the biennium ending June 30, 2017, the following appropriations are hereby authorized. Said appropriations shall be a charge against the funds as specified in the individual appropriations:

Accounting Unit	Department / Agency	Fund Source	FY 2016	FY 2017
06-58	NH Comm Tech College System			
06-58-58-5800-5931	College System Office	General Funds	\$1,500,000	\$3,725,000
06-50	University System NH			
06-50-50-5060-1855	University System NH	General Funds	\$5,000,000	\$12,000,000

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Recess. Out of recess.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Sanborn, seconded by Sen. Avard.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill was special ordered to after HB 2-FN-A-L.

JUDICIARY

HB 270, granting immunity from criminal prosecution to a person who reports a drug related emergency.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. Ought to Pass with Amendment, Vote 4-2. Senator Forrester for the committee.

Senate Finance

May 27, 2015

2015-1986s

09/05

Amendment to HB 2-FN-A-LOCAL

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

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

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

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

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

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

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

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

- (a) Accounts receivable;
- (b) Accounts payable;
- (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state; and
- (d) Such other finance and accounting functions and transactions the commissioner of administrative services determines would achieve substantial efficiencies from consolidation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees ~~[under the age of 65 years]~~ **and/or each applicable spouse who are not Medicare eligible and** receiving medical and surgical benefits provided pursuant to RSA 21-I:30, ~~[the]~~ **a** premium contribution ~~[amounts of 12.5 percent]~~ **amount based on a percentage** of the total monthly premium ~~[for each such retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants]~~ **attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court provided the percentage is not lower than 12.5 percent.** The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree **and/or each applicable spouse** the remaining contribution amount. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, XIII.

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

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

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

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

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

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

III. The department of justice shall have the authority to hire a full-time attorney assigned to the bureau, who shall act as legal counsel for state executive agencies in the procurement, negotiation, and development of contracts as determined by the attorney general. Each agency shall notify the department of justice of its

intent to procure a contract or enter into any agreement that may materially impact the state, according to criteria established by the department of justice, including but not limited to, contract value, complexity, and performance obligations.

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

7:13 Transfer of Attorneys From Other Departments.

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

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

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

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

22 Judicial Appointments; Number Limited; Vacancies.

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

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

23 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and subject to approval of the fiscal committee of the general court, for the biennium ending June 30, 2017, the supreme court is hereby authorized to transfer funds within and among all accounting units within the judicial branch as the supreme court deems necessary and appropriate to address budget reductions or to respond to changes in federal laws,

regulations, or programs, and otherwise as necessary for the efficient management of the judicial branch. If the supreme court intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d, prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21-R:8-a Purchasing Policy.

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

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

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

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

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

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

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

36 Department of Safety; Assistant Commissioners.

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

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

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

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

II. ~~[The]~~ **Each** 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] *his or her* duties, *the assistant commissioner who has served in that capacity longer shall assume the duties of the commissioner, unless otherwise designated by the commissioner*. The assistant [commissioner] *commissioners* shall be responsible for the operations of the bureau of hearings, and shall, subject to the supervision of the commissioner, exercise authority as required to ensure that the divisions and their directors are implementing the organizational goals and managing the work of the department in an effective manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (e) The commissioner of the department of environmental services, or designee.
- (f) The commissioner of the department of transportation, or designee.
- (g) The director of the New Hampshire division of homeland security and emergency management, or designee.
- (h) The executive director of the New Hampshire Municipal Association, or designee.
- (i) The president of the New Hampshire Planners Association, or designee.
- (j) Two members representing regional planning commissions appointed by the governor, one of whom shall be from an urban area, and one of whom shall be from a rural area.
- (k) The executive director of the New Hampshire housing finance authority, or designee.
- (l) One member of a city planning board or staff, appointed by the governor.
- (m) One member of a town planning board or staff, appointed by the governor.

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

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

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

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

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

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

CHAPTER 310-A

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

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

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

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

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

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

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

- (a) Hearing care providers under RSA 137-F:3.
- (b) Examiners of nursing home administrators under RSA 151-A:3.
- (c) Podiatry under RSA 315:1.
- (d) Chiropractic examiners under RSA 316-A:2.
- (e) Dental examiners under RSA 317-A:2.
- (f) Registration of funeral directors and embalmers under RSA 325:2.
- (g) Midwifery council under RSA 326-D:3.
- (h) Licensed dietitians under RSA 326-H:7.
- (i) Optometry under RSA 327:2.
- (j) Naturopathic board of examiners under RSA 328-E:7.
- (k) Licensed allied health professionals under RSA 328-F:3.
- (l) Acupuncture licensing under RSA 328-G:3.
- (m) Psychologists under RSA 329-B:3.
- (n) Mental health practice under RSA 330-A:3.
- (o) Licensing for alcohol and other drug use professionals under RSA 330-C:3.
- (p) Electrologists under RSA 314:2-a.
- (q) Body art practitioners under RSA 314-A.
- (r) Ophthalmic dispensers under RSA 327-A:2.
- (s) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-H:6.
- (t) Massage therapists under RSA 328-B:5.
- (u) Medicine under RSA 329:2.

(v) Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-B:26.

(w) Pharmacy under RSA 318:2 .

(x) Barbering, cosmetology, and esthetics under RSA 313-A:2.

(y) Medical technicians under RSA 328-A:2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Supervision of the division directors;

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

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

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

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

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

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

310-A:1-e Fees.

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

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

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

(3) The board of podiatry under RSA 315.

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

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

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

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

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

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

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

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

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

(13) Electrologists under RSA 314.

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

(15) Ophthalmic dispensers under RSA 327-A.

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

(17) Massage therapists under RSA 328-B.

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

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

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

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

I. Position 41197 in the department of information technology is hereby transferred to the office of professional licensure and certification including the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology equipment, and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Rules governing the board's meetings and conduct of its business.
- (b) Rules of procedure governing the conduct of investigations and hearings by the board.
- (c) Rules specifying the educational and experience qualifications required for all licensees, and the continuing professional education required for renewal of certificates or registrations.
- (d) Rules of professional conduct directed to controlling the quality and integrity of the practice of public accountancy by licensees, including, but not limited to, matters relating to independence, integrity, objectivity, competence, technical standards, responsibilities to the public, and responsibilities to clients.
- (e) Rules on substantial equivalency for implementation of RSA 309-B:6.
- (f) Rules governing the manner and circumstances of use of the titles "certified public accountant", "CPA," "public accountant" and "PA."
- (g) Rules regarding peer review as required under this chapter. Such rules shall include conduct and cost parameters to ensure that charges for the off-site peer review process are not excessive.
- (h) The establishment of all fees required under this chapter.
- (i) The establishment of administrative fines for violations of this chapter.
- (j) Rules on how an applicant for certificate demonstrates good character.
- (k) Rules for records retention, outsourcing disclosures, and the severance of connections.

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

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

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

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

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

II. The attorney general, or a designee, shall act as legal advisor to the board if the board so requests, and render such legal assistance as deemed necessary by the board in carrying out the provisions of this subdivision, provided that this responsibility shall not relieve the local prosecuting officers of any of their duties under the law. With the approval of the attorney general, the board may employ counsel and necessary

assistance ***through the office of professional licensure and certification*** in carrying out the provisions of this subdivision. Reasonable compensation and expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Has attained the age of 18;

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

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

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

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

V-a. A medical review subcommittee of 11 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and 10 other persons, 3 of whom shall be public members, one of whom shall be a physician assistant, and 6 of whom shall be physicians. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ **through the office of professional licensure and certification** a physician as a medical review subcommittee investigator who shall serve at the pleasure of the board. The salary of the medical review subcommittee investigator shall be established by RSA 94:1-a.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

111 Repeals. The following are repealed:

- I. RSA 126:10-a, relative to the health and human services office of professional licensing.
- II. RSA 310-A:61, relative to expenditures by the board of land surveyors.
- III. RSA 331-A:2, V, relative to definition of executive director of the real estate commission.
- IV. RSA 331-A:6, relative to administrative attachment of the real estate commission.
- V. RSA 331-A:7, I, relative to appointment of the executive director of the real estate commission.
- VI. RSA 331-A:8, relative to powers of the executive director of the real estate commission.
- VII. RSA 326-B:4, XI and XII, relative to staff and executive director of the board of nursing.
- VIII. RSA 326-B:5, relative to administration by the executive director of the board of nursing.
- IX. RSA 318:2-a, relative to administrative attachment of the pharmacy board.
- X. RSA 318:9, relative to administrative duties of the pharmacy board.
- XI. RSA 313-A:2, VI, relative to administrative attachment of the board of barbering, cosmetology and esthetics.
- XII. RSA 317-A:2, relative to administrative attachment of the dental board.
- XIII. RSA 330-A:5, relative to administrative attachment of the board of mental health practice.
- XIV. RSA 327:2, IV and V, relative to administrative attachment of the board of optometry.
- XV. RSA 315:1-a, relative to administrative attachment of the board of podiatry.
- XVI. RSA 151-A:3, IV, relative to administrative attachment of the board of nursing home administrators.
- XVII. RSA 316-A:2, relative to administrative attachment of the board of chiropractic examiners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the commissioner of the department of administrative services shall offer for sale the former Laconia state school land and buildings and the former Laconia state school and training center land and buildings, except those portions of the land and buildings required for state use. The commissioner of the department of administrative services shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court. Any sale of such land and buildings shall be subject to the requirements of RSA 4:40, except that review and approval of the sale of the land and buildings by the council on resources and development and the long range capital planning and utilization committee shall not be required. All proceeds from the sale shall be deposited into the general fund.

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

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

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

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

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

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

(a) That any commissioner or agency head of a department, as defined in RSA 21-G:5, VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the appropriate term or un-

expired portion thereof. The commissioner or agency head may serve beyond the appointed term or unexpired portion thereof with the written authorization of the governor, provided that such service shall not extend beyond 6 months. This subparagraph shall also apply to the adjutant general and the attorney general, and to appointees to the liquor commission, the lottery commission, [~~the racing and charitable gaming commission;~~] and the public utilities commission.

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

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

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

Racing and Charitable Gaming [~~Commission~~]

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

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

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

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

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

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

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

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

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

284:13 Supervision and Hearings. The **lottery** commission shall have the power to conduct hearings at which all matters pertaining to the administration of the affairs of the commission and all activities conducted under its jurisdiction may be investigated and determined and, under the hand of its chairperson, to issue subpoenas for the attendance of witnesses at such hearings. The **lottery** commission on its own motion or at the request of any party may cause a complete record to be made of such hearings by a competent reporter or by electronic recording which shall be transcribed at the request and expense of any party desiring the same, and a copy of such transcription shall be furnished to any other party upon the written request and at the expense of such other party. If the record is not transcribed, the **lottery** commission shall prepare a summary record of the proceedings and evidence. Any member of the **lottery** commission, **or the commission's designee**, may administer oaths and affirmations ~~and may~~ examine witnesses, **and receive testimony and shall forward findings to the full commission as part of the hearing**. Disobedience of such subpoenas or false swearing before the **lottery** commission shall be attended with the same penalties as if such disobedience or false swearing occurred in an action in the superior court. The **lottery** commission shall have the power and authority to regulate, supervise and check the making of pari-mutuel pools and the distributions therefrom. It shall have the further power and authority to investigate as to the direct and indirect ownership and control of any licensee, and any expense incurred by the **lottery** commission in so doing shall be at the expense of such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in proceedings before the **lottery** commission may, within 10 days after such decision is entered, appeal to the superior court by petition specifying the grounds upon which the decision is claimed to be unreasonable or unlawful. Findings and decisions by the **lottery** commission shall be deemed to be prima facie lawful and reasonable, and shall not be set aside on appeal unless found to be arbitrary, capricious, unreasonable, or unlawful.

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

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

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

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

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

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

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

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

I. The state treasurer shall credit all moneys received from the lottery commission ~~[and all moneys received from the racing and charitable gaming commission]~~ under RSA 284, RSA 287-D, and 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 and enforcement expenses of ~~the~~ racing and charitable gaming ~~commission~~ under RSA 284, RSA 287-D, and 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.

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

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

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

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

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

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

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

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

287-E:14 Administrative Orders and Fines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

144 School Building Aid; Alternative School Building Aid.

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

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

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

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

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

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

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

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

148 Department of Health and Human Services; Division of Community-Based Care Services, Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the biennium ending June 30, 2017, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M

401.07; provided, that the department shall also establish, by rule under RSA 541-A, a procedure for such persons or community health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the commissioner of the department of health and human services, the fiscal committee of the general court may authorize a higher per person per year limit.

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

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

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

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

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

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

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

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

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

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

I. Establish by July 1, 1999, categorically needy coverage groups under RSA 167:6, VII and Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI) and 1902(a)(10)(i)(VII) and establish

less restrictive income and resource methodologies under section 1902(r)(2) of Title XIX of the Social Security Act as necessary to increase the eligibility level for medicaid coverage to a minimum of ~~[170]~~ **185** percent of the federal poverty level disregarding resources for a family size equal to the size of the family including the woman, infant or child. This includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State Highway Safety Program

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

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

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

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

21-P:59 Governor's Authority. The governor in addition to other duties and responsibilities conferred upon him or her by the constitution and laws of this state is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 and all acts amendatory and supplemental thereto, and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall coordinate the activities of any and all departments and agencies of this state and its subdivisions, relating thereto.

21-P:60 Local Highway Safety Programs.

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

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

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

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

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

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

Traffic Safety Commission

21-P:64 Establishment. There is hereby established a traffic safety commission consisting of 15 members appointed by the governor and council for a term of 5 years and until their successors are appointed and qualified. Initial appointments by the governor and council shall be as follows: 5 members for 3 years; 5 members for 4 years; 5 members for 5 years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. The commission shall have a chairman who shall be designated by the governor from among its membership. The term of chairman shall be for one year. The commission shall meet not less frequently than quarterly and at such other times as it may be convened by the call of the chairman, and upon petition of 5 members, it shall be the duty of the chairman to convene the commission forthwith. Members of the commission shall receive no compensation but shall be entitled to expenses, including mileage, when in the performance of duties required hereunder.

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

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

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

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

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

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

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

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

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

EE	Insurance department	health reform coordinator
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171 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade FF by deleting the following position:

FF	Department of corrections	warden, New Hampshire state prison—women
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172 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by inserting the following positions:

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

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

GG	Insurance department	director
GG	Department of safety	director of administration

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

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

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

HH	Department of administrative services	director of [plant and property management] procurement and support services
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176 Transfer of Positions.

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

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

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

177 Classified Employees Transferred to Unclassified Positions; Treatment of Leave, Longevity Pay, Terminal Pay; Annual Pay. Classified employees in the department of information technology currently occupying position 11408, position 16614 or position 16515 who are appointed to an unclassified position pursuant to this act shall retain all annual leave, sick leave, longevity pay, and bonus time already accumulated in the classified system. Such annual leave, sick leave, longevity pay, and bonus time shall not be used until the employee's cessation of employment or until the employee transfers to the classified service. Classified employees in the department of information technology currently occupying position 11408, position 16614, or position 16515 who are appointed to an unclassified position at a lower level shall be paid at the same level as such employee was paid prior to the appointment until the pay in the appointed position exceeds the pay the employee was receiving at the time of the appointment.

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

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

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

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

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

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

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

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

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

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

205:4 Effective Date.

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

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

183 Repeal. The following are repealed:

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

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

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

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

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

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

that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.]

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

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

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

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

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

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

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

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

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

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

189 Department of Revenue Administration; Appropriation. The sum of \$163,285 from the \$658,000 settlement agreement dated December 5, 2014 under the Merrimack River Valley flood control compact is hereby appropriated to the department of revenue administration. The governor is authorized to draw a warrant 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. The department shall distribute the moneys in the manner prescribed in RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The remainder of the settlement moneys shall lapse to the general fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

284:21-b Organization.

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

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

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

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

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

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

ORGANIZATION NOTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

227 Department of Corrections; Transfers. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2017, the commissioner of the department of corrections is authorized to transfer funds within and among all accounting units within the department and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present

or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided if a transfer does not include new accounting units or expenditure classes, only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court and governor and council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State House Weekend Operations

14:51 State House Weekend Operations Program.

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

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

- (a) Guided tours of the state house provided by volunteer tour guides.
- (b) A security plan developed in consultation with legislative protective services.
- (c) A plan for visitor use of restrooms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

249 Applicability.

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

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

III. Sections 245 and 248 of this act shall apply to taxable period ending on or after December 31, 2019.

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 188-E

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

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

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

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

188-E:2 Definitions. In this chapter:

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

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

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

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

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

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

(a) Offer a sequence of courses that:

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

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

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

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

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

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

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

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

VIII. "Sending district" means:

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

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

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

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

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

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

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

188-E:5 Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The state shall ~~[reimburse the state's]~~ **pay a** portion of the cost of tuition and **reimburse** transportation **costs**, as provided in this section, for a **sending district** student attending an approved career and technical education (CTE) program.

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

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

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

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

188-E:7 Tuition.

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

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

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

~~[H-]~~ **IV.** The liability of the state and local school districts for tuition shall be determined by the state board under rules adopted pursuant to RSA 541-A, provided that a receiving district may charge a student from a sending district a differential **fee for** career and technical education ~~[fee]~~ not to exceed 3 percent of

the receiving district's cost per pupil for the prior school year, as calculated by the department of education, and provided that the receiving district shall deposit the differential fee into its capital reserve account to be used for career and technical education program development, improvement, and equipment.

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

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

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

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

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

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The state director of career and technical education.
- (d) The commissioner of the department of resources and economic development, or designee.
- (e) The chancellor of the community college system, or designee.

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

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

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

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

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

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

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

IV. The members of the advisory council shall elect a chairperson from among the members. Meetings of the advisory council shall be called by the chairperson as necessary. Seven members of the council shall constitute a quorum.

V. The advisory council shall file an annual report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1.

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

(m) Standards for approval of regional [~~vocational~~] **career and technical** education centers, as authorized by RSA 188-E:3.

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

189:25-a Universal Service Fund; Definition of "School." For the purpose of obtaining discounts pursuant to the universal service fund, otherwise known as "E-rate" discounts, as established by section 254 of the Telecommunications Act of 1996, "school" means any public or private elementary or secondary school, and any regional [~~vocational~~] **career and technical** educational [~~school~~] **center** designated under RSA 188-E, including educational programs offered at such [~~vocational~~] **career and technical** educational [~~schools~~] **centers** for pre-kindergarten, adult education programs, and juvenile justice programs.

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

II-a. In this section, the term "high school" shall include [~~any~~] **the** regional [~~vocational~~] **career and technical** education center in the Manchester school district which complies with the provisions of RSA 188-E.

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

5-B:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk management programs and to affirm the status of such programs established for the benefit of political subdivisions of the state. The legislature finds and determines that insurance and risk management is essential to the proper functioning of political subdivisions; that risk management can be achieved through purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions; that pooled risk management is an essential governmental function by providing focused public sector loss prevention programs, accrual of interest and dividend earnings which may be returned to the public benefit and establishment of costs predicated solely on the actual experience of political subdivisions within the state; that the resources of political subdivisions are presently burdened by the securing of insurance protection through standard carriers; and that pooled risk management programs which meet the standards established by this chapter should not be subject to insurance regulation and taxation by the state, **but shall be subject to oversight by the insurance department as provided in this chapter.**

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

5-B:2 Definitions. In this chapter:

I. "**Commissioner**" means **the insurance commissioner.**

II. "Department" means the **insurance** department [~~of state~~].

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

- (a) The name and legal address of each pooled risk management program;
- (b) A list of current officers, their titles and addresses;
- (c) A brief description of the coverage provided;
- (d) The annual audit required under RSA 5-B:5, I(d);
- (e) A written plan of operation or bylaws; and
- (f) The annual actuarial evaluation required under RSA 5-B:5, I(f).

[H:] IV. "Political subdivision" means any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

[IV:] V. "Risk management" means the defense of claims and indemnification for losses arising out of the ownership, maintenance, and operation of real or personal property and the acts or omissions of officials,

employees, and agents; the provision of loss prevention services including, but not limited to, inspections of property and the training of personnel; and the investigation, evaluation, and settlement of claims by and against political subdivisions.

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

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

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

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

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

(1) Fines.

(2) Rescission, restitution, or disgorgement.

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

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

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

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

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

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

(a) Any person who, either knowingly or negligently, violates any provision of this chapter or any rule or order thereunder, may, upon hearing, and in addition to any other penalty provided for by law, be subject to an administrative fine not to exceed \$2,500. Each of the acts specified shall constitute a separate violation.

(b) After notice and hearing, the ~~[secretary of state]~~ **commissioner** may enter an order of rescission, restitution, or disgorgement directed to a person who has violated this chapter, or rule or order under this chapter. Rescission, restitution, or disgorgement shall be in addition to any other penalty provided for under this chapter.

VIII. Decisions of the ~~[secretary of state]~~ **commissioner** may be appealed to the supreme court pursuant to RSA 541.

IX. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the duties assigned to him or her pursuant to this chapter.

273 Third Party Administrators; Exemption. Amend RSA 402-H:11-b to read as follows:

402-H:11-b Exemption. An association administering a pooled risk management program operated pursuant to RSA 5-B or conducting business that is exempt from taxation under the Internal Revenue Code, section 115 shall not be required to obtain a certificate of authority or to meet the other requirements of this chapter for services provided in connection with the administration of its pooled risk management plans or its section 115 business, but shall be required to register with the commissioner pursuant to RSA 402-H:11-a. Pooled risk management program registration may be accomplished by providing the commissioner a copy of the informational filing required to be filed with the **insurance** department ~~[of state]~~ pursuant to RSA 5-B:4.

274 State College and University System; Trustees of the University System. Amend RSA 187-A:13 to read as follows:

187-A:13 Trustees of University System. The general government of the university system and its constituent divisions and institutions shall be vested in a single board of ~~[27]~~ trustees composed as follows and in accordance with the following conditions:

I. Eight ex-officio members: the governor of the state, the chancellor of the university system, the commissioner of agriculture, markets, and food, the commissioner of education, the president of the university of New Hampshire, the president of Plymouth state university, the president of Keene state college, the president of the Granite state college;

II. ~~[Eleven]~~ **Ten** members appointed by the governor with the advice and consent of the council;

III.(a) Two members shall be students enrolled at Keene state college, Plymouth state university, Granite state college, or the university of New Hampshire who shall serve as student trustees, for the term indicated in this paragraph, on a rotating basis in the order listed below:

- (1) One student each from the university of New Hampshire and Plymouth state university.
- (2) One student each from Plymouth state university and Granite state college.
- (3) One student each from Granite state college and Keene state college.
- (4) One student each from Keene state college and the university of New Hampshire.

(b) The student trustees shall be elected by the student body at the school responsible for providing the student trustees. The term of the student trustees shall be for one year commencing July 1 of the year for which the student was elected and ending June 30 of the next year. Student trustees shall be expected to serve the full duration of their elected term. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the university system shall declare a vacancy in that student trustee position, and the school causing the vacancy shall elect a replacement student trustee who shall serve for the remainder of the predecessor's term. Graduation of a student trustee shall not constitute a vacancy under this paragraph.

IV. Four members elected by the alumni of the university of New Hampshire[;].

V. One member elected by the alumni of Keene state college[;].

VI. One member elected by the alumni of Plymouth state university.

VII. One member elected by the alumni of Granite state college.

At all times, 2 members of the board shall be farmers and both major political parties shall be represented on the board.

275 New Paragraphs; State College and University System; Trustees of the University System. Amend RSA 187-A:13 by inserting after paragraph VII the following new paragraphs:

VIII. The senate president or designee from the senate leadership, who shall be a non-voting member.

IX. The speaker of the house of representatives or designee from the house leadership, who shall be a non-voting member.

276 Repeal. RSA 187-A:13, VIII and IX, relative to house of representatives and senate membership on the university system board of trustees, are repealed.

277 Effective Date.

I. Sections 45, 187-188, 211, 235, and 270-273 shall take effect upon its passage.

II. Sections 170-175, 178-183, and 192-193 of this act shall take effect 60 days after its passage.

III. Sections 3, 35, 44, 167, 169, 189, 203-205, 220, 221, 232, and 256 of this act shall take effect June 30, 2015.

IV. Section 186 of this act shall take effect September 1, 2015 at 12:03 a.m.

V. Sections 190, 198, and 243-249 of this act shall take effect July 1, 2016.

VI. Sections 46 shall take effect November 1, 2016.

VII. Sections 143 and 250 of this act shall take effect July 1, 2017.

VIII. Section 276 of this act shall take effect December 1, 2018.

IX. The remainder of this act shall take effect July 1, 2015.

2015-1986s

AMENDED ANALYSIS

This bill:

1. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.

2. Permits the department of administrative services to transfer funds among accounting units and class codes within the department.

3. Establishes a hiring preference for laid off classified employees.

4. Clarifies that information in a state employee's health risk appraisal is protected health information.

5. Provides for application of the state employees health plan to unrepresented active state employees.

6. Permits executive councilors to participate at their own expense in the state group health and dental insurance arrangement during their tenure in office.

7. Revises components of the state energy performance contracting program.

8. Requires retired employees to provide proof of enrollment in Medicare Parts A and B to remain eligible to participate in the state retiree benefit plan and the judicial retirement plan, and allows the commissioner of administrative services to determine the premium contribution percentages for retirees.

9. Authorizes the lottery commission to establish an employee recognition and incentive program.

10. Requires the liquor commission to reimburse the state for certain legal services provided by the department of justice.

11. Permits the department of justice, bureau of civil law to hire an attorney to review contracts.

12. Clarifies the procedures for the transfer of attorneys from other state agencies to the department of justice.

13. Clarifies disclosure of records in accordance with the Nonparticipating Manufacturer Adjustment Settlement Agreement.

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

15. Authorizes the judicial branch to transfer funds within accounting units.

16. Requires the community college system to remit retiree health care payments to the state.

17. Modifies revenue for the forest management and protection fund.

18. Eliminates the continual appropriation of the state-owned ski area account to the commissioner of the department of resources and economic development and eliminates the requirement for prior approval by the governor and council and the fiscal committee of the general court of expenditures from the state park account.

19. Authorizes transfers of funds by the department of resources and economic development for welcome centers.

20. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the Cannon Mountain capital improvement fund until June 30, 2017.

21. Suspends certain provisions regarding funeral expenses for recipients of public assistance.

22. Allows the commissioner of the department of transportation to transfer funds within accounting units of the department.

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

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

25. Appropriates sums received from the federal government by the department of transportation for reimbursement for costs of emergency response to the department.

26. Continues an appropriation in 2011, 223:1 regarding emergency management for the biennium ending June 30, 2017.

27. Abolishes a position to allow for the transition to an unclassified position within the department of safety for a second assistant commissioner.

28. Authorizes state agency heads to accept credit cards or debit cards for payment of taxes, penalties, interest, or fees.

29. Allows the commissioner of the department of corrections, the commissioner of the department of health and human services, and the commissioner of the department of safety to fill unfunded positions.

30. Repeals 1899, 42 which requires an annual fee to be paid to the University of New Hampshire.

31. Deposits the administrative and enforcement fee for original notices of intent to excavate into the general fund.

32. Extends the prospective repeal relative to the waitlist for community mental health services.

33. Requires that \$34,000,000 of the surplus for the fiscal year ending June 30, 2015 remain in the general fund.

34. Establishes a commission to study the planning functions of the office of energy and planning.

35. Establishes the office of professional licensure and certification and consolidates the duties and authority of the joint board for licensure and certification, the office of professional licensing in the department of health and human services, and the executive director of the real estate commission, and incorporates the administrative, clerical, and business processing functions of various boards, commissions, and councils into the office of professional licensure and certification under an unclassified executive director.

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

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

38. Permits agencies to use funds in class 60 budgets to pay penalties imposed under the employer shared responsibility for health coverage under the Internal Revenue Code.

39. Requires the commissioner of the department of administrative services to offer for sale the former Laconia state school land and buildings and the former Laconia state school and training center land and buildings.

40. Permits the transfer of the appropriation for the administration of the client assistance program that is received by the governor's commission on disability for fiscal years 2016 and 2017 to another qualified agency.

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

42. Permits certain cash payments made by municipalities toward eligible costs resulting from the acquisition and construction of sewage disposal facilities to also be eligible for state contributions.

43. Places a moratorium on new infrastructure projects that would have been eligible for state aid grants under RSA 486, RSA 486-A, and RSA 149-M.

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

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

46. Determines the formula for education grants to municipalities.

47. Suspends school building aid for the biennium.

48. Funds the distribution of revenue from the meals and rooms tax to cities and towns at no more than the fiscal year 2015 distribution for fiscal year 2016.

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

50. Requires that for the biennium ending June 30, 2017, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.

51. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law.

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

53. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

54. Suspends congregate housing and congregate services.

55. Clarifies the rate of reimbursement for services and programs for a Medicaid-eligible child.

56. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2017.

57. Requires the commissioner of the department of health and human services to reinstate Medicaid coverage and open enrollment for children and pregnant women if the New Hampshire health protection program is repealed effective December 31, 2016 or earlier.

58. Clarifies the eligibility level for Medicaid coverage regarding resources for a family size equal to the size of the family including a woman, infant, or child.

59. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2017.

60. Modifies the definition of "assessable lives" for the purpose of the vaccine association.

61. Clarifies that penalty assessments are to be an amount additional to the fines or penalties on which the penalty assessments are levied.

62. Makes the state highway safety agency a unit of the department of safety.

63. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2017.

64. Repeals an appropriation for state matching funds for disaster assistance grants.

65. Makes a reduction in the state self-insured health plan reserve.

66. Increases the transfer from the driver training fund to the department of safety for the fiscal year ending June 30, 2015.

67. Codifies the salaries of certain unclassified positions and clarifies treatment of leave, longevity pay, terminal pay and annual pay of certain classified employees transferred to unclassified positions.

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

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

70. Clarifies state agency communications with the office of the legislative budget assistant.
71. Prohibits enrollment in the retiree medical and surgical benefits plan by retired or active employees enrolled in another employee benefit plan sponsored by the state.
72. Eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.
73. Authorizes the commissioner of revenue administration to contract with the Multistate Tax Commission to participate in audits.
74. Makes an appropriation to the department of revenue administration for the purpose of reimbursing towns for the Massachusetts share of the Merrimack River flood control compact and the Connecticut River flood control compact for state fiscal year 2013.
75. Provides that for the 2017 fiscal year, the state shall reimburse a sheriff providing court security at the same rate applicable to per diem court security officers.
76. Transfers to the site evaluation committee the remaining amount from the original \$500,000 of renewable energy funds authorized in 2014 legislation.
77. Declares that the state shall not offer state employees any health care plan subject to the excise tax under the Patient Protection and Affordable Care Act.
78. Authorizes departments to enter agreements to lease-purchase vehicles and equipment.
79. Clarifies the allocation of unrestricted highway fund appropriations.
80. Adjusts the additional grants for chartered public school pupils based on the Consumer Price Index and increases the grant beginning July 1, 2016 for chartered public schools other than the Virtual Learning Academy Charter School.
81. Authorizes the lottery commission to purchase land and buildings to serve as its headquarters.
82. Allows the lottery commission to appoint an executive director for a term of 4 years.
83. Allows members of the building code review board to receive reimbursement for travel to and from board meetings.
84. Allows the commissioner of the department of safety to transfer funds within accounting units of the department.
85. Clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.
86. Suspends catastrophic aid payments to hospitals for the biennium ending June 30, 2017.
87. Requires that upon the repeal of the certificate of need law on June 30, 2016, the unexpended balance of any fees collected pursuant to 151-C:15 shall be deposited in the general fund.
88. Permits beds in nursing homes, skilled nursing facilities, intermediate care facilities, or rehabilitation facilities to be licensed, replaced, transferred, or relocated to the extent such action would have been permitted under laws in effect on June 30, 2015.
89. Reduces the appropriation to the Sununu Youth Services Center and requires the department of health and human services to develop and implement a cost savings plan for the center.
90. Clarifies the procedure to determine rate payments for providers of home and community-based services and nursing services under the care management program, department of health and human services.
91. Eliminates prior authorization for generic drugs for Medicaid fee for service clients.
92. Requires the commissioner of health and human services to seek federal approval to allow the Medicaid managed care organizations to use their own drug formulary in providing pharmacy benefits and contracting with pharmacy providers.
93. Requires that the commissioner of the department of health and human services consolidate department of health and human services district offices to achieve reductions in general fund appropriations for the 2016 and 2017 fiscal years.

94. Changes expenditures of road toll revenues.
95. Authorizes the state treasurer to enter into the Transportation Infrastructure Finance and Innovation Act program.
96. Transfers funds collected for educational credentialing to the education trust fund.
97. Requires the legislative branch to transfer certain moneys to the general fund.
98. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.
99. Permits the department of information technology to transfer funds within and among accounting units and class lines.
100. Transfers certain funds from the consumer protection escrow account within the department of justice to the general fund.
101. Requires that funds received by the attorney general from consumer protection judgments and settlements be deposited in a consumer protection escrow account.
102. Provides additional authority for the biennium to the liquor commission for purposes of supporting merchant card activity.
103. Establishes the position of unemployment insurance fraud prosecutor in the department of employment security.
104. Authorizes transfers of funds by the department of corrections.
105. Establishes a transitional housing unit maintenance fund in the department of corrections and authorizes the commissioner to make deposits into the fund.
106. Prohibits the public utilities commission from expending funds on implementation of an energy efficiency resource standard for the biennium ending June 30, 2017.
107. Transfers funds from the renewable energy fund to the division of homeland security and emergency management.
108. Appropriates federal funds to northeast multispecies commercial harvesters impacted by the 2012 federal fisheries disaster.
109. Transfers certain general fund revenues to the fish and game department.
110. Allows current statutory fees for fish and game licenses and permits to remain in effect until rules authorized by HB 212 are adopted under RSA 541-A and are effective.
111. Permits the department of transportation to utilize funds from department sources to complete certain improvements in the state 10-year transportation improvement plan.
112. Authorizes the department of education to accept gifts to fund appropriations in accounting unit 06-56-56-562010-7534.
113. Makes an appropriation for an enhanced rate for complex patients served by the Crotched Mountain Foundation.
114. Requires the commissioner of the department of health and human services to submit a state plan amendment to provide substance use disorder services to Title XIX and Title XXI beneficiaries.
115. Raises income eligibility for the Social Services Block Grant program based on the cost of living increase in social security benefits.
116. Authorizes the commissioner of the department of education to transfer funds within and among all accounting units within the department.
117. Establishes the state house weekend operations program and state house weekend operations fund.
118. Reduces the rate of the business profits tax.
119. Reduces the rate of the business enterprise tax.

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

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

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

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

124. Modifies the determination of financial responsibility for tuition for career and technical education center programs and the administration of CTE programs by the department of education.

125. Transfers the authority to administer pooled risk management programs from the secretary of state to the insurance commissioner.

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

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Sanborn, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

June 1, 2015

2015-2005s

04/09

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting section 28.

2015-2005s

AMENDED ANALYSIS

Delete:

20. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the Cannon Mountain capital improvement fund until June 30, 2017.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Little, Dist. 8

Sen. Morse, Dist. 22

Sen. Reagan, Dist. 17

June 3, 2015

2015-2076s

10/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing sections 270 through 273 with the following and renumbering accordingly:

270 Committee Established; Pooled Risk Management Programs. There is established a committee to study the regulation of pooled risk management programs.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days after the effective date of this section.

271 Duties of Committee; Report. The committee established under section 270 shall study the history of the regulation of pooled risk management programs under RSA 5-B, and shall consider whether such programs should be subject to regulation under the authority of the secretary of state, the commissioner of insurance, or another state agency. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and, the state library on or before November 1, 2015.

2015-2076s

AMENDED ANALYSIS

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

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Avard.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 3, 2015

2015-2036s

08/09

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing all after section 276 with the following:

277 Classified Salaries; January 8, 2016. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all unrepresented classified employees and all classified employees represented by an employee organization having an agreement with the state for the biennium ending June 30, 2017 shall be established as follows commencing January 8, 2016:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
01	20,202.00	20,728.50	21,294.00	21,918.00	22,542.00	23,224.50	23,848.50	24,472.50
02	20,728.50	21,294.00	21,918.00	22,542.00	23,224.50	23,848.50	24,472.50	25,174.50
03	21,294.00	21,918.00	22,542.00	23,224.50	23,848.50	24,472.50	25,174.50	25,954.50
04	21,918.00	22,542.00	23,224.50	23,848.50	24,472.50	25,174.50	25,954.50	27,709.50
05	22,542.00	23,224.50	23,848.50	24,472.50	25,174.50	25,954.50	27,709.50	28,743.00
06	23,224.50	23,848.50	24,472.50	25,174.50	25,954.50	27,709.50	28,743.00	29,796.00
07	23,848.50	24,687.00	25,681.50	26,676.00	27,709.50	28,743.00	29,796.00	31,024.50
08	24,687.00	25,681.50	26,676.00	27,709.50	28,743.00	29,796.00	31,024.50	32,194.50
09	25,681.50	26,676.00	27,709.50	28,743.00	29,796.00	31,024.50	32,194.50	33,442.50
10	26,676.00	27,709.50	28,743.00	29,796.00	31,024.50	32,194.50	33,442.50	34,749.00
11	27,709.50	28,743.00	29,796.00	31,024.50	32,194.50	33,442.50	34,749.00	36,153.00

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
12	28,743.00	29,796.00	31,024.50	32,194.50	33,442.50	34,749.00	36,153.00	37,752.00
13	29,796.00	31,024.50	32,194.50	33,442.50	34,749.00	36,153.00	37,752.00	39,292.50
14	31,024.50	32,194.50	33,442.50	34,749.00	36,153.00	37,752.00	39,292.50	40,989.00
15	32,194.50	33,559.50	34,924.50	36,328.50	37,752.00	39,292.50	40,989.00	42,646.50
16	33,559.50	34,924.50	36,328.50	37,752.00	39,292.50	40,989.00	42,646.50	44,479.50
17	34,924.50	36,328.50	37,752.00	39,292.50	40,989.00	42,646.50	44,479.50	46,293.00
18	36,328.50	37,752.00	39,292.50	40,989.00	42,646.50	44,479.50	46,293.00	48,223.50
19	37,752.00	39,292.50	40,989.00	42,646.50	44,479.50	46,293.00	48,223.50	50,251.50
20	39,292.50	40,989.00	42,646.50	44,479.50	46,293.00	48,223.50	50,251.50	52,825.50
21	40,989.00	42,646.50	44,479.50	46,293.00	48,223.50	50,251.50	52,825.50	55,126.50
22	42,646.50	44,479.50	46,293.00	48,223.50	50,251.50	52,825.50	55,126.50	57,525.00
23	44,479.50	46,390.50	48,457.50	50,583.00	52,825.50	55,126.50	57,525.00	60,099.00
24	46,390.50	48,457.50	50,583.00	52,825.50	55,126.50	57,525.00	60,099.00	62,731.50
25	48,457.50	50,583.00	52,825.50	55,126.50	57,525.00	60,099.00	62,731.50	65,578.50
26	50,583.00	52,825.50	55,126.50	57,525.00	60,099.00	62,731.50	65,578.50	68,406.00
27	52,825.50	55,126.50	57,525.00	60,099.00	62,731.50	65,578.50	68,406.00	71,467.50
28	55,126.50	57,525.00	60,099.00	62,731.50	65,578.50	68,406.00	71,467.50	75,309.00
29	57,525.00	60,099.00	62,731.50	65,578.50	68,406.00	71,467.50	75,309.00	78,877.50
30	60,099.00	62,731.50	65,578.50	68,406.00	71,467.50	75,309.00	78,877.50	82,485.00
31	62,731.50	65,715.00	68,796.00	71,916.00	75,309.00	78,877.50	82,485.00	86,365.50
32	65,715.00	68,796.00	71,916.00	75,309.00	78,877.50	82,485.00	86,365.50	90,265.50
33	68,796.00	71,916.00	75,309.00	78,877.50	82,485.00	86,365.50	90,265.50	94,165.50
34	71,916.00	75,309.00	78,877.50	82,485.00	86,365.50	90,265.50	94,165.50	98,046.00
35	75,309.00	78,877.50	82,485.00	86,365.50	90,265.50	94,165.50	98,046.00	101,946.00

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

278 Classified Salaries; January 6, 2017. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all unrepresented classified employees and all classified employees represented by an employee organization having an agreement with the state for the biennium ending June 30, 2017 shall be established as follows commencing January 6, 2017:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
01	20,611.50	21,157.50	21,723.00	22,366.50	23,010.00	23,692.50	24,336.00	24,979.50
02	21,157.50	21,723.00	22,366.50	23,010.00	23,692.50	24,336.00	24,979.50	25,681.50
03	21,723.00	22,366.50	23,010.00	23,692.50	24,336.00	24,979.50	25,681.50	26,481.00
04	22,366.50	23,010.00	23,692.50	24,336.00	24,979.50	25,681.50	26,481.00	28,275.00
05	23,010.00	23,692.50	24,336.00	24,979.50	25,681.50	26,481.00	28,275.00	29,328.00
06	23,692.50	24,336.00	24,979.50	25,681.50	26,481.00	28,275.00	29,328.00	30,400.50
07	24,336.00	25,194.00	26,208.00	27,222.00	28,275.00	29,328.00	30,400.50	31,648.50
08	25,194.00	26,208.00	27,222.00	28,275.00	29,328.00	30,400.50	31,648.50	32,857.50
09	26,208.00	27,222.00	28,275.00	29,328.00	30,400.50	31,648.50	32,857.50	34,125.00
10	27,222.00	28,275.00	29,328.00	30,400.50	31,648.50	32,857.50	34,125.00	35,451.00
11	28,275.00	29,328.00	30,400.50	31,648.50	32,857.50	34,125.00	35,451.00	36,894.00
12	29,328.00	30,400.50	31,648.50	32,857.50	34,125.00	35,451.00	36,894.00	38,512.50
13	30,400.50	31,648.50	32,857.50	34,125.00	35,451.00	36,894.00	38,512.50	40,092.00
14	31,648.50	32,857.50	34,125.00	35,451.00	36,894.00	38,512.50	40,092.00	41,827.50
15	32,857.50	34,242.00	35,626.50	37,069.50	38,512.50	40,092.00	41,827.50	43,504.50
16	34,242.00	35,626.50	37,069.50	38,512.50	40,092.00	41,827.50	43,504.50	45,376.50
17	35,626.50	37,069.50	38,512.50	40,092.00	41,827.50	43,504.50	45,376.50	47,229.00
18	37,069.50	38,512.50	40,092.00	41,827.50	43,504.50	45,376.50	47,229.00	49,198.50
19	38,512.50	40,092.00	41,827.50	43,504.50	45,376.50	47,229.00	49,198.50	51,265.50
20	40,092.00	41,827.50	43,504.50	45,376.50	47,229.00	49,198.50	51,265.50	53,898.00
21	41,827.50	43,504.50	45,376.50	47,229.00	49,198.50	51,265.50	53,898.00	56,238.00

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
22	43,504.50	45,376.50	47,229.00	49,198.50	51,265.50	53,898.00	56,238.00	58,675.50
23	45,376.50	47,326.50	49,432.50	51,597.00	53,898.00	56,238.00	58,675.50	61,308.00
24	47,326.50	49,432.50	51,597.00	53,898.00	56,238.00	58,675.50	61,308.00	63,999.00
25	49,432.50	51,597.00	53,898.00	56,238.00	58,675.50	61,308.00	63,999.00	66,904.50
26	51,597.00	53,898.00	56,238.00	58,675.50	61,308.00	63,999.00	66,904.50	69,790.50
27	53,898.00	56,238.00	58,675.50	61,308.00	63,999.00	66,904.50	69,790.50	72,910.50
28	56,238.00	58,675.50	61,308.00	63,999.00	66,904.50	69,790.50	72,910.50	76,830.00
29	58,675.50	61,308.00	63,999.00	66,904.50	69,790.50	72,910.50	76,830.00	80,457.00
30	61,308.00	63,999.00	66,904.50	69,790.50	72,910.50	76,830.00	80,457.00	84,142.50
31	63,999.00	67,041.00	70,180.50	73,359.00	76,830.00	80,457.00	84,142.50	88,101.00
32	67,041.00	70,180.50	73,359.00	76,830.00	80,457.00	84,142.50	88,101.00	92,079.00
33	70,180.50	73,359.00	76,830.00	80,457.00	84,142.50	88,101.00	92,079.00	96,057.00
34	73,359.00	76,830.00	80,457.00	84,142.50	88,101.00	92,079.00	96,057.00	100,015.50
35	76,830.00	80,457.00	84,142.50	88,101.00	92,079.00	96,057.00	100,015.50	103,993.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

279 Classified Increases; January 8, 2016. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of January 8, 2016, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

280 Classified Increases; January 6, 2017. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of January 6, 2017, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

281 State Trooper Salaries; January 8, 2016. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; New Hampshire State Troopers. Commencing January 8, 2016, the salary ranges for individuals covered by the collective bargaining agreement between the state of New Hampshire and the New Hampshire Troopers Association shall be as follows:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
01	26,145.60	26,915.20	27,664.00	28,454.40	29,286.40	30,180.80	30,971.20	31,803.20
02	26,915.20	27,664.00	28,454.40	29,286.40	30,180.80	30,971.20	31,803.20	32,739.20
03	27,664.00	28,454.40	29,286.40	30,180.80	30,971.20	31,803.20	32,739.20	33,716.80
04	28,454.40	29,286.40	30,180.80	30,971.20	31,803.20	32,739.20	33,716.80	36,025.60
05	29,286.40	30,180.80	30,971.20	31,803.20	32,739.20	33,716.80	36,025.60	37,398.40
06	30,180.80	30,971.20	31,803.20	32,739.20	33,716.80	36,025.60	37,398.40	38,792.00
07	30,971.20	32,115.20	33,384.00	34,673.60	36,025.60	37,398.40	38,792.00	40,435.20
08	32,115.20	33,384.00	34,673.60	36,025.60	37,398.40	38,792.00	40,435.20	41,912.00
09	33,384.00	34,673.60	36,025.60	37,398.40	38,792.00	40,435.20	41,912.00	43,596.80
10	34,673.60	36,025.60	37,398.40	38,792.00	40,435.20	41,912.00	43,596.80	45,260.80
11	36,025.60	37,398.40	38,792.00	40,435.20	41,912.00	43,596.80	45,260.80	47,091.20
12	37,398.40	38,792.00	40,435.20	41,912.00	43,596.80	45,260.80	47,091.20	49,212.80
13	38,792.00	40,435.20	41,912.00	43,596.80	45,260.80	47,091.20	49,212.80	51,272.00
14	40,435.20	41,912.00	43,596.80	45,260.80	47,091.20	49,212.80	51,272.00	53,435.20
15	41,912.00	43,721.60	45,448.00	47,299.20	49,212.80	51,272.00	53,435.20	55,619.20
16	43,721.60	45,448.00	47,299.20	49,212.80	51,272.00	53,435.20	55,619.20	58,011.20
17	45,448.00	47,299.20	49,212.80	51,272.00	53,435.20	55,619.20	58,011.20	60,403.20

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
18	47,299.20	49,212.80	51,272.00	53,435.20	55,619.20	58,011.20	60,403.20	62,982.40
19	49,212.80	51,272.00	53,435.20	55,619.20	58,011.20	60,403.20	62,982.40	65,582.40
20	51,272.00	53,435.20	55,619.20	58,011.20	60,403.20	62,982.40	65,582.40	68,952.00
21	53,435.20	55,619.20	58,011.20	60,403.20	62,982.40	65,582.40	68,952.00	71,947.20
22	55,619.20	58,011.20	60,403.20	62,982.40	65,582.40	68,952.00	71,947.20	75,150.40
23	58,011.20	60,548.80	63,232.00	66,081.60	68,952.00	71,947.20	75,150.40	78,540.80
24	60,548.80	63,232.00	66,081.60	68,952.00	71,947.20	75,150.40	78,540.80	81,993.60
25	63,232.00	66,081.60	68,952.00	71,947.20	75,150.40	78,540.80	81,993.60	85,633.60
26	66,081.60	68,952.00	71,947.20	75,150.40	78,540.80	81,993.60	85,633.60	89,398.40
27	68,952.00	71,947.20	75,150.40	78,540.80	81,993.60	85,633.60	89,398.40	93,412.80
28	71,947.20	75,150.40	78,540.80	81,993.60	85,633.60	89,398.40	93,412.80	98,404.80
29	75,150.40	78,540.80	81,993.60	85,633.60	89,398.40	93,412.80	98,404.80	103,064.00
30	78,540.80	81,993.60	85,633.60	89,398.40	93,412.80	98,404.80	103,064.00	107,848.00
31	81,993.60	85,820.80	89,876.80	93,974.40	98,404.80	103,064.00	107,848.00	112,944.00
32	85,820.80	89,876.80	93,974.40	98,404.80	103,064.00	107,848.00	112,944.00	118,040.00
33	89,876.80	93,974.40	98,404.80	103,064.00	107,848.00	112,944.00	118,040.00	123,156.80
34	93,974.40	98,404.80	103,064.00	107,848.00	112,944.00	118,040.00	123,156.80	128,252.80
35	98,404.80	103,064.00	107,848.00	112,944.00	118,040.00	123,156.80	128,252.80	133,348.80

282 State Trooper Salaries; January 6, 2017. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; New Hampshire State Troopers. Commencing January 6, 2017, the salary ranges for individuals covered by the collective bargaining agreement between the state of New Hampshire and the New Hampshire Troopers Association, and state trooper command staff shall be as follows:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
01	26,686.40	27,456.00	28,225.60	29,036.80	29,889.60	30,804.80	31,595.20	32,448.00
02	27,456.00	28,225.60	29,036.80	29,889.60	30,804.80	31,595.20	32,448.00	33,404.80
03	28,225.60	29,036.80	29,889.60	30,804.80	31,595.20	32,448.00	33,404.80	34,403.20
04	29,036.80	29,889.60	30,804.80	31,595.20	32,448.00	33,404.80	34,403.20	36,753.60
05	29,889.60	30,804.80	31,595.20	32,448.00	33,404.80	34,403.20	36,753.60	38,147.20
06	30,804.80	31,595.20	32,448.00	33,404.80	34,403.20	36,753.60	38,147.20	39,582.40
07	31,595.20	32,760.00	34,070.40	35,380.80	36,753.60	38,147.20	39,582.40	41,246.40
08	32,760.00	34,070.40	35,380.80	36,753.60	38,147.20	39,582.40	41,246.40	42,764.80
09	34,070.40	35,380.80	36,753.60	38,147.20	39,582.40	41,246.40	42,764.80	44,470.40
10	35,380.80	36,753.60	38,147.20	39,582.40	41,246.40	42,764.80	44,470.40	46,176.00
11	36,753.60	38,147.20	39,582.40	41,246.40	42,764.80	44,470.40	46,176.00	48,048.00
12	38,147.20	39,582.40	41,246.40	42,764.80	44,470.40	46,176.00	48,048.00	50,211.20
13	39,582.40	41,246.40	42,764.80	44,470.40	46,176.00	48,048.00	50,211.20	52,312.00
14	41,246.40	42,764.80	44,470.40	46,176.00	48,048.00	50,211.20	52,312.00	54,516.80
15	42,764.80	44,616.00	46,363.20	48,256.00	50,211.20	52,312.00	54,516.80	56,742.40
16	44,616.00	46,363.20	48,256.00	50,211.20	52,312.00	54,516.80	56,742.40	59,176.00
17	46,363.20	48,256.00	50,211.20	52,312.00	54,516.80	56,742.40	59,176.00	61,630.40
18	48,256.00	50,211.20	52,312.00	54,516.80	56,742.40	59,176.00	61,630.40	64,251.20
19	50,211.20	52,312.00	54,516.80	56,742.40	59,176.00	61,630.40	64,251.20	66,913.60
20	52,312.00	54,516.80	56,742.40	59,176.00	61,630.40	64,251.20	66,913.60	70,345.60
21	54,516.80	56,742.40	59,176.00	61,630.40	64,251.20	66,913.60	70,345.60	73,403.20
22	56,742.40	59,176.00	61,630.40	64,251.20	66,913.60	70,345.60	73,403.20	76,668.80
23	59,176.00	61,776.00	64,500.80	67,412.80	70,345.60	73,403.20	76,668.80	80,121.60
24	61,776.00	64,500.80	67,412.80	70,345.60	73,403.20	76,668.80	80,121.60	83,636.80
25	64,500.80	67,412.80	70,345.60	73,403.20	76,668.80	80,121.60	83,636.80	87,360.00
26	67,412.80	70,345.60	73,403.20	76,668.80	80,121.60	83,636.80	87,360.00	91,187.20
27	70,345.60	73,403.20	76,668.80	80,121.60	83,636.80	87,360.00	91,187.20	95,284.80
28	73,403.20	76,668.80	80,121.60	83,636.80	87,360.00	91,187.20	95,284.80	100,380.80
29	76,668.80	80,121.60	83,636.80	87,360.00	91,187.20	95,284.80	100,380.80	105,144.00
30	80,121.60	83,636.80	87,360.00	91,187.20	95,284.80	100,380.80	105,144.00	110,011.20
31	83,636.80	87,547.20	91,686.40	95,867.20	100,380.80	105,144.00	110,011.20	115,211.20
32	87,547.20	91,686.40	95,867.20	100,380.80	105,144.00	110,011.20	115,211.20	120,411.20

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
33	91,686.40	95,867.20	100,380.80	105,144.00	110,011.20	115,211.20	120,411.20	125,632.00
34	95,867.20	100,380.80	105,144.00	110,011.20	115,211.20	120,411.20	125,632.00	130,832.00
35	100,380.80	105,144.00	110,011.20	115,211.20	120,411.20	125,632.00	130,832.00	136,032.00

283 Compensation for Certain State Officers; Unclassified State Employees; January 8, 2016. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
AA	52,745.16	56,184.96	59,624.24	63,062.48	66,501.24	69,940.52
BB	54,844.92	58,420.96	61,998.56	65,576.16	69,153.24	72,729.80
CC	57,389.28	61,138.48	64,886.64	68,635.32	72,383.48	76,132.16
DD	60,422.44	64,370.28	68,319.16	72,268.04	76,215.88	80,163.20
EE	63,991.72	68,180.32	72,367.88	76,555.96	80,744.04	84,933.68
FF	68,417.44	72,900.36	77,383.80	81,867.24	86,351.20	90,832.56
GG	73,854.56	78,698.36	83,542.16	88,385.44	93,229.76	98,073.56
HH	80,419.04	85,700.16	90,981.28	96,262.40	101,543.52	106,824.64
II	85,024.68	90,612.08	96,201.04	101,789.48	107,377.40	112,965.32
JJ	89,629.28	95,524.00	101,419.24	107,313.96	113,208.68	119,105.48
KK	91,920.40	97,968.52	104,017.16	110,065.28	116,113.92	122,162.56
LL	0.00	0.00	0.00	0.00	0.00	125,744.32
MM	0.00	0.00	0.00	0.00	0.00	129,992.72
NN	0.00	0.00	0.00	0.00	0.00	134,982.12
OO	0.00	0.00	0.00	0.00	0.00	140,815.48
PP	0.00	0.00	0.00	0.00	0.00	147,788.68
QQ	0.00	0.00	0.00	0.00	0.00	156,180.44

284 Compensation for Certain State Officers; Unclassified State Employees; January 6, 2017. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
AA	53,800.24	57,308.68	60,817.12	64,324.00	67,831.40	71,339.84
BB	55,942.12	59,589.40	63,238.76	66,888.12	70,536.44	74,184.76
CC	58,537.44	62,361.52	66,184.56	70,008.12	73,831.16	77,655.24
DD	61,630.92	65,657.80	69,685.72	73,713.64	77,740.52	81,766.88
EE	65,271.96	69,544.28	73,815.56	78,087.36	82,359.16	86,632.52
FF	69,786.08	74,358.44	78,931.84	83,504.72	88,078.64	92,649.44
GG	75,331.88	80,272.40	85,213.44	90,153.44	95,094.48	100,035.52
HH	82,027.92	87,414.60	92,801.28	98,187.96	103,574.64	108,961.32
II	86,725.60	92,424.80	98,125.56	103,825.28	109,525.00	115,224.72
JJ	91,422.24	97,434.48	103,447.76	109,460.52	115,473.28	121,487.60
KK	93,759.12	99,928.40	106,097.68	112,266.96	118,436.24	124,606.04
LL	0.00	0.00	0.00	0.00	0.00	128,259.56
MM	0.00	0.00	0.00	0.00	0.00	132,592.72
NN	0.00	0.00	0.00	0.00	0.00	137,681.96
OO	0.00	0.00	0.00	0.00	0.00	143,631.80
PP	0.00	0.00	0.00	0.00	0.00	150,744.88
QQ	0.00	0.00	0.00	0.00	0.00	159,304.08

285 Salary Wages for Councilors and Commissioners; January 8, 2016. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing January 8, 2016:

	Minimum	Maximum
Governor's councilors		\$16,420
Racing and charitable gaming commissioners		\$12,735
Sweepstakes commission, chairman		\$18,522
Sweepstakes commission, members		\$10,426

286 Salary Wages for Councilors and Commissioners; January 6, 2017. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing January 6, 2017:

	Minimum	Maximum
Governor's councilors		\$16,748
Racing and charitable gaming commissioners		\$12,990
Sweepstakes commission, chairman		\$18,893
Sweepstakes commission, members		\$10,635

287 Department of Justice; Attorney Salaries; January 8, 2016. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 8, 2016:

	Minimum	Market anchor	Maximum
	\$48,838		\$116,566
Attorney		\$58,871	
Assistant attorney general		\$80,193	
Senior assistant attorney general		\$99,007	
Associate attorney general		\$109,041	

288 Department of Justice; Attorney Salaries; January 6, 2017. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 6, 2017:

	Minimum	Market anchor	Maximum
	\$49,814		\$118,897
Attorney		\$60,049	
Assistant attorney general		\$81,797	
Senior assistant attorney general		\$100,987	
Associate attorney general		\$111,222	

289 Legislative Employees; January 8, 2016. Legislative employees shall receive 2 percent salary increases effective January 8, 2016, if such increases are approved by the appointing authority.

290 Legislative Employees; January 6, 2017. Legislative employees shall receive 2 percent salary increases effective January 6, 2017, if such increases are approved by the appointing authority.

291 Increases in Salary; Other Non-Classified or Unclassified Employees. All other nonclassified or unclassified employees not covered by the provisions for salary increases in this act shall be granted a salary increase of 2 percent effective January 8, 2016, and an additional salary increase of 2 percent effective January 6, 2017.

292 Judicial Salaries; January 8, 2016. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$163,976
Associate justices, supreme court	\$159,042
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$159,042
Associate justices, superior court	\$149,175
District court justices prohibited from practice pursuant to RSA 502-A:21	\$149,175
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$149,175

293 Judicial Salaries; January 6, 2017. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$167,271
Associate justices, supreme court	\$162,240
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$162,240
Associate justices, superior court	\$152,159
District court justices prohibited from practice pursuant to RSA 502-A:21	\$152,159
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$152,159

294 Judges; State Employee Health Plan; Application. The cost sharing and plan design for judges who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement between the state of New Hampshire and the State Employees' Association of New Hampshire, Inc.

295 Judicial Employees; January 8, 2016. All unrepresented judicial employees shall receive 2 percent salary increases on January 8, 2016.

296 Judicial Employees; January 6, 2017. All unrepresented judicial employees shall receive 2 percent salary increases on January 6, 2017.

297 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 237-256 of this act for the fiscal years ending June 30, 2016 and June 30, 2017:

FY 2016

All	Liquor	General	Federal	Highway	Turnpike	Fish & Game	Other
\$7,500,000	\$300,000	\$3,000,000	\$1,432,500	\$1,020,000	\$120,000	\$75,000	\$1,552,500

FY 2017

All	Liquor	General	Federal	Highway	Turnpike	Fish & Game	Other
\$22,500,000	\$900,000	\$9,000,000	\$4,297,500	\$3,060,000	\$360,000	\$225,000	\$4,657,500

The Department of Administrative Services is authorized to make rounding adjustments of up to +\$.01 per hour as needed to properly process the employee's payroll within the currently designed Human Resources/ Payroll System (NH FIRST).

298 Department of Administrative Services; Appropriation; Parking Benefit. There is hereby appropriated to the department of administrative services the sum of \$50,000 for the fiscal year ending June 30, 2016 and the sum of \$50,000 for the fiscal year ending June 30, 2017, for the purpose of implementing the state employee parking benefit agreed to in the collective bargaining agreement between the state of New Hampshire and the New Hampshire state employees association. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

299 Effective Date.

I. Sections 45, 187-188, 211, 235, and 270-273 shall take effect upon its passage.

II. Sections 170-175, 178-183, and 192-193 of this act shall take effect 60 days after its passage.

III. Sections 3, 35, 44, 167, 169, 189, 203-205, 220, 221, 232, and 256 of this act shall take effect June 30, 2015.

IV. Section 186 of this act shall take effect September 1, 2015 at 12:03 a.m.

V. Sections 190, 198, and 243-249 of this act shall take effect July 1, 2016.

VI. Sections 46 shall take effect November 1, 2016.

VII. Sections 143 and 250 of this act shall take effect July 1, 2017.

VIII. Section 276 of this act shall take effect December 1, 2018.

IX. Sections 277, 279, 281, 283, 285, 287, and 292 shall take effect January 8, 2016.

X. Sections 278, 280, 282, 284, 286, 288, and 295 shall take effect January 6, 2017.

XI. The remainder of this act shall take effect July 1, 2015.

2015-2036s

AMENDED ANALYSIS

127. Makes appropriations for salary increases for state employees.

128. Appropriates funds to the department of administrative services for the biennium ending June 30, 2017 for the purpose of implementing the state employee parking benefit agreed to in the collective bargaining agreement.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Sanborn, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 11 - Nays: 13

Failed.

Recess. Out of recess.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 28, 2015

2015-1993s

05/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 39 with the following:

39 Filling Unfunded Positions; Authorization. Notwithstanding other provisions of law to the contrary, the head of any state agency or department may fill unfunded positions during the biennium ending June 30, 2017, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services.

2015-1993s

AMENDED ANALYSIS

29. Allows state agency heads to fill unfunded positions.

The question is on the adoption of the Floor Amendment. Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 28, 2015

2015-1994s

05/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 194 with the following:

194 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium ending June 30, 2017, any state agency or department is authorized, with the prior written approval of the department of administrative services, to enter into agreements to rent, lease, or lease-purchase vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment from any other state agency or department. Any lease-purchase agreements entered into under this provision are exempt from approval by governor, with the advice of council, under RSA 4:15.

The question is on the adoption of the Floor Amendment. Failed.

Sen. Feltes offered a floor amendment.

Sen. Feltes, Dist. 15
June 3, 2015
2015-2043s
03/09

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 243 through 249.

2015-2043s

AMENDED ANALYSIS

Delete paragraphs 118 and 119.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

Sen. Feltes offered a floor amendment.

Sen. Feltes, Dist. 15
Sen. Kelly, Dist. 10
June 3, 2015
2015-2068s
04/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting section 198 and renumber accordingly.

Amend the bill by inserting after section 276 the following new section and renumber accordingly:

277 Department of Education; Full-day Kindergarten. Notwithstanding RSA 198:38, I, and in addition to any other sums appropriated for the biennium ending June 30, 2017, the commissioner of the department of education is authorized to expend an additional \$1,000,000 for the fiscal year ending June 30, 2016 and an additional \$1,000,000 for the fiscal year ending June 30, 2017 from the education trust fund for the purpose of supplementing adequate education grants to public schools that operate full-day kindergarten programs.

2015-2068s

AMENDED ANALYSIS

Delete paragraph 80.

127. Authorizes the commissioner of the department of education to supplement adequate education grants for public schools that operate a full-day kindergarten program.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Morse.

Yeas: 11 - Nays: 13

Failed.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Sanborn, seconded by Sen. Soucy.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted, bill ordered to Third Reading.

Without objection the Clerk was instructed to renumber the bill accordingly.

JUDICIARY

HB 270, granting immunity from criminal prosecution to a person who reports a drug related emergency. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Senate Judiciary

May 26, 2015

2015-1950s

04/03

Amendment to HB 270

Amend the title of the bill by replacing it with the following:

AN ACT granting immunity from arrest, prosecution, or conviction to a person who requests medical assistance to save the life of an overdose victim.

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

1 Legislative Intent. It is the intent of the general court to encourage a witness or victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witness or victim from arrest, prosecution, and conviction for the crime of possession of the controlled drug that is the agent of the overdose. It is the intent of the general court to provide immunity from arrest, prosecution, or conviction for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, where medical assistance has been requested for someone experiencing an overdose. It is the intent of the general court that these protections shall prohibit any state action that would result in the imposition of incarceration against a person who requests medical assistance. This state action includes, but is not limited to, criminal prosecution, revocation of bail, violation of pretrial release, violation of probation, revocation of parole, or revocation of furlough, pursuant to RSA 318-B:17-b.

2 New Section; Controlled Drug Act; Immunity From Liability. Amend RSA 318-B by inserting after section 28-a the following new section:

318-B:28-b Immunity From Liability.

I. As used in this section:

(a) "Drug overdose" means an acute condition resulting from or believed to be resulting from the use of a controlled drug which a layperson would reasonably believe requires medical assistance.

(b) "Medical assistance" means professional services provided to a person experiencing a drug overdose by a health care professional licensed, registered, or certified under state law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency services for a person experiencing a drug overdose.

(c) "Requests medical assistance" shall include a request for medical assistance as well as providing care to someone who is experiencing a drug overdose while awaiting the arrival of medical assistance to aid the overdose victim.

II. It shall be a complete defense to an offense of possessing or having under his or her control, a controlled drug in violation of RSA 318-B:2 that a person in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose. A person who in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose shall not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

III. It shall be a complete defense to an offense of possessing or having under his or her control, a controlled drug in violation of RSA 318-B:2 that a person who is experiencing a drug overdose, in good faith and in a timely manner, requests medical assistance for himself or herself. A person who in good faith requests, or is the subject of a good faith request for medical assistance shall not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

IV. The acts protected in paragraphs II and III shall extend to protect persons from arrest and prosecution for a violation of a condition of pretrial release, probation, parole, or furlough, or for any other offense arising from the act of requesting medical assistance, or a forfeiture proceeding pursuant to RSA 318-B:17-b.

V. The immunity provisions of this section shall also apply to prohibit the arrest, prosecution, or conviction of persons described in paragraphs II, III, and IV to the extent the arrest, prosecution, or conviction is based on the use or derivative use of evidence gained as a proximate result of a request for medical assistance for a drug overdose, and does not preclude the arrest, prosecution, or conviction of the person for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was obtained from an independent source.

3 Applicability. This act shall apply to a person who requests medical assistance for a drug overdose on or after the effective date of this act.

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

2015-1950s

AMENDED ANALYSIS

This bill permits a witness or victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by protecting the witness or victim from arrest, prosecution, and conviction. The bill provides immunity from arrest, prosecution, or conviction for a person who, in good faith and in a timely manner, requests medical assistance for someone who is experiencing a drug overdose or for themselves if they are experiencing a drug overdose.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10
 Sen. Carson, Dist. 14
 Sen. Pierce, Dist. 5
 Sen. Boutin, Dist. 16
 June 4, 2015
 2015-2083s
 04/09

Floor Amendment to HB 270

Amend the title of the bill by replacing it with the following:

AN ACT granting immunity from arrest, prosecution, or conviction to a person who requests medical assistance to save the life of an overdose victim.

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

1 Legislative Intent. It is the intent of the general court to encourage a witness or victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witness or victim from arrest, prosecution, and conviction for the crime of possession of the controlled drug that is the agent of the overdose. It is the intent of the general court to provide immunity from arrest, prosecution, or conviction for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, where medical assistance has been requested for someone experiencing an overdose.

2 New Section; Controlled Drug Act; Immunity From Liability. Amend RSA 318-B by inserting after section 28-a the following new section:

318-B:28-b Immunity From Liability.

I. As used in this section:

(a) "Drug overdose" means an acute condition resulting from or believed to be resulting from the use of a controlled drug which a layperson would reasonably believe requires medical assistance.

(b) "Medical assistance" means professional services provided to a person experiencing a drug overdose by a health care professional licensed, registered, or certified under state law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency services for a person experiencing a drug overdose.

(c) "Requests medical assistance" shall include a request for medical assistance as well as providing care to someone who is experiencing a drug overdose while awaiting the arrival of medical assistance to aid the overdose victim.

II. It shall be a defense to an offense of possessing or having under his or her control, a controlled drug in violation of RSA 318-B:2 that a person in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose. A person who in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose shall not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

III. It shall be a defense to an offense of possessing or having under his or her control, a controlled drug in violation of RSA 318-B:2 that a person who is experiencing a drug overdose, in good faith and in a timely manner, requests medical assistance for himself or herself. A person who in good faith requests, or is the subject of a good faith request for medical assistance shall not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

IV.(a) Nothing in this section shall be construed to limit the admissibility of evidence in connection with the investigation or prosecution of a crime involving a person who is not protected as provided in paragraphs II or III.

(b) Nothing in this section shall be construed to limit the lawful seizure of any evidence or contraband.

(c) Nothing in this section shall be construed to limit or abridge the authority of a law enforcement officer to detain or place into custody a person as part of a criminal investigation, or to arrest a person for an offense not protected by the provisions of paragraphs II or III.

V. No later than January 1, 2016, the commissioner of the department of health and human services shall develop and make available on the department's public Internet website, information for the public explaining the meaning and applicability of the provisions of this section.

3 Applicability. This act shall apply to a person who requests medical assistance for a drug overdose on or after the effective date of this act.

4 Repeal. RSA 318-B:28-b, relative to immunity from liability, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect September 1, 2018.

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

2015-2083s

AMENDED ANALYSIS

This bill permits a witness or victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by protecting the witness or victim from arrest, prosecution, and conviction. The bill also provides immunity from arrest, prosecution, or conviction for a person who, in good faith and in a timely manner, requests medical assistance for someone who is experiencing a drug overdose or for themselves if they are experiencing a drug overdose.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Forrester is in opposition to the motion of Ought to Pass with Amendment on HB 270.

Recess. Out of recess.

ENERGY AND NATURAL RESOURCES

HB 208-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program. Ought to Pass with Amendment, Vote 3-2. Senator Feltes for the committee.

Energy and Natural Resources

May 27, 2015

2015-1970s

01/04

Amendment to HB 208-FN

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

1 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, II and III to read as follows:

II. All amounts ~~[in excess of the threshold price of \$1 for any allowance sale]~~ shall be ***allocated to the commercial and industrial retail electric customers and the residential retail electric customers consistent with the kilowatt-hour delivery sales of electric distribution utilities as determined by the commission. All of the commercial and industrial retail electric customer allocations shall be*** rebated to all ~~[retail electric ratepayers]~~ ***commercial and industrial retail customers*** in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for commission and department administration under paragraph I, shall be allocated by the commission as follows:

(a) At least ~~[15]~~ **30** percent to the low-income core energy efficiency program.

(b) Beginning January 1, ~~[2014]~~ **2016**, ~~[up to \$2,000,000]~~ ***the remainder*** annually to utility core programs for municipal, ***school district***, and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year 2017, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge.

~~[(c) The remainder to all fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the commission. Bids shall be evaluated based on, but not limited to, the following criteria:]~~

- ~~(1) A benefit/cost ratio analysis including all fuels.~~
- ~~(2) Demonstrated ability to provide a comprehensive, fuel neutral program.~~
- ~~(3) Demonstrated infrastructure to effectively deliver such program.~~
- ~~(4) Experience of the bidder in administering energy efficiency programs.~~
- ~~(5) Ability to reach out to customers.~~
- ~~(6) The validity of the energy saving assumptions described in the bid.]~~

2 Repeal. RSA 125-O:23, IV and V, relative to use of remaining proceeds received by the state from the sale of allowances, are repealed.

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

2015-1970s

AMENDED ANALYSIS

This bill changes the allocation of proceeds received from allowance sales under the New Hampshire regional greenhouse gas initiative program.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Reagan, seconded by Sen. Feltes.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Little, Kelly, Avard, Lasky, Feltes, Boutin, Soucy, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Daniels, Carson, Reagan, Birdsell, Prescott, Morse.

Yeas: 14 - Nays: 10

Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Avard, seconded by Sen. Cataldo.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Little, Kelly, Lasky, Feltes, Boutin, Soucy, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Prescott, Morse.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 427, relative to the definition of the New Hampshire fire code. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

Senate Executive Departments and Administration

May 27, 2015

2015-1974s

05/10

Amendment to HB 427

Amend the title of the bill by replacing it with the following:

AN ACT directing the state building code review board to study inclusion of the 2015 editions of the Life Safety Code and the Uniform Fire Code NFPA1 in the New Hampshire fire code.

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

1 State Building Code Review Board; Study of the New Hampshire Fire Code and the 2015 Editions of the Life Safety Code and the Uniform Fire Code NFPA1. The state building code review board, established in RSA 155-A:10, shall study inclusion of the 2015 editions of the Life Safety Code and the Uniform Fire Code NFPA1 in the New Hampshire fire code, as defined in RSA 153:1, VI-a. The board shall submit its findings and recommendations to the chairpersons of the executive departments and administration committees for the house of representatives and the senate on or before January 1, 2016.

2 Effective Date. This act shall take effect upon its passage.

2015-1974s

AMENDED ANALYSIS

This bill requires the state building code review board to study inclusion of the 2015 editions of the Life Safety Code and the Uniform Fire Code NFPA 1 in the New Hampshire fire code.

Sen. Pierce moved Re-refer to Committee.

The question is on the motion of Re-refer to Committee. Adopted.

FINANCE

HB 550-FN, relative to administration of the tobacco tax. Ought to Pass with Amendment, Vote 4-2. Senator Little for the committee.

Senate Finance

May 27, 2015

2015-1984s

03/09

Amendment to HB 550-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to administration of the tobacco tax and relative to the sale or exchange of an interest in a business organization under the business profits tax.

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 15:

13 Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4, XIV to read as follows:

XIV.(a) In the case of a business organization where an interest or beneficial interest in the organization has been sold or exchanged, an addition to gross business profits of an amount equal to the net increase in the basis of all underlying assets transferred or sold through the sale or exchange of the interest. The increase in the basis of the assets shall be determined in accordance with the provisions of the Internal Revenue Code as defined by RSA 77-A:1, XX.

(b) Notwithstanding subparagraph (a), if the net increase in basis is the result of any sale or exchange of an interest or beneficial interest in the business organization related to the exchange of securities of its affiliated publicly traded company, then the addition to gross business profits under subparagraph (a) shall not apply and the business organization shall not be allowed to depreciate or amortize the increase in basis.

14 Application. Section 13 of this act shall apply to and be effective for taxable periods beginning after December 31, 2014.

2015-1984s

AMENDED ANALYSIS

This bill makes a variety of changes to the tobacco tax laws, including changing and adding certain definitions and removing references to metering machines. This bill clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records.

This bill also limits the inclusion in the business profits tax of the net increase due to certain sales or exchanges of an interest or beneficial interest in a business organization.

Sen. Woodburn moved Re-refer to Committee.

Sen. Carson presiding.

President Morse presiding.

The question is on the motion of Re-refer to Committee.

A roll call was requested by Sen. Woodburn, seconded by Sen. Bradley.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted, bill ordered to Third Reading.

HB 614-FN, implementing goals of the state 10-year energy strategy, modifying uses of the site evaluation committee fund, establishing fees for energy facility evaluation, and relative to public information sessions on proposed energy siting. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HB 330, establishing an oversight commission for medical cost transparency. Ought to Pass with Amendment, Vote 3-0. Senator Sanborn for the committee.

Health and Human Services

May 26, 2015

2015-1949s

01/06

Amendment to HB 330

Amend RSA 400-A:67, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraphs:

(i) One member representing a self-funded workers' compensation trust, appointed by the governor.

(j) A licensed physician who provides care for workers' compensation patients, appointed by the governor.

Amend RSA 400-A:67, V and VI as inserted by section 1 of the bill by replacing them with the following:

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

VI. The commission shall make an interim report with its findings and any recommendations for proposed legislation on or before November 1, 2015 and a final report on November 1, 2016 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

Amend the bill by replacing paragraph I of section 3 of the bill with the following:

I. Section 2 of this act shall take effect November 1, 2016.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 383, relative to the immunization/vaccination registry. Inexpedient to Legislate, Vote 2-1. Senator Carson for the committee.

Recess. Out of recess.

The question is on the adoption of the committee recommendation of Inexpedient to Legislate.

A division vote was requested.

Yeas: 8 - Nays: 15

Failed.

Sen. Stiles moved Ought to Pass.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist 24
Sen. Kelly, Dist 10
Sen. Boutin, Dist. 16
Sen. Fuller Clark, Dist. 21
June 3, 2015
2015-2045s
09/08

Floor Amendment to HB 383

Amend the bill by replacing section 2 with the following:

2 Communicable Disease; Immunization/Vaccination Registry. RSA 141-C:20-f is repealed and reenacted to read as follows:

141-C:20-f Immunization/Vaccination Registry.

I. The department shall establish and maintain a state immunization/vaccination registry. The registry shall be a repository of accurate, complete, and current immunization/vaccination records to aid, coordinate, and promote immunization/vaccination uptake in accordance with paragraph VI and provide for vaccine inventory monitoring and controls.

II. No patient, or the patient's parent or guardian if the patient is a minor, shall be required to participate in the immunization/vaccination registry. At the time of immunization/vaccination by an administering health care provider or prior to or at a face-to-face encounter with a current health care provider, a patient, or the patient's parent or guardian if the patient is a minor, shall be provided an opportunity to opt out of the registry. An administering or current health care provider shall provide an opportunity to opt out of the registry at the initial face-to-face encounter for immunization/vaccination. Such an opportunity shall be provided in writing in a clear, succinct, and conspicuous manner, in simple language, and in a form, style, and size easily readable by the average adult. The individual's health care provider may provide an opportunity to opt out of the registry by sending a written communication that is individually directed and in which opting out is the sole subject of the communication. The option shall be exercised by the patient or, if the patient is a minor, the patient's parent or guardian by dating and signing a document which shall be properly maintained and documented within the patient's medical records. For each patient who does not exercise this option, the administering or the current health care provider shall provide to the registry such information relating to immunizations/vaccinations contained in the patient's medical record as the commissioner may require by rule. At the request of a former patient, any health care provider shall provide to the registry such information relating to immunizations/vaccinations contained in the patient's medical record as the commissioner may require by rule. No health care provider shall provide to the department or to the registry the name of, or any information relating to any patient who opts out of participating in the registry.

III. Except as provided in paragraph II, no information relating to an immunization/vaccination shall be reported by a health care provider or by any other person to the registry.

IV. Access to the information in the registry shall be limited to physicians, nurses, other appropriate health care providers, including those licensed in other states as determined by the commissioner, schools, and child care agencies, but only for named individuals in their care, and a record of each such access shall be kept by the registry. Health agencies of the state of New Hampshire or its political subdivisions demonstrating a need for such information, as determined by the commissioner for the purposes set forth in paragraph VI, shall have such access as the commissioner may determine. Access by health agencies of other states or the federal government, or by researchers, shall be limited to de-identified data only.

V. A patient who participates in the registry, or the patient's parent or guardian if the registrant is a minor:

(a) May review and correct information contained in the registry upon verification from the patient's health care provider in which case only the corrected information may remain in the registry, and no other record of the transaction, including the request itself, shall be kept; or

(b) May withdraw from participation at any time and remove information from the registry by submitting a request in writing to the department in which case no information relating to the patient shall remain in the registry, and no record of the transaction, including the request itself, shall be kept.

VI. The information contained in the registry shall be used for the following purposes:

(a) To remind registrants to receive all required immunizations/vaccinations in a timely manner by providing access to the registrant's immunization/vaccination record and to provide registrants with information about recommended immunizations/vaccinations.

(b) To assure appropriate management and use of vaccines distributed by the department.

(c) To control communicable diseases by assisting in the identification of individuals who require immediate immunization/vaccination in the event of a disease outbreak.

VII. The commissioner shall adopt rules under RSA 541-A concerning the following:

(a) The establishment and maintenance of the registry.

(b) The methods for submitting and content of reports of immunizations/vaccinations.

(c) Procedures, for the patient or, if the patient is a minor, for the patient's parent or guardian to opt out of participation in the registry at any time.

(d) Procedures for the patient or, if the patient is a minor, for the patient's parent or guardian to review and correct information contained in the registry.

(e) Procedures for the patient or, if the patient is a minor, for the patient's parent or guardian to remove information from the registry.

(f) Limits on and methods of access to the registry by those authorized to gain access under paragraph IV of this section.

(g) Procedures for managed care organizations to obtain summary statistics of immunization information on managed care organization members from the registry.

(h) Procedures for the patient or, if the patient is a minor, for the patient's parent or guardian to reverse the previous decision to opt out of the registry.

VIII. Any person reporting, receiving, or disclosing information to or from the registry as authorized by this section or by any rule adopted pursuant to this section shall not be liable for civil damages of any kind connected with such submission or disclosure of immunization/vaccination information.

IX. Nothing in this section is intended to affect the obligations of persons under RSA 141-C:20-a to have their children immunized/vaccinated.

X. Nothing in this section shall preclude the right of the patient, or the patient's parent or guardian if the patient is a minor, to claim exemption from immunization/vaccination as defined in RSA 141-C:20-c; nor shall anything in this section require such patient to be included in the registry if the patient, or the patient's parent or guardian if the patient is a minor, objects thereto on any grounds.

XI. No health care provider shall discriminate in any way against a person solely because that person elects not to participate in the registry.

XII. Information collected under this section shall be treated as confidential and the records containing such information shall be exempt from the public disclosure provisions of RSA 91-A.

XIII. Information in the registry may be transferred to or from the registry through a health information organization, as defined in RSA 332-I:1, II(c), provided that no such information shall be retained by the health information organization.

XIV. The department shall make an annual report, commencing March 1, 2016, to the oversight committee on health and human services, established in RSA 126-A:13, on the status of its implementation and administration of the state immunization/vaccination registry set forth in RSA 141-C:20-f. The annual report shall include, but not limited to, information on health care provider compliance with enhanced notice provisions providing an opportunity to opt out to participation in the registry, aggregate public health vaccination/immunization information including participation rates within the registry, review of strict adherence to confidentiality and safeguarding of information submitted to and maintained by the registry, appropriate management and use of the registry, and de-identified information related to the use of the registry for control of communicable diseases in the event of a disease outbreak. The department shall solicit input from health care providers in the preparation and development of its annual report.

2015-2045s

AMENDED ANALYSIS

This bill clarifies certain options relating to the immunization/vaccination registry and exempts the registry from the right-to-know law. This bill also requires the department of health and human services to make an annual report to the oversight committee on health and human services relative to the state immunization/vaccination registry.

Sen. Sanborn moved to Lay on the Table HB 383.

Sen. Sanborn withdrew the motion to Lay on the Table.

Sen. Sanborn moved Re-refer to Committee.

A division vote was requested.

Yeas: 13 - Nays: 11

Adopted.

JUDICIARY

HB 441, relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Senate Judiciary

May 26, 2015

2015-1951s

05/10

Amendment to HB 441

Amend the title of the bill by replacing it with the following:

AN ACT permitting the department of health and human services to share information in a termination of parental rights case with a foster parent who intends to adopt the child; and relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.

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

1 Title. Section 2 of this act shall be known as "Christopher's Law."

2 Termination of Parental Rights; Confidentiality of Records. Amend RSA 170-C:14, I to read as follows:

170-C:14 Confidentiality of Records. ~~[Any other law concerning public hearings and records notwithstanding.]~~

I. All hearings held in termination proceedings shall be in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties.

II. All papers and records, including birth certificates, pertaining to the termination, whether part of the permanent record of the court or of a file in the department, in an agency or office of the town clerk, or *in* the division of vital records administration are subject to inspection only upon written consent of the court for good cause shown.

III. *Notwithstanding paragraph II, if the New Hampshire department of health and human services has petitioned for termination of parental rights under this chapter and the child named in the petition resides with a foster parent who intends to adopt the child, the department may share information regarding the status of the case with the child's foster parent.*

IV. If any person shall violate any of the provisions of this section, he *or she* shall be subject to the following penalty:

(a) If the offense occurs prior to November 1, 1973, he *or she* shall be fined \$500 or be imprisoned for 6 months, or both.

(b) If the offense occurs on or after November 1, 1973, he *or she* shall if a natural person be guilty of a misdemeanor, and any other person shall be guilty of a felony.

3 Annulment, Divorce, and Separation; Financial Affidavits. Amend RSA 458:15-b, I to read as follows:

I. Prior to a hearing regarding child support, property settlement, or alimony, both parties shall submit financial affidavits. The financial affidavits shall be accepted as prima facie evidence of the facts reflected therein unless challenged by a party. Any party aggrieved by a false statement in a financial affidavit filed pursuant to this chapter may file a civil action for money damages. In any such civil action, a party proving that the other party made a knowing false statement on a financial affidavit shall be entitled to receive treble damages and attorney's fees.

I-a. Except as provided in paragraph III, all financial affidavits filed under this chapter shall be confidential and accessible only to the parties, their attorneys, the guardian ad litem, department of health and human services employees responsible for child support administration, persons specified in RSA 161-B:7, III, and state and federal officials for the purpose of carrying out their official functions.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2016.

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

2015-1951s

AMENDED ANALYSIS

This bill:

I. Permits the department of health and human services to share information regarding the status of a petition to terminate parental rights with a foster parent if the foster parent intends to adopt the child.

II. Provides that the financial affidavits submitted by the parties prior to a hearing regarding child support, property settlement, or alimony shall be accepted as prima facie evidence of their content.

III. Permits a party aggrieved by a false statement in a financial affidavit to bring a civil action for damages.

The Chair ruled Committee Amendment 1951s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment 1951s to HB 441. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 468-FN, requiring a warrant to obtain electronic device location information. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Senate Judiciary

May 13, 2015

2015-1727s

04/05

Amendment to HB 468-FN

Amend RSA 644-A:1 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph and renumbering the original paragraphs IV-IX to read as V-X, respectively:

IV. "Individual" means a natural person.

Amend RSA 644-A:5 and RSA 644-A:6 as inserted by section 1 of the bill by replacing them with the following:

644-A:5 Action Against a Person. This chapter shall not be construed to create a cause of action against a person or its officers, employees, or agents for providing location information to a government entity in accordance with the provisions of this chapter.

644-A:6 Penalties

I. Any individual acting or purporting to act for or on behalf of a federal, state, or local agency who purposely violates this chapter shall be guilty of a class B misdemeanor.

II. An individual or person who is injured as a result of a violation of this chapter may file a civil action against a government entity, individual, or person that fails to comply with the provisions of this chapter.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Kelly is in opposition to the committee amendment on HB 468-FN.

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

June 2, 2015

2015-2030s

04/01

Floor Amendment to HB 468-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring a warrant to obtain electronic device location information and relative to appropriations for nursing homes.

Amend the bill by replacing all after section 1 with the following:

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

ORGANIZATION NOTES

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

3 Health and Human Services; Nursing Home Appropriations. Pursuant to the organization note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 2 of this act, for any balance that remained at the end of fiscal year 2014, the department of health and human services shall pay the entire amount immediately upon passage of sections 2-3 of this act in a special rate adjustment. Upon payment of a special rate adjustment made pursuant to this section, the department shall report the total amount of surplus, by source of funds, the total amount paid, and the date payment was made to the fiscal committee of the general court.

4 Effective Date.

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

II. The remainder of this act shall take effect upon its passage.

2015-2030s

AMENDED ANALYSIS

This bill regulates the use of electronic device location information. The bill also clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass with Amendment on HB 468-FN.

HB 618-FN, relative to penalties for the possession of marijuana. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Forrester, seconded by Sen. Sanborn.

The following Senators voted Yes: Forrester, Cataldo, Hosmer, Little, Daniels, Carson, Boutin, Prescott, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Pierce, Sanborn, Kelly, Avard, Lasky, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Stiles.

Yeas: 9 - Nays: 15

Failed.

Sen. Pierce moved Ought to Pass.

Sen. Pierce offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Pierce, Dist. 5

June 4, 2015

2015-2090s

04/08

Floor Amendment to HB 618-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalties for possession of certain quantities of marijuana or hashish.

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

1 New Section; Controlled Drug Act; Possession of Marijuana and Hashish. Amend RSA 318-B by inserting after section 2-b the following new section:

318-B:2-c Possession of Marijuana and Hashish.

I. It shall be unlawful for any person to possess marijuana in a quantity of 1/4 ounce or less including adulterants or dilutants.

II. It shall be unlawful for any person to possess hashish in a quantity of one gram or less including adulterants or dilutants.

III.(a) Any person 18 years of age or older who is convicted of violating the provisions of paragraph I or II shall be guilty of a violation and subject to a fine of \$300.

(b) Any person 18 years of age or older who is convicted of violating the provisions of paragraph I or II based on a complaint alleging a prior conviction for violating paragraph I or II in the preceding 3 years shall be guilty of a misdemeanor and subject to a fine of \$300.

(c) Any person under 18 years of age possessing 1/4 ounce or less of marijuana, including adulterants and dilutants, or one gram or less of hashish, including adulterants or dilutants, shall be subject to a petition under RSA 169-B or 169-D. In addition to any requirements imposed as a result of a petition under RSA 169-B or 169-D, the court may order the offender to participate in up to 35 hours of community service, which shall be completed within one year of the date of the offense. Further, the court may order the offender to complete an alcohol and substance abuse education program that has been approved by the department of health and human services, at the offender's expense, within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved alcohol and substance abuse education program and community service. An offender who fails to complete an alcohol and substance abuse education program or community service requirement as ordered may be subject to an additional fine of up to \$350. In all cases under this subparagraph, the offender's parent or legal guardian shall be notified of all proceedings.

(d) Any person who is not yet 21 years of age on the date of the incident, who is convicted of a violation under paragraph I or II, or who is found to be a delinquent pursuant to RSA 169-B or a child in need of services pursuant to RSA 169-D may, at the discretion of the court, be subject to the revocation or denial of a driver's license or privilege to drive for not more than one year on the first finding or conviction under this paragraph, and not more than 2 years for a subsequent finding or conviction. Nothing in this paragraph shall prevent the court from requiring any person subject to this provision to successfully complete a substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this paragraph has occurred involving a person who meets the age limits specified in this paragraph, and which orders the revocation or denial of a driver's license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

(e) The director shall, when ordered by the court, revoke the driver's license or privilege to drive or deny an application for a license for not more than one year on the first finding or conviction under paragraph I or II, and not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. This section shall only apply to a person who is not yet 21 years of age.

IV.(a) Possession of 1/4 ounce or less of marijuana, possession of one gram or less of hashish, possession of paraphernalia for marijuana use, or the presence of cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body shall not constitute grounds for denying a person student financial aid, public housing, or any form of public financial assistance including unemployment benefits.

(b) This paragraph shall not be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

V. One-half of the amount of all fines collected under this section shall be deposited in the alcohol abuse prevention and treatment fund established in RSA 176-A:1 to be used for alcohol and other drug abuse prevention, treatment, and recovery, including the development of a marijuana education program pursuant to RSA 12-J:3, III-b, and one-half of the amount of such fines shall be used to fund the continued operation of the judicial branch.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(d) to read as follows:

(c) ~~[In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

(d) ~~In the case of~~ **more than 1/4 ounce of** marijuana, including any adulterants or dilutants, or **more than** ~~[5 grams or less]~~ **one gram** of hashish, the person shall be guilty of a [class A] misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) **Except as provided in RSA 318-B:2-c**, controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

4 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. **This section shall not apply to possession of marijuana or hashish as provided in RSA 318-B:2-c.**

5 New Paragraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Duties. Amend RSA 12-J:3 by inserting after paragraph III-a the following new paragraph:

III-b. Develop a marijuana education program.

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

2015-2090s

AMENDED ANALYSIS

This bill reduces the penalty for possession of certain quantities of marijuana or hashish to a violation. The question is on the adoption of the Floor Amendment.

Recess. Out of recess.

Sen. Carson moved to divide the question: Section IV.(a), Lines 26-30.

The Chair ruled the question divisible: Section IV.(a), Lines 26-30.

Recess. Out of recess.

Sen. Carson withdrew the motion to divide the question.

Sen. Carson moved to divide the question: Section IV.(a) and (b), Lines 26-32.

The Chair ruled the question divisible: Section IV.(a) and (b), Lines 26-32.

Recess. Out of recess.

The question is on the adoption of Section IV.(a) and (b), Lines 26-32.

A roll call was requested by Sen. Forrester, seconded by Sen. Carson.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Birdsell, Prescott, Stiles, Morse.

Yeas: 11 - Nays: 13

Failed.

Sen. Pierce moved to Lay on the Table HB 618-FN. Adopted.

HB 645-FN, relative to the licensure and regulation of child day care agencies. Re-refer to committee, Vote 4-1. Senator Carson for the committee.

Recess. Out of recess.

The question is on the adoption of committee recommendation of Re-refer to Committee. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 486, authorizing towns and cities to establish special assessment districts. Ought to Pass with Amendment, Vote 3-1. Senator Boutin for the committee.

Public and Municipal Affairs

April 29, 2015

2015-1497s

10/05

Amendment to HB 486

Amend the title of the bill by replacing it with the following:

AN ACT authorizing towns and cities to establish special assessment districts, and relative to voting requirements of the zoning board of adjustment.

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

1 Purpose. It is the intent and purpose of section 2 of this act to:

Amend RSA 52-A:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Public facilities" means capital improvements, including but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, communication infrastructure, and parks and recreational facilities that have a life expectancy of 3 or more years.

Amend RSA 52-A:2, I as inserted by section 2 of the bill by replacing it with the following:

I. Consistent with the provisions of this chapter, any town or city may establish special assessment districts for a part of the area of the town or city, within which may be provided public facilities and services from funds derived from service charges, special assessments, or other charges within the special assessment district.

Amend RSA 52-A:4, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Designate a representative of the petitioners solely for the purpose of payment of mailing costs under RSA 52-A:5, I.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 to read as 4, respectively:

3 Power of Zoning Board of Adjustment; Vote. Amend RSA 674:33, III to read as follows:

III. ~~[The concurring]~~ **A majority** vote of [3] *the* members of the board **present and voting** shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

2015-1497s

AMENDED ANALYSIS

This bill allows a town or city to establish one or more special assessment districts to provide public facilities and services and for which special assessments and charges may be levied and collected to pay for those public facilities and services.

This bill also modifies the voting requirement on certain matters decided by the zoning board of adjustment. The question is on the adoption of the Committee Amendment. Adopted.

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

May 12, 2015

2015-1714s

10/05

Floor Amendment to HB 486

Amend the title of the bill by replacing it with the following:

AN ACT authorizing towns and cities to establish special assessment districts.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

2015-1714s

AMENDED ANALYSIS

This bill allows a town or city to establish one or more special assessment districts to provide public facilities and services and for which special assessments and charges may be levied and collected to pay for those public facilities and services.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

June 3, 2015

2015-2071s

10/05

Floor Amendment to HB 486

Amend the title of the bill by replacing it with the following:

AN ACT authorizing towns and cities to establish special assessment districts and establishing a committee to study the creation of special village districts.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established; Creation of Special Village Districts. There is established a committee to study the creation of special village districts in New Hampshire.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the municipal and county government committee, one of whom shall be from the public works and highways committee, and one of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the following subjects:

(a) The creation of a special village district where there are an insufficient number of residents to form such a district under current law and a property owner intends to construct municipal infrastructure improvements using the proceeds of municipal bonds issued by such a district in connection with a real estate development project.

(b) Whether there should be chapter law authorizing such districts in general, whether the creation of such districts should be by special legislation, or whether there should be some combination of both forms of legislation.

(c) Governance, powers, obligations, and operation of such a district both before there are a sufficient number of domiciled residents to constitute an electorate and afterward.

(d) The conditions under which an appointed village district commission is to become an elected village district commission.

(e) Financial and liability protections for any municipality in which such a district is formed and applicability of local land-use regulation within the district.

(f) The conditions under which such a district is to be dissolved and ways to ensure that only property within the district is assessable for any obligation of the district.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2015.

4 Effective Date.

I. Sections 1-2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2015-2071s

AMENDED ANALYSIS

This bill:

I. Allows a town or city to establish one or more special assessment districts to provide public facilities and services and for which special assessments and charges may be levied and collected to pay for those public facilities and services.

II. Establishes a committee to study the creation of special village districts in New Hampshire.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Feltes offered a floor amendment.

Sen. Feltes, Dist. 15

May 27, 2015

2015-1972s

10/06

Floor Amendment to HB 486

Amend RSA 52-A:4, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Be signed by (i) the owners of at least 50 percent of the lots within the proposed district, representing at least 65 percent of the assessed valuation within the proposed district, and (ii) at least 10 percent of the registered voters in the proposed district, which number may include some or all of the individuals who have signed the petition as property owners. The name of each property owner signing the petition shall be indicated clearly on the petition, along with a listing by street address or lot number of all properties owned. In the case of any property that is owned jointly or in the name of a corporation, partnership, trust, or other

legal entity, the signature and authority of any person purporting to represent the owner or owners shall be presumed valid for that purpose, subject to challenge. In the event of any dispute about the validity of such a signature or the authority of the person purporting to represent the entity, the decision of the governing body shall be conclusive.

The question is on the adoption of the Floor Amendment. Failed.

Sen. Bradley moved to Lay on the Table HB 486. Adopted.

TRANSPORTATION

HB 115, relative to reports on gross appropriations from the highway fund in the tentative state budget. Ought to Pass with Amendment, Vote 3-2. Senator Daniels for the committee.

Senate Transportation

May 26, 2015

2015-1955s

08/10

Amendment to HB 115

Amend the title of the bill by replacing it with the following:

AN ACT relative to reports on gross appropriations from the highway fund in the tentative state budget and defining autocycle and making provisions for the operation and inspection of autocycles.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Autocycle. Amend RSA 259 by inserting after section 4-c the following new section:

259:4-d Autocycle. "Autocycle" means a 3-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall be deemed to be a motorcycle.

3 Registration of Autocycles. Amend RSA 261:81-a to read as follows:

261:81-a Registration of Other Motorized Devices. If other than a motorcycle, ***autocycle***, motor-driven cycle, or moped, any person seeking to register a motorized 2- or 3-wheeled vehicle or device shall provide proof of manufacture to meet United States Department of Transportation motor vehicle safety standards to the satisfaction of the director.

4 Driver Education; Autocycles. Amend RSA 263:19, III to read as follows:

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the [20] **40** hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b, ***except that no such endorsement shall be required for the operation of an autocycle.***

5 New Section; Autocycle License Not Required. Amend RSA 263 by inserting after section 30 the following new section:

263:30-a Autocycle License Not Required. No person shall operate an autocycle unless he or she has a valid driver's license.

6 Under 18 Seatbelt Required. Amend RSA 265:107-a, I-a to read as follows:

I-a. No person who is less than 18 years of age shall drive a motor vehicle ***or autocycle*** on any way unless such person is wearing a seat or safety belt which is properly adjusted and fastened.

7 Protective Headgear. Amend RSA 265:122, I-IV to read as follows:

I. No person less than 18 years of age may drive or ride upon a motorcycle ***or autocycle*** unless he ***or she*** wears protective headgear of a type approved by the director. Such headgear shall be equipped with either a neck or chin strap.

II. The director is hereby authorized and empowered to adopt rules pursuant to RSA 260:5 covering the types of protective headgear and the specifications therefor and to establish and maintain a list of approved headgear which meet [his] established specifications.

III. If federal law is altered so that the mandatory wearing of protective headgear on motorcycles *or autocycles* by persons less than 18 years of age is not required as a condition to the receipt by the state of any federal funds, paragraphs I and II shall be void.

IV. Any motorcycle *or autocycle* operator who transports a person under the age of 18 years, when such person is in violation of paragraph I, shall be guilty of a violation.

8 Inspection Authorized. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity. Vehicles registered as antique motor vehicles and antique motorcycles and which are 40 years old and over shall be inspected biennially. Antique motor vehicles and custom vehicles shall be inspected in the month of April. Without regard to the owner's birth date or registration month, motorcycles, *autocycles*, and recreational vehicles shall be inspected annually by July 1.

9 Effective Date.

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

II. The remainder of this act shall take effect on January 1, 2016.

2015-1955s

AMENDED ANALYSIS

This bill adds the house public works and highways committee and the senate transportation committee to the recipients of reports on gross appropriations from the highway fund in the state budget.

This bill also defines "autocycle" and makes provisions for the operation, and inspection thereof.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Daniels offered a floor amendment.

Sen. Daniels, Dist. 11

June 1, 2015

2015-2006s

10/08

Floor Amendment to HB 115

Amend the bill by replacing section 1 with the following:

1 State Budget; Tentative Budget; Reports. Amend RSA 9:6 to read as follows:

9:6 Tentative Budget. Upon the receipt of the efficiency expenditure requests called for by RSA 9:4 and the preparation of the estimates of income called for by RSA 9:5, and not later than November 1 next succeeding, the commissioner of administrative services shall cause to be prepared a tentative budget conforming as to scope, contents, and character to the requirements of RSA 9:3 and containing the efficiency expenditure requests and estimates of revenue as called for by RSA 9:4 and RSA 9:5, which tentative budget shall be transmitted to the director of the budget for submittal to the governor. The tentative budget shall comply with the requirements of RSA 9:9-b. The budget shall be made available in printed format and in at least one electronic computer file format in common use at the time. The sections of the budget that state: gross appropriations from the highway fund, the highway block grant aid appropriation, the highway fund appropriation to the department of safety, and highway fund appropriations that are transferred to other agencies that comply with part II, article 6-a of the New Hampshire constitution relative to the use of highway funds, shall be reported to the president of the senate, the speaker of the house of representatives, and the ~~[chairmen]~~ *chairpersons* of the house and senate standing committees on finance, *the house public works and highways committee, the senate transportation committee, and the senate capital budget committee.*

2015-2006s

AMENDED ANALYSIS

This bill adds the house public works and highways committee and the senate transportation and capital budget committees to the recipients of reports on gross appropriations from the highway fund in the tentative state budget.

The bill also defines “autocycle” and makes provision for the operation and inspection thereof.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 572-FN-L, relative to taking land by eminent domain for high pressure gas pipelines and requiring payment of the land use change tax when land is taken by eminent domain to build energy infrastructure. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Energy and Natural Resources

May 27, 2015

2015-1982s

09/04

Amendment to HB 572-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT relative to taking land by eminent domain for high pressure gas pipelines and relative to the siting of high pressure gas pipelines.

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

1 New Paragraph; Acquisition of Property. Amend RSA 371:15 by inserting after paragraph VI the following new paragraph:

VII.(a) When private real property which is used for residential purposes is proposed to be acquired in part for the construction of a high pressure gas pipeline, the owners of the property shall have the option to require the taker to condemn and take in fee any property within 200 feet of the proposed pipeline including all buildings and improvements thereon if all owners, excluding lien holders and mortgagees, of the private real property make such an election and provide the court and the taker with written notice of their election within 30 days after receipt of the notice under RSA 371:4. If the taker acquires the entire or partial tract of land with buildings and improvements thereon pursuant to this section or by agreement with the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for use in the taker's business.

(b) If any owner chooses to avail himself of the provisions of paragraph I, the utility seeking condemnation shall provide a perimeter survey of the applicable tract to each owner without cost if:

(1) Requested by an owner at time of electing to avail himself or herself of the provisions of paragraph I; and

(2) A perimeter survey of the premises does not already exist.

2 Eminent Domain; By Pipeline Companies. Amend RSA 371:15, IV to read as follows:

IV. In trying any question of damages before said commissioners or by jury, the appraisal for taxation of such real estate, and, in cases where less than the whole interest in real estate is sought to be acquired, the appraisal for taxation of such whole interest, by the selectmen or tax assessors for the tax year in which such application shall have been filed, and for as many preceding years as the commissioners or the court may consider relevant, shall be competent as evidence of value ***if such value is mutually agreed upon by the parties. If the parties disagree upon value, then each party shall agree on the choice of 2 licensed appraisers and fair market value shall be determined by the average of the 2 appraisals. The taker shall pay the cost of the appraisals.*** The damages as determined shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as determined and judgment shall be entered accordingly.

3 Eminent Domain; By Pipeline Companies. Amend RSA 371:15, VI to read as follows:

VI. No lands or rights of way or easements therein shall be taken by eminent domain under the provisions of this chapter in any public property, ***public or private conservation lands***, or within the location of any railroad or other public utility company; provided that such pipeline or pipelines may be constructed ***under public or private conservation lands or*** under or through any public highway or street, public park or reservation or other public property if the method of such construction, compensation, if any, and the plans

and specifications therefor have been approved by the authority having jurisdiction over the maintenance of such public highway or street, public park or reservation, **conservation lands**, or other public property; and provided further that such pipeline or pipelines may be constructed over or across the location of any railroad or other public utility company by agreement with such railroad or other public utility company or, in the event of failure so to agree, then with the approval of the public utilities commission and in such manner as may be determined by said commission. Provided, however, that nothing herein shall be deemed to repeal any of the provisions of this chapter relative to acquisition of rights in public waters and on public lands.

4 New Section; Siting of High Pressure Gas Pipelines. Amend RSA 162-H by inserting after section 10-a the following new section:

162-H:10-b Siting of High Pressure Gas Pipelines; Rulemaking; Intervention.

I. To meet the objectives of this chapter, and with due regard to meeting the energy needs of the residents and businesses of New Hampshire, the general court finds that appropriately sited high pressure gas pipelines subject to committee approval have the potential to assist the state in accomplishing these goals. Accordingly, the general court finds that it is in the public interest for the site evaluation committee to establish criteria or standards governing the siting of high pressure gas pipelines in order to ensure that the potential benefits of such systems are appropriately considered and unreasonable adverse effects avoided through a comprehensive, transparent, and predictable process. When establishing any criteria, standard, or rule for a high pressure gas pipeline or when specifying the type of information that a high pressure gas pipeline applicant shall provide to the committee for its decision-making, the committee shall rely upon the best available evidence.

II. For the adoption of rules, pursuant to RSA 541-A, relative to the siting of high pressure gas pipelines, the committee shall address the following:

(a) Impacts to natural, scenic, recreational, visual, and cultural resources.

(b) Health and safety impacts, including but not limited to, proximity to high pressure gas pipelines that could be mitigated by appropriate setbacks from any high pressure gas pipeline.

(c) Project-related sound and vibration impact assessment prepared in accordance with professional standards by an expert in the field.

(d) Impacts to the environment, air and water quality, plants, animals, and natural communities.

(e) Site fire protection plan requirements.

(f) Best practical measures to ensure quality construction that minimizes safety issues.

(g) Best practical measures to avoid, minimize, or mitigate adverse effects.

(h) Criteria to maintain property owners' ability to use and enjoy their property.

III. As soon as practicable, but no later than one year from the effective date of this section, the committee shall adopt rules, pursuant to RSA 541-A, consistent with paragraphs I and II of this section.

IV. The committee shall consider intervention in Federal Energy Regulatory Commission proceedings involving the siting of high pressure gas pipelines in order to protect the interest of the state of New Hampshire.

5 Effective Date. This act shall take effect upon its passage.

2015-1982s

AMENDED ANALYSIS

This bill:

I. Allows a residential owner an eminent domain option when land is taken by a utility for a high pressure gas.

II. Clarifies the amount of damages to be awarded to the owner of property acquired by eminent domain.

III. Requires rules to be adopted governing the siting of high pressure gas pipelines and provides guidelines for such rules.

IV. Requires the site evaluation committee to consider intervention in Federal Energy Regulatory Commission proceedings involving siting of high pressure gas pipelines.

Sen. Feltes moved to divide the question: Sections 1, 2, 3, and 5; Sections 4 and 5.

The Chair ruled the question divisible: Sections 1, 2, 3, and 5; Sections 4 and 5.

The question is on the adoption of Sections 1, 2, 3, and 5. Failed.

The question is on the adoption of Sections 4 and 5. Adopted.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

June 3, 2015

2015-2063s

09/04

Floor Amendment to HB 572-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT relative to taking land by eminent domain for high pressure gas pipelines, requiring payment of the land use change tax when land is taken by eminent domain to build energy infrastructure, and relative to the siting of high pressure gas pipelines.

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

1 Eminent Domain; Residential Owner Option. Amend RSA 371:5-a, I to read as follows:

I. When ***any interest in*** private real property which is used for residential purposes is proposed to be acquired in part for the construction of an above ground substation, ***high pressure gas pipeline***, or transmission line, the owners of the residential property shall have the option to require the [utility] ***taker*** to condemn and take in fee the entire tract of land, ***up to 50 acres most contiguous to the line***, impacted by the proposed partial taking including all buildings and improvements thereon if all owners, excluding lien holders and mortgagees, of the private real property make such an election and provide the commission and the utility with written notice of their election within 30 days after receipt of the notice under RSA 371:4. If the utility acquires the entire tract of land with buildings and improvements thereon pursuant to this section or by agreement with the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for use in the utility's business.

2 New Subparagraph; Land Use Change Tax. Amend RSA 79-A:7, IV by inserting after subparagraph (c) the following new subparagraph:

(d) Land is taken under eminent domain to build energy infrastructure which will result in revenue for the taker. Notwithstanding subparagraph VI(a), the taker shall pay the land use change tax on all land that no longer qualifies for current use assessment.

3 Eminent Domain; By Pipeline Companies. Amend RSA 371:15, IV to read as follows:

IV. In trying any question of damages before said commissioners or by jury, the appraisal for taxation of such real estate, and, in cases where less than the whole interest in real estate is sought to be acquired, the appraisal for taxation of such whole interest, by the selectmen or tax assessors for the tax year in which such application shall have been filed, and for as many preceding years as the commissioners or the court may consider relevant, shall be competent as evidence of value. ***If the land is not in current use***, the damages [as determined] ***shall be 300 percent of the value of such appraisal for taxation by the selectmen or tax assessors. If the land is in current use, then the damages shall be 200 percent of the value of such appraisal for taxation by the selectmen or tax assessors as if such land were not in current use. Such damages*** shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as determined and judgment shall be entered accordingly. ***Damages shall be awarded to the fee owner of conservation land, unless there are specific designations stipulated in the easement.***

4 Eminent Domain; By Pipeline Companies. Amend RSA 371:15, VI to read as follows:

VI. No lands or rights of way or easements therein shall be taken by eminent domain under the provisions of this chapter in any public property, ***public or private conservation lands***, or within the location of any railroad or other public utility company; provided that such pipeline or pipelines may be constructed ***under public or private conservation lands or*** under or through any public highway or street, public park or reservation or other public property if the method of such construction, compensation, if any, and the plans and specifications therefor have been approved by the authority having jurisdiction

over the maintenance of such public highway or street, public park or reservation, **conservation lands**, or other public property; and provided further that such pipeline or pipelines may be constructed over or across the location of any railroad or other public utility company by agreement with such railroad or other public utility company or, in the event of failure so to agree, then with the approval of the public utilities commission and in such manner as may be determined by said commission. Provided, however, that nothing herein shall be deemed to repeal any of the provisions of this chapter relative to acquisition of rights in public waters and on public lands.

5 New Section; Siting of High Pressure Gas Pipelines; Intervention. Amend RSA 162-H by inserting after section 10-a the following new section:

162-H:10-b Siting of High Pressure Gas Pipelines; Rulemaking; Intervention.

I. In adopting rules to govern the siting of high pressure gas pipelines, the site evaluation committee shall address, but not be limited to, the following:

(a) The ability of communities along a pipeline route to respond to explosions, leaks, or other emergency situations resulting from the facility, and the development and funding of an emergency plan by the owner or operator, approved by the state fire marshal, to ensure that communities have the training and resources to respond appropriately.

(b) The use of established best management practices or use of management practices developed in consultation with the department of agriculture, markets, and foods, the department of environmental services, or the department of resources and economic development, for controlling invasive plant and animal species along the pipeline corridor as a condition for a certificate, and the prohibition of any non-specific, broad spectrum herbicide or pesticide that is reasonably expected to directly contact a surface water of the state as defined in RSA 485-A:2, XIV.

(c) The establishment of minimum distances of not less than $\frac{1}{4}$ mile from schools, playgrounds, sporting facilities, daycare centers, and other facilities where children gather.

II. The committee shall file as an intervenor in Federal Energy Regulatory Commission proceedings involving the siting of high pressure gas pipelines in order to protect the interest of the state of New Hampshire.

6 Effective Date. This act shall take effect upon its passage.

2015-2063s

AMENDED ANALYSIS

This bill:

I. Allows a residential owner an eminent domain option when land is taken by a utility for a high pressure gas pipeline and requires payment of the land use change tax when land is taken by eminent domain to build energy infrastructure.

II. Clarifies the amount of damages to be awarded to the owner of property acquired by eminent domain.

III. Provides guidelines for rules governing the siting of high pressure gas pipelines.

IV. Requires the site evaluation committee to file as an intervenor in Federal Energy Regulatory Commission proceedings involving siting of high pressure gas pipelines.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Sanborn, seconded by Sen. Avard.

The following Senators voted Yes: Sanborn, Daniels, Avard, Reagan, Birdsell.

The following Senators voted No: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Kelly, Lasky, Carson, Feltes, Boutin, Soucy, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

Yeas: 5 - Nays: 19

Failed.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 508, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association. Ought to Pass with Amendment, Vote 2-1. Senator Carson for the committee.

Senate Executive Departments and Administration

May 28, 2015

2015-1991s

01/09

Amendment to HB 508

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

1 Statement of Purpose. The purpose of this act is to provide a mechanism for the orderly resolution of the obligations of the New Hampshire medical malpractice joint underwriting association (NHMMJUA), including the further and additional return of excess surplus funds to all policy holders. The general court also finds and determines that the NHMMJUA has currently, and may have in the future, funds in excess of the amount required for it to fulfill its obligations. These are excess surplus funds not declared as such at the time the NHMMJUA interpleaded \$110,000,000 into the New Hampshire superior court in compliance with RSA 404-C:14. Like the funds previously distributed to policyholders, these additional excess surplus funds have resulted from premiums paid under assessable and participating medical malpractice insurance policies, also belong to the policyholders who paid these premiums, and shall be returned to them in a manner consistent with the previous distribution.

2 New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA). RSA 404-C:14, II-V are repealed and reenacted to read as follows:

II.(a) All funds held as of the effective date of this section by the NHMMJUA in excess of the outstanding reserves and IBNR reserves as reflected on its financial statements for all post-1985 operations, shall constitute newly-declared excess surplus funds and shall not be less than \$50,000,000. All such newly-declared excess surplus funds, like other excess surplus funds already returned to policyholders, have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any actual claim liability in excess of the estate in liquidation reserved for such claims.

(b) An independent actuarial report, which shall be conducted by a qualified actuary selected by the board of the NHMMJUA, shall be performed within 60 days of the effective date of this act and concluded by March 31, 2016. Copies of this report shall be provided to the governor, the speaker of the house of representatives, the president of the senate, the insurance commissioner, the Merrimack superior court, and any interested party. Any excess funds identified by this report shall be deemed a surplus and shall be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholder's claims to surplus funds.

(c) Within 60 days from the effective date of this section, all excess surplus funds, except for those identified under subparagraph (b) and except for a dissolution reserve of \$1,000,000 for liquidation expenses, hardship claims by current NHMMJUA policyholders, or other administrative expenses incurred in the dissolution of the NHMMJUA detailed in RSA 404-C:15, shall be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. Notwithstanding any other provision of law to the contrary, in no event shall any insurer which is a member of the NHMMJUA, as defined in Ins 1703.01(i), be assessed, nor shall there be a surcharge as provided in Ins 1703.07(f)(2), with respect to any deficit arising from the distribution of excess surplus funds described in this paragraph.

III. All funds held as of the effective date of this section by the NHMMJUA in the stabilization reserve fund (SRF) shall also constitute excess surplus funds. Within 60 days from the effective date of this section, the NHMMJUA shall interplead all the moneys in the SRF into the Merrimack county superior court, docket no. 217-2010-CV-00414 for return on a pro rata basis to the policyholders who made payments to the SRF.

IV. Within 3 years of any liquidation proceeding commenced to dissolve the NHMMJUA, any portion of the dissolution reserve that is not utilized for liquidation expenses, hardship claims by current NHMMJUA policyholders, or other administrative expenses shall be additional excess surplus funds and shall be interpleaded

by the NHMMJUA into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to these remaining excess surplus funds. If more than 3 years is necessary, the insurance commissioner may petition the Merrimack county superior court for additional time.

V. Funds that cannot be distributed to a policyholder in the court proceedings referenced in this section due to the inability to locate the policyholder after reasonable efforts shall revert to the New Hampshire Medical Society. Undistributed funds that revert to the New Hampshire Medical Society as provided in this section shall be used to provide grants in aid to health care providers servicing medically underserved populations through the New Hampshire department of health and human services state loan repayment program.

3 New Sections; Dissolution of the New Hampshire Medical Malpractice Joint Underwriting Association. Amend RSA 404-C by inserting after section 14 the following new sections:

404-C:15 Conclusion of the New Hampshire Medical Malpractice Joint Underwriting Association's Business; Issuance of Policies.

I. No earlier than 30 days after the excess surplus funds less the dissolution reserve have been interpleaded as required by RSA 404-C:14, II, the insurance commissioner shall petition the superior court for Merrimack county for the receivership of the New Hampshire medical malpractice joint underwriting association (NHMMJUA) pursuant to RSA 402-C. The receivership of the NHMMJUA shall include the stabilization reserve fund trust established in 1986 to pay deficits of the association incurred as a result of policies issued prior to January 1, 1986. Subject to such receivership, the NHMMJUA shall be a continuation of the same unincorporated association in existence immediately before the effective date of this section. The NHMMJUA shall be an insurer organized in this state for purposes of RSA 402-C.

II. To facilitate the orderly resolution of the obligations of the NHMMJUA and transition of policyholders to coverage in the private market, the commissioner, as receiver shall:

(a) Not cancel a NHMMJUA policy in effect upon his or her appointment as receiver unless the policyholder fails to comply with the terms of the policy, including the payment of premium.

(b) Not accept new applications for insurance for new policyholders after September 1, 2015.

(c) Renew any association policy in effect as of the effective date of this section, but shall not issue any NHMMJUA policy with an effective date after September 1, 2015, except that until September 1, 2015, the receiver may issue extended reporting coverage on policies issued before September 1, 2015.

(d) Issue notice of nonrenewal in compliance with RSA 417-C to policyholders with renewal dates on or after September 1, 2015.

(e) Upon the nonrenewal of any claims-made policy issued by the NHMMJUA that is in force as of the effective date of this section, calculate the amount of tail coverage premium collected, using reasonable actuarial methodologies and standards of practice, and return the tail coverage premium to the policyholder. For the purpose of this subparagraph, "tail coverage premium" shall mean that portion of the premium collected by the NHMMJUA and separately identified in NHMMJUA's financial statements, and which would have been used to provide tail coverage if tail coverage had been provided under the terms of the policy. Return of the tail coverage premium shall only be provided to those claims-made policyholders who will not otherwise receive tail coverage under their claims-made policies.

(f) Cause all additional excess surplus funds occurring as part of this liquidation to be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to such additional excess surplus funds.

(g) Use the dissolution reserve funds for dissolution expenses, hardship claims by current NHMMJUA policyholders' or other administrative expenses incurred in the dissolution of the NHMMJUA as approved by the court. The hardship fund shall be available to provide grants payable directly to midwives certified under RSA 326-D and other health care providers who are licensed or approved by the state, who have in-force policies with the NHMMJUA as of the effective date of this section, and who can demonstrate by application to the receiver that they will suffer significant adverse economic hardship as a result of an increase of at least 25 percent in the cost of medical malpractice insurance coverage in the private market as compared to their most recent coverage from the NHMMJUA as of the effective date of the section. Any grant provided shall not exceed the difference between the cost of insurance through the NHMMJUA plus 25 percent and the premium charged in the private market for the most comparable coverage available. The receiver's determination of grant

eligibility shall be subject to court approval. The hardship fund shall be administered until exhausted or until the termination of the receivership, whichever occurs first. If funds remain in the hardship fund at the termination of the receivership, the receiver shall, with court approval, transfer any remaining funds to a charitable organization that promotes aid to health care providers servicing medically underserved populations.

III. The NHMMJUA shall have no in-force insurance business after December 31, 2016, other than extended reporting coverage elected under policies issued on or before December 31, 2015.

IV. This section shall constitute a plan of complete liquidation for the NHMMJUA pursuant to section 331 of the Internal Revenue Code of 1986, as amended, for federal income tax purposes effective on the effective date of this section.

404-C:16 Receivership of the Association.

I. The insurance commissioner, as receiver of the NHMMJUA, shall, consistent with this section, RSA 404-C:15, RSA 404-C:17, and the provisions of chapter 402-C, wind-down its business, seeking to facilitate the payment of all policyholder coverage obligations in full and in the normal course of business.

II. After the effective date of this section, the commissioner, as receiver, shall explore and identify options to have any or all of the risks under policies issued by the NHMMJUA assumed by an insurer or insurers. Subject to the approval of the supervising court after providing policyholders an opportunity to be heard, the receiver may enter an agreement or agreements with an insurer or insurers to provide for the assumption of any or all of the risks under policies issued by the NHMMJUA. Any such agreement shall be on commercially reasonable terms and provide for continued protection for the NHMMJUA's policyholders against liability and expense in accordance with the coverage terms of their policies, as well as providing for established obligations to claimants under such policies.

III. Upon appointment of the commissioner as receiver of the association, no assessments of any kind shall thereafter be made by the receiver or ordered by the court.

IV. The board members and officers of the NHMMJUA shall continue to be officers, trustees, officials, or employees of the state subject to RSA 99-D through the date of the rehabilitation order.

V. Until liquidated, the NHMMJUA shall continue as a legally cognizable unincorporated association solely for the purpose of winding down the NHMMJUA, consistent with this chapter. The provisions of this section and RSA 402-C shall control the management of claims and obligations of the association and shall supersede the provisions of administrative rules governing the operation of the NHMMJUA.

404-C:17 Closure of the NHMMJUA.

I. Subject to the provisions of RSA 404-C:15 and RSA 404-C:16, the NHMMJUA's obligations shall be wound up through rehabilitation under chapter 402-C.

II. Upon the resolution of all the association's obligations, and upon the approval of the supervising court, the association shall thereupon be liquidated and the receiver discharged.

III. The provisions of RSA 404-C:15 – RSA 404-C:17 shall not alter, and shall not be construed to alter, any vested contractual rights that any class of NHMMJUA policyholders have with respect to excess surplus of the NHMMJUA. Excess surplus funds shall be returned to policyholders through the interpleader action referenced in RSA 404-C:15.

4 Applicability of Act. This act shall be liberally construed to effect its stated purpose which shall constitute an aid and guide to interpretation. This act is intended to provide authority for the performance of all duties authorized under this act, and all powers granted under this act shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

5 Repeal. RSA 404-C:15 - RSA 404-C:17, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association, is hereby repealed.

6 Applicability; Effective Date of Repeal. Section 5 of this act shall take effect upon the date of dissolution and the end of the receivership of the New Hampshire medical malpractice joint underwriting association as certified by the insurance commissioner to the director of the office of legislative services and the secretary of state.

7 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

June 3, 2015

2015-2046s

09/10

Floor Amendment to HB 508

Amend RSA 404-C:14, II as inserted by section 2 of the bill by replacing it with the following:

II.(a) All funds held as of the effective date of this section by the NHMMJUA in excess of the outstanding reserves and IBNR reserves as reflected on its financial statements for all post-1985 operations, shall constitute newly-declared excess surplus funds and shall not be less than \$50,000,000. All such newly-declared excess surplus funds, like other excess surplus funds already returned to policyholders, have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any actual claim liability in excess of the NHMMJUA estate in liquidation reserved for such claims.

(b) An independent actuarial report conducted in accordance with generally accepted actuarial standards by a qualified actuary selected by the board of the NHMMJUA, shall be performed within 60 days of the effective date of this section and concluded by March 31, 2016. Copies of this report shall be provided to the governor, the speaker of the house of representatives, the president of the senate, the insurance commissioner, the Merrimack county superior court, and any interested party. Any funds identified by this report exceeding the reserves determined by the actuary to be reasonably necessary to the NHMMJUA's outstanding insurance obligations and the orderly wind up and dissolution of its operations shall be deemed additional excess surplus and shall be interpleaded not later than 90 days after the effective date of this section into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholder's claims to surplus funds.

(c) Within 60 days from the effective date of this section, all excess surplus funds, except for those to be identified under subparagraph (b) and except for a dissolution reserve of \$2,000,000 for hardship claims by current NHMMJUA policyholders, shall be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. Notwithstanding any other provision of law to the contrary, in no event shall any insurer which is a member of the NHMMJUA, as defined in Ins 1703.01(i), be assessed, nor shall there be a surcharge as provided in Ins 1703.07(f)(2), with respect to any deficit arising from the distribution of excess surplus funds described in this paragraph.

Amend RSA 404-C:14, V as inserted by section 2 of the bill by replacing it with the following:

V. Funds that cannot be distributed to a policyholder in the court proceedings referenced in this section due to the inability to locate the policyholder after reasonable efforts shall revert to the New Hampshire Medical Society which shall utilize such undistributed funds to provide grants in aid to health care providers servicing medically underserved populations through the New Hampshire department of health and human services state loan repayment program.

VI. In the event of any conflict between RSA 404-C:14 and any other provision of law, including but not limited to RSA 402-C and RSA 404-C:15, RSA 404-C:14 shall control.

Amend RSA 404-C:15, I as inserted by section 3 of the bill by replacing it with the following:

I. No earlier than 30 days after the excess surplus funds less the dissolution reserve have been interpleaded as required by RSA 404-C:14, II, the insurance commissioner shall petition the superior court for Merrimack county for the receivership of the New Hampshire medical malpractice joint underwriting association (NHMMJUA) pursuant to RSA 402-C. The determination and payments of excess surplus funds into court required by RSA 404-C:14 shall be excluded from the matters subject to receivership and the jurisdiction of the court supervising the receivership. The receivership of the NHMMJUA shall include the stabilization reserve fund trust established in 1986 to pay deficits of the association incurred as a result of policies issued

prior to January 1, 1986. Subject to such receivership, the NHMMJUA shall be a continuation of the same unincorporated association in existence immediately before the effective date of this section. The NHMMJUA shall be an insurer organized in this state for purposes of RSA 402-C. If funds remain after the wind up and liquidation, such funds shall also constitute excess surplus funds and shall be interpleaded into Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to these additional surplus funds.

Amend RSA 404-C:15, II(g) as inserted by section 3 of the bill by replacing it with the following:

(g) Use the dissolution reserve funds for hardship claims by current NHMMJUA policyholders as approved by the court. The hardship fund shall be available to provide grants payable directly to midwives certified under RSA 326-D and other health care providers who are licensed or approved by the state, who have in-force policies with the NHMMJUA as of the effective date of this section, and who can demonstrate by application to the receiver that they will suffer significant adverse economic hardship as a result of an increase of at least 25 percent in the cost of medical malpractice insurance coverage in the private market as compared to their most recent coverage from the NHMMJUA as of the effective date of the section. Any grant provided shall not exceed the difference between the cost of insurance through the NHMMJUA plus 25 percent and the premium charged in the private market for the most comparable coverage available. The receiver's determination of grant eligibility shall be subject to court approval. The hardship fund shall be administered until exhausted or until the termination of the receivership, whichever occurs first. If funds remain in the hardship fund at the termination of the receivership, the receiver shall, with court approval, transfer any remaining funds to a charitable organization that promotes aid to health care providers servicing medically underserved populations.

Amend RSA 404-C:16, I as inserted by section 3 of the bill by replacing it with the following:

I. The insurance commissioner, as receiver of the NHMMJUA, shall, consistent with this section, RSA 404-C:14, RSA 404-C:15, RSA 404-C:17, and the provisions of chapter 402-C wind-down its business, seeking to facilitate the payment of all policyholder coverage obligations in full and in the normal course of business.

Amend RSA 404-C:16, V as inserted by section 3 of the bill by replacing it with the following:

V. Until liquidated, the NHMMJUA shall continue as a legally cognizable unincorporated association solely for the purpose of winding down the NHMMJUA, consistent with this chapter. Except as otherwise provided by RSA 404-C:14, the provisions of this section and RSA 402-C shall control the management of claims and obligations of the association and shall supersede the provisions of administrative rules governing the operation of the NHMMJUA.

Amend RSA 404-C:17, III as inserted by section 3 of the bill by replacing it with the following:

III. The provisions of RSA 404-C:15 – RSA 404-C:17 shall not alter, and shall not be construed to alter, any vested contractual rights that any class of NHMMJUA policyholders have with respect to excess surplus of the NHMMJUA. Excess surplus funds shall be returned to policyholders through the interpleader action referenced in RSA 404-C:14.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3
June 3, 2015
2015-2033s
01/04

Floor Amendment to HB 508

Amend the title of the bill by replacing it with the following:

AN ACT relative to the dissolution of the New Hampshire medical malpractice joint underwriting association and relative to cost-sharing parity for oral anti-cancer therapies.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Oral Anti-Cancer Therapies; Individual. Amend RSA 415 by inserting after section 6-s the following new section:

415:6-t Oral Anti-Cancer Therapies.

I. No insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for anti-cancer medications that are injected or intravenously administered by a health care provider and patient administered anti-cancer medications, including but not limited to those orally administered or self-injected, shall require a higher copayment, deductible, or coinsurance amount for patient administered anti-cancer medication than it requires for injected or intravenously administered anti-cancer medications, regardless of the formulation or benefit category determination by the policy or plan.

II. An insurer shall not comply with paragraph I by:

(a) Increasing the copayment, deductible, or coinsurance amount required for injected or intravenously administered anti-cancer medication that are covered under the policy or plan.

(b) Reclassifying benefits with respect to anti-cancer medications.

III. In this section, “anti-cancer medication” means drugs and biologics that are used to kill, slow, or prevent the growth of cancerous cells.

8 New Section; Oral Anti-Cancer Therapies; Group. Amend RSA 415 by inserting after section 18-x the following new section:

415:18-y Oral Anti-Cancer Therapies.

I. No insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for anti-cancer medications that are injected or intravenously administered by a health care provider and patient administered anti-cancer medications, including but not limited to those orally administered or self-injected, shall require a higher copayment, deductible, or coinsurance amount for patient administered anti-cancer medication than it requires for injected or intravenously administered anti-cancer medications, regardless of the formulation or benefit category determination by the policy or plan.

II. An insurer shall not comply with paragraph I by:

(a) Increasing the copayment, deductible, or coinsurance amount required for injected or intravenously administered anti-cancer medication that are covered under the policy or plan.

(b) Reclassifying benefits with respect to anti-cancer medications.

III. In this section, “anti-cancer medication” means drugs and biologics that are used to kill, slow, or prevent the growth of cancerous cells.

9 Health Service Corporations; Oral Anti-Cancer Therapies; Effective Until October 1, 2017. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-s, ***RSA 415:6-t***, RSA 415:18, V, [RSA 415:18, VII(g);] RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-x, ***RSA 415:18-y***, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

10 Health Service Corporations; Oral Anti-Cancer Therapies; Effective October 1, 2017. RSA 420-A:2 is repealed and reenacted to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

11 Health Maintenance Organizations; Oral Anti-Cancer Therapies; Effective Until October 1, 2017. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-s, **RSA 415:6-t**, [~~RSA 415:18, VII(g);~~] RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-x, **RSA 415:18-y**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

12 Health Maintenance Organizations; Oral Anti-Cancer Therapies; Effective October 1, 2017. RSA 420-B:20, III is repealed and reenacted to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

13 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

II. Sections 10 and 12 of this act shall take effect October 1, 2017 at 12:01 a.m.

III. Sections 7-9 and 11 of this act shall take effect January 1, 2016.

IV. The remainder of this act shall take effect upon its passage.

2015-2033s

AMENDED ANALYSIS

This bill establishes a procedure for the dissolution of the New Hampshire medical malpractice joint underwriting association.

This bill also prohibits insurers providing benefits that cover expenses for intravenously administered, injected, and oral anti-cancer therapies from requiring an insured to pay a higher copayment, deductible, or coinsurance than for anti-cancer medications injected or intravenously administered by a health care provider.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Forrester moved to remove HB 486 from the table. Adopted.

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

June 4, 2015

2015-2092s

04/08

Floor Amendment to HB 486

Amend the title of the bill by replacing it with the following:

AN ACT authorizing towns and cities to establish special assessment districts and establishing a committee to study the creation of a special village district in Danbury.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established; Creation of a Village District in Danbury. There is established a committee to study the creation of a special village district in Danbury.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the municipal and county government committee, one of whom shall be from the public works and highways committee, and one of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the following subjects:

(a) The creation of a special village district in Danbury where there are an insufficient number of residents to form such a district under current law and a property owner intends to construct municipal infrastructure improvements using the proceeds of municipal bonds issued by such a district in connection with a real estate development project.

(b) Whether there should be chapter law authorizing such a district in general, whether the creation of such a district should be by special legislation, or whether there should be some combination of both forms of legislation.

(c) Governance, powers, obligations, and operation of such a district both before there are a sufficient number of domiciled residents to constitute an electorate and afterward.

(d) The conditions under which an appointed village district commission is to become an elected village district commission.

(e) Financial and liability protections for any municipality in which such a district is formed and applicability of local land-use regulation within the district.

(f) The conditions under which such a district is to be dissolved and ways to ensure that only property within the district is assessable for any obligation of the district.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2015.

4 Effective Date.

I. Sections 1-2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2015-2092s

AMENDED ANALYSIS

This bill:

I. Allows a town or city to establish one or more special assessment districts to provide public facilities and services and for which special assessments and charges may be levied and collected to pay for those public facilities and services.

II. Establishes a committee to study the creation of a special village district in Danbury.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bill that was removed from the consent calendar.

JUDICIARY

HB 309, permitting landlords to remove tenants' property in certain circumstances. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill permits a landlord to remove a tenant's property in certain circumstances, such as an abandoned vehicle in a parking lot. The amendment clarifies that the tenant will receive two different notices spanning a period of 7 days prior to the removal of the item(s).

Senate Judiciary
May 26, 2015
2015-1952s
05/03

Amendment to HB 309

Amend the introductory paragraph of RSA 540-A:3, II-b(c)(1) as inserted by section 1 of the bill by replacing it with the following:

- (1) First notice, at least 7 days prior to removal of the item, by:

Amend the introductory paragraph of RSA 540-A:3, II-b(c)(2) as inserted by section 1 of the bill by replacing it with the following:

- (2) Final notice, at least 24 hours, but not more than 48 hours, prior to removal of the item, by:

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24
June 1, 2015
2015-2003s
05/06

Floor Amendment to HB 309

Amend the title of the bill by replacing it with the following:

AN ACT permitting landlords to remove tenants' property in certain circumstances and relative to the committee to study issues concerning parking for those with walking disabilities.

Amend the bill by replacing all after section 1 with the following:

2 Committee to Study Issues Concerning Parking for Those with Walking Disabilities; Mileage. Members of the committee to study issues concerning parking for those with walking disabilities, established in SB 171 of the 2015 general legislative session, shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Contingency. If SB 171 of the 2015 general legislative session becomes law, section 2 of this act shall take effect upon its passage. If SB 171 of the 2015 general legislative session does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 1 of this act shall take effect on January 1, 2016.

II. Section 2 of this act shall take effect as provided in section 3 of this act.

III. The remainder of this act shall take effect upon its passage.

2015-2003s

AMENDED ANALYSIS

This bill permits a landlord to remove a tenant's property in certain circumstances. The bill also permits members of the committee to study issues concerning parking for those with walking disabilities to receive mileage at the legislative rate when attending to the duties of the committee.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Without objection, the Clerk shall read the first complete house message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 50, relative to the notice required prior to foreclosure of residential property.

Senator Prescott moved concurrence. Adopted.

SB 55, allowing private employers to establish a policy granting a veterans' preference in employment decisions.

Senator Prescott moved concurrence. Adopted.

SB 57, relative to the membership and governance of condominium unit owners' associations.

Senator Prescott moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Stiles, Prescott, and Soucy.

SB 93-FN-A, relative to the definition of beverage.

Senator Prescott moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Prescott, Sanborn, and Pierce.

SB 99, establishing a committee to study allowing the sampling of beer or wine at farmer's markets, establishing a committee to study powdered or crystalline alcohol, and relative to the definition of alcohol.

Senator Prescott moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Prescott, Bradley, and Pierce.

SB 106-FN, restricting the sale or possession of synthetic drugs.

Senator Prescott moved concurrence. Adopted.

SB 119, relative to the regulation of consumer guaranty contracts by the insurance department and guaranteed asset protection waivers by the banking department.

Senator Prescott moved concurrence. Adopted.

SB 186, reestablishing the commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Senator Prescott moved concurrence. Adopted.

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax.

Senator Prescott moved concurrence. Adopted.

SB 254, establishing a committee to study the provision of services to the public by Uber and existing taxi services.

Senator Prescott moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Prescott, Bradley, and Soucy.

SB 266-FN, adopting the Uniform Securities Act.

Senator Prescott moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Little, and Pierce.

SB 151-FN, requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

Senator Reagan moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Avard, and Kelly.

SB 190-FN, relative to payment of costs for career and technical education center programs and administration by the department of education, and providing that school districts shall not be required to adopt the common core standards.

Senator Reagan moved concurrence. Adopted.

SB 125-FN, relative to certification for mold assessment services.

Senator Carson moved concurrence. Adopted.

SB 191-FN, relative to the use of the state's procurement card services.

Senator Carson moved concurrence. Adopted.

SB 170, requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

Senator Bradley moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Prescott, and Feltes.

Sen. Feltes asserts Rule 6-25 on SB 170.

SB 221-FN, relative to electric rate reduction financing.

Senator Bradley moved concurrence. Adopted.

SB 32, relative to state agency budgetary reporting requirements.

Senator Forrester moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Little, and D'Allesandro.

SB 192-FN, permitting the department of revenue administration to conduct employee candidate background checks and establishing the position of tax policy analyst within the department.

Senator Forrester moved concurrence. Adopted.

SB 108-FN, relative to health care associated infections.

Senator Sanborn moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Avard, and Kelly.

SB 112, requiring the Medicaid program to cover telehealth services.

Senator Sanborn moved concurrence. Adopted.

SB 133-FN, relative to certain health care data, certain workers' compensation medical claim data collected by the insurance department, and medical costs paid under workers' compensation.

Senator Sanborn moved concurrence. Adopted.

SB 135-FN, relative to lead poisoning in children.

Senator Sanborn moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Avard, and Kelly.

SB 169, relative to the use of electronic benefits transfer (EBT) cards.

Senator Sanborn moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Avard, and Kelly.

SB 41, establishing a committee to study government immunity from suit and accountability by its citizens.

Senator Carson moved concurrence. Adopted.

SB 116-FN, repealing the license requirement for carrying a concealed pistol or revolver.

Senator Carson moved concurrence. Adopted.

SB 124-FN, relative to filing felonies first in the superior court.

Senator Carson moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, Pierce, and Lasky.

SB 39, relative to recounts on questions and relative to photographs of voters not presenting identification.

Senator Birdsell moved non-concurrence. Adopted.

SB 179, relative to eligibility to vote and relative to availability of voter information.

Senator Birdsell moved concurrence. Adopted.

SB 235, relative to the condominium act and the land sales full disclosure act.

Senator Birdsell moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Birdsell, Stiles, and Kelly.

SB 242-L, establishing a committee to study methods of adopting a budget in towns that have adopted official ballot voting.

Senator Birdsell moved concurrence. Adopted.

SB 29-FN, relative to fines for motor vehicle offenses.

Senator Stiles moved concurrence. Adopted.

SB 63, relative to membership of the board of directors for the New Hampshire rail transit authority.

Senator Stiles moved concurrence. Adopted.

SB 120-FN, relative to applicants for secondary game operator licenses.

Senator Boutin moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Boutin, Daniels, and Feltes.

Without objection, the Clerk shall read the first complete house message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bills sent down from Senate:

HB 25-FN-A, making appropriations for capital improvements.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Chandler, McConkey, F. Tilton, Ebel.

Sen. Daniels moved to accede to House request. Adopted.

The President appointed Senators Daniels, Boutin, and Kelly.

HB 450, establishing a commission to study and make recommendations for a common definition of employee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Infantine, Murphy, L. Turcotte, C. Rice.

Sen. Prescott moved to accede to House request. Adopted.

The President appointed Senators Prescott, Pierce, and Soucy.

HB 662-FN-L, relative to property taxes paid by chartered public schools leasing property.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: J. Belanger, Edelblut, K. Williams, Sterling.

Sen. Reagan moved to accede to House request. Adopted.

The President appointed Senators Reagan, Avard, and Watters.

HB 364, relative to renewal fees administered by the office of professional licensing, the salt applicator certification program, and pesticide product registration requirements.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: A. Christie, Sytek, P. Schmidt, L. Ober.

Sen. Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Reagan, and Soucy.

HB 421, authorizing the university of New Hampshire to grow industrial hemp for research purposes and proclaiming September 25 as Ataxia Awareness Day.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Haefner, O'Connor, Sad, Moynihan.

Sen. Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Cataldo, and Woodburn.

HB 473, requiring the board of managers of the veterans' home to adopt a policy relative to therapeutic use of cannabis by residents of the home.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sytek, A. Christie, Beaudoin, Moffett.

Sen. Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Reagan, and Soucy.

HB 219-FN, relative to the use of electronic benefit transfer (EBT) cards.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McMahon, Kotowski, S. Schmidt, Lebrun.

Sen. Sanborn moved to accede to House request. Adopted.

The President appointed Senators Sanborn, Carson, and Fuller Clark.

HB 483, relative to the commission on primary care workforce issues.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kotowski, McMahon, S. Schmidt, Lebrun.

Sen. Sanborn moved to accede to House request. Adopted.

The President appointed Senators Sanborn, Avard, and Kelly.

HB 407, establishing a committee to study the classifications of military vehicles and equipment that may be purchased by the state and its political subdivisions and establishing a committee to study honorary legislation.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: J. Belanger, Sterling, Coffey, Porter.

Sen. Prescott moved to accede to House request. Adopted.

The President appointed Senators Prescott, Bradley, and Fuller Clark.

HB 305, relative to assessment of and discharge planning for minors in the juvenile court system.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Itse, P. Long, Berrien, Edelblut.

Sen. Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Lasky, and Cataldo.

HB 460, establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Chandler, F. Tilton, Cloutier, Ebel.

Sen. Stiles moved to accede to House request. Adopted.

The President appointed Senators Daniels, Watters, and Birdsell.

HB 547, requiring the assessing standards board to make recommendations on the valuation of telecommunications poles and conduits and the assessment of utility property.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Abrami, Ohm, Lovejoy, Nigrello.

Sen. Boutin moved to accede to House request. Adopted.

The President appointed Senators Sanborn, Boutin, and Feltes.

HB 599, relative to the economic revitalization zone tax credit program.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Abrami, Gallagher, Almy, Azarian.

Sen. Boutin moved to accede to House request. Adopted.

The President appointed Senators Boutin, Sanborn, and D'Allesandro.

HB 681-FN-A, establishing a fine for persons convicted of domestic violence and increasing the marriage license fee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Lachance, Abrami, Almy, Gallagher.

Sen. Boutin moved to accede to House request. Adopted.

The President appointed Senators Boutin, Carson, and Feltes.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 255, establishing a committee to study low-wage workers and their effect on the New Hampshire economy.

Senator Prescott moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Prescott, Cataldo, and Soucy.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Sen. Feltes: SB 170.

LATE SESSION

Third Reading and Final Passage

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 115, relative to reports on gross appropriations from the highway fund in the tentative state budget and defining autocycle and making provisions for the operation and inspection of autocycles.

HB 208-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.

HB 225, requiring the defendant to personally appear in the courtroom during a victim impact statement.

HB 270, granting immunity from arrest, prosecution, or conviction to a person who requests medical assistance to save the life of an overdose victim.

HB 309, permitting landlords to remove tenants' property in certain circumstances and relative to the committee to study issues concerning parking for those with walking disabilities.

HB 330, establishing an oversight commission for medical cost transparency.

HB 441, permitting the department of health and human services to share information in a termination of parental rights case with a foster parent who intends to adopt the child; and relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.

HB 468-FN, requiring a warrant to obtain electronic device location information and relative to appropriations for nursing homes.

HB 486, authorizing towns and cities to establish special assessment districts and establishing a committee to study the creation of a special village district in Danbury.

HB 508, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association and relative to cost-sharing parity for oral anti-cancer therapies.

HB 550-FN, relative to administration of the tobacco tax and relative to the sale or exchange of an interest in a business organization under the business profits tax.

HB 572-FN-L, relative to taking land by eminent domain for high pressure gas pipelines and relative to the siting of high pressure gas pipelines.

HB 614-FN, implementing goals of the state 10-year energy strategy, modifying uses of the site evaluation committee fund, establishing fees for energy facility evaluation, and relative to public information sessions on proposed energy siting.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the call of the Chair for the purposes of sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the call of the Chair.