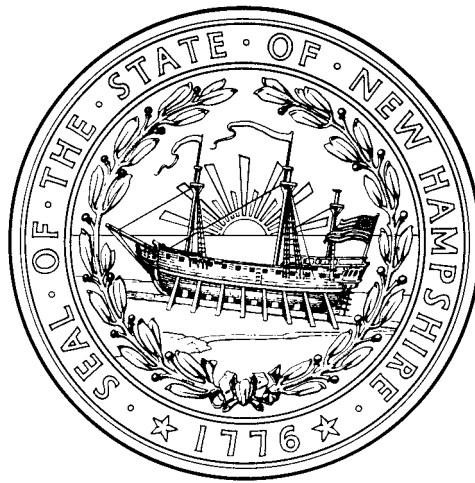


June 24, 2015  
Nos. 18-19

# STATE OF NEW HAMPSHIRE

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**First Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – JUNE 11, 2015 SESSION  
COMMENCEMENT – JUNE 24, 2015 SESSION**

# SENATE JOURNAL 18 *(continued)*

*June 11, 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 230, relative to the discharge of a mortgage.

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 358, relative to driver's license information obtained by pawnbrokers and secondhand dealers.

HB 395-FN, relative to electronic toll collection.

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 479, relative to uninsured or hit-and-run motor vehicle coverage and relative to the New Hampshire excellence in higher education endowment trust fund.

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 495, relative to commercial referral fees.

HB 531, establishing a committee to study short-term rentals by homeowners and owners of residential properties.

HB 666-FN, relative to licensing of money transmitters.

## HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 148, limiting the authority of delegates to Article V conventions.

HB 151, establishing a committee to study end-of-life decisions.

## CONFEREE CHANGES

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.

Conferee Change: Sen. Reagan replaced Sen. D'Allesandro.

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

Conferee Change: Sen. Reagan replaced Sen. D'Allesandro.

HB 219-FN, relative to the use of electronic benefit transfer (EBT) cards.

Conferee Change: Sen. Kelly replaced Sen. Fuller Clark.

Conferee Change: Sen. Bradley replaced Sen. Kelly.

Conferee Change: Sen. Avard replaced Sen. Carson.

HB 323, relative to the administration of the statewide assessment program.

Conferee Change: Sen. Avard replaced Sen. Watters.

HB 468-FN, requiring a warrant to obtain electronic device location information and relative to appropriations for nursing homes.

Conferee Change: Sen. Bradley replaced Sen. Lasky.

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.

Conferee Change: Sen. Bradley replaced Sen. Feltes.

SB 40-FN, including a fetus in the definition of “another” for the purpose of certain criminal offenses.

Conferee Change: Sen. Birdsell replaced Sen. Lasky.

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.

Conferee Change: Sen. Feltes replaced Sen. Pierce.

SB 169, relative to the use of electronic benefits transfer (EBT) cards.

Conferee Change: Sen. Bradley replaced Sen. Kelly.

June 11, 2015

2015-2129-EBA

08/09

#### Enrolled Bill Amendment to HB 153

The Committee on Enrolled Bills to which was referred HB 153

AN ACT relative to the telecommunications planning and development advisory committee.

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 HB 153

This enrolled bill amendment makes technical corrections.

#### Enrolled Bill Amendment to HB 153

Amend RSA 12-A:46, II, (k)(7) and (8) as inserted by section 1 of the bill by replacing them with the following:

(7) One member representing a regional economic development organization or a regional planning commission; ~~and~~

(8) One member representing healthcare technology~~[-];~~ **and**

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

June 9, 2015

2015-2103-EBA

05/04

#### Enrolled Bill Amendment to HB 190

The Committee on Enrolled Bills to which was referred HB 190

AN ACT establishing a statutory commission to study the standards for collaborative pharmacy practice.

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 HB 190

This enrolled bill amendment makes technical corrections.

#### Enrolled Bill Amendment to HB 190

Amend RSA 318:16-c, III(a) as inserted by section 2 of the bill by replacing line 1 with the following:

(a) Reviewing RSA 318:16-a and discussing areas where it is working effectively and

Amend RSA 318:16-c, III(f) as inserted by section 2 of the bill by replacing it with the following:

(f) Identifying recommended solutions, both legislative and non-legislative; and

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

June 12, 2015  
2015-2162-EBA  
06/09

Enrolled Bill Amendment to HB 212

The Committee on Enrolled Bills to which was referred HB 212

AN ACT 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.

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 HB 212

This enrolled bill amendment makes grammatical and technical corrections and incorporates changes made to RSA 214:34, I by SB 182 (chapter 35) of the 2015 regular legislative session.

Enrolled Bill Amendment to HB 212

Amend RSA 206:10, I as inserted by section 2 of the bill by replacing line 10 with the following:

**to RSA 541-A, (b) the right to** open and close the season for taking fish, game, birds, and wildlife, **and**

Amend RSA 208:5-b as inserted by section 8 of the bill by replacing line 2 with the following:

licensed with the applicable license to hunt issued under RSA 214, ~~[or] RSA 208:5, or [5-a]~~ **RSA 208:5-a.**

Amend RSA 214:9, VI as inserted by section 25 of the bill by replacing line 2 with the following:

~~the agent shall thereupon issue a]~~ Nonresident hunting license, which shall entitle the licensee to

Amend RSA 214:9, VII-a as inserted by section 25 of the bill by replacing line 2 with the following:

~~RSA 207:1, XXVI, \$52, and the agent shall thereupon issue a]~~ Nonresident small game license, which

Amend RSA 214:9, VII-b as inserted by section 25 of the bill by replacing line 3 with the following:

nonresident small game license, which shall entitle the licensee to hunt, shoot, or take small game **as**

Amend RSA 214:9, VIII as inserted by section 25 of the bill by replacing line 2 with the following:

~~species of freshwater fish, \$51, and the agent shall thereupon issue a]~~ Nonresident fishing license,

Amend RSA 214:9, X(a) as inserted by section 25 of the bill by replacing line 2 with the following:

Pheasant license or stamp, which shall entitle the licensee to hunt, shoot, kill, and take, except by the

Amend RSA 214:9, XII as inserted by section 25 of the bill by replacing line 2 with the following:

~~thereupon issue a state]~~ Migratory waterfowl license, which shall entitle the licensee to hunt, shoot,

Amend RSA 214:9, XVI(a) as inserted by section 25 of the bill by replacing line 4 with the following:

Recreational saltwater license, which shall entitle the licensee, **16 years of age or older**, to take,

Amend RSA 214:34, I as inserted by section 28 of the bill by replacing it with the following:

I. No person shall take **with the intent to sell**, sell, or offer to sell live fish **or aquatic invertebrates** for bait without first procuring a license to do so.

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

June 16, 2015  
2015-2219-EBA  
03/01

Enrolled Bill Amendment to HB 225

The Committee on Enrolled Bills to which was referred HB 225

AN ACT requiring the defendant to personally appear in the courtroom during a victim impact statement.

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 HB 225

This enrolled bill amendment makes a gender-neutral correction.

Enrolled Bill Amendment to HB 225

Amend RSA 651:4-a as inserted by section 1 of the bill by replacing line 9 with the following:  
may appear personally or by counsel and may reasonably express his **or her** views concerning the offense,  
Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 9, 2015  
2015-2106-EBA  
10/03

Enrolled Bill Amendment to HB 292

The Committee on Enrolled Bills to which was referred HB 292

AN ACT expanding the good samaritan law to engineers and architects.

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 HB 292

This enrolled bill amendment contingently renumbers an RSA section to avoid a conflict with HB 415 of the 2015 regular legislative session.

Enrolled Bill Amendment to HB 292

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If HB 415 of the 2015 regular legislative session becomes law, RSA 508:12-c as inserted by section 1 of this act shall be renumbered as RSA 508:12-d.

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

June 10, 2015  
2015-2120-EBA  
08/09

Enrolled Bill Amendment to HB 333

The Committee on Enrolled Bills to which was referred HB 333

AN ACT establishing a process for review and reporting of dedicated funds.

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 HB 333

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 333

Amend section 1 by replacing line 1 with the following:

1 New Sections; State Treasurer and Accounts; Joint Committee on Dedicated Funds; Agency

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

June 17, 2015  
2015-2298-EBA  
08/10

Enrolled Bill Amendment to HB 391-FN

The Committee on Enrolled Bills to which was referred HB 391-FN

AN ACT applying the E911 surcharge to prepaid cellular telephones.

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 HB 391-FN

This enrolled bill amendment removes a repeated sentence.

Enrolled Bill Amendment to HB 391-FN

Amend RSA 106-H:9, I-a(j) as inserted by section 6 of the bill by replacing it with the following:

(j) Whenever lawful, providers and sellers of prepaid commercial mobile radio service shall put forth reasonable good faith efforts to cooperate with and provide timely and reasonable assistance to the division, its E911 telecommunications supervisors and investigative or law enforcement officers of this state, or any town, city, or county in this state, in connection with locating the source of any emergency E911 call or lawful investigation or activity by such telecommunications supervisor or law enforcement officer. In such instances, providers and sellers of prepaid commercial mobile radio service shall not be liable for damages to any person resulting from or incurred in connection with the provision of such lawful assistance.

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

June 15, 2015  
2015-2190-EBA  
04/09

Enrolled Bill Amendment to HB 425

The Committee on Enrolled Bills to which was referred HB 425

AN ACT relative to procedures for the adoption of agency rules under the administrative procedures act.

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 HB 425

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 425

Amend RSA 541-A:22, II as inserted by section 8 of the bill by replacing line 2 with the following:

unless ***they have expired or have been*** amended or revised or unless a court of competent

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

June 17, 2015  
2015-2284-EBA  
06/03

Enrolled Bill Amendment to HB 464

The Committee on Enrolled Bills to which was referred HB 464

AN ACT 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.

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 HB 464

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 464

Amend RSA 674:67 as inserted by section 2 of the bill by replacing line 1 with the following:

674:67 Definitions. In this subdivision:

Amend RSA 674:67, I as inserted by section 2 of the bill by replacing lines 4 and 5 with the following:

prepare finfish or shellfish for refrigeration, conducted by any person licensed to take, possess, land, or transport, on the waters of New Hampshire, any marine species by any method for the purpose of

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

June 17, 2015  
2015-2285-EBA  
08/03

Enrolled Bill Amendment to HB 484

The Committee on Enrolled Bills to which was referred HB 484

AN ACT relative to medication administration by licensed nursing assistants and relative to exemptions from regulation for certain nursing care and attendant care 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 HB 484

This enrolled bill makes a technical correction.

Enrolled Bill Amendment to HB 484

Amend RSA 332-K:1 as inserted by section 2 of the bill by replacing lines 2 through 7 with the following:

Persons.

I. No provision of Title XXX shall prohibit the following care:

(a) Nursing care provided by family and friends.

(b) Consumer directed attendant care services directed by or on behalf of an individual with a disability of any age who requires assistance with such services in order to live in his or her home and community, including a residential care facility.

II. For the purpose of this section:

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

June 17, 2015  
2017-2294-EBA  
05/03

Enrolled Bill Amendment to HB 506

The Committee on Enrolled Bills to which was referred HB 506

AN ACT clarifying the conditions under which motor vehicle information may be used.

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 HB 506

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to HB 506

Amend section 6 of the bill by replacing line 1 with the following:

6 Motor Vehicle Records; Definition. Amend RSA 260:14, I(a) to read as follows:

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

June 11, 2015  
2015-2135-EBA  
08/09

Enrolled Bill Amendment to SB 29-FN

The Committee on Enrolled Bills to which was referred SB 29-FN

AN ACT relative to fines for motor vehicle offenses.

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 29-FN

This enrolled bill amendment incorporates changes enacted by HB 621-FN (chapter 112) of the 2015 regular legislative session.

Enrolled Bill Amendment to SB 29-FN

Amend the bill by replacing sections 2-3 with the following:

2 Fine Added. Amend RSA 265:6-a, II to read as follows:

II. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays emergency lights or amber warning lights as authorized under RSA 266:78-a through RSA 266:78-q and shall give wide berth, without endangering oncoming traffic, to highway workers and stationary or moving vehicles owned by or contracted to state or local highway maintenance departments displaying amber warning lights. Any person violating this paragraph shall be fined [~~\$100~~] **\$150** plus penalty assessment for a first offense and [~~\$200~~] **\$250** plus penalty assessment for a subsequent offense in a 12-month period.

3 Fine Added. Amend RSA 265:37-a to read as follows:

265:37-a Motorist Duties When Approaching Highway Emergencies.

I. When in or approaching an incident involving a fire, collision, disaster, **utility construction or maintenance**, or other emergency resulting in partial or complete blockage of a highway, or a location where a police officer has made a traffic stop, every driver other than the driver of an emergency response vehicle, shall:

(a) Maintain a reduced speed.

(b) Obey the directions of any authorized person directing traffic and of all applicable emergency signals and traffic control devices.

(c) Vacate as soon as possible any lane wholly or partially blocked.

(d) Give a wide berth, without endangering oncoming traffic, to public safety personnel, any persons in the roadway, and stationary vehicles displaying blue, red, or amber emergency or warning lights.

II. Any person violating this section shall be fined [~~\$100~~] **\$75** plus penalty assessment for a first offense and [~~\$200~~] **\$250** plus penalty assessment for a subsequent offense in a 12-month period.

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

June 9, 2015  
2015-2108EBA  
10/03

Enrolled Bill Amendment to SB 55

The Committee on Enrolled Bills to which was referred SB 55

AN ACT allowing private employers to establish a policy granting a veterans' preference in employment decisions.



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 55

This enrolled bill amendment inserts technical language in an RSA section inserted by the bill.

Enrolled Bill Amendment to SB 55

Amend RSA 275-G:1 as inserted by section 1 of the bill by replacing line 1 with the following:

275-G:1 Definitions. In this chapter:

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

June 10, 2015  
2015-2110-EBA  
03/01

Enrolled Bill Amendment to SB 104-FN

The Committee on Enrolled Bills to which was referred SB 104-FN

AN ACT relative to licensure of research organizations 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 104-FN

This bill makes technical corrections and contingently renumbers new RSA provisions to avoid conflicts with SB 202-FN of the 2015 regular legislative session.

Enrolled Bill Amendment to SB 104-FN

Amend RSA 318:51-c, IV(e)(1)-(2) as inserted by section 5 of the bill by replacing them with the following:

- (1) The amount of prescription drug destroyed.
- (2) The date on which the prescription drug was destroyed.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingent Renumbering. If SB 202-FN of the 2015 regular legislative session becomes law, RSA 318:1, XXX and XXXI, as inserted by section 1 of this act, shall be renumbered as RSA 318:1, XXXI and XXXII, respectively, RSA 318:51-c, as inserted by section 5 of this act, shall be renumbered as RSA 318:51-f, and the references to RSA 318:51-c in RSA 318:1, XXXI, as inserted by section 1 of this act, and RSA 318:42, XVIII, as inserted by section 4 of this act, shall be renumbered as RSA 318:51-f.

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

June 11, 2015  
2015-2130-EBA  
06/09

Enrolled Bill Amendment to SB 106-FN

The Committee on Enrolled Bills to which was referred SB 106-FN

AN ACT restricting the sale or possession of synthetic drugs.

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 106-FN

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 106-FN

Amend RSA 12-J:4, II(i) as inserted by section 2 of the bill by replacing line 1 with the following:

(i) Incorporate the findings and recommendations of the report required under

Amend RSA 359-O:2, IV(k)(5) as inserted by section 6 of the bill by replacing line 1 with the following:

(5) 4-methoxymethcathinone (methedrone). This term shall not include substances

Amend RSA 359-O:3 as inserted by section 6 of the bill by replacing line 2 with the following:

sale or attempt to sell, possess, or transport, any material, compound, mixture, or preparation

Amend RSA 359-O:6, VI as inserted by section 6 of the bill by replacing line 1 with the following:

VI. Substances shall be listed by whatever official, common, usual, chemical, or trade name is

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

June 11, 2015

2015-2133-EBA

04/10

Enrolled Bill Amendment to SB 111

The Committee on Enrolled Bills to which was referred SB 111

AN ACT making changes to the life and health insurance guaranty association.

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 111

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

Enrolled Bill Amendment to SB 111

Amend section 2 of the bill by replacing lines 16-18 with the following:

**XIV.** "Supplemental contract" means any agreement entered into for the distribution of policy or contract proceeds.

~~[XIV:]~~ **XV.** "Unallocated annuity contract" means any annuity contract or group annuity certificate

Amend RSA 408-B:5, I(b)(2)(A) as inserted by section 3 of the bill by replacing it with the following:

(A) The insurers that issued the policies or contracts are domiciled in this state;

Amend RSA 408-B:8, XVI as inserted by section 5 of the bill by replacing line 2 with the following:

policies or contracts under paragraph I or II, the association may, subject to approval of the

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

June 10, 2015

2015-2117-EBA

08/09

Enrolled Bill Amendment to SB 112

The Committee on Enrolled Bills to which was referred SB 112

AN ACT requiring the Medicaid program to cover telehealth 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 112

This enrolled bill amendment makes a technical correction and contingently renumbers an RSA section to avoid a conflict with HB 153 of the 2015 regular legislative session.

Enrolled Bill Amendment to SB 112

Amend RSA 12-A:46, IV(i) as inserted by section 2 of the bill by replacing line 5 with the following:  
resources for consultative services drawing on the expertise in the telehealth community and/or

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Contingent Renumbering. If HB 153 of the 2015 regular legislative session becomes law, RSA 12-A:46, IV(i) as inserted by section 2 of this act shall be renumbered as RSA 12-A:46, IV(j).

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

June 11, 2015  
2015-2149-EBA  
03/05

Enrolled Bill Amendment to SB 116-FN

The Committee on Enrolled Bills to which was referred SB 116-FN

AN ACT repealing the license requirement for carrying a concealed pistol or revolver.

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 116-FN

This enrolled bill amendment inserts omitted text and incorporates a change in law previously enacted in HB 607 of the 2015 regular legislative session (2015, 124).

Enrolled Bill Amendment to SB 116-FN

Amend RSA 159:6 as inserted by section 1 of the bill by replacing line 2 with the following:

I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police

Amend RSA 159:6, I(b) as inserted by section 1 of the bill by replacing line 9 with the following:  
shall be for the use of the town or city granting said licenses; the

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

June 10, 2015  
2015-2126-EBA  
06/04

Enrolled Bill Amendment to SB 119

The Committee on Enrolled Bills to which was referred SB 119

AN ACT relative to the regulation of consumer guaranty contracts by the insurance department and guaranteed asset protection waivers by the banking department.

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 119

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 119

Amend RSA 361-E:2, I(a) as inserted by section 7 of the bill by replacing line 1 with the following:

(a) "Administrator" means a person, other than an insurer or creditor, that performs

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

June 10, 2015  
2015-2109-EBA  
03/01

Enrolled Bill Amendment to SB 125-FN

The Committee on Enrolled Bills to which was referred SB 125-FN

AN ACT relative to certification for mold assessment 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 125-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 125-FN

Amend RSA 310-A:189-b, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The board of home inspectors shall inform the public through its website that persons

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

June 12, 2015  
2015-2158-EBA  
01/04

Enrolled Bill Amendment to SB 132-FN

The Committee on Enrolled Bills to which was referred SB 132-FN

AN ACT relative to dredging projects conducted by the Pease development authority division of ports and harbors.

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 132-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 132-FN

Amend RSA 12-G:42, XVI(c) by replacing line 1 with the following:

(c) Providing or acquiring all lands, easements, rights of way, and suitable borrow and

Amend RSA 12-G:42, XVI(d) by replacing line 1 with the following:

(d) Bearing half the costs for services provided in connection with non-binding alternative

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

June 10, 2015  
2015-2116-EBA  
06/01

Enrolled Bill Amendment to SCR 1

The Committee on Enrolled Bills to which was referred SCR 1

AN ACT 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.

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 SCR 1

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SCR 1

Amend the first paragraph after the resolving clause by replacing line 5 with the following:

repatriation, and promote human rights and democracy in Bhutan; and  
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 133, relative to recounts on questions.

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 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 233, relative to local approval of mining activity.

HB 258, 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 328, relative to delivery of absentee ballots.

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

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 415, limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

HB 519, establishing a committee to study policies which it determines are necessary for dyslexic students.

SB 35, relative to the definition of wine-fortified.

SB 41, establishing a committee to study government immunity from suit and accountability by its citizens.

SB 50, relative to the notice required prior to foreclosure of residential property.

SB 63, relative to membership of the board of directors for the New Hampshire rail transit authority.

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 93, relative to the definition of beverage.

SB 213, establishing a committee to study the formula for distribution of meals and rooms tax revenues.

SB 242, establishing a committee to study methods of adopting a budget in towns that have adopted official ballot voting.

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 19

*June 24, 2015*

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

Reverend Canon Hannah Anderson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Let us pray.

*Gracious God, at the beginning of this new day we pause with attentiveness and remember that you are the one who brings order out of chaos, harmony out of discord, peace out of violence. And, yet, in this confusing and unsettling time in our nation and in the world, we are sometimes challenged to believe in your goodness and mercy, your abiding love and care. Remind us, again, that you are with us and will guide us in the middle of suffering, and in the middle of joy, when there is discord, and when there is union, whether we believe or doubt. May your sustaining presence be known to all of the Senators here today, and those who work with them. Preserve governance in our state. Rekindle their sense of vocation of service for the greater good. Fill them with abiding hope and perseverance. Sustain them with your grace. Make your presence known to them, once again, at the beginning of this new day. Amen.*

Sen. Soucy led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: As you know, we've spent a better part of this year working on the state's budget which is, arguably, the most critical piece of legislation that governs the state of New Hampshire for the next two years. And, while we as legislators get all the recognition for crafting the budget, I would like to take a moment to thank the dedicated men and women in the Legislative Budget Assistant's Office who are tasked with the real work. It's a lengthy process made more difficult by ever changing factors and decisions brought in by the Legislature. They deserve all the credit when it comes to producing a statewide budget which spends billions of dollars, and yet is thoroughly crafted and balanced. We are fortunate to have these talented men and women working with us, and I'm thankful, truly thankful for their sincere dedication and for working practically non-stop throughout the spring. We couldn't appreciate your work more. And, everyone in the state of New Hampshire is fortunate to have this great team working for them. And I'd just like to recognize their names: Jeff Pattison, Mike Kane, Mike Hoffman, Chris Shea, Mickey Landrigan, Kevin Ripple, Nathan White, Steve Giovinelli, and Cecelia...okay, they're working. And, the people who are really working, Cecelia and Pam. So, if you could give them a round of applause.

PRESIDENT MORSE: I know if I let you, you'd clap all day for that group. Senator Forrester, can you stay up here for a moment? Judge Ned Gordon and Representative Leber, could you join us up here? Because I've been here for a long time, and I know you've been fighting a battle for a long time, and I just thought it would be appropriate, and the Finance Chair thought it would be very appropriate that we recognize these two gentlemen because, for all of you that are on Finance that sit through all those meetings for hours and hours and listen to the public, these two men haven't stopped advocating, and I think Senator Forrester can explain what they've been advocating for.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. Senator Ned Gordon, and Representative Leber are the architects of the alcohol fund, which was created back in 2001. And, then Senator Gordon was part of working with Representative Leber on the alcohol fund. I served with Judge Gordon and, actually, Senator Kelly, on the Governor's Commission for Alcohol Treatment Recovery and Prevention. And, it's through their great work that the idea of the alcohol fund was created. And, this year, for the first time ever, we have stopped the suspension of the alcohol fund, and we have turned the alcohol fund by creating a formula that will fully fund it going forward. And I'm very proud to help in part of that process, and I'm proud to know you both. So, thank you.

(The Chair recognized Rep. Leber.)

REPRESENTATIVE LEBER: I want to thank you, Mister President, and all of you for this recognition. It's been 15 years that we were working on this, and it's very satisfying that it is still working. I also thank you for your service. I know it's not easy for you to be here, and it's going to be a long summer, it sounds like, but hang in there! And, I appreciate what you're doing.

(The Chair recognized Judge Gordon.)

JUDGE GORDON: Thank you. Thank you for the great honor. And, I really appreciate the work that's been done specifically by the Senate in funding the alcohol fund, and putting a formula in place that will make it

sustainable at this time. I think that's critical when you see what's happening around and in the state right now with regard to substance abuse. It's absolutely critical that the state invest in that. Particularly since we manage the liquor stores in the state we have some responsibility to deal with the consequences when there are lives as a result of our marketing alcohol. And I think it's important that we fund the fund, sustain the fund, and then that's sustainable into the future. I really appreciate your honor. I appreciate your service. I even had the great privilege of serving in this body for 8 years. It was the best time in my life. I'm hoping you're enjoying it as much as I did. And, thank you, very much.

#### AMENDMENT TO SENATE RULES

Senator Bradley moved to amend Senate Rule 7-1 with the amendment provided here today.

#### Amendment to Senate Rule 7-1

Amend Senate Rule 7-1 by replacing with the following:

#### PART SEVEN

#### DEADLINES

#### 7-1 Deadlines

(l) Tuesday, October 13, 2015 – First day to file legislation for 2016 Senate Session.

(m) Tuesday, November 03, 2015 – Deadline for the Office of Legislative Services to accept drafting of a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution with complete information for the 2016 Session.

(n) Tuesday, December 01, 2015 – Deadline for prime sponsors to sign off on legislation.

(o) Tuesday, December 08, 2015 – Deadline for co-sponsors to sign off on legislation.

Adopted.

#### COMMITTEE OF CONFERENCE REPORTS

Without objection, the Clerk shall read the first recommendation and thereafter only the title of each bill shall be read.

June 18, 2015  
2015-2320-CofC  
09/03

Committee of Conference Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017.

#### Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

New Hampshire Lottery Commission

06-083-083-830014-4972

9U160 9U161

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 Estimates of Unrestricted Revenue.

GENERAL FUND	<u>FY 2016</u>	<u>FY 2017</u>
BUSINESS PROFITS TAX	\$278,692,000	\$284,263,000
BUSINESS ENTERPRISE TAX	<u>74,764,000</u>	<u>76,207,000</u>
SUBTOTAL BUSINESS TAXES	\$353,456,000	\$360,470,000
MEALS AND ROOMS TAX	282,663,000	296,755,000
TOBACCO TAX	124,740,000	124,109,000
TRANSFER FROM LIQUOR	143,300,000	147,500,000
INTEREST AND DIVIDENDS TAX	93,000,000	94,400,000
INSURANCE	118,300,000	114,400,000
COMMUNICATIONS TAX	58,100,000	58,400,000
REAL ESTATE TRANSFER TAX	79,257,000	82,413,000
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	13,000,000	13,000,000
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	\$1,409,716,000	\$1,434,647,000
EDUCATION FUND	<u>FY 2016</u>	<u>FY 2017</u>
BUSINESS PROFITS TAX	\$61,188,000	\$62,397,000
BUSINESS ENTERPRISE TAX	<u>151,756,000</u>	<u>154,833,000</u>
SUBTOTAL BUSINESS TAXES	\$212,944,000	\$217,230,000
MEALS AND ROOMS TAX	8,737,000	9,145,000
TOBACCO TAX	98,060,000	97,591,000
REAL ESTATE TRANSFER TAX	39,043,000	40,587,000

TRANSFER FROM LOTTERY	73,000,000	75,000,000
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	\$878,684,000	\$885,953,000
HIGHWAY FUND	<u>FY 2016</u>	<u>FY 2017</u>
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	<u>FY 2016</u>	<u>FY 2017</u>
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

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

The signatures below attest to the authenticity of this Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017.

Conferees on the Part of the Senate  
Sen. Forrester, Dist. 2  
Sen. Little, Dist. 22  
Sen. Morse, Dist. 8  
Sen. Reagan, Dist. 17

Conferees on the Part of the House  
Rep. Kurk, Hills. 2  
Rep. L. Ober, Hills. 37  
Rep. Umberger, Carr. 2  
Rep. Jasper, Hills. 37  
Rep. Weyler, Rock. 13

The question is on the adoption of the Committee of Conference Report.

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

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.

June 18, 2015  
2015-2318-CofC  
09/03

Committee of Conference Report on HB 2-FN-A-LOCAL, an act relative to state fees, funds, revenues, and expenditures.

Recommendation:

**That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and**

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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 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 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 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 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.

29 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.

30 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.

31 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.

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

33 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.

34 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.

35 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.

36 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.

37 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.

38 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.

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

40 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.***

41 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.***

42 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.***

43 Transfer to Revenue Stabilization Reserve Account. For the fiscal year ending June 30, 2015, \$49,000,000 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.

44 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

45 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-I: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.

46 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.

47 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.

48 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.

49 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.

50 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.***

51 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.

52 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.

53 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.***

54 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.

55 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.

56 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.

57 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.

58 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.

59 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.***

60 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:

61 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;

62 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.

63 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.

64 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.

65 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.

66 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.]~~

67 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.

68 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***.

69 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.

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

70 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.

71 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.

72 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.

73 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.

74 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.

75 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;

76 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.

77 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*.

78 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.

79 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.

80 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*.

81 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**.

82 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.

83 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.

84 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.

85 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.

86 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.

87 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.

88 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.

89 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.

90 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.

91 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 counsel to receive funds not otherwise appropriated in order to retain professional advisors ~~[in the proceeding]~~ **retained through the office of professional licensure and certification**.

92 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.

93 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.

94 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.

95 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.

96 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.***

97 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).

98 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.

99 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.***

100 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.***

101 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.

102 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.

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

104 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.

105 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.

106 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.

107 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.

108 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.

109 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.

110 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.

111 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.

112 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.

113 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.

114 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.

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

116 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.**

117 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.

118 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 unexpired 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.

119 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.

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

Racing and Charitable Gaming ~~[Commission]~~

121 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.

122 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.**

123 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 ~~[or the racing and charitable gaming commission]~~.

124 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.

125 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.

126 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.

127 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; 287-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).

128 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.

129 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***.

130 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.

131 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.

132 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.

133 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.

134 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.

135 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.

136 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.

137 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.

138 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.***

139 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 160 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.***

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

141 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.

142 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.

143 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.

144 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.

145 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.

146 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.

147 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.

148 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.

149 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.

150 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.

151 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.

152 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:

153 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.**



154 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.***

155 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.

156 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.***

157 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.

158 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.

159 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.

160 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.

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

162 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.

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

164 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

165 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 \$1,500,000 to up to \$3,250,000.

166 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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167 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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168 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

169 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

170 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

171 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 [ <del>plant and property management</del> ] <b><i>procurement and support services</i></b>
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#### 172 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.

173 Classified Employees Transferred to Unclassified Positions; Treatment of Sick Leave, Longevity Pay, and 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 sick leave and longevity pay already accumulated in the classified system. Such sick leave and longevity pay 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.

174 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.

175 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.

176 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.

177 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.

178 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.

179 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.

180 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.

181 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.

182 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.

183 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.

184 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.

185 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.

186 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.

187 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.

188 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.

189 Applicability. RSA 21-I:26-a, as inserted by section 188 of this act, shall not apply to any state employees health insurance plan in effect on the effective date of section 188 of this act.

190 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.

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

9:9-b Allocation of 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.

192 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.

193 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.

194 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 \$3,036 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.**

195 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.

196 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.***

197 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.

198 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.

199 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.

200 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 199 of this act, for any balance in class 504 nursing home payments that remained at the end of fiscal year 2014, the department of health and human services shall pay the entire amount immediately upon the effective date of this section in a lump sum distribution of surplus funds paid proportionately to providers based on Medicaid payments made to each provider during the fiscal year ending on June 30, 2014. Upon payment of the distribution of surplus funds 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.

201 Health and Human Services; Choices for Independence Appropriations. Notwithstanding the organization note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 202 of this act, from any general fund balance remaining in classes 505, mid-level care expenses, 506 home support waiver services, and 529, home health care waiver services, at the end of fiscal year 2015, \$900,000 shall be used by the department of health and human services to make a one-time supplemental payment to the providers of home health aide services, home nursing services, and home maker services who are paid from class 529. Such payment shall be matched with additional federal Medicaid funds. After such payment is made, any remaining general fund balance in classes 505, 506, and 529 shall lapse to the general fund for the fiscal year ending June 30, 2015.

202 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.

203 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.

204 Contingency. The provisions of section 203 of this act shall only take effect upon the repeal of RSA 151-C pursuant to 2013, 144:84.

205 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 \$1,721,861 for the fiscal year ending June 30, 2016, and 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.

206 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.

207 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.***

208 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.***

209 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.

210 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 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 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.

***(c) Up to \$8,300,000 shall be appropriated to 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.

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.

***IV. For the fiscal year ending June 30, 2018 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) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.***

211 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, including, without limitation, a pledge of revenue 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 and to be used for the purpose set forth in RSA 260:32-a, II(a), III(a), and IV(a).***

212 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.

213 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.

214 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.***

215 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.

216 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.

217 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, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in consultation with the commissioner of the department of information technology. 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. 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 dedicated information technology technical support required by the commission to support its merchant card activity and related technical support operations in retail stores.

218 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.

219 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.

220 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.

221 New Subparagraph; Application of Receipts; Transitional Housing Unit Maintenance Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (326) the following new subparagraph:

(327) Moneys deposited in the transitional housing unit maintenance fund established in RSA 21-H:14-d.

222 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 first \$325,000 of such collections shall be deposited in each fiscal year with the state treasurer as a part of the general revenue of the state. The commissioner shall deposit any amount in excess of \$325,000 into the transitional housing unit maintenance fund established in RSA 21-H:14-d.***

223 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.

224 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.

225 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.

226 General Fund; Transfer to Fish and Game Fund.

I. 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.

II. Of the amount transferred in paragraph I, up to \$150,000 per year may be credited to the fish and game search and rescue fund for the purpose of funding overtime costs.

227 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.

228 Department of Transportation; Ten Year Transportation Improvement Plan. The N.H. Route 106 improvements are of high state economic importance and shall be prioritized, in whole or in part, in the 10-year transportation improvement planning process to begin as soon as possible within fiscal constraint.

229 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).

230 Appropriation; Crotched Mountain Foundation. In addition to any other funds appropriated to the department of health and human services, the sum of \$250,000 for the fiscal year ending June 30, 2016 and \$250,000 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 and shall be paid until the additional general fund appropriation of \$250,000 is exhausted, at which time the department shall review the impact of these levels of care and may, in its sole discretion, return to the 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.

231 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.

232 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.

233 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).

234 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.

235 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.

236 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.

237 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.

238 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.

239 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.

240 Applicability.

I. Sections 234 and 237 of this act shall apply to taxable periods ending on or after December 31, 2016.

II. Sections 235 and 238 of this act shall apply to taxable periods ending on or after December 31, 2017.

III. Sections 236 and 239 of this act shall apply to taxable period ending on or after December 31, 2019.

241 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.

242 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.

243 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.

244 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.

245 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.

246 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.

247 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.

248 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.

249 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.

250 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.

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

V. The commissioner is authorized to transfer funds within and among all accounting units within the commission's operating budget 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 liquor commission. Any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court and governor and council. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

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

177:2 Closing of State Stores.

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

II. In order to properly reflect the operating expenses of each state store, the commission shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the commission. All such expenses of the commission, with the exception of the enforcement and licensing division operating expenses, shall be included in the plan and allocated to all state stores on a consistent, rational basis. ~~[The indirect cost allocation plan for each fiscal year shall be submitted to the fiscal committee and the governor and council for approval, no later than 3 months before the start of each fiscal year.]~~ **No later than 30 days following the closure of any state liquor store, the commission shall submit a revised indirect cost allocation plan to the fiscal committee of the general court and the governor and council for approval.**



253 New Section; Liquor Commission; Revenue Shortfall; Reports. Amend RSA 176 by inserting after section 16 the following new section:

176:16-a Revenue Shortfalls; Reports. Beginning July 1, 2015 and for each fiscal year thereafter, if the transfer of revenue from the liquor commission to the general fund under RSA 176:16 falls short of the revenue plan for a completed fiscal year, the commission shall reduce the commission's budgeted appropriations for the subsequent fiscal year by an amount equal to the shortfall up to 5 percent of the budgeted appropriations and shall provide a report by September 30 each year of any such reductions to the comptroller, the commissioner of the department of administrative services, and the fiscal committee of the general court.

254 Office of Professional Licensure and Certification; Transfer Among Accounts and Classes. Notwithstanding any provisions of law to the contrary, except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and the governor and council, for the biennium ending June 30, 2017, the executive director of the office of professional licensure and certification is hereby authorized to transfer funds within and among all accounting units and/or class codes within the office, with the exception of class 60 transfers, as the executive director deems necessary and appropriate to address present or projected budget deficits, and as otherwise necessary for the efficient management of the office; 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.

255 Adjutant General; Acceptance and Expenditure of Federal Funds. Notwithstanding any other provision of law, for the biennium ending June 30, 2017, in addition to the amount budgeted in accounting unit 02-12-12-120010-2245 (army guard facilities 100% federal), the adjutant general, with approval of the governor and council, may accept and expend up to \$3,000,000 of federal funds for the purpose of this account without further approval from the fiscal committee of the general court.

256 New Hampshire Health Care Quality Assurance Commission; Date Extended. Amend 2005, 157:4, I, as amended by 2010, 98:3 to read as follows:

I. Section 3 of this act shall take effect ~~[July 1, 2015]~~ **July 1, 2016**.

257 Medicaid Premium; Insurer's Assessable Premiums. Amend RSA 400-A:39, VI(a) to read as follows:

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. ***The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the marketplace premium assistance program under RSA 126-A:5, XXV, or through the health insurance premium payment program under RSA 126-A:5, XXIII.*** If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

258 Education Trust Fund; Distribution of Unexpended Appropriations. For each fiscal year of the biennium ending June 30, 2017, the commissioner of the department of education shall distribute any unexpended appropriations from accounting unit 06-56-56-560010-7550-079, adequate education aid-state, to any municipality in which the total education grant was reduced pursuant to RSA 198:41, III(b) in any fiscal year of the biennium ending June 30, 2017. The commissioner shall distribute such amount based on the proportion of a municipality's average daily membership in attendance in relation to the average daily membership in attendance of all such municipalities, but not to exceed a municipality's uncapped amount. In this section, "uncapped amount" means the amount determined pursuant to RSA 198:41, I and II.

259 New Subparagraph; Chartered Public Schools; Funding. Amend RSA 194-B:11, I by inserting after subparagraph (d) the following new subparagraph:

(e) The commissioner of the department of education shall submit a report to the fiscal committee of the general court for each payment made in a fiscal year by the state to a chartered public school pursuant to subparagraph (c). For each chartered public school, the report shall contain the name and address of the school, the amount of the payment, and the number of students currently enrolled at the school. Each report shall be submitted no later than 30 days after the payment date specified in subparagraph (c).

260 Effective Date for Repeals Amended. Amend 2014, 3:13, I to read as follows:

***I. Section 12, paragraph I of this act shall take effect September 1, 2015.***

***I-a.*** Section 12, paragraphs [E] ~~II-VII~~ of this act shall take effect December 31, 2016.

261 Reference to HIPP Program Deleted. Amend RSA 126-A:5, XXIV(a) to read as follows:

XXIV.(a) There is hereby established the voluntary bridge to marketplace premium assistance program in order to provide medical assistance for newly eligible adults and their spouse and dependents, if applicable; ~~who are ineligible for the HIPP program established in RSA 126-A:5, XXIII~~. This program shall be administered by the department of health and human services and subject to subparagraph XXV(c) shall terminate on March 31, 2015. In order to receive medical assistance through the program, newly eligible adults shall choose health insurance coverage either from qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective or an alternative benefit plan (ABP) offered by one of the managed care organizations (MCO) awarded contracts as vendors to implement Medicaid managed care under RSA 126-A:5, XIX(a). For the purposes of this paragraph, alternative benefit plan is defined as the Medicaid benchmark or benchmark equivalent coverage in section 1937 of the Social Security Act. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

262 Reference to HIPP Program Deleted. Amend RSA 126-A:5, XXV(a) to read as follows:

XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, ~~[who are ineligible for the HIPP program established in RSA 126-A:5, XXIII]~~ until December 31, 2016 and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective; provided, however, that any newly eligible adult who had coverage under an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that same MCO if one is available, unless such newly eligible adult subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

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

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

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

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

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

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

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

266 Governor's Commission on Disability; Application for Waiver Process. Amend RSA 275-C:15, IV to read as follows:

IV. Except as provided in paragraph V, grant waivers to an owner, an owner's agent or a lessee-in-possession, ***pertaining only to places of public accommodation provided for in RSA 155:39-a***, from specific requirements of the code for barrier-free design where, upon a clear and convincing showing, a compelling public interest is deemed to outweigh the state's interest in removing architectural barriers.

267 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.

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

269 Effective Date.

- I. Sections 183-184, 228, 248-249, and 256 shall take effect upon its passage.
- II. Sections 166-171, 174-179, and 188-189 of this act shall take effect 60 days after its passage.
- III. Sections 3, 34, 43, 163, 165, 185, 199-201, 213, 214, 225, and 247 of this act shall take effect June 30, 2015.
- IV. Section 182 of this act shall take effect September 1, 2015 at 12:03 a.m.
- V. Sections 186, 194, and 234-240 of this act shall take effect July 1, 2016.
- VI. Sections 140 and 241 of this act shall take effect July 1, 2017.
- VII. Section 250 of this act shall take effect December 1, 2018.
- VIII. The remainder of this act shall take effect July 1, 2015.

The signatures below attest to the authenticity of this Report on HB 2-FN-A-LOCAL , an act relative to state fees, funds, revenues, and expenditures.

Conferees on the Part of the Senate  
 Sen. Forrester, Dist. 2  
 Sen. Little, Dist. 8  
 Sen. Morse, Dist. 22  
 Sen. Reagan, Dist. 17

Conferees on the Part of the House  
 Rep. Kurk, Hills. 2  
 Rep. L. Ober, Hills. 37  
 Rep. Umberger, Carr. 2  
 Rep. Jasper, Hills. 37  
 Rep. Weyler, Rock. 13

2015-2318-CofC

#### 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 to transfer funds within accounting units.
16. Requires the community college system to remit retiree health care payments to the state.
17. Modifies revenue for the forest management and protection fund.
18. Eliminates the continual appropriation of the state-owned ski area account to the commissioner of the department of resources and economic development and eliminates the requirement for prior approval by the governor and council and the fiscal committee of the general court of expenditures from the state park account.
19. Authorizes transfers of funds by the department of resources and economic development for welcome centers.
20. Suspends certain provisions regarding funeral expenses for recipients of public assistance.
21. Allows the commissioner of the department of transportation to transfer funds within accounting units of the department.
22. Requires the department of information technology to establish statewide standards for information technology, networks, and cyber security.
23. Clarifies the department of information technology's purchasing policy for state agencies.
24. Appropriates sums received from the federal government by the department of transportation for reimbursement for costs of emergency response to the department.
25. Continues an appropriation in 2011, 223:1 regarding emergency management for the biennium ending June 30, 2017.
26. Abolishes a position to allow for the transition to an unclassified position within the department of safety for a second assistant commissioner.
27. Authorizes state agency heads to accept credit cards or debit cards for payment of taxes, penalties, interest, or fees.
28. Allows state agency heads to fill unfunded positions.
29. Repeals 1899, 42 which requires an annual fee to be paid to the University of New Hampshire.
30. Deposits the administrative and enforcement fee for original notices of intent to excavate into the general fund.
31. Extends the prospective repeal relative to the waitlist for community mental health services.
32. Requires that \$49,000,000 of the surplus for the fiscal year ending June 30, 2015 remain in the general fund.
33. 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.
34. Establishes the position of assistant state veterinarian within the department of agriculture, markets, and food.
35. Permits all agencies to provide documents by electronic mail in lieu of mail.
36. 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.

37. 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.

38. 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.

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

40. 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.

41. 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.

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

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

44. Determines the formula for education grants to municipalities.

45. Suspends school building aid for the biennium.

46. 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.

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

48. 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.

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

50. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

51. Suspends congregate housing and congregate services.

52. Clarifies the rate of reimbursement for services and programs for a Medicaid-eligible child.

53. 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.

54. 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.

55. 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.

56. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2017.

57. Modifies the definition of "assessable lives" for the purpose of the vaccine association.

58. Clarifies that penalty assessments are to be an amount additional to the fines or penalties on which the penalty assessments are levied.

59. Makes the state highway safety agency a unit of the department of safety.

60. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2017.

61. Repeals an appropriation for state matching funds for disaster assistance grants.

62. Makes a reduction in the state self-insured health plan reserve.

63. Increases the transfer from the driver training fund to the department of safety for the fiscal year ending June 30, 2015.

64. Codifies the salaries of certain unclassified positions and clarifies treatment of sick leave, longevity pay, and annual pay of certain classified employees transferred to unclassified positions.

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

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

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

68. 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.

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

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

71. 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.

72. 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.

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

74. 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.

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

76. Clarifies the allocation of unrestricted highway fund appropriations.

77. Adjusts the additional grants for chartered public school pupils based on the Consumer Price Index and adds \$1,000 per pupil to the grant beginning July 1, 2016 for chartered public schools other than the Virtual Learning Academy Charter School.

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

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

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

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

82. Clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes and provides for a one-time supplemental payment to certain health care service providers.

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

84. 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.

85. 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.

86. 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.

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

88. 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.

89. Changes expenditures of road toll revenues.

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

91. Transfers funds collected for educational credentialing to the education trust fund.
92. Requires the legislative branch to transfer certain moneys to the general fund.
93. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.
94. Transfers certain funds from the consumer protection escrow account within the department of justice to the general fund.
95. Requires that funds received by the attorney general from consumer protection judgments and settlements be deposited in a consumer protection escrow account.
96. Provides additional authority for the biennium to the liquor commission for purposes of supporting merchant card activity.
97. Establishes the position of unemployment insurance fraud prosecutor in the department of employment security.
98. Authorizes transfers of funds by the department of corrections.
99. Establishes a transitional housing unit maintenance fund in the department of corrections and authorizes the commissioner to make deposits into the fund.
100. Prohibits the public utilities commission from expending funds on implementation of an energy efficiency resource standard for the biennium ending June 30, 2017.
101. Transfers funds from the renewable energy fund to the division of homeland security and emergency management.
102. Appropriates federal funds to northeast multispecies commercial harvesters impacted by the 2012 federal fisheries disaster.
103. Transfers certain general fund revenues to the fish and game department.
104. 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.
105. Prioritizes the N.H. Route 106 improvements in the 10-year transportation improvement plan.
106. Authorizes the department of education to accept gifts to fund appropriations in accounting unit 06-56-56-562010-7534.
107. Makes an appropriation for an enhanced rate for complex patients served by the Crotched Mountain Foundation.
108. 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.
109. Raises income eligibility for the Social Services Block Grant program based on the cost of living increase in social security benefits.
110. Authorizes the commissioner of the department of education to transfer funds within and among all accounting units within the department.
111. Reduces the rate of the business profits tax.
112. Reduces the rate of the business enterprise tax.
113. Increases the research and development tax credit against the business profits tax.
114. Establishes a temporary tax amnesty program for taxes administered and collected by the department of revenue administration.
115. Establishes a voluntary disclosure program for taxes in the department of revenue administration.
116. Limits the uses of highway fund surplus for the biennium ending June 30, 2015.
117. Changes the membership of the university system of New Hampshire board of trustees.
118. Requires approval of the fiscal committee of the general court and governor and council for any departmental transfer of \$75,000 or more.
119. Revises reporting requirements for the closing of state liquor stores.

120. Requires the liquor commission to reduce budgeted appropriations in the event of a shortfall in revenue transferred to the general fund in the prior fiscal year and requires a report of any such reductions.

121. Authorizes the executive director of the office of professional licensure and certification to transfer certain funds to address present or projected budget deficits.

122. Permits the adjutant general to accept and expend certain federal funds without further approval from the fiscal committee of the general court.

123. Extends the New Hampshire health care quality assurance commission until July 1, 2016.

124. Excludes the premium for Medicaid managed care coverage from certain insurer's assessable premiums.

125. Requires the commissioner of the department of education to distribute any unexpended education trust fund appropriations to municipalities subject to the limitation on adequate education grants.

126. Requires the commissioner of the department of education to submit a report to the fiscal committee of the general court on payments to chartered public schools.

127. Repeals the health insurance premium payment (HIPPI) program on September 1, 2015.

128. Requires the governor's commission on disability to adopt certain rules regarding waivers.

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

130. Suspends distribution of meals and rooms tax revenue to the division of travel and tourism development.

The question is on the adoption of the Committee of Conference Report.

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

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.

June 18, 2015  
2015-2317-CofC  
10/04

Committee of Conference Report on HB 25-FN-A, an act making appropriations for capital improvements.

Recommendation:

**That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and**

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General

A. Columbarium Expansion	\$1,495,000
Less Federal Funds	<u>-1,495,000</u>
Net state appropriation subparagraph A	0
B. Construction of FMS - Southern NH	11,000,000
Less Federal Funds	<u>-11,000,000</u>
Net state appropriation subparagraph B	0



C. Construction of FMS - Seacoast Area	9,400,000
Less Federal Funds	<u>-9,400,000</u>
Net state appropriation subparagraph C	0
D. Land for Military Construction	1,300,000
E. Readiness Center Design	1,200,000
Less Federal Funds	<u>-1,200,000</u>
Net state appropriation subparagraph E	0
F. Statewide Readiness Center Restoration and Modernization	2,000,000
Less Federal Funds	<u>-1,000,000</u>
Net state appropriation subparagraph F	<u>1,000,000</u>
Total state appropriation paragraph I	\$2,300,000
II. Department of Administrative Services	
A. Statewide Projects	
1. All State Owned Facilities - Emergency Repairs	\$975,000
2. Statewide Energy Efficiency Improvements	500,000
B. General Services	
1. Hills Ave. - New Roof	775,000
2. Monadnock Mill - Wall Repair	195,000
3. Health and Human Services - New Lab Floor	110,000
4. Department of Justice - New Roof	545,000
5. Monadnock Mill - Elevator Upgrade	210,000
6. Materials and Research - HVAC Upgrades	380,000
7. All Buildings - Burglar Alarm Replacement	215,000
8. State House and Upham Walker House Repairs	1,350,000
9. State House Dome	1,343,058
10. State Library - Repair Parapet and Ceiling	280,000
11. Department of Justice and Philbrook - Elevator code issues	120,000
C. Facilities and Asset Management	
1. Brown Building - Roof Replacement	905,000
2. Dolloff Building - ADA Restrooms and Entryway	505,000
D. Court Facilities	
1. Merrimack County Superior Court - New Courthouse *	16,600,000
2. Hampton Circuit Court, Architectural/ Engineering	300,000
3. Milford Circuit Court, Architectural/Engineering	<u>255,500</u>
Total state appropriation paragraph II	\$25,563,558
III. Community College System of New Hampshire	
A. Critical Maintenance	\$3,933,952
B. IT Infrastructure	2,300,000

\* The location for the siting of the Merrimack county superior court facility shall be in Concord on state lands adjacent to the supreme court.

C. HVAC Electrical Technology	7,000,000
D. Phase II, IT STEM Lab in Claremont	400,000
E. Lakes Region Community College Auto Tech. Completion	<u>1,000,000</u>
Total state appropriation paragraph III	\$14,633,952

## IV. Department of Corrections

A. New Women's Prison – Addendum*	\$12,600,000
B. Replace Roof in Warehouse, Gym, Autoshop and Outside	<u>1,855,000</u>
Total state appropriation paragraph IV	\$14,455,000

\* The prison shall be designed in a manner which provides the best economical approach to maintaining and operating the facility.

## V. Department of Education

A. Renovation of CTE Center – Dover*	\$3,025,000
B. Renovation of CTE Center – Somersworth*	<u>4,875,000</u>
Total state appropriation paragraph V	\$7,900,000

\* The funds appropriated to the department of education in subparagraphs A and B for CTE centers in Dover and Somersworth shall not be spent, obligated, or encumbered until such time as an action plan has received approval from the capital budget overview committee.

## VI. Department of Environmental Services

A. Dam Repairs and Reconstruction *	\$2,975,000
B. Hazardous Waste Superfund State Match	500,000
C. Suncook River Infrastructure Protection Project	1,800,000
D. Rehabilitation of Natural Resources Conservation	
Service Flood Control Dams	3,927,500
Less Federal Funds	<u>-2,772,500</u>
Net state appropriation subparagraph D	1,155,000
E. LiDAR Enhanced Elevation Data System	1,175,000
Less Federal Funds	<u>-587,500</u>
Net state appropriation subparagraph E	587,500
F. Permitting, Environmental Monitoring and Flood Forecasting	1,000,000
G. Drinking Water SRF Matching Funds	2,978,212
H. Clean Water SRF State Match Funds	5,403,400
Less Other Funds **	<u>-2,701,700</u>
Net state appropriation subparagraph H	<u>2,701,700</u>
Total state appropriation paragraph VI	\$13,697,412

\* For the appropriation made in subparagraph VI, A, the department is authorized to reallocate funds as necessary to address emergencies or alternate repairs or reconstruction needs at other dams if delays in other projects occur.

\*\* To provide funds for the appropriation made in subparagraph VI, H, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,701,700 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, H shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

## VII. Department of Health and Human Services

A. Glencliff Home Potable Water System	\$1,350,000
B. Campus Security Glencliff	425,000
C. Main Access Tunnel Repair	525,000
D. Replace Roof Over Auditorium at Howard Rec.	230,000
E. SYSC Administration Building - Restroom Upgrades	120,000
F. Chillers and Associated Components Replacement	2,800,000
G. Child Support Systems Maintenance and Enhancement	7,100,000
Less Federal Funds	<u>-4,686,000</u>
Net state appropriation subparagraph G	2,414,000
H. New HEIGHTS Access Front Door	10,534,483
Less Federal Funds	<u>-6,600,000</u>
Net state appropriation subparagraph H	3,934,483
I. Department Email Project	500,000
Less Federal Funds	<u>-200,000</u>
Net state appropriation subparagraph I	300,000
J. NHH Electronic Health Record Pharmacy and Scanning Module	465,517
K. NHH Underground Fuel Line Replacement, Fuel Conversion	225,000
L. NHH Renovation of Existing Space	<u>984,400</u>
Total state appropriation paragraph VII	\$13,773,400

## VIII. Housing Finance Authority

A. Affordable Housing Fund *	<u>\$200,000</u>
Total state appropriation paragraph VIII	\$200,000

\* The general court intends that the matching funds shall be expended for affordable workforce housing which is not restricted due to age and that the housing finance authority shall give high priority to housing projects that demonstrate a commitment to set aside at least 20 percent of the housing units for veterans.

## IX. Department of Information Technology\*

A. Enterprise Projects including Cyber Security, Upgrades, and Inter-agency Coordination	\$1,000,000
B. Expansion of Virtual Server Environment	2,034,320
C. Enterprise Collaboration Solution	<u>650,000</u>
Total state appropriation paragraph IX	\$3,684,320

\* The bonds issued for the projects in paragraph IX shall not exceed 10-year maturity dates.

## X. Judicial Branch

A. New Hampshire e-Court	<u>\$ 1,261,628</u>
Total state appropriation paragraph X	\$1,261,628

## XI. Liquor Commission

A. Concord Warehouse Roof Replacement	\$1,715,000
Less Other Funds*	<u>-1,715,000</u>
Net state appropriation subparagraph A	0

B. In-store Management Systems Refresh/Surveillance	
System	2,800,000
Less Other Funds	<u>-2,800,000</u>
Net state appropriation subparagraph B	0
C. Consumer Internet Ordering Site	125,000
Less Other Funds*	<u>-125,000</u>
Net state appropriation subparagraph C	0
Total state appropriation paragraph XI	\$0

\* To provide funds for the appropriations made in paragraph XI, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,640,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.

## XII. Pease Development Authority

A. Piscataqua River Turning Basin	\$19,254,700
Less Federal Funds	<u>-13,899,200</u>
Less Other Funds*	<u>-285,550</u>
Net state appropriation subparagraph A	<u>5,069,950</u>

\* To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$285,550 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42.

Total state appropriation paragraph XII	\$5,069,950
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## XIII. Department of Resources and Economic Development

A. Roofing and Repairs	\$1,185,000
B. Fire Tower Repairs – Statewide	290,000
C. Toilet Building Renovation and Repair	2,000,000
D. Restoration at Historic Site	250,000
E. Franconia Notch State Park- Flume Visitor's Center Renovations	250,000
F. North Country Resource Center Improvements	200,000
G. Flume Parking Lot	600,000
H. Echo Lake Parking	120,000
I. Livermore Falls Parking Area	<u>250,000</u>
Total state appropriation paragraph XIII	\$5,145,000

## XIV. Department of Safety

A. Laconia PSAP/Data Operations Facility Roofing	\$275,000
Less Other Funds*	<u>-275,000</u>
Net state appropriation subparagraph A	0
B. Aircraft Rescue Firefighting Site Upgrades	425,000
Less Other Funds**	<u>-425,000</u>
Net state appropriation subparagraph B	0

C. Fire Pumper Replacement	400,000
Less Other Funds**	<u>-400,000</u>
Net state appropriation subparagraph C	0
D. Radio Interoperability Project	<u>377,071</u>
Total state appropriation paragraph XIV	\$377,071

\* To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$275,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the enhanced 911 system fund established in RSA 106-H:9, I.

\*\* To provide funds for the appropriations made in subparagraphs B and C, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$825,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

#### XV. Department of State

A. State Archives Addition Planning and Design	<u>\$250,000</u>
Total state appropriation paragraph XV	\$250,000

#### XVI. Transportation

##### A. Transportation- Aeronautics, Rail and Transit

##### 1. 5 Percent Match for Federal Aviation Administration

Project	\$59,502,387
Less Federal Funds	<u>-55,906,400</u>
Net state appropriation subparagraph 1	3,595,987
2. Repairs to State-owned Railroad Bridges	1,350,000
3. Public Transit Bus and Facility Matching Funds	1,358,636
4. Coos County Rail Improvements*	<u>1,500,000</u>
Total state appropriation paragraph XVI	\$7,804,623

\* The sum appropriated in subparagraph A, 4 shall be a match to private funds of an equal amount.

#### XVII. Veterans Home

A. Third Floor Addition to the LEDU Building-Vets Home	\$13,550,000
Less Federal Funds	<u>-8,807,500</u>
Net state appropriation subparagraph A	<u>4,742,500</u>
Total state appropriation paragraph XVII	<u>\$4,742,500</u>
Total state appropriation section 1	\$120,858,414

2 Appropriation; Highway Fund. Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

##### I. Department of Administrative Services

A. Milford Circuit Court, Architectural/ Engineering	\$109,500
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##### II. Department of Safety

A. Helicopter FLIR and ADS-B Replacement	\$244,000
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B. Troop A HVAC and Remodel and Troop E HVAC	650,000
C. Radio Interoperability Project	<u>4,603,404</u>
Total state appropriation paragraph II	\$5,497,904
III. Department of Transportation	
A. Underground Fuel Tank Replacement - Statewide	\$1,310,000
B. Oversize/Overweight Permit Software	2,000,000
C. New Patrol Shed 114 Lisbon	270,000
D. 602 Strafford Patrol Shed	1,770,000
E. Statewide Salt Sheds (3)	1,660,000
F. Welcome and Information Center Capital Improvement	760,000
G. Morton Building - Carpet Replacement	200,000
H. Construction Equipment and Vehicles*	<u>5,000,000</u>
Total state appropriation paragraph III	<u>\$12,970,000</u>
Total state appropriation section 2	\$18,576,904

\* The sums appropriated in subparagraph H shall be used to purchase equipment with a useful life of 10 years or greater and shall not be used by the department, division of operations, mechanical services bureau, to purchase passenger cars or 1/2 ton or 3/4 ton pickup trucks.

3 Capital Appropriation; University System of New Hampshire. The sums hereinafter detailed are appropriated for the projects specified:

A. Deferred Maintenance	<u>\$5,000,000</u>
Total state appropriation section 3	\$5,000,000

4 Expenditures; General. The appropriations made for the purpose mentioned in sections 1 and 2 of this act, with the exception of appropriations in paragraph III of section 1, and the sums available for those projects, shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

5 Expenditures; Community College System of New Hampshire.

I. The appropriations made for the community college system in paragraph III of section 1 and the sums available for these projects shall be expended by the trustees of the community college system of New Hampshire.

II. The appropriations made to the community college system in paragraph III of section 1 are available for all costs incidental to the completion of the projects enumerated including but not limited to the costs of the services for architects, engineers, and other consultants of such kind and capacity as the community college system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These monies shall be spent under the direction of the community college system board of trustees and pursuant to policies adopted by the board of trustees.

III. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of federal law and regulations.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the university system in section 3 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 consecutive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less

than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made to the university system in section 3 are available for all costs incidental to the completion of the projects enumerated including the costs of the services or architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in section 1 and 2 of this act, if any, as may be acquired under the appropriation shall be purchased by the commissioner of the department of administrative services or the commissioner of the department of transportation with the approval of governor and council.

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1-3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$153,162,568 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds are as follows: general fund \$125,858,414, highway funds \$18,576,904, and other funds \$8,727,250.

#### 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 3 shall be made when due from the general fund of the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 of this act shall be made from the highway fund.

#### 10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 7 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Bureau of Public Works Design and Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act Compliance services for projects utilizing federal funds, for those projects included in this act.

14 Capital Appropriations Amended; 2013; Liquor Commission. Amend 2013, 195:1, XII to read as follows:

XII. Liquor Commission

A. New Salem Retail Store	[ <del>\$5,400,000</del> ]	\$263,182
Less Other Funds *	[ <del>-5,400,000</del> ]	<del>-263,182</del>
Net state appropriation subparagraph A		0
B. Hampton North and South Renovations		6,380,000
Less Other Funds *		<del>-6,380,000</del>
Net state appropriation subparagraph B		0
C. [ <del>New Epping Retail Store</del> ] Relocation, Renovation, and New Store Interior - Epping	[ <del>3,850,000</del> ]	2,450,000
Less Other Funds *	[ <del>-3,850,000</del> ]	<del>-2,450,000</del>
Net state appropriation subparagraph C		0
D. [ <del>New Warner Retail Store</del> ] Renovate Warehouse for Enforcement and Maintenance	[ <del>3,500,000</del> ]	2,000,000
Less Other Funds *	[ <del>-3,500,000</del> ]	<del>-2,000,000</del>
Net state appropriation subparagraph D		0
E. Renovate Space from Retail to Office	[ <del>780,000</del> ]	1,180,000
Less Other Funds *	[ <del>-780,000</del> ]	<del>-1,180,000</del>
Net state appropriation subparagraph E		0
F. Nashua Retail Store. Parking Lot		80,000
Less Other Funds *		<del>-80,000</del>
Net state appropriation subparagraph F		0
G. Computer Software-Credit Card	[ <del>10,000,000</del> ]	15,136,818
Less Other Funds *	[ <del>-10,000,000</del> ]	<del>-15,136,818</del>
Net state appropriation subparagraph G		0
H. Portsmouth Traffic Circle, Store #38, Plans, Layout and Design		1,000,000
Less Other Funds*		<del>-1,000,000</del>
Net state appropriation paragraph H		0
I. Concord Warehouse Roof <b>Replacement</b>		<b>500,000</b>
<b>Less Other Funds*</b>		<del><b>-500,000</b></del>
Net state appropriation paragraph I		0
J. Signage and Branding Upgrade		1,000,000
Less Other Funds*		<del>-1,000,000</del>
Net state appropriation paragraph J		0
Total state appropriation paragraph XII		\$0



\* To provide funds for the appropriations made in paragraph XII, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$29,990,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.

15 2013 Capital Budget; Department of Correction; Women's Prison and Transitional Housing Facility. Amend 2013, 195:1, IV, footnote following the total state appropriation paragraph IV, to read as follows:

\* The project in subparagraph IV, A [~~shall~~] **may** utilize the construction management method of contracting. The design for the project shall be submitted [~~no later than April 1, 2014~~] to the capital budget overview committee for approval and shall include sufficient acreage for possible expansion to 350 beds for future needs. The primary location for the siting of the facility shall be in Concord on state lands adjacent to the men's prison. If an alternative location is deemed necessary, the siting for the facility shall be subject to prior approval of the capital budget overview committee. The department shall report quarterly to the capital budget overview committee on the status of the project.

16 2013 Capital Budget; Department of Transportation; Project Purpose Amended; Coos County Rail. Amend 2013, 195:1, XVI, A, 3 to read as follows:

3. [~~Freight Rail—State Matching Funds~~] **Coos County**

***Rail Improvements – Equal Match to Private Funds***

600,000

17 Repeal; Isles of Shoals Memorial Commission. 2013, 195:45, establishing the commission for the Isles of Shoals memorial, is repealed.

18 Lapse of Prior Capital Balance; Capital Appropriation; Department of Administrative Services; Hampton District Court Land Purchase.

I. The sum of \$600,000 from the unencumbered balances of the appropriations made to the department of administrative services in 2011, 253:1, II, B, 1, extended by 2013, 195:47, 7 for Hugh Gallen OPS-FACP replacement; in 2013, 195:1, II, B, 1 for records and archives new roof; and in 2011, 253:1, II, D, 2, extended by 2013, 195:47, 16 for statewide energy efficiency improvements, shall lapse on June 30, 2015.

II. The sum of \$600,000 is hereby appropriated for the biennium ending June 30, 2015 to the department of administrative services for the purchase of 2.7 acres of land currently owned by the department of transportation in the town of Hampton, New Hampshire. Said land shall be used for the construction of a new Hampton District Court. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

19 Lapse of Prior Capital Balance; Capital Appropriation; Department of Corrections; Transitional Housing Units.

I. The sum of \$250,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2009, 145:1, II, A, 1 extended by 2011, 253:28, 12 and 2013, 195:47, 21 for Hillsborough county north asbestos abatement, shall lapse on June 30, 2015.

II. The sum of \$250,000 is hereby appropriated for the biennium ending June 30, 2015 to the department of corrections for repairs and renovations to the Calumet transitional housing unit in Manchester and the North End and Shea Farm transitional housing units in Concord. Such funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$250,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

20 Lapse of Prior Capital Balances; Capital Appropriation; New Hampshire Housing Finance Authority; Affordable Workforce Housing.

I. The sum of \$576,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2009, 145:1, II, A, 1 extended by 2011, 253:28, 12 and 2013, 195:47, 21 for Hillsborough county north asbestos abatement, shall lapse on June 30, 2015.

II. The total sum of \$1,000,000 from the unencumbered balances of the following appropriations made to the following agencies shall lapse on June 30, 2015:

(a) To the adjutant general in 2013, 195:1, I, I for underground storage tank removal.

(b) To the department of administrative services in 2005, 259:1, II, A, 2 amended by 2007, 264:14 extended by 2007, 264:29, IX extended by 2009, 145:19, 12 extended by 2011, 253:28, 30 extended by 2013, 195:47, 27 for Cheshire and Merrimack county courthouse design, Keene district court design and renovate temporary space; in 2009, 145:1, II, A, 1 extended by 2011, 253:28, 12 and 2013, 195:47, 21 for Hillsborough county north asbestos abatement; in 2011, 253:1, II, A, 1 extended by 2013, 195:47, 6 for Rockingham county courthouse-reseal parking lot/drainage repair; in 2011, 253:1, II, B, 3 extended by 2013, 195:47, 8 for driveway/parking and walkway paving phase 2; in 2011, 253:1, II, B, 6 as extended by 2013, 195:47, 11 for Hugh Gallen OPS main building ADA restrooms; in 2011, 253:1, II, D, 2 as extended by 2013, 195:47, 16 for statewide energy efficiency improvements; in 2011, 253:1, II, D, 7 extended by 2013, 195:47, 19 for state house annex-window repairs; in 2013, 195:1, II, D, 1 for Coos county courthouse-bullnose repairs; in 2013, 195:1, II, D, 6 for Lebanon district court replace roof; in 2013, 195:1, II, C, 1 for Dolloff domestic water main replacement; and in 2013, 195:1, II, C, 2 for driveway/parking and walkway paving phase 3.

(c) To the department of corrections in 2013, 195:1, IV, B for remove and replace two 20,000 gallon oil tanks and one 5,000 gallon diesel tank.

(d) To the department of health and human services in 2011, 253:1, VII, A as extended by 2013, 195:47, 58 for fire protection sprinklers; in 2011, 253:1, VII, B as extended by 2013, 195:47, 59 for admin building fire safety/ADA compliance; in 2011, 253:1, VII, M extended by 2013, 195:47, 67 for handicap access and elevator (ADA) administration bldg.; and in 2011, 253:1 VII, P extended by 2013, 195:47, 69 for Howard recreation building renovations, roof and brickwork.

(e) To the department of information technology in 2011, 253:1, VIII, B extended by 2013, 195:47, 74 for network operations infrastructure upgrade and VOIP; in 2011, 253:1, VIII, C extended by 2013, 195:47, 75 for business one stop center; and in 2013, 195:1, VIII, B for network access control.

(f) To the department of resources and economic development in 2013, 195:1, XIII, G for memorial, 400th anniversary- Rye Harbor state park.

III. The sum of \$600,000 is hereby appropriated for the biennium ending June 30, 2015 to the affordable housing fund established in RSA 204-C:57 as matching funds for affordable workforce housing. The general court intends that the matching funds shall be expended for affordable workforce housing which is not restricted due to age and that the housing finance authority shall give high priority to housing projects that demonstrate a commitment to set aside at least 20 percent of the housing units for veterans. Said funds shall not lapse until June 30, 2017.

IV. To provide funds for the appropriation made in paragraph III, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

V. The New Hampshire housing finance authority, consistent with the provisions of RSA 204-C, is exempt from the provisions of RSA 21-I. The New Hampshire housing finance authority shall report quarterly to the capital budget overview committee, in writing, on the status of the appropriation to the affordable housing fund in paragraph III.

VI. The sum of \$976,000 is hereby appropriated for the biennium ending June 30, 2015 to the department of safety for helicopter FLIR and ADS-B Replacement. Said funds shall not lapse until June 30, 2017.

VII. To provide funds for the appropriation made in paragraph VI, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$976,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

21 Lapse of Prior Capital Balance; Capital Appropriation; Legislative Branch; Hall of Flags Conservation Project.

I. The sum of \$235,000 from the unencumbered balances of the appropriations made to the department of administrative services in 2011, 253:1, II, B, 6, extended by 2013, 195:47, 11 for Hugh Gallen OPS main building ADA restrooms, and to the department of agriculture in 2013, 195:1, III, A, for New Hampshire Building-Eastern States Expo-Roof Replacement shall lapse on June 30, 2015.

II. The sum of \$235,000 is hereby appropriated for the fiscal year ending June 30, 2015 to the legislative branch for the initial phase of the State House hall of flags conservation project. The joint committee on legislative facilities and the joint legislative historical committee shall approve the preliminary plans prior to construction. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$235,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

22 Lapse of Prior Capital Balance; Capital Appropriation; Department of Corrections; Hancock Housing Unit Bathrooms.

I. The sum of \$390,000 from the unencumbered balances of the appropriation made to the department of administrative services in 2009, 145:1, II, A, 2 extended by 2011, 253:28, 13 extended by 2013, 195:47, 22 for master plan for the courts shall lapse on June 30, 2015.

II. The sum of \$390,000 is hereby appropriated for the fiscal year ending June 30, 2015 to the department of corrections for repair of bathroom floors at the Hancock housing unit. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$390,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

23 Lapse Dates Extended to June 30, 2017. The following appropriations are hereby extended to June 30, 2017.

1. The appropriation made to the adjutant general in 2013, 195:1, I, A for unspecified minor military construction.

2. The appropriation made to the adjutant general in 2013, 195:1, I, B for land acquisition.

3. The appropriation made to the adjutant general in 2013, 195:1, I, D for federal property conv to readiness center and maintenance shop.

4. The appropriation made to the adjutant general in 2013, 195:1, I, E for Manchester field maintenance shop design.

5. The appropriation made to the adjutant general in 2013, 195:1, I, F for columbarium expansion.

6. The appropriation made to the adjutant general in 2013, 195:1, I, H for veterans' cemetery archeological study.

7. The appropriation made to the adjutant general in 2007, 264:1, I, F extended by 2009, 145:19, 9 extended by 2011, 253:28, 11 extended by 2013 195:47, 5 for regional training institute construction.

8. The appropriation made to the department of administrative services in 2013, 195:1, II, A, 1 for emergency repairs all state owned facilities.

9. The appropriation made to the department of administrative services in 2013, 195:1, II, A, 2 for statewide energy efficiency improvements.

10. The appropriation made to the department of administrative services in 2013, 195:1, II, B, 4 for state house dome repair.

11. The appropriation made to the department of administrative services in 2013, 195:1, II, B, 5 for state house annex replace roof.

12. The appropriation made to the department of administrative services in 2013, 195:1, II, C, 3 for main building asbestos abatement/lead paint control.

13. The appropriation made to the department of administrative services in 2013, 195:1, II, C, 4 for main building window replacement Phase 1.

14. The appropriation made to the department of administrative services in 2013, 195:1, II, D, 3 for Rockingham county superior court - replace roof.

15. The appropriation made to the department of administrative services in 2013, 195:1, II, D, 5 for Manchester circuit courthouse install generator.

16. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 4 extended by 2013 195:47, 9 for main building kitchen roof repair.

17. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 5 extended by 2013 195:47, 10 for lakes region facility roof repair.

18. The appropriation made to the department of administrative services in 2011, 253:1, II, C, 1 extended by 2013 195:47, 13 for critical IT infrastructure.

19. The appropriation made to the department of administrative services in 2011, 253:1, II, C, 2 extended by 2013 195:47, 14 for ERP phase 2 HR and payroll systems.

20. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 1 extended by 2013 195:47, 15 for emergency repairs-all facilities.

21. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 5 extended by 2013 195:47, 17 for state house dome renovation and repair.

22. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 6 extended by 2013 195:47, 18 for DHHS window repairs.

23. The appropriation made to the department of administrative services in 2009, 145:1, II, A, 2 extended by 2011, 253:28, 13 extended by 2013 195:47, 22 for master plan for the courts.

24. The appropriation made to the department of administrative services in 2009, 145:1, II, C, 3 extended by 2011, 253:28, 21 as amended by 2013, 195:14 and extended by 2013 195:47, 23 for main building bakery, kitchen, connector, and industrial shop - raze buildings and create parking lot.

25. The appropriation made to the community college system in 2013, 195:1, XVIII, A for lump sum for capital projects.

26. The appropriation made to the community college system in 2011, 253:1, XVI, B extended by 2013, 195:47, 30 for career/tech building.

27. The appropriation made to the community college system in 2009, 145:1, III, E as extended by 2011, 253:28, 35 extended by 2013, 195:47, 32 for health science and tech building, Nashua.

28. The appropriation made to the community college system in 2008 special session, 1:1, I for Pease campus renovation.

29. The appropriation made to the department of corrections in 2013, 195:1, IV, A , as amended by this act, for 224 beds women's prison and transitional housing facility.

30. The appropriation made to the department of corrections in 2013, 195:1, IV, C for electronic medical records system.

31. The appropriation made to the department of corrections in 2009, 145:1, IV, C as amended by 2013, 195:25, C, 2 for steam lines and injector at men's prison.

32. The appropriation made to the department of corrections in 2009, 145:1, IV, A extended by 2011, 253:28, 36 extended by 2013 195:47, 33 for women's prison and transitional housing site/design.

33. The appropriation made to the department of corrections in 2009, 145:1, IV, D extended by 2011, 253:28, 39 extended by 2013 195:47, 35 for admin east wing-upgrade electric wiring.

34. The appropriation made to the department of corrections in 2007, 264:1, V, A extended by 2009, 145:19, 23 extended by 2011, 253:28, 43 extended by 2013 195:47, 36 for electronic security upgrades-men's prison.

35. The appropriation made to the department of education in 2013, 195:1, V, A, as amended by 2014, 237:2, for renovation of CTE center Dover-state share.

36. The appropriation made to the department of education in 2013, 195:1, V, B, as amended by 2014, 237:2, for renovation of CTE center Salem-state share.

37. The appropriation made to the department of education in 2011, 253:1, IV, A for extended by 2013 195:47, 38 pre-engineering tech career pathway.

38 The appropriation made to the department of education in 2011, 253:1, IV, B extended by 2013 195:47, 39 for CTE center renovation-Pinkerton.

39. The appropriation made to the department of education in 2009, 145:1, V, A extended by 2011, 253:28, 46 extended by 2013 195:47, 41 for pre-engineering technology.

40. The appropriation made to the department of employment security in 2011, 253:1, V, A extended by 2013 195:47, 42 for Tobey building renovation and garage construction.

41. The appropriation made to the department of environmental services in 2013, 195:1, VI, A for dam repairs and reconstruction.

42. The appropriation made to the department of environmental services in 2013, 195:1, VI, B drinking water SRF matching funds.

43. The appropriation made to the department of environmental services in 2013, 195:1, VI, C for clean water SRF matching funds.

44. The appropriation made to the department of environmental services in 2013, 195:1, VI, D for flood warning and operations improvements.

45. The appropriation made to the department of environmental services in 2011, 253:1, VI, A extended by 2013 195:47, 43 for clean water state revolving fund loan program.

46. The appropriation made to the department of environmental services in 2011, 253:1, VI, B extended by 2013 195:47, 44 for drinking water state revolving fund state match.

47. The appropriation made to the department of environmental services in 2011, 253:1, VI, C extended by 2013 195:47, 45 for dam repairs and reconstruction.

48. The appropriation made to the department of environmental services in 2011, 253:1, VI, E extended by 2013 195:47, 47 for WRBP infrastructure capital improvements.

49. The appropriation made to the department of environmental services in 2011, 253:1, VI, F extended by 2013 195:47, 48 for Suncook river infrastructure protection project.

50. The appropriation made to the department of environmental services in 2009, 145:1, VI, A extended by 2011, 253:28, 50 extended by 2013 195:47, 49 for WRBP wastewater treatment plant improvements.

51. The appropriation made to the department of environmental services in 2003, 240:1, V, A extended by 2005, 259:25, XXVIII extended by 2007, 264:29, XXXV extended by 2009, 145:19, 31 extended by 2011, 253:28, 53 and extended by 2013, 195:47, 54 for hazardous waste superfund match.

52. The appropriation made to the department of health and human services in 2013, 195:1, VII, A for Glencliff fire and ADA code compliance.

53. The appropriation made to the department of health and human services in 2013, 195:1, VII, B for APS security and safety upgrades.

54. The appropriation made to the department of health and human services in 2013, 195:1, VII, C for Glencliff residential building security.

55. The appropriation made to the department of health and human services in 2013, 195:1, VII, D for Glencliff hydro dam repair.

56. The appropriation made to the department of health and human services in 2013, 195:1, VII, E for New Heights incremental modernization.

57. The appropriation made to the department of health and human services in 2013, 195:1, VII, F for child support systems maintenance and enhancement.

58. The appropriation made to the department of health and human services in 2013, 195:1, VII, G for food protection data system.

59. The appropriation made to the department of health and human services in 2013, 195:1, VII, H for psychiatric crisis beds.

60. The appropriation made to the department of health and human services in 2013, 195:1, VII, I for bridges modernization project.

61. The appropriation made to the department of health and human services in 2011, 253:1, VII, D extended by 2013 195:47, 60 for APS repair/renovations-roof, windows and curtain wall.

62. The appropriation made to the department of health and human services in 2011, 253:1, VII, G extended by 2013 195:47, 62 for incremental renewal of New Heights.

63. The appropriation made to the department of health and human services in 2011, 253:1, VII, H extended by 2013 195:47, 63 for electronic health records.

64. The appropriation made to the department of health and human services in 2011, 253:1, VII, I extended by 2013 195:47, 64 for regional assessments database II.

65. The appropriation made to the department of health and human services in 2011, 253:1, VII, J extended by 2013 195:47, 65 for video conferencing-administrative appeals unit.

66. The appropriation made to the department of health and human services in 2011, 253:1, VII, L extended by 2013, 195, 47, 66 for replatform option application.

67. The appropriation made to the department of health and human services in 2011, 253:1, VII, Q extended by 2013 195:47, 70 for ACCESS front door release II.

68. The appropriation made to the department of health and human services in 2009, 145:1, VII, B extended by 2011, 253:28, 65 extended by 2013 195:47, 71 for incremental renewal of HEIGHTS phase II.

69. The appropriation made to the department of health and human services in 2009, 145:17, IV, C extended by 2011, 253:28, 67 extended by 2013 195:47, 72 for strategic plan for legacy systems, 50-50 federal match.

70. The appropriation made to the department of health and human services in 2007, 264:1, IX, C as amended by 2009, 145:18, as extended by 2009, 145:19, 50, and 2011, 253:28, 69 extended by 2013 195:47, 73 for Glencliff-Brown building patient room floor abatement, tunnel repair, admin bldg roof replacement.

71. The appropriation made to the department of information technology in 2013, 195:1, VIII, A for enterprise licensing solution.

72. The appropriation made to the department of information technology in 2013, 195:24, I for productivity suite desktop security project.

73. The appropriation made to the department of information technology in 2013, 195:42, I for business one stop.

74. The appropriation made to the judicial branch in 2013, 195:1, IX, A for e-court initiative.

75. The appropriation made to the judicial branch in 2011, 253:1, IX, C extended by 2013 195:47, 78 for e-court initiative.

76. The appropriation made to the department of justice in 2013, 195:1, X, A for installation of video conferencing hardware.

77. The appropriation made to the department of justice in 2013, 195:1, X, B for Prolaw upgrade.

78. The appropriation made to the legislative branch in 2013, 195:1, XI for house of representatives voting system software-LED summary displays and legislative integrated software package.

79. The appropriation made to the liquor commission in 2013, 195:1, XII, B for Hampton north and south renovations.

80. The appropriation made to the liquor commission in 2013, 195:1, XII, D, as amended by this act, for renovate warehouse for enforcement and maintenance.

81. The appropriation made to the liquor commission in 2013, 195:1, XII, E as amended by this act, for renovate space from retail to office.

82. The appropriation made to the liquor commission in 2013, 195:1, XII, G as amended by this act, for computer software-credit card.

83. The appropriation made to the liquor commission in 2013, 195:1, XII, H as amended by this act, for Portsmouth traffic circle, store #38, plans, layout and design.

84. The appropriation made to the liquor commission in 2013, 195:1, XII, I as amended by this act, for Concord warehouse roof replacement.

85. The appropriation made to the liquor commission in 2013, 195:1, XII, J as amended by this act, for signage and branding upgrade.

86. The appropriation made to the liquor commission in 2011 253:1, X, A extended by 2013 195:47, 79 for Hooksett north and south store additions.

87. The appropriation made to the department of resources and economic development in 2013, 195:1, XIII, A for state parks improvements.

88. The appropriation made to the department of resources and economic development in 2013, 195:1, XIII, B for roofing and repair - state parks.

89. The appropriation made to the department of resources and economic development in 2013, 195:1, XIII, F for fire tower repairs.

90. The appropriation made to the department of resources and economic development in 2011, 253:1, XII, C extended by 2013 195:47, 84 for Mt. Washington-Adams building concrete repair.

91. The appropriation made to the department of resources and economic development in 2009, 145:1, X, C extended by 2011, 253:28, 77 extended by 2013 195:47, 86 for Mittersill expansion.

92. The appropriation made to the department of revenue administration in 2009, 145:1, XI, A extended by 2011, 253:28, 82 extended by 2013 195:47, 88 for tax system 2010.

93. The appropriation made to the department of safety in 2013, 195:2, I, A for radio interoperability infrastructure upgrade.

94. The appropriation made to the department of safety in 2013, 195:2, I, D for NH marine patrol headquarters.

95. The appropriation made to the department of safety in 2013, 195:1, XIV, A for radio interoperability infrastructure upgrade.

96. The appropriation made to the department of safety in 2011, 253:1, XIII, A extended by 2013 195:47, 89 for e-911 next generation.

97. The appropriation made to the department of safety in 2009, 145:2, I, A extended by 2011, 253:28, 83 extended by 2013 195:47, 92 for DMV VISION project continuation.

98. The appropriation made to the department of safety in 2007, 264:2, I, D extended by 2009, 145:19, 63 extended by 2011, 253:28, 87 extended by 2013 195:47, 93 for OIT projects for DMV.

99. The appropriation made to the department of state in 2013, 195:1, XV, A for shelving replacement and fire suppression.

100. The appropriation made to the department of transportation in 2013, 195:2, II, A for underground fuel tank replacement statewide.

101. The appropriation made to the department of transportation in 2013, 195:2, II, B for project development computer systems replacement.

102. The appropriation made to the department of transportation in 2013, 195:2, II, C for JOMB data center HVAC and UPS replacement.

103. The appropriation made to the department of transportation in 2013, 195:2, II, D for welcome information center critical and deferred maintenance.

104. The appropriation made to the department of transportation in 2013, 195:2, II, E for new patrol shed ps528 Derry, design, engineering and construction.

105. The appropriation made to the department of transportation in 2013, 195:2, II, F for new patrol shed, Strafford, design.

106. The appropriation made to the department of transportation in 2013, 195:1, XVI, A, 1 for 5 percent match for FAA projects.

107. The appropriation made to the department of transportation in 2013, 195:1, XVI, A, 2 for public transit bus and facility matching funds.

108. The appropriation made to the department of transportation in 2013, 195:1, XVI, A, 3 as amended by this act for Coos county rail improvements.

109. The appropriation made to the department of transportation in 2011, 253:1, XIV, A extended by 2013 195:47, 94 for 2.5 percent match for FAA projects.

110. The appropriation made to the department of transportation in 2011, 253:1, XIV, B extended by 2013 195:47, 95 for bus replacement-transit match.

111. The appropriation made to the department of transportation in 2011, 253:2, III, C extended by 2013 195:47, 98 for statewide salt sheds.

112. The appropriation made to the department of transportation in 2011, 253:2, III, D as amended by 2013, 195:43, as extended by 2013 195:47, 99 for new patrol shed and salt storage-Salem.

113. The appropriation made to the department of transportation in 2009, 145:1, XII, A extended by 2011, 253:28, 88 extended by 2013 195:47, 101 for FAA projects.

114. The appropriation made to the department of transportation in 2009, 145:1, XII, B extended by 2011, 253:28, 89 extended by 2013 195:47, 102 for public transit bus matching funds.

115. The appropriation made to the department of transportation in 2009, 145:1, XII, C extended by 2011, 253:28, 90 extended by 2013 195:47, 103 for airport navigation equipment.

116. The appropriation made to the department of transportation in 2009, 145:1, XII, E extended by 2011, 253:28, 92 extended by 2013 195:47, 104 for state owned rail bridge repair.

117. The appropriation made to the department of transportation in 2009, 145:2, II, C extended by 253:28, 94 extended by 2013 195:47, 105 for replacement of automated fueling system-phase 2.

118. The appropriation made to the department of transportation in 2007, 264:1, XIV, C extended by 2009, 145:19, 67 as amended by 2011, 253:16 extended by 2011, 253:28, 100 and extended by 2013 195:47, 107 for rail match.

119. The appropriation made to the department of transportation in 2007, 264:2, II, E extended by 2009, 145:19, 74 extended by 2011, 253:28, 102 extended by 2013 195:47, 108 for fuel center computer system.

120. The appropriation made to the department of transportation in 2005, 259:1, XIII, F amended by 2007, 264:20, extended by 2007, 264:29 extended by 2009, 145:19, 81 extended by 2011, 253:28, 104 extended by 2013 195:47, 110 for railroad acquisition right of first refusal rail match.

121. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28, XXXIII, and 2003, 240:34, LXXVI extended by 2005, 259:25, LVI extended by 2007, 264:29 LXXIV extended by 2009, 145:19, 64 extended by 2011, 253:28, 98 extended by 2013 195:47, 111 for acquisition for railroad and airport properties.

122. The appropriation made to the New Hampshire veterans' home in 2013, 195:1, XVII, A for equipment upgrades.

123. The appropriation made to the New Hampshire veterans' home in 2011, 253:XV, A extended by 2013 195:47, 112 for electronic medical records.

24 Effective Date.

I. Sections 18-23 of this act shall take effect June 30, 2015.

II. The remainder of this act shall take effect July 1, 2015.



The signatures below attest to the authenticity of this Report on HB 25-FN-A, an act making appropriations for capital improvements.

Conferees on the Part of the Senate  
Sen. Daniels, Dist. 11  
Sen. Boutin, Dist. 16  
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House  
Rep. Chandler, Carr. 1  
Rep. McConkey, Carr. 3  
Rep. F. Tilton, Belk. 3  
Rep. Ebel, Merr. 5

The question is on the adoption of the Committee of Conference Report. Adopted.

June 17, 2015  
2015-2777-CofC  
10/09

Committee of Conference Report on HB 115, an act relative to reports on gross appropriations from the highway fund in the tentative state budget.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 9 with the following:

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

The signatures below attest to the authenticity of this Report on HB 115, an act relative to reports on gross appropriations from the highway fund in the tentative state budget.

Conferees on the Part of the Senate  
Sen. Stiles, Dist. 24  
Sen. Birdsell, Dist. 19  
Sen. Feltes, Dist. 15

Conferees on the Part of the House  
Rep. Chandler, Carr. 1  
Rep. Cloutier, Sull. 10  
Rep. Packard, Rock. 5  
Rep. McConkey, Carr. 3

The question is on the adoption of the Committee of Conference Report. Adopted.

June 15, 2015  
2015-2185-CofC  
04/01

Committee of Conference Report on HB 142, an act relative to student social media policies by educational institutions.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect September 1, 2015.

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

The signatures below attest to the authenticity of this Report on HB 142, an act relative to student social media policies by educational institutions.

Conferees on the Part of the Senate  
 Sen. Reagan, Dist. 17  
 Sen. Avard, Dist. 12  
 Sen. Watters, Dist. 4

Conferees on the Part of the House  
 Rep. Balcom, Hills. 21  
 Rep. Adams, Hills. 26  
 Rep. V. Sullivan, Hills. 16  
 Rep. Rogers, Merr. 28

2015-2185-CofC

#### AMENDED ANALYSIS

This bill:

I. Specifies permissible conduct by an educational institution regarding access to a student's social media account.

II. Allows a school board to consider certain contracts in nonpublic session under the right-to-know law under certain circumstances.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 18, 2015  
 2015-2309-CofC  
 05/04

Committee of Conference Report on HB 219-FN, an act relative to the use of electronic benefits transfer (EBT) cards.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 New Subparagraphs; Prohibited Use of Electronic Benefit Transfer Card. Amend RSA 167:7-b, II by inserting after subparagraph (d) the following new subparagraphs:

(e) Business establishments primarily engaged in the practice of body piercing, branding, or tattooing.

(f) Cigar stores and stands, pipe stores, smoke shops, and tobacco shops using merchant category code 5993 identified in the Internal Revenue Bulletin 2004-31 Revenue Procedure 2004-43 and any subsequent Internal Revenue Service publication thereto.

(g) Marijuana dispensaries, excluding an alternative treatment center as defined in RSA 126-X:1, I.

2 New Hampshire Department of Health and Human Services; Restrictions on the Use of Electronic Benefit Transfer (EBT) Cards; Education Program. On or before November 1, 2015, the department of health and human services shall develop an education program for cash assistance recipients and retail establishments that accept EBT cards. The program shall provide information regarding the permitted and prohibited use of cash assistance under RSA 167:7-b, including penalties for misuse by businesses and program participants.

3 New Hampshire Department of Health and Human Services; Restrictions on the Use of Electronic Benefit Transfer (EBT) Cards; Electronic Blocking at Prohibited Locations; Reporting Requirement. On or before November 1, 2015, the department of health and human services shall provide an interim report with a final report on or before July 1, 2016 to the health and human services oversight committee established under RSA 126-A:13 on the use and effectiveness of electronically blocking the use of EBT cards at prohibited locations identified under RSA 167:7-b, II.

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

The signatures below attest to the authenticity of this Report on HB 219-FN , an act relative to the use of electronic benefits transfer (EBT) cards.

Conferees on the Part of the Senate  
 Sen. Sanborn, Dist. 9  
 Sen. Avard, Dist. 12  
 Sen. Bradley, Dist. 3

Conferees on the Part of the House  
 Rep. McMahon, Rock. 7  
 Rep. Kotowski, Merr. 24  
 Rep. MacKay, Merr. 14  
 Rep. LeBrun, Hills. 32

2015-2309-CofC

#### AMENDED ANALYSIS

This bill prohibits the use of EBT cards in business that primarily engage in body piercing, branding, or tattooing; cigar stores and smoke shops; and marijuana dispensaries. The bill also requires the department of health and human services to establish an education program relative to the use of EBT cards and requires the department to report on the effectiveness of electronic blocking of EBT cards at prohibited locations.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
 2015-2235-CofC  
 05/04

Committee of Conference Report on HB 305, an act relative to assessment of and discharge planning for minors in the juvenile court system.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 169-B:12, II-a as inserted by section 1 of the bill by replacing it with the following:

***II-a. If the minor and the parent, guardian, or custodian have not consulted with counsel about the possible consequences of the proposed waiver of the right to counsel, the court may only accept a waiver pursuant to paragraph II after making case-specific written findings with regard to each of the required conditions for waiver.***

The signatures below attest to the authenticity of this Report on HB 305, an act relative to assessment of and discharge planning for minors in the juvenile court system.

Conferees on the Part of the Senate  
 Sen. Carson, Dist. 14  
 Sen. Lasky, Dist. 13  
 Sen. Cataldo, Dist. 6

Conferees on the Part of the House  
 Rep. Itse, Rock. 10  
 Rep. P. Long, Hills. 10  
 Rep. Berrien, Rock. 18  
 Rep. Ferreira, Hills. 28

The question is on the adoption of the Committee of Conference Report. Adopted.

June 18, 2015  
 2015-2314-CofC  
 04/06

Committee of Conference Report on HB 323, an act relative to the administration of the statewide assessment program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Statewide Education Improvement and Assessment Program; Assessment Required. Amend RSA 193-C:6 to read as follows:

193-C:6 Assessment Required. Each year, a statewide assessment shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. All public school students in the designated grades shall participate in the assessment, unless such student is exempted, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. ***The department may use the College Board SAT or ACT college readiness assessment to satisfy the high school assessment requirements of this chapter.***

The signatures below attest to the authenticity of this Report on HB 323, an act relative to the administration of the statewide assessment program.

Conferees on the Part of the Senate  
Sen. Reagan, Dist. 17  
Sen. Bradley, Dist. 3  
Sen. Avard, Dist. 12

Conferees on the Part of the House  
Rep. Ladd, Graf. 4  
Rep. Cordelli, Carr. 4  
Rep. Wolf, Hills. 7  
Rep. Shaw, Hills. 16

2015-2314-CofC

#### AMENDED ANALYSIS

This bill allows a school district to use the College Board SAT or the ACT college readiness assessment to fulfill the high school assessment requirement.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 10, 2015  
2015-2122-CofC  
05/10

Committee of Conference Report on HB 364, an act relative to renewal fees administered by the office of professional licensing.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 489-C:5, IV as inserted by section 20 of the bill by replacing it with the following:

IV. There is hereby established a salt application fund. This nonlapsing fund shall be continually appropriated to the department and used to administer the salt applicator certification program under this chapter. Certification fees collected by the department shall be deposited with the state treasurer to the credit of such fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. No funds from the general fund shall be used to cover the cost of the salt applicator certification program.

The signatures below attest to the authenticity of this Report on HB 364, an act relative to renewal fees administered by the office of professional licensing.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Reagan, Dist. 17  
Sen. Soucy, Dist. 18

Conferees on the Part of the House  
Rep. A. Christie, Rock. 37  
Rep. Sytek, Rock. 8  
Rep. P. Schmidt, Straf. 19  
Rep. L. Ober, Hills. 37

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
2015-2236-CofC  
09/04

Committee of Conference Report on HB 407, an act establishing a committee to study the classifications of military vehicles and equipment that may be purchased by the state and its political subdivision.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

The signatures below attest to the authenticity of this Report on HB 407, an act establishing a committee to study the classifications of military vehicles and equipment that may be purchased by the state and its political subdivision.

Conferees on the Part of the Senate  
Sen. Prescott, Dist. 23  
Sen. Bradley, Dist. 3  
Sen. Fuller Clark, Dist. 21

Conferees on the Part of the House  
Rep. J. Belanger, Hills. 27  
Rep. Sterling, Ches. 14  
Rep. Coffey, Hills. 25  
Rep. Tatro, Ches. 15

2015-2236-CofC

#### AMENDED ANALYSIS

This bill establishes a committee to study classifications of military vehicles and equipment and make recommendations as to which classes the state and its political subdivisions may purchase or continue to own.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 10, 2015  
2015-2118-CofC  
08/04

Committee of Conference Report on HB 421, an act authorizing the university of New Hampshire to grow industrial hemp for research purposes.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 421, an act authorizing the university of New Hampshire to grow industrial hemp for research purposes.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Cataldo, Dist. 6  
Sen. Woodburn, Dist. 1

Conferees on the Part of the House  
Rep. Haefner, Hills. 37  
Rep. O'Connor, Rock. 6  
Rep. Sad, Ches. 1  
Rep. Moynihan, Coos 2

The question is on the adoption of the Committee of Conference Report. Adopted.

June 11, 2015  
2015-2145-CofC  
06/05

Committee of Conference Report on HB 460, an act 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.

## Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 21-J:48, II(a)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Four members of the house of representatives, appointed by the speaker of the house of representatives, 3 of whom shall be members of the public works and highways committee and one of whom shall be a member of the house ways and means committee.

Amend RSA 21-J:48, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall submit a 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, 2015.

The signatures below attest to the authenticity of this Report on HB 460, an act 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

Conferees on the Part of the Senate  
Sen. Daniels, Dist. 11  
Sen. Watters, Dist. 4  
Sen. Birdsell, Dist. 19

Conferees on the Part of the House  
Rep. Chandler, Carr. 1  
Rep. F. Tilton, Belk. 3  
Rep. Cloutier, Sull. 10  
Rep. Ebel, Merr. 5

The question is on the adoption of the Committee of Conference Report. Adopted.

June 18, 2015  
2015-2311-CofC  
04/05

Committee of Conference Report on HB 468-FN, an act requiring a warrant to obtain electronic device location information.

## Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

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

The signatures below attest to the authenticity of this Report on HB 468-FN, an act requiring a warrant to obtain electronic device location information

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Daniels, Dist. 11  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Sytek, Rock. 8  
Rep. Kurk, Hills. 2  
Rep. Barry, Hills. 21  
Rep. A. Christie, Rock. 37

2015-2311-CofC

## AMENDED ANALYSIS

This bill regulates the use of electronic device location information.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 17, 2015  
2015-2292-CofC  
09/01

Committee of Conference Report on HB 483, an act relative to the commission on primary care workforce issues.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 483, an act relative to the commission on primary care workforce issues.

Conferees on the Part of the Senate  
Sen. Sanborn, Dist. 9  
Sen. Avard, Dist. 12  
Sen. Kelly, Dist. 10

Conferees on the Part of the House  
Rep. Kotowski, Merr. 24  
Rep. McMahon, Rock. 7  
Rep. Snow, Hills. 42  
Rep. LeBrun, Hills. 32

The question is on the adoption of the Committee of Conference Report. Adopted.

June 17, 2015  
2015-2291-CofC  
01/09

Committee of Conference Report on HB 508, an act relative to the dissolution of the New Hampshire Medical Malpractice Joint Underwriting Association.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Statement of Purpose. The purpose of sections 1-5 of this act are to provide a mechanism for the prompt and orderly resolution of the obligations of the New Hampshire medical malpractice joint underwriting association (NHMMJUA). The general court finds and determines that medical malpractice coverage is readily available in the voluntary market and that it is no longer in the public interest to provide a state plan to provide medical malpractice coverage.

2 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. Upon the effective date of this section, the insurance commissioner shall bring a petition to 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 the effective date of this section.

(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 December 31, 2015, except that until December 31, 2015, the receiver may issue extended reporting coverage on policies issued before December 31, 2016.

(d) Issue notice of nonrenewal in compliance with RSA 417-C to policyholders with renewal dates on or after January 1, 2016.

(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.

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:14, RSA 404-C:15, RSA 404-C:17, and the provisions of RSA 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. The receiver shall make monthly reports to the court detailing progress made in the wind-down of the NHMMJUA, including expenses incurred. Interested persons, including policyholders, shall have standing in the receivership and the right to be heard in reference to the monthly reports.

II. After the effective date of this section, the commissioner, as receiver, shall promptly seek competitive bids to have all of the coverage-related obligations under policies issued by the NHMMJUA assumed by an insurer or insurers. At the earliest practicable date, the receiver shall then enter an agreement or agreements with an insurer or insurers to provide for the assumption and novation of all of the coverage-related obligations under policies issued by the NHMMJUA. Any such assumption and novation agreement shall be subject to the approval of the supervising court after a hearing at which all interested persons, including policyholders, have standing and may be heard. The assumption and novation agreement shall be on commercially reasonable terms and shall 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. Within 60 days of the initiation of the receivership, the receiver shall allocate a portion of the NHMMJUA surplus to establish a hardship fund in the amount of \$2,000,000. This fund shall be used for hardship claims by current NHMMJUA policyholders. 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 coverage from the NHMMJUA as of the effective date of this 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, and before discharge of the receiver, transfer any remaining funds to a charitable organization that promotes aid to health care providers servicing medically underserved populations.

IV. 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.



V. 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.

VI. 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 RSA 402-C.

II. The NHMMJUA shall be liquidated and the receiver discharged upon:

(a) The resolution or transfer of all of the NHMMJUA's administrative, operational, and coverage-related obligations, including the NHMMJUA's tax obligations and all receivership expenses; and

(b) The approval of the supervising court.

III. Prior to the receiver's discharge in accordance with paragraph II, all assets remaining after court approval of the receiver's transfer of all of the NHMMJUA coverage-related obligations, payment of the NHMMJUA's administrative and operational expenses, transfer or resolution of tax obligations, and payment of receivership expenses, shall be interpleaded by the receiver into the Merrimack county superior court, docket no. 217-2010-CV-00414, for the purposes of adjudicating all policyholder claims in those funds. The interpleader into docket no. 217-2010-CV-00414 shall not prejudice the rights of any class of NHMMJUA policyholders with respect to those funds. If any class of NHMMJUA policyholders cannot be represented or is barred from the old action, a new interpleader action shall be commenced to allow such policyholders to assert their claims with respect to the funds. Neither the state of New Hampshire nor any agency thereof shall have any claim to these funds.

IV.(a) 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 may have with respect to NHMMJUA assets. The existence and extent of any such rights shall be determined by the interpleader court after termination of the receivership proceeding. Funds that cannot be distributed to a policyholder in the interpleader proceeding referenced in this section due to the inability to locate the policyholder after reasonable efforts shall not be subject to RSA 471-C and shall be transferred to a fund within the treasury to be administered by the department of health and human services which shall utilize such undistributed funds to provide grants in aid to health care providers servicing medically underserved populations through the department's state loan repayment program.

(b) There is established in the office of the state treasurer a nonlapsing fund to be known as the grants in aid to health care providers servicing medically underserved populations fund to be administered by the commissioner of the department of health and human services, which shall be kept distinct and separate from all other funds. All moneys in the fund shall be continually appropriated to the commissioner of the department of health and human services, for the purposes of providing grants in aid to health care providers servicing medically underserved populations.

3 Applicability of Act. Sections 1 and 2 of this act shall be liberally construed to effect their stated purpose which shall constitute an aid and guide to interpretation. Sections 1 and 2 of this act are intended to provide authority for the performance of all duties authorized under such sections, and all powers granted under sections 1 and 2 shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

4 Repeal. The following are repealed:

I. RSA 404-C:14, relative to the New Hampshire medical malpractice joint underwriting association.

II. RSA 404-C:15, RSA 404-C:16, and RSA 404-C:17, I and II, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association.

III. RSA 404-C:17, III and IV(a), relative to the interpleader action in Merrimack county superior court, docket no. 217-2010-CV-00414.

5 Applicability; Effective Date of Repeal. Section 4, paragraph II 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. Section 4, paragraph III of this act shall take effect upon the date the interpleader action is concluded.

6 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.

IV. If the cost-sharing requirements for orally administered anti-cancer medications do not exceed \$200 per prescription fill, the health plan shall be deemed in compliance with this section.

V. For a health care contract that meets the definition of a “high deductible plan” set forth in 26 U.S.C. section 223(c) (2), a carrier shall be exempt from the provisions of paragraphs I-IV until an enrollee’s deductible has been satisfied for the year.

VI. This section shall apply only to oral anti-cancer medications where an intravenously administered or injected anti-cancer medication is not medically appropriate.

VII. This section shall not apply to policies which are solely to replace income or pay a predetermined fixed amount based on the occurrence of a specified medical or health event.

7 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.

IV. If the cost-sharing requirements for orally administered anti-cancer medications do not exceed \$200 per prescription fill, the health plan shall be deemed in compliance with this section.

V. For a health care contract that meets the definition of a “high deductible plan” set forth in 26 U.S.C. section 223(c) (2), a carrier shall be exempt from the provisions of paragraphs I-IV until an enrollee’s deductible has been satisfied for the year.

VI. This section shall apply only to oral anti-cancer medications where an intravenously administered or injected anti-cancer medication is not medically appropriate.

VII. This section shall not apply to policies which are solely to replace income or pay a predetermined fixed amount based on the occurrence of a specified medical or health event.

8 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.

9 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.

10 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.

11 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.

12 Health Service Corporations; Oral Anti-Cancer Therapies; Effective January 1, 2021. 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 415:18, 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 415:22, 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.

13 Health Maintenance Organizations; Oral Anti-Cancer Therapies; Effective January 1, 2021. 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 415:18, 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-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

14 Repeal. The following are repealed:

I. RSA 415:6-t, relative to oral anti-cancer therapies; individual.

II. RSA 415:18-y, relative to oral anti-cancer therapies; group.

15 New Subparagraph; Application of Receipts; Grants in Aid to Health Care Providers Servicing Medically Underserved Populations. Amend RSA 6:12, I(b) by inserting after subparagraph (326) the following new subparagraph:

(327) Moneys deposited into the grants in aid to health care providers servicing medically underserved populations fund established in RSA 404-C:17, IV(b).

16 Effective Date.

I. Paragraphs II and III of section 4 of this act shall take effect as provided in section 5 of this act.

II. Sections 9 and 11 of this act shall take effect October 1, 2017 at 12:01 a.m.

III. Sections 6-8 and 10 of this act shall take effect January 1, 2017.

IV. Sections 12-14 of this act shall take effect January 1, 2021.

V. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 508, an act relative to the dissolution of the New Hampshire Medical Malpractice Joint Underwriting Association.

Conferees on the Part of the Senate  
Sen. Carson, Dist. 14  
Sen. Bradley, Dist. 3  
Sen. Soucy, Dist. 18

Conferees on the Part of the House  
Rep. Hunt, Ches. 11  
Rep. Jones, Straf. 24  
Rep. Butler, Carr. 7  
Rep. Hannon, Straf. 25

2015-2291-CofC

#### 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. This provision is repealed on January 1, 2022.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 17, 2015  
2015-2288-CofC  
01/09

Committee of Conference Report on HB 550-FN, an act relative to administration of the tobacco tax.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 13 and 14 with the following:

13 Sale or Exchange of an Interest in a Business Organization. RSA 77-A:4, XIV is repealed and reenacted to read as follows:

XIV.(a) In the case of a business organization where an interest or beneficial interest in the business 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 calculated in accordance with the provisions of the Internal Revenue Code as defined by RSA 77-A:1, XX but shall apply to the business organization.

(b) A business organization may, for a particular sale or exchange, make an irrevocable election on a timely filed return, to not recognize the basis increase required under subparagraph (a). A business organization that so elects shall not be required to make an addition to gross business profits under paragraph (a). It also shall not be allowed a deduction against gross business profits in any subsequent period for depreciation or amortization on the increased basis in the assets nor an increase in the basis of the assets upon disposition of the assets in a subsequent period.

14 Applicability. This act shall take effect for sales or exchanges of interests in business organizations that occur on and after July 1, 2015.

The signatures below attest to the authenticity of this Report on HB 550-FN, an act relative to administration of the tobacco tax.

Conferees on the Part of the Senate  
Sen. Boutin, Dist. 16  
Sen. Sanborn, Dist. 9  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Major, Rock. 14  
Rep. Abrami, Rock. 19  
Rep. Hannon, Straf. 25  
Rep. Hinch, Hills. 21

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Feltes, 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.

June 16, 2015  
2015-2242-CofC  
09/01

Committee of Conference Report on HB 572-FN-LOCAL, an act 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.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Certificate Terms and Conditions. Amend RSA 162-H:16, VI to read as follows:

VI. A certificate of site and facility may contain such reasonable terms and conditions, ***including but not limited to the authority to require bonding***, as the committee deems necessary and may provide for such reasonable monitoring procedures as may be necessary. Such certificates, when issued, shall be final and subject only to judicial review.

The signatures below attest to the authenticity of this Report on HB 572-FN-LOCAL, an act 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.

Conferees on the Part of the Senate  
 Sen. Bradley, Dist. 3  
 Sen. Prescott, Dist. 23  
 Sen. Feltes, Dist. 15

Conferees on the Part of the House  
 Rep. J. Belanger, Hills. 27  
 Rep. Sterling, Ches. 14  
 Rep. Tatro, Ches. 15  
 Rep. Coffey, Hills. 25

2015-2242-CofC

#### AMENDED ANALYSIS

I. Requires rules to be adopted governing the siting of high pressure gas pipelines and provides guidelines for such rules.

II. Requires the site evaluation committee to consider intervention in Federal Energy Regulatory Commission proceedings involving siting of high pressure gas pipelines.

III. Allows terms and conditions contained to a certificate of site and facility to include the authority to require bonding.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
 2015-2240-CofC  
 04/09

Committee of Conference Report on HB 577-FN-A-LOCAL, an act establishing a children's savings account program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 195-I:4, II(b) as inserted by section 2 of the bill by replacing it with the following:

(b) At least annually, the commission shall make or cause to be made an annual report regarding the status of the children's savings account program to each participant in the program, to the speaker of the house of representatives, the senate president, and the state library.

Amend RSA 195-I:4, II as inserted by section 2 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Prior to the implementation of the pilot programs in Coos county and in the city of Manchester, the commission shall submit a report to the speaker of the house of representatives and the senate president regarding the policies adopted by the commission pursuant to RSA 195-I:3.

Amend RSA 195-I as inserted by section 2 of the bill by inserting after section 5 the following new section:

195-I:6 Privacy.

I. In establishing the pilot programs in Coos county and in the city of Manchester, and in establishing policies, practices, and procedures pursuant to RSA 195-I:3 and RSA 193-E:5, the commission shall insure that neither the commission, the state, nor any political subdivision of the state, nor any office, department, or agency of any of the foregoing, obtains or retains social security numbers of any applicant or participant.

II. Neither the state, any political subdivision of the state, nor any office, department, or agency of any of the foregoing, except for the commission and the office of the state treasurer, shall have access to individually-identifiable information with respect to applicants or participants in the program.

III. The names, addresses, telephone numbers, and any other individually-identifiable information about applicants or participants in the program shall be exempt from the provisions of RSA 91-A. This paragraph shall not apply to aggregated data from which individuals cannot be identified.

The signatures below attest to the authenticity of this Report on HB 577-FN-A-LOCAL , an act establishing a children's savings account program.

Conferees on the Part of the Senate  
 Sen. Reagan, Dist. 17  
 Sen. Stiles, Dist. 24  
 Sen. Watters, Dist. 4

Conferees on the Part of the House  
 Rep. Ladd, Graf. 4  
 Rep. Umberger, Carr. 2  
 Rep. Grenier, Sull. 7  
 Rep. Gile, Merr. 27

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
 2015-2218-CofC  
 09/01

Committee of Conference Report on HB 599, an act relative to the economic revitalization zone tax credit program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 599, an act relative to the economic revitalization zone tax credit program.

Conferees on the Part of the Senate  
 Sen. Boutin, Dist. 16  
 Sen. Sanborn, Dist. 9  
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House  
 Rep. Abrami, Rock. 19  
 Rep. Gallagher, Belk. 4  
 Rep. Almy, Graf. 13  
 Rep. Ohm, Hills. 36

The question is on the adoption of the Committee of Conference Report. Adopted.

June 15, 2015  
 2015-2186-CofC  
 09/04

Committee of Conference Report on HB 614-FN, an act implementing goals of the state 10-year energy strategy.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 162-H:8-a, III as inserted by section 8 of the bill by replacing it with the following:

III. The committee shall review and evaluate the application fees and filing fees in the fee schedule in paragraph II at least once each year. The committee may increase or decrease any amount in the fee schedule by up to 20 percent with prior approval of the fiscal committee of the general court, provided that any such increase or decrease shall occur not more frequently than once during any 12-month period. Modifications to the fee schedule shall be posted on the committee website, with a link prominently displayed on the home page.

The signatures below attest to the authenticity of this Report on HB 614-FN, an act implementing goals of the state 10-year energy strategy

Conferees on the Part of the Senate  
 Sen. Bradley, Dist. 3  
 Sen. Little, Dist. 8  
 Sen. Feltes, Dist. 15

Conferees on the Part of the House  
 Rep. Richardson, Coos 4  
 Rep. Vadney, Belk. 2  
 Rep. Danielson, Hills. 7  
 Rep. Hinch, Hills. 21

The question is on the adoption of the Committee of Conference Report. Adopted.

June 15, 2015  
2015-2174-CofC  
10/08

Committee of Conference Report on HB 662-FN-LOCAL, an act relative to property taxes paid by chartered public schools leasing property.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 662-FN-LOCAL, an act relative to property taxes paid by chartered public schools leasing property.

Conferees on the Part of the Senate  
Sen. Reagan, Dist. 17  
Sen. Avard, Dist. 12  
Sen. Watters, Dist. 4

Conferees on the Part of the House  
Rep. J. Belanger, Hills. 27  
Rep. Edelblut, Hills. 38  
Rep. Williams, Hills. 4  
Rep. Sterling, Ches. 14

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
2015-2225-CofC  
05/01

Committee of Conference Report on HB 681-FN-A, an act increasing the marriage license fee.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Domestic Violence; Fine Established. Amend RSA 631:2-b by inserting after paragraph IV the following new paragraph:

V. In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for each conviction under this section. If the court determines that the defendant is unable to pay the fine on the date imposed, the court may defer payment or order periodic payments thereof. Fines imposed under this section shall not be subject to an additional penalty assessment. The clerk shall forward all fines collected under this paragraph to the department of health and human services for the purposes of RSA 173-B:15.

The signatures below attest to the authenticity of this Report on HB 681-FN-A, an act increasing the marriage license fee.

Conferees on the Part of the Senate  
Sen. Boutin, Dist. 16  
Sen. Carson, Dist. 14  
Sen. Feltes, Dist. 15

Conferees on the Part of the House  
Rep. Lachance, Hills. 8  
Rep. Abrami, Rock. 19  
Rep. Almy, Graf. 13  
Rep. Gallagher, Belk. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

Recess. Out of recess.

#### INTRODUCTION OF GUESTS

PRESIDENT MORSE: Senator Avard, if you could join me. Elaine, if you could join me. I'd like to read a resolution. I know you've all signed it. It's: Elaine Rapp. In Recognition of her dedicated leadership for giv-



ing 21 years of service to the State of New Hampshire in the office of Senate Research. And be it further known that the New Hampshire Senate extends its sincerest gratitude and best wishes upon her well-deserved retirement.

ELAINE RAPP: Thank you, very much.

(The Chair recognized Sen. Avard.)

SENATOR AVARD: Good afternoon, and thank you for allowing me this opportunity to share a few words in honor of Elaine's retirement. Elaine is a constituent in my district. She lives in Nashua. And although I'm a freshman senator she has, as you can see she's got a smile on her face and that's how she greeted me, and it seems to never leave her face. She is very warm, and entreating, and she's been kind to me, and let me know that I was hers, and I appreciate that.

I recently learned that Elaine has quite an interesting story of how she ended up working for the Senate Research office, which I'd like to share with you. In that she was...Elaine first connected with the New Hampshire legislature through her work crafting the first homeschooling laws in the state. She was instrumental in working with the legislators and the department of education to draft RSA 193-A. Correct? A Home School Education in 1990 which set the guidelines for our home school education. Just this weekend, my pastor, Mike Rattin, in the town of Hollis, his son was actually preaching the message. Joshua was a missionary in Uganda in the 1980's and 90's. Mr. Rattin, my former teacher was also a homeschooler. And when I first heard of home schooling I thought, kind of weird. Never heard of it back then. And Elaine, you're one of the trail blazers. She's the one who was out there in the forefront, and that's not easy. That's leadership. Now he's a missionary and he married a doctor. And she happened to be a homeschooler. And his brother has a Masters degree. A homeschooler. You're part of a great movement. And thank you for doing that.

Later, Elaine worked as an intern in Senate Research while going back to school to become a paralegal. But, as you might expect from her dedication of service, Elaine found her home here in Senate Research where she has spent the last 21 years. She will undoubtedly be a significant loss to the Senate Research upon her retirement, and I'm told she has an incredible memory of work that has been done in this office and her institutional knowledge has been a true asset to the entire department. She will certainly be missed.

However, I also learned that Elaine has a beautiful summer home in Cotuit, Massachusetts on the cape, where she plans to spend more time with her three grown children and her grandchildren.

I know I speak for all of us in saying that we've enjoyed our time working with Elaine and will miss her dearly. We thank you for your dedicated service, and join in wishing you for the best, a well-deserved retirement. And thank you for all of your service, sincerely.

ELAINE RAPP: Thank you, Senator. As I've been telling people over the last few weeks, it has been an honor to serve the Senate. Bill Bartlett started Senate Research in 1987, and he put June Wilson in as the Director. When she retired I became the Director. He wanted an independent, non-partisan, confidential support office for Senators and staff. And I'm very proud that I've been part of achieving that goal. We also have created an accessible historical archive of and for the New Hampshire Senate. I will miss it very much: the people, the activity, the challenge. But I do look forward to this new chapter in my life for I will have time. Time to spend with friends, family, and my grandchildren, and time to spend at our home in Cotuit. So, once again, I thank all of you for the privilege of having served this great institution, and I wish you all the best as the Senate moves into the future. Thank you.

Without objection, the Clerk is instructed to enter all House Messages into the Senate Permanent Journal. Adopted.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 32, relative to state agency budgetary reporting requirements.

SB 84, relative to the definition of "telemedicine."

SB 97, authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

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.

SB 120-FN, relative to applicants for secondary game operator licenses.

SB 135-FN, relative to lead poisoning in children.

SB 151-FN, requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

SB 169, relative to permissible uses of electronic benefit transfer (EBT) cards.

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.

SB 235, relative to the condominium act and the land sales full disclosure act.

SB 254, establishing a committee to study the provision of services to the public by Uber and existing taxi services.

SB 266-FN, adopting the Uniform Securities Act.

#### COMMITTEE OF CONFERENCE REPORTS

June 11, 2015  
2015-2127-CofC  
05/06

Committee of Conference Report on SB 32, an act relative to state agency budgetary reporting requirements.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 32, an act relative to state agency budgetary reporting requirements.'

Conferees on the Part of the Senate  
Sen. Bradley, Dist. 3  
Sen. Little, Dist. 8  
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House  
Rep. L. Ober, Hills.37  
Rep. Kurk, Hills 2  
Rep. Spanos, Belk. 3  
Rep. Leishman, Hills. 34

The question is on the adoption of the Committee of Conference Report. Adopted.

June 9, 2015  
2015-2107CofC  
01/04

Committee of Conference Report on SB 84, an act relative to the definition of "telemedicine".

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Controlled Drug Act, Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph XII-e the following new paragraph:

XII-f. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV.

4 New Paragraph; Controlled Drug Act; Acts Prohibited; Exceptions. Amend RSA 318-B:2 by inserting after paragraph XV the following new paragraph:

XVI.(a) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who

are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug. Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

5 Physicians and Surgeons; Physician-Patient Relationship. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person ***or face-to-face 2-way real-time interactive communication*** exam, a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

6 New Section; Physicians and Surgeons; Definition of "Telemedicine"; Exceptions. Amend RSA 329 by inserting after section 1-c the following new section:

329:1-d Telemedicine.

I. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. "Telemedicine" shall not include the use of audio-only telephone or facsimile.

II. An out-of-state physician providing services by means of telemedicine shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

III. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV.

IV.(a) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug. Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

V. A physician providing services by means of telemedicine directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record; and

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate.

VI. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

7 New Paragraph; Nurse Practice Act; Definition Added. Amend RSA 326-B:2 by inserting after paragraph I the following new paragraph:

I-a. “Advanced practice registered nurse-patient relationship” means a medical connection between a licensed APRN and a patient that includes an in-person or face-to-face 2-way real-time interactive communication exam, a history, a diagnosis, a treatment plan appropriate for the licensee’s medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have an APRN-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by another licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient’s first appointment.

8 New Paragraph; Nurse Practice Act; Definition Added. Amend RSA 326-B:2 by inserting after paragraph XI the following new paragraph:

XII.(a) “Telemedicine” means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. “Telemedicine” shall not include the use of audio-only telephone or facsimile.

(b) An out-of-state APRN providing services by means of telemedicine shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter.

(c) It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV.

(d)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug. Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition and drug, but not less than annually.

(2) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating patients at a SAMHSA - certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

(e) An APRN providing services by means of telemedicine directly to a patient shall:

(1) Use the same standard of care as used in an in-person encounter;

(2) Maintain a medical record; and

(3) Subject to the patient’s consent, forward the medical record to the patient’s primary care or treating provider, if appropriate.

(f) Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

9 Contingency. If SB 112 of the 2015 regular session becomes law, section 2, paragraph VI of section 6, and subparagraph XII(f) of section 8 of this act shall take effect at 12:01 a.m. on the effective date of SB 112. If SB 112 does not take effect section 2, paragraph VI of section 6, and subparagraph XII(f) of section 8 of this act shall not take effect.

10 Effective Date.

I. Section 2, paragraph VI of section 6, and subparagraph XII(f) of section 8 of this act shall take effect as provided in section 9 of this act.

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

The signatures below attest to the authenticity of this Report on SB 84, an act relative to the definition of “telemedicine”.

Conferees on the Part of the Senate  
 Sen. Sanborn, Dist. 9  
 Sen. Stiles, Dist. 24  
 Sen. Kelly, Dist. 10

Conferees on the Part of the House  
 Rep. Fothergill, Coos 1  
 Rep. Kotowski, Merr. 24  
 Rep. Martel, Hills. 44  
 Rep. Ticehurst, Carr. 3

The question is on the adoption of the Committee of Conference Report. Adopted.

June 9, 2015  
 2015-2100-CofC  
 06/03

Committee of Conference Report on SB 97, an act authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 149-I:6, I-a as inserted by section 1 of the bill by replacing it with the following:

***I-a. In municipalities where stormwater is collected and discharged, the mayor and aldermen or town governing body may, with the advice of the planning board when requested by the governing body, adopt such ordinances and bylaws as are required for the proper maintenance and operation of the stormwater system or stormwater utility and any appurtenant structures, and to promote flood control and erosion control, water quality management, ecological preservation, management of annual pollutant load contained in stormwater discharge, and municipal compliance with applicable state and federal stormwater laws and regulations.***

Amend the bill by replacing section 2 with the following:

2 Duties of the Planning Board. Amend RSA 674:1, II to read as follows:

II. The planning board may:

(a) From time to time report and recommend to the appropriate public officials and public agencies programs for the development of the municipality, programs for the erection of public structures, and programs for municipal improvements. Each program shall include recommendations for its financing. It shall be part of the planning board's duties to consult with and advise public officials and agencies, public utility companies, civic **organizations**, educational **organizations**, professional **organizations**, research **organizations**, and other organizations, and to consult with citizens, for the purposes of protecting or carrying out of the master plan as well as for making recommendations relating to the development of the municipality.

***(b) Upon request advise the governing body as to whether proposed ordinances and bylaws regarding the maintenance and operation of stormwater systems under RSA 146-I:6, I-a are consistent with the master plan.***

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

The signatures below attest to the authenticity of this Report on SB 97, an act authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

Conferees on the Part of the Senate  
 Sen. Birdsell, Dist. 19  
 Sen. Boutin, Dist. 16  
 Sen. Lasky, Dist. 13

Conferees on the Part of the House  
 Rep. J. Belanger, Hills. 27  
 Rep. Coffey, Hills. 25  
 Rep. Porter, Hills. 1  
 Rep. Sterling, Ches. 14

2015-2100-CofC

AMENDED ANALYSIS

This bill authorizes municipalities to regulate stormwater in order to comply with federal and state laws and regulations.

This bill also authorizes planning boards to advise governing bodies as to whether proposed ordinances and bylaws regarding the maintenance and operation of stormwater systems comply with the master plan.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
2015-2238-CofC  
08/04

Committee of Conference Report on SB 99, an act establishing a committee to study the sampling of beer or wine at farmer's markets.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 99, an act establishing a committee to study the sampling of beer or wine at farmer's markets.

Conferees on the Part of the Senate  
Sen. Prescott, Dist. 23  
Sen. Bradley, Dist. 3  
Sen. Feltes, Dist. 15

Conferees on the Part of the House  
Rep. Hunt, Ches. 11  
Rep. Jones, Straf. 24  
Rep. Abel, Graf. 13  
Rep. Biggie, Hills. 23

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
2015-2228-CofC  
08/09

Committee of Conference Report on SB 120-FN, an act relative to applicants for secondary game operator licenses.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Secondary Game Operator License Application; Specific Requirements. Amend RSA 287-D:10 by inserting after paragraph V the following new paragraph:

VI. Upon receipt of a completed application under this section, and at the request of the applicant, the commission may issue a provisional license, valid for up to 60 days, under rules adopted by the commission under RSA 541-A. If the commission denies the license, the provisional license shall expire upon the applicant's receipt of such denial. If the applicant requests a provisional license under this paragraph, he or she shall submit a fee of \$10 to the commission, in addition to the application fee for the license, at the time of such request.

The signatures below attest to the authenticity of this Report on SB 120-FN, an act relative to applicants for secondary game operator licenses.

Conferees on the Part of the Senate  
Sen. Boutin, Dist. 16  
Sen. Daniels, Dist. 11  
Sen. Feltes, Dist. 15

Conferees on the Part of the House  
Rep. Abrami, Rock. 19  
Rep. Henle, Merr. 12  
Rep. Leeman, Straf. 23  
Rep. Manning, Rock. 8

The question is on the adoption of the Committee of Conference Report. Adopted.

June 18, 2015  
2015-2313-CofC  
01/04

Committee of Conference Report on SB 135-FN, an act relative to lead poisoning in children.

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 130-A:6-a, III as inserted by section 4 of the bill by replacing it with the following:

**III. *In circumstances where the presence of a lead exposure hazard is unsuspected, and becomes known only after the dwelling or dwelling unit has been rented to a family with a child, the owner may withdraw the unit from the residential rental market in lieu of undertaking reduction of the lead exposure hazard. In such case the owner may bring an action to evict the family but only if the owner fulfills all of the conditions set forth in RSA 130-A:8-a, II. The dwelling unit shall not be subsequently rented for residential purposes without reduction of all lead exposure hazards associated with the unit.***

Amend RSA 130-A:19, IX as inserted by section 6 of the bill by replacing it with the following:

IX. The commission shall review and assess effective and practicable means by which municipal and local building officials may help ensure contractors and property owners are informed about lead-safe renovation, repair, and painting practices, including the existing federal Renovation, Repair and Painting Program.

X. The commission shall submit an annual report of its activities, together with recommendations for legislation commencing on December 1, 2016 to the president of the senate, the speaker of the house of representatives, the governor, and the state library.

Amend the bill by replacing section 7 with the following:

7 Lead Paint Poisoning Prevention; Civil Suits. Amend RSA 130-A:18 to read as follows:

130-A:18 Civil Suits. Owners of pre-1978 rental housing and childcare facilities shall take reasonable care to prevent exposure to, and the creation of, lead hazards. Notwithstanding any provision of law to the contrary, the mere presence of a lead base substance shall not constitute negligence on the part of an owner of any dwelling. To establish negligence on the part of an owner, the plaintiff in a civil suit shall demonstrate actual injury caused by the lead base substance. Evidence of actions taken or not taken by the owner of a pre-1978 rental property or childcare facility in compliance with applicable public health laws and regulations concerning lead may be admissible evidence of reasonable care or negligence. Remedial actions taken by a property owner after a lead exposure has occurred shall not be admissible evidence for purposes of establishing liability. Evidence of a tenant's disturbance of painted surfaces containing lead paint also shall be admissible evidence. In addition, the mere presence of a lead base substance in a dwelling shall not by itself violate any warranty of habitability.

The signatures below attest to the authenticity of this Report on SB 135-FN, an act relative to lead poisoning in children.

Conferees on the Part of the Senate  
Sen. Sanborn, Dist. 9  
Sen. Avard, Dist. 12  
Sen. Kelly, Dist. 10

Conferees on the Part of the House  
Rep. Nelson, Carr. 5  
Rep. Lebrun, Hills. 32  
Rep. Snow, Hills. 42  
Rep. P. Gordon, Rock. 29

2015-2313-CofC

#### AMENDED ANALYSIS

This bill:

I. Changes the notice requirements for blood lead levels found in a child's blood.

II. Establishes the childhood poisoning prevention and lead screening commission to assess existing screening rates in relation to the department of health and human services' screening guidelines.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 10, 2015  
2015-2119-CofC  
04/06

Committee of Conference Report on SB 151-FN, an act requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 151-FN, an act requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

Conferees on the Part of the Senate  
Sen. Reagan, Dist. 17  
Sen. Avard, Dist. 12  
Sen. Watters, Dist. 4

Conferees on the Part of the House  
Rep. Ladd, Graf. 4  
Rep. Balcom, Hills. 21  
Rep. Umberger, Carr. 2  
Rep. Shaw, Hills. 16

The question is on the adoption of the Committee of Conference Report. Adopted.

June 18, 2015  
2015-2310-CofC  
05/04

Committee of Conference Report on SB 169, an act relative to permissible uses of electronic benefit transfer (EBT) cards.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

The signatures below attest to the authenticity of this Report on SB 169, an act relative to permissible uses of electronic benefit transfer (EBT) cards.

Conferees on the Part of the Senate  
Sen. Sanborn, Dist. 9  
Sen. Avard, Dist. 12  
Sen. Bradley, Dist. 3

Conferees on the Part of the House  
Rep. Kotowski, Merr. 24  
Rep. Hinch, Hills. 21  
Rep. Lebrun, Hills. 32  
Rep. Fields, Belk. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

June 10, 2015  
2015-2125-CofC  
06/05

Committee of Conference Report on SB 170, an act requiring the public utilities commission to ensure rate-payer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:



3 Energy Facility Evaluation Siting, Construction and Operation; Rules. Amend RSA 162-H:10, VII to read as follows:

VII. As soon as practicable but no later than ~~July 1~~ **November 1**, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to the organization, practices, and procedures of the committee and criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. ***Except for the cases where the adjudicatory hearing has commenced, applications pending on the date rules adopted under this paragraph take effect shall be subject to such rules. Prior to the adoption of rules under this paragraph, applications shall be continuously processed pursuant to the rules in effect upon the date of filing. If the rules require the submission of additional information by an applicant, such applicant shall be afforded a reasonable opportunity to provide that information while the processing of the application continues.***

The signatures below attest to the authenticity of this Report on SB 170, an act 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.

Conferees on the Part of the Senate  
Sen. Bradley, Dist. 3  
Sen. Prescott, Dist. 23  
Sen. Feltes, Dist. 15

Conferees on the Part of the House  
Rep. D. Thomas, Rock. 5  
Rep. Baber, Straf. 14  
Rep. Richardson, Coos 4  
Rep. Devine, Rock. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

June 17, 2015  
2015-2279-CofC  
05/10

Committee of Conference Report on SB 235, an act relative to the condominium act and the land sales full disclosure act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 235, an act relative to the condominium act and the land sales full disclosure act.

Conferees on the Part of the Senate  
Sen. Birdsell, Dist. 19  
Sen. Stiles, Dist. 24  
Sen. Kelly, Dist. 10

Conferees on the Part of the House  
Rep. Sterling, Ches. 14  
Rep. Peterson, Hills. 7  
Rep. Carson, Merr. 7  
Rep. Tatro, Ches. 15

The question is on the adoption of the Committee of Conference Report. Adopted.

June 16, 2015  
2015-2237-CofC  
06/04

Committee of Conference Report on SB 254, an act establishing a committee to study the provisions of services to the public through peer-to-peer or sharing economy businesses.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 Report. The committee 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, 2015.

The signatures below attest to the authenticity of this Report on SB 254, an act establishing a committee to study the provisions of services to the public through peer-to-peer or sharing economy businesses.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. Bradley, Dist. 3

Sen. Soucy, Dist. 18

Conferees on the Part of the House

Rep. Hunt, Ches. 11

Rep. Jones, Straf. 24

Rep. Hannon, Straf. 25

Rep. Williams, Hills. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

June 11, 2015

2015-2152-CofC

08/09

Committee of Conference Report on SB 266-FN, an act adopting the Uniform Securities Act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 421-B:301 as inserted by section 1 of the bill by replacing it with the following:

421-B:301 Securities Registration Requirement.

(a) It is unlawful for a person to offer or sell a security in this state unless:

(1) the security is a federal covered security;

(2) the security, transaction, or offer is exempted from registration under RSA 421-B:2-201 through RSA 421-B:2-203; or

(3) the security is registered under this chapter.

(b) Articles of incorporation for a new corporation or an application for a certificate of authority for a foreign corporation under RSA 293-A, articles of incorporation for a professional corporation or an application for a certificate of authority for a foreign professional corporation under RSA 294-A, an application for registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, a certificate of limited partnership for a new limited partnership or an application for registration of a foreign limited partnership under RSA 304-B, a certificate of formation for a new limited liability company or an application for registration as a foreign limited liability company under RSA 304-C, and a certificate of formation for a new professional limited liability company or an application for registration as a foreign professional limited liability company under RSA 304-D shall contain a statement that the capital stock of the corporation, memberships, or the interests of the limited partnership, limited liability partnership, or limited liability company have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter, or are not securities under this chapter, or are federal covered securities under this chapter. In the case of a New Hampshire corporation, professional corporation, limited partnership, registered limited liability partnership, limited liability company, or professional limited liability company, the articles of incorporation, certificate of limited partnership, or certificate of formation shall state that the capital stock, memberships, or interests in the limited partnership,

limited liability partnership, or limited liability company will be sold or offered for sale in compliance with this chapter. The statement included pursuant to this paragraph shall not by itself constitute a registration, or a notice of exemption from registration, of securities within the meaning of sections 448 and 461(i)(3) of the United States Internal Revenue Code and the regulations promulgated thereunder.

Amend RSA 421-B:4-405(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Notice filing procedure. A person acting as a federal covered investment adviser, not excluded under subsection (b), shall file a notice, a consent to service of process complying with RSA 421-B:6-611, and such records as have been filed with the SEC under the Investment Advisers Act of 1940 required by order issued under this Act and pay the fees specified in RSA 421-B:4-410(c). Initial fees shall be paid before business is transacted in this state, and annual fees shall be paid on or before December 31 of the current year for the ensuing year. Federal covered advisers shall submit copies to the secretary of state of all documents filed with the SEC pursuant to the federal securities laws within 10 business days of their submission to the SEC. Documents and fees that are accepted by IARD may be submitted through IARD. Other documents filed or deemed filed with the SEC shall be submitted directly to the secretary of state.

Amend RSA 421-B:4-411(c)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) A broker-dealer registered or required to be registered under this chapter and an investment adviser registered or required to be registered under this chapter shall make and maintain the accounts, correspondence, memoranda, papers, books, and other records required by order issued under this chapter except as provided by Section 15 of the Securities Exchange Act of 1934 in the case of broker-dealers and Section 222 of the Investment Advisers Act of 1940 in the case of investment advisers;

Amend RSA 421-B:6-601(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Investor education fund. All moneys collected as an administrative penalty under this chapter and all moneys collected pursuant to RSA 421-B:6-614(a)(4), and (5), shall be credited to an investor education fund to be maintained by the state treasurer. Funds in excess of \$725,000 at the end of each fiscal year shall be credited to the general fund. The secretary of state, after deducting administrative costs, shall use moneys credited to that fund to provide information to residents of this state about investments in securities, to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable, or fraudulent offerings, choose their broker-dealers, agents, or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors. The state treasurer shall pay the expenses of investor education out of the investor education fund consisting of the funds. The investor education fund shall be nonlapsing and continually appropriated for the purpose of paying the expenses of investor education, except that the fund shall at no time exceed \$725,000.

(i) The secretary of state shall collect all fees and charges required under this chapter and shall pay them to the state treasurer to be deposited in the general fund as unrestricted revenue, except as provided in RSA 421-B:6-601(h).

Amend the bill by inserting after section 22 the following and renumbering the original sections 23-24 to read as 27-28, respectively:

23 Filing; Service and Copying Fees. Amend RSA 293-A:1.22(a) to read as follows:

(a) The secretary of state shall collect the following fees for:

- (1) Articles of incorporation [~~\$50~~] **\$100**
- (2) Amendment of articles of incorporation \$35
- (3) Restatement of articles of incorporation with amendment of articles \$35
- (4) Articles or certificate of merger or articles of share exchange \$35
- (5) Articles of domestication \$35
- (6) Articles of charter surrender \$35
- (7) Articles of domestication and conversion \$35
- (8) Articles of entity conversion \$35
- (9) Statement of Abandonment of a Domestication \$35

- (9A) Statement of Abandonment of a Merger or Share Exchange \$35
- (10) Articles of dissolution \$35
- (11) Articles of revocation of dissolution \$35
- (12) Application for reinstatement following administrative dissolution \$135
- (13) Application for certificate of authority [~~\$50~~] **\$100**
- (14) Application for amended certificate of authority \$35
- (15) Application for certificate of withdrawal \$35
- (16) Articles of correction \$35
- (17) Late filing \$50
- (18) Late reinstatement fee \$500
- (19) Restatement of articles of incorporation without amendment \$35

24 Filing; Service and Copying Fees. Amend RSA 304-B:64, I to read as follows:

- I. For a certificate of limited partnership or registration as a foreign limited partnership, [~~\$50~~] **\$100**.

25 Filing; Service and Copying Fees. Amend RSA 304-C:191, II to read as follows:

II. The following fees shall be paid to and collected by the secretary of state for deposit in the general fund of the state of New Hampshire:

(a) Upon the receipt for filing of an application for reservation of name or a notice of transfer of reservation under RSA 304-C:27, a fee in the amount of \$15.

(b) Upon the receipt for filing of a statement under RSA 304-C:36, II, a fee in the amount of \$15; upon the receipt for filing of a statement under RSA 304-C:36, V, a fee in the amount of \$15.

(c) Upon the receipt for filing of a certificate of formation under RSA 304-C:31, a fee in the amount of [~~\$50~~] **\$100**.

(d) Upon the receipt for filing of a certificate of amendment under RSA 304-C:34, a certificate of merger under RSA 304-C:158, a certificate of statutory conversion under RSA 304-C:149, or a restated certificate of formation under RSA 304-C:35, a fee in the amount of \$35.

(e) Upon the receipt for filing of a certificate of cancellation of a domestic limited liability company under RSA 304-C:142, a fee in the amount of \$35.

(f) Upon receipt for filing of an annual report under RSA 304-C:194, a fee in the amount of \$100; for failure or refusal to file an annual report or pay the filing fee on or before April 1 of any year, an additional late filing fee in the amount of \$50; upon receipt for filing of an application for reinstatement under RSA 304-C:138, I, a fee of \$135; and upon receipt for filing of an application for late reinstatement under RSA 304-C:145, I a fee of \$500.

(g) For certifying copies of any paper on file as provided for by this act, a fee in the amount of \$1 per page and \$5 for the certificate.

(h) Upon the receipt for filing of an application for registration as a foreign limited liability company under RSA 304-C:175, a fee in the amount of [~~\$50~~] **\$100**; upon the receipt for filing of a certificate of cancellation under RSA 304-C:179, a fee in the amount of \$35; and upon receipt for filing of an amendment to an application under RSA 304-C:178, a fee in the amount of \$35.

(i) Upon the receipt for filing of a statement under RSA 304-C:177, V, a fee in the amount of \$15, and upon the receipt for filing of a statement under RSA 304-C:177, VI, a fee in the amount of \$15.

(j) For issuing any certificate of the secretary of state, including a certificate of good standing, other than a certification of a copy under subparagraph II(g), a fee in the amount of \$5, except that for issuing any certificate of the secretary of state that recites all of a limited liability company's filings with the secretary of state, a fee of \$10 shall be paid for each such certificate.

(k) For receiving, filing or indexing any certificate, affidavit, or agreement or any other paper provided for by this act, for which no different fee is specifically prescribed, a fee in the amount of \$15.

26 Filing; Service and Copying Fees. Amend RSA 304-A:51, II(a) to read as follows:

- (a) Registration of limited liability partnership under RSA 304-A:44, I [~~\$50~~] **\$100**
- (b) Annual fee under RSA 304-A:47 \$100
- (c) Late filing fee under RSA 304-A:47, III \$50
- (d) Withdrawal of registered limited liability partnership under RSA 304-A:44, IV(a)(1) \$35
- (e) Name reservation, notice of transfer of reservation, or notice of cancellation under RSA 304-A:46, II \$15
- (f) Notice of change under RSA 304-A:48 \$35
- (g) Notice of change of name or address of registered agent or registered office under RSA 304-A:49, II \$15
- (h) Notice of registration of foreign limited liability partnership under RSA 304-A:50, IV [~~\$50~~] **\$100**
- (i) Withdrawal notice of foreign limited liability partnership under RSA 304-A:50, VIII(a)(1) \$35

The signatures below attest to the authenticity of this Report on SB 266-FN, an act adopting the Uniform Securities Act.

Conferees on the Part of the Senate  
 Sen. Bradley, Dist. 3  
 Sen. Little, Dist. 8  
 Sen. Pierce, Dist. 5

Conferees on the Part of the House  
 Rep. Hunt, Ches. 11  
 Rep. Jones, Straf. 24  
 Rep. Biggie, Hills. 23  
 Rep. Williams, Hills. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

#### HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HJR 2, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.  
 Sen. Carson presiding.

#### SUSPENSION OF THE RULES

Sen. Bradley moved that the Senate suspend all rules necessary to permit consideration of HJR 2 at the present time and if adopted, to permit Third Reading and Final Passage. Adopted by the necessary 2/3 vote.

#### INTRODUCTION OF HOUSE JOINT RESOLUTION

Sen. Bradley moved to introduce House Joint Resolution 2, and resolve that, in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this motion read a first and second time by the therein listed title. Adopted.

#### First and Second Reading and Referral

HJR 0002, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.  
 Sen. Bradley moved Ought to Pass.

Recess. Out of recess.

Sen. Hosmer offered a floor amendment.

Sen. Hosmer, Dist. 7  
 Sen. Woodburn, Dist. 1  
 Sen. Watters, Dist. 4  
 Sen. Pierce, Dist. 5  
 Sen. Kelly, Dist. 10  
 Sen. Lasky, Dist. 13  
 Sen. Feltes, Dist. 15  
 Sen. Soucy, Dist. 18  
 Sen. D'Allesandro, Dist. 20  
 Sen. M. Fuller Clark, Dist. 21

June 24, 2015  
2015-2337s  
09/01

#### Floor Amendment to HJR 2

Amend subparagraph I(a) of the resolution by replacing it with the following:

(a) That each state agency or state entity for which the general court appropriated funds for its operating budget for fiscal year 2016 is authorized to obligate additional funds for expenditures during the period this resolution is in effect at a rate not in excess of 96 percent of 6/12 of, and for the same purposes of, the appropriations contained in HB 1-A of the 2015 regular legislative session as amended and adopted by the legislature, unless due to an emergency it shall be otherwise authorized by the governor with advice and consent of the council with prior approval of the fiscal committee of the general court. For the purposes of this resolution, the provisions of HB 2-FN-A-LOCAL of the 2015 regular legislative session as amended and adopted by the legislature, being necessary to give effect to the provisions of this resolution, shall be deemed in effect during the period that this resolution is in effect; and

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, Boutin, Reagan, Birdsell, Morse, Prescott, Stiles, Carson.

Yeas: 10 - Nays: 14

Failed.

The question is on the motion of Ought to Pass. Adopted, resolution ordered to Third Reading.

Pres. Morse presiding.

#### HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 122, relative to advertising of liquor or beverages.

Without objection, the Clerk shall read the title of the Veto Message only. Adopted.

#### GOVERNOR'S VETO MESSAGE REGARDING HB 122

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 2, 2015, I have vetoed House Bill 122, relative to advertising of liquor or beverages.

Substance misuse, including alcohol misuse, continues to be one of the major public health and safety challenges facing us as a state. Moreover, statistics suggest that New Hampshire has among the highest rates of underage drinking in the country. In changing the way that we regulate, and in some cases loosening restrictions on referring to minors in the advertisement and sale of alcoholic beverages, House Bill 122 could undermine our efforts to prevent underage drinking.

It is imperative that we strike the appropriate balance between responsible regulation of alcohol and the desired latitude for marketing creativity within our growing craft beer industry. However, in repealing RSA 179:31, VII(a), particularly the explicit prohibition on references to minors, House Bill 122 fails to provide adequate statutory guidance to the Liquor Commission in maintaining that important balance.

While I remain very supportive of our growing craft beer industry in the state and have signed many laws aimed at supporting the expansion of this industry in a responsible way, statutory changes significantly impacting the way alcohol could be advertised in our state must be undertaken with great caution and clear guidelines. House Bill 122 does not meet that standard, and it could also potentially lead to greater inconsistencies in how our marketing regulations are applied.

I would encourage proponents to work with the Liquor Commission and substance misuse advocacy organizations to develop a proposal with clear guidance that is understandable to both the business community and the Liquor Commission. Such a proposal should aim to balance the desire for creativity in the marketing and/or branding of craft and other locally manufactured alcoholic beverages with the very real need to ensure that such marketing does not encourage underage drinking.

Because this bill does not strike that necessary balance, I have vetoed House Bill 122.

Respectfully submitted,  
Margaret Wood Hassan  
Governor  
Date: June 2, 2015

The question is not withstanding the Governor's Veto, shall the bill become law?

A roll call is required.

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

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

Yeas: 18 - Nays: 6

Veto overridden by necessary 2/3 vote.

#### 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.

#### ANNOUNCEMENTS

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. It has been pretty warm in here, today, and it is summer. I would like to invite you all to the beach so you can all cool off because the water is nice and cool. I left some materials out on the table. The first one is the Sand Castles. It says on the front that it's June 18 to 20, that's when they did the sculpting. They are still standing, and will remain as such until July 5th. So, if you haven't had a chance to get down to see them, by all means do. The artwork is unbelievably good, unbelievably good. I've also left some coloring books out there if you have any young ones at home, or young ones you'd like to give them to. The village district put out the coloring book this year to give out to the kids at Children's Week. It does depict all of the events that happen at the beach. And, the other piece of material is a listing from the Chamber of Commerce, which shows all of the tide times, all of the shows at the Casino, all of the free concerts, and all the activities going on at the beach. So, please take the opportunity to get to the beach and cool off. Thanks.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Point of personal privilege, please. Thank you. Sad, sad day, today with the passing, just a couple of days ago, of Warren Leary. The Senator from District 3 remembers Warren well. Warren served us well as Sergeant-at-Arms in the House of Representatives. A position he held from 1975 to 1996; was the longest serving Sergeant-at-Arms in the history of our body. Warren was a very affable guy. You probably remember him running back and forth, had that red face, white hair, but, you know, always a big smile on his face, and a really, really good guy. Old school guy, old school guy. We don't have any more "old school guys" around here. But Warren was an "old school guy." He had a grocery store in Alton for a period of time. Loved politics. Really, really loved politics. Had 4 boys. His wife, Nancy, I spoke with her while Warren was ill, and spoke with her just after his passing. But, you know, guys like

Warren were around this place when there was a real spirit of camaraderie, and he, kind of, represented that. Always willing to help you. You know, Warren helped. He had that good smile, that good laugh, that hand shake. The kinds of things that you feel real good about when you leave. He was a good, good guy. Warren like football players. I was a football player. A good buddy of his, a guy named Bobby Mears who played for UMASS grew up in the same town as Warren. Warren was a cop when he was making it through the system. And, you know, the cops know everybody and, in those days, they would shake hands, pat people on the back, and it was a wonderful experience. Warren left a legacy of helping people. Not a bad thing to leave this life. Good guy, good public servant, want you to remember him in that light: as a guy who provided service to the legislature as our Sergeant-at-Arms. So, may his soul rest in peace, and my best and sincerest sympathies to his family. Thank you, Mister President.

(The Chair recognized Sen. Soucy.)

SENATOR SOUCY: Thank you, Mister President. Since we last met we've had an addition to our Senate family, and I hope you'll all join with me in congratulating our Clerk, Tammy Wright, on the birth of her fourth grandchild, Huxley Strand. Congratulations.

(The Chair recognized Sen. Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. Personal privilege. I was delighted two weeks ago to announce the arrival of our third grandchild. A young man, and I gave you all the vital statistics except one. I'm happy now to announce that he has been named, and his name is Miles McGregor Clark. And he and his family are doing very well.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much. Personal privilege. I want to apologize for breaking Senate protocol and sitting down while I was asking a question. I'm going to fine myself with it going into the food kitty, and we ought to be thanking Senator Stiles and Senator Carson, again, for the great work that they've done. But I will say there was a reason that I sat down: I walked with the Alzheimer's Association on their big fund raiser where they raised over \$100,000 last Saturday. And, for those of you who may have hiked Owl's Head, I took the executive director of the Alzheimer's Foundation of New Hampshire and Massachusetts out there who's trying to become a hiker, and it's 18 miles round trip and, you know, I sat down because I'm still tired. But, I won't break the protocol again because there's nothing more than I don't want to do than have to pay a fine to the Senate kitty. So, Thank you, Mister President.

(The Chair recognized Sen. Avard.)

SENATOR AVARD: Thank you, Mister President. Mister President, personal privilege. I just want to recognize my daughter, whose birthday is today. She's 31 years old, she's with my fifth grandchild. His name is Rainey. She will have my fifth this coming August, so I don't know if we're going to be in session or not, but if we are then I'll recognize him then but I'm very proud of her, and just for the record, happy birthday. Thank you. And she, also, is in Fort Benning, in Georgia. That's why I can't speak to her right now, but I'm very proud of her.

Without objection all personal privileges and unanimous consent, and other remarks, shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

#### LATE SESSION

#### 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.

#### LATE SESSION

#### Third Reading and Final Passage

HJR 2, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

#### OUTSTANDING BILLS

On June 18, 2015, the following Senate Bills were not signed off in Committee of Conference:



SB 8-FN-L, relative to appropriations for nursing homes.

SB 40-FN, including a fetus in the definition of “another” for the purpose of certain criminal offenses.

SB 57, relative to the membership and governance of condominium unit owners’ associations.

SB 108-FN, relative to health care associated infections.

SB 255, establishing a committee to study low-wage workers and their effect on the New Hampshire economy.

#### OUTSTANDING BILLS

On June 18, 2015, the following House Bills were not signed off in Committee of Conference:

HB 208-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.

HB 450, establishing a commission to study and make recommendations for a common definition of employee.

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.

HB 547, requiring the assessing standards board to make recommendations on the valuation of telecommunications poles and conduits and the assessment of utility property.

#### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

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 25-FN-A, making appropriations for capital improvements.

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 142, relative to student social media policies by educational institutions and nonpublic sessions under the right-to-know law, and establishing a commission to study social impact bond funding for early childhood education for at-risk students.

HB 219-FN, relative to the use of electronic benefit transfer (EBT) cards.

HB 305, relative to assessment of and discharge planning for minors in the juvenile court system.

HB 323, relative to the administration of the statewide assessment program.

HB 364, relative to renewal fees administered by the office of professional licensing, the salt applicator certification program, and pesticide product registration requirements.

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.

HB 421, authorizing the university of New Hampshire to grow industrial hemp for research purposes.

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.

HB 468-FN, requiring a warrant to obtain electronic device location information and relative to appropriations for nursing homes.

HB 483, relative to the commission on primary care workforce issues.

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 577-FN-A-L, establishing a children's savings account program, and relative to the bonding authority of the city of Dover.

HB 599, relative to the economic revitalization zone tax credit program.

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.

HB 662-FN-L, relative to property taxes paid by chartered public schools leasing property.

HB 681-FN-A, establishing a fine for persons convicted of domestic violence and increasing the marriage license fee.

The Senate is in recess to the Call of the Chair.