

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

3Apr2013... 1169h  
06/06/13 1954s

2013 SESSION

13-1022  
09/01

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

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

SPONSORS:            Rep. Wallner, Merr 10

COMMITTEE:          Finance

---

AMENDED ANALYSIS

This bill:

1. Funds meals and rooms distributions to cities and towns for the fiscal ending June 30, 2014 at no more than the fiscal year 2013 level of distribution.

2. Suspends RSA 31-A, relating to revenue sharing with cities and towns for the biennium ending June 30, 2015.

3. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2013 through June 30, 2015, and provides a waiver of the suspension of school building aid.

4. 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, 2015.

5. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2015 under certain circumstances.

6. Authorizes the commissioner of the department of health and human services to submit a Medicaid plan amendment for suspension of catastrophic aid payment to hospitals.

7. 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 and allows the department to transfer funds within and among accounting units.

8. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2015.

9. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the Social Services Block Grant program each January of the biennium, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

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

11. Directs the department of health and human services to administer its adoption assistance

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

program consistent with federal law and the state's Title IV-E plan.

12. Authorizes any state agency or department to enter into agreements to lease-purchase vehicles and equipment from outside vendors and to lease vehicles and equipment from other state agencies or departments.

13. Appropriates federal emergency assistance grants to the department of transportation.

14. Suspends bumping rights.

15. Authorizes the lottery commission to use monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance.

16. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2015.

17. Suspends the allocation of gross appropriations from the highway fund.

18. Transfers an appropriation received by the governor's commission on disability.

19. Establishes hiring priority for laid off classified state employees.

20. Limits the number of judicial appointments, but provides for an increase in the number of appointments where a marital master position is filled by a judge.

21. Suspends certain provisions regarding funeral expenses for recipients of public assistance.

22. Authorizes transfers of funds by the department of resources and economic development for welcome centers.

23. Revises requirements for MMIS reports.

24. Establishes the position of manager of risks and benefits in the department of administrative services.

25. Authorizes the department of administrative services to consolidate human resource, payroll, and business processing functions across state agencies as a means of achieving greater efficiencies and cost-savings.

26. Prevents the anticipated lapse of a prior appropriation to the department of administrative services to hire an independent business processing consultant.

27. Authorizes the department of administrative services to transfer funds within accounting units of the department.

28. Directs the department of administrative services to develop a cost containment plan for the New Hampshire retiree health care program.

29. Establishes a commission to study cost containment options relative to the retiree health plan for new employees.

30. Eliminates the impaired driver education program (IDEP) and impaired driver care management program (IDCMP) account and the alcoholism and alcohol abuse account.

31. Establishes priority for reimbursement from a decedent's estate to the department of health and human services for financial and/or medical assistance provided to the decedent.

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

32. Clarifies the duties of the office of reimbursements and allows the department of health and human services to collect certain information relative to persons filing financial statements.

33. Exempts the department of health and human services from the bond requirement when administering an estate.

34. Requires that for the biennium ending June 30, 2015, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.

35. Provides that the rate for services, placements, and programs paid for by the department of health and human services for delinquent children, child protection act, and children in need of services shall be not greater than the rates in effect on June 30, 2013; provided that upon the implementation of managed care, the rate of reimbursement shall be agreed upon by the provider and the managed care organization.

36. Clarifies the purposes for which the uncompensated care fund may be used.

37. Repeals the requirement that the commissioner of the department of health and human services make a report relative to payment methodology under the uncompensated care program.

38. Suspends congregate housing and congregate services.

39. Repeals a law relative to certification of shelter beds.

40. Provides that certain home care providers do not have to get a new license if they change the physical location of their office within the licensure period, and decreases the personal care provider license fee under RSA 151.

41. Establishes the innovation in Medicaid delivery (I-MD) commission to prepare a Medicaid waiver application intended to improve access and quality of care for Medicaid patients.

42. Authorizes the department of corrections to fill unfunded positions within a total expenditure cap and transfer funds within and among all accounting units within the department.

43. Restores state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.

44. Limits department of education expenditures for chartered public schools to 100 percent of budgeted amounts.

45. Requires the community college system to remit funds to the state for retiree health care benefits, and requires the community college system and the department of administrative services to establish a task force on the future cost allocation of retiree health care benefits for community college system employees and retirees.

46. Repeals a provision relative to fines paid by mail.

47. Makes the police standards and training fund nonlapsing.

48. Authorizes the commissioner of the department of safety, with prior approval of the fiscal committee of the general court, to transfer additional funds over budget estimates from the fire standards and training and emergency medical services fund, if necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management.

## **HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**

49. Clarifies the calculation of meals and rooms tax revenue credited to the division of travel and tourism development.
50. Permits utilization of certain funds to support fish and game staff costs.
51. Establishes divisions within the fish and game department.
52. Permits moneys collected from hatchery vending machines to be used for additional purchases.
53. Extends the period during which no new certificates of need shall be granted for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility.
54. Transfers revenue from Cannon Mountain operations to the Cannon Mountain capital improvement fund.
55. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the state park fund until June 30, 2015.
56. Repeals the provision relating to funds to be distributed to colleges and universities under the UNIQUE endowment allocation program.
57. Establishes the position of deputy commissioner of employment security as an unclassified position requiring appointment by the governor and council.
58. Requires the bank commissioner to assess institutions for any deficiency between fees collected and department expenditures for the fiscal year.
59. Exempts the judicial branch of certain requirements for transferring funds within the judicial branch appropriations.
60. Requires the attorney general to submit to the fiscal committee of the general court reports detailing all legal settlements awarded to the state.
61. Requires the department of revenue administration to compile data and issue a report to the house finance committee on the use and cost allocation of the Mosaic Parcel GIS system.
62. Requires the liquor commission to reimburse the department of justice for certain legal costs.
63. Requires the department of environmental services to discontinue the first in, first out delayed and deferred infrastructure project list for state aid grants for the biennium ending June 30, 2015 and identifies those infrastructure projects that are on the list and eligible for payments.
64. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.
65. Repeals a provision relative to the submission of the McAuliffe-Shepard discovery center commission business plan to the fiscal committee of the general court.
66. Extends an appropriation to establish a North Country fire training facility.
67. Provides that the department of safety credit as agency income of motor vehicle fines shall not lapse until the second year of each biennium.
68. Requires the pharmacy board to provide inspectional services to certain boards without assessing a fee.

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

69. Requires the department of health and human services to establish a uniform, sliding-fee scale for voluntary services provided by approved alcohol treatment programs.

70. Requires the commissioner of the department of health and human services and area agencies to provide to any person, or that person's guardian, who is receiving state services pursuant to a plan with an individualized budget, a copy of such budget and the expenditures made under such budget.

71. Increases the portion of vital record fees retained by the town clerk and removes the requirement that a portion of the fees be deposited in the general fund.

72. Clarifies procedures for the boards regulating engineers, land surveyors, accountants, real estate appraisers, and geologists relative to receipts and disbursements of moneys received.

73. Makes an appropriation to the department of administrative services, for the purpose of reimbursing the spouse of a law enforcement officer who died in the line of duty, for erroneously charged medical benefits.

74. Authorizes the department of information technology to transfer funds within and among its accounting units, with a quarterly report to the fiscal committee of the general court.

75. Prevents the anticipated lapse of a prior appropriation to the department of safety for emergency management administration.

76. Requires the transfer of unrestricted general fund revenues to the fish and game fund.

77. Increases the maximum total education grant amount available to a municipality.

78. Limits the liability of landowners and salt applicators who opt for certification and employ winter maintenance best practices.

79. This bill redefines the term compensation for the purposes of the business enterprise tax.

80. Clarifies a provision for the charge for costs of financial audits done by the legislative budget assistant.

81. Requires the transfer of funds from the department of justice to the department of revenue administration for the purpose of funding flood control payments under the Connecticut and Merrimack River flood control compacts.

82. This bill requires the governor to reduce total appropriations for compensation and benefits by a specified amount for the biennium ending June 30, 2015.

83. Prohibits use of electronic benefit transfer (EBT) cards at liquor stores and similar establishments.

84. Exempts special hospitals for rehabilitation from the Medicaid enhancement tax.

85. Establishes a commission to study the potential costs and benefits of expanding Medicaid eligibility in New Hampshire.

86. Establishes a commission to review and analyze the costs and future funding of Medicaid long-term care services for the elderly, either in licensed facilities or under the Medicaid waiver in New Hampshire.

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

87. Transfers \$16,100,000 from the renewable energy fund to the general fund.

88. Requires that any budget surplus at the close of the fiscal year ending June 30, 2013 remain in the general fund.

89. Requires the public utilities commission to transfer funds to the office of energy and planning to repay funds for low income home energy assistance and to provide other necessary funds to the court-appointed trustee of the Tri-County Community Action Program.

90. Authorizes the treasurer to establish other post-employment benefits (OPEB) trusts.

91. This bill makes the navigation safety fund nonlapsing.

92. Requires reimbursement to any hospital providing certain services under contract with the department of health and human services.

-----

Explanation:       Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struck through~~].  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

3Apr2013... 1169h  
06/06/13 1954s

13-1022  
09/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

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

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

1 1 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other provision  
2 of law, for the fiscal year ending June 30, 2014, the state treasurer shall fund the distribution of  
3 revenue to cities and towns pursuant to the formula for determining the amount of revenue  
4 returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year 2013  
5 distribution.

6 2 Suspension; Revenue Sharing. Notwithstanding any provision of law to the contrary,  
7 RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium  
8 ending June 30, 2015.

9 3 School Building Aid; Alternative School Building Aid.

10 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through  
11 RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or  
12 alternative school building aid for any project approved on or after June 30, 2013 through June 30,  
13 2015.

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

17 (1) The condition of such school building or portion thereof constitutes a clear and  
18 imminent danger to the life or safety of occupants or other persons, and requires remediation prior to  
19 July 1, 2015; or

20 (2) A structural deficiency in the function or operation of a school building or portion  
21 thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more  
22 than a technical violation of the fire code, and requires remediation prior to July 1, 2015.

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

26 4 Department of Health and Human Services; Suspension of Direct Graduate Medical  
27 Education. The commissioner of the department of health and human services shall submit a Title  
28 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
29 suspend the provision of direct graduate medical education payments to hospitals as provided in 42  
30 U.S.C. section 1396a(a)(30)(A) effective July 1, 2013. Upon approval of the state plan amendment,

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 2 -**

1 and as of the effective date of the state plan amendment, any obligations for payment of direct  
2 graduate medical education shall be suspended for the biennium ending June 30, 2015.

3 5 Department of Health and Human Services; Suspension of Indirect Graduate Medical  
4 Education. The commissioner of the department of health and human services shall submit a Title  
5 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
6 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,  
7 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan  
8 amendment, any obligations for payment of indirect graduate medical education shall be suspended  
9 for the biennium ending June 30, 2015.

10 6 Department of Health and Human Services; Authority to Fill Unfunded Positions.  
11 Notwithstanding any provision of law, the commissioner of the department of health and human  
12 services may fill unfunded positions during the biennium ending June 30, 2015, provided that the  
13 total expenditure for such positions shall not exceed the amount appropriated for personal services,  
14 permanent, and personal services, unclassified.

15 7 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The  
16 commissioner of the department of health and human services shall submit a Title XIX Medicaid  
17 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all  
18 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2015.

19 8 Department of Health and Human Services; Program Eligibility; Additional Revenues;  
20 Transfer Among Accounts.

21 I. For the biennium ending June 30, 2015, the department of health and human services  
22 shall not authorize, without prior consultation with the house health, human services and elderly  
23 affairs committee and the senate health, education and human services committee and the approval  
24 of the fiscal committee of the general court and governor and council, any change to program  
25 eligibility standards or benefit levels that might be expected to increase or decrease enrollment in  
26 the program or increase expenditures from any source of funds; provided, however, that no such  
27 prior approval shall be required if a change to a federal program in which the state is participating  
28 as of the effective date of this section is required by federal law.

29 II. Notwithstanding any provision of the law to the contrary, for the biennium ending June  
30 30, 2015, the fiscal committee of the general court and the governor and council may authorize the  
31 commissioner of the department of health and human services to accept and expend additional  
32 revenues in excess of \$100,000, that are in addition to the budgeted amounts, from any source, which  
33 become available to the department; provided, that such expenditures do not increase eligibility  
34 standards or benefit levels.

35 III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the  
36 contrary except RSA 9:17-c, for the biennium ending June 30, 2015, the commissioner of the  
37 department of health and human services is hereby authorized to transfer funds within and among



**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 3 -**

1 all accounting units within the department, as the commissioner deems necessary and appropriate to  
2 address present or projected budget deficits, or to respond to changes in federal laws, regulations, or  
3 programs, and otherwise as necessary for the efficient management of the department, with the  
4 exception of class 60 transfers, provided that any transfer of \$75,000 or more shall require prior  
5 approval of the fiscal committee of the general court and the governor and council.

6 9 Department of Health and Human Services; Bureau of Adult and Elderly Services; County  
7 Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County  
8 Payments; Credit. RSA 167:18-a, II-III is repealed and reenacted to read as follows:

9 II.(a) The total billings to all counties made pursuant to this section shall not exceed the  
10 amounts set forth below for state fiscal years 2014-2015:

11 (1) State fiscal year 2014, \$109,000,000.

12 (2) State fiscal year 2015, \$112,500,000.

13 (b) Beginning July 1, 2015 and every biennium thereafter, in order to determine the caps  
14 on total billings to all counties, the department of health and human services shall adjust separately  
15 both the sum of the total billings obligated by the counties provided in RSA 167:18-a and the portion  
16 of the nonfederal share attributable to the state based on a rolling 3-year average change in the  
17 Consumer Price Index for All Urban Consumers, Northeast Region, as published by the Bureau of  
18 Labor Statistics, United States Department of Labor. The average change shall be calculated using  
19 the 3 calendar years ending 18 months before the beginning of the biennium for which the  
20 calculation is to be performed. For the fiscal year ending June 30, 2016, the determination shall  
21 utilize an initial base of \$109,000,000, and apply to such base the 3-year average change.

22 III.(a) The counties shall have an aggregate credit of \$5,000,000 against amounts due under  
23 this section for each fiscal year beginning July 1, 2008. The credit shall be allocated as follows:

24 (1) For fiscal year 2009, \$4,000,000 shall be allocated among the counties based upon  
25 the proportion each paid for such expenditures in the prior fiscal year, and \$1,000,000 shall be  
26 allocated among the counties based upon their relative proportions of residents age 65 or older who  
27 are Medicaid recipients.

28 (2) For fiscal year 2010, \$2,000,000 shall be allocated among the counties based upon  
29 the proportion each paid for such expenditures in the prior fiscal year, and \$3,000,000 shall be  
30 allocated among the counties based upon their relative proportions of residents age 65 or older who  
31 are Medicaid recipients.

32 (3) For fiscal year 2011 and for each fiscal year thereafter, \$5,000,000 shall be  
33 allocated among the counties based upon their relative proportions of residents age 65 or older who  
34 are Medicaid recipients.

35 (b) The credit shall be made available as soon as possible after the start of the fiscal  
36 year. The department shall adopt county credit criteria in consultation with the county-state finance  
37 commission and in accordance with the provisions of RSA 541-A. The total aggregate obligation of

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 4 -**

1 the counties shall be reduced by the amount of the credit in each fiscal year.

2 10 Health and Human Services; Social Services Block Grant Cost of Living Adjustment to  
3 Income Levels. Notwithstanding any other provision of law, for the biennium ending June 30, 2015  
4 the department of health and human services shall raise the income eligibility for elderly and adult  
5 clients under the Social Services Block Grant program each January, by the percentage amount of  
6 the cost of living increase in social security benefits on a yearly basis.

7 11 Foster Grandparent Program. The reimbursements to the foster grandparent program  
8 through the senior volunteer grant program established in RSA 161-F:40 are hereby suspended for  
9 the biennium ending June 30, 2015.

10 12 Department of Health and Human Services; Adoption Assistance Program. The department  
11 of health and human services shall administer its adoption assistance program consistent with  
12 federal law and regulations and the state's Title IV-E plan for foster care and adoption assistance.

13 13 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium  
14 ending June 30, 2015, any state agency or department is authorized, with the prior approval of the  
15 department of administrative services, to enter into agreements to rent, lease, or lease-purchase  
16 vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment from any  
17 other state agency or department.

18 14 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received  
19 in the fiscal years ending June 30, 2014 or June 30, 2015 from the Federal Emergency Management  
20 Agency or Federal Highway Administration's Emergency Relief Program or any other federal  
21 program providing emergency assistance to the department of transportation to reimburse costs  
22 incurred for emergency response, including but not limited to, equipment rental, snow plowing,  
23 sanding, salting, flood damage response, and personnel overtime during any emergency declared  
24 shall be collected by the appropriate agency and appropriated to the department of transportation.

25 15 Department of Administrative Services; Suspension of Bumping Rights. The displacement of  
26 classified state employees by more senior classified state employees, or so-called bumping, pursuant  
27 to administrative rule Per 1101.02(i) through (l) under the authority of RSA 21-I:43 by the director of  
28 the division of personnel is hereby suspended from the effective date of this section to June 30, 2015.

29 16 Lottery Commission; Incentive Program. For the biennium ending June 30, 2015, the lottery  
30 commission may develop and implement an employee recognition program for monetary incentives to  
31 promote increased sales and compensate lottery sales representatives based upon performance and  
32 funded from an existing lottery budget line item. The incentive program shall be implemented  
33 through rules adopted by the lottery commission in accordance with RSA 541-A. The lottery  
34 commission shall report quarterly to the fiscal committee of the general court on the status of the  
35 incentive program.

36 17 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund  
37 Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2015, all gross

1 revenue derived by the liquor commission from the sale of liquor and related products, or from  
2 license fees, shall be deposited into the liquor commission fund.

3 18 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspended. For the  
4 biennium ending June 30, 2015, RSA 9:9-b, relative to allocation of gross appropriations from the  
5 highway fund, shall be suspended.

6 19 Governor’s Commission on Disability; Client Assistance Program; Contingent Transfer of  
7 Appropriation. The appropriation for the administration of the client assistance program that is  
8 received by the governor’s commission on disability pursuant to 29 U.S.C. section 732 for fiscal years  
9 2014 and 2015 may be transferred to another qualified agency (or agencies) upon certification by the  
10 governor to the commissioner of administrative services that the program has been redesignated. If  
11 the redesignation occurs and the governor’s certification is made after July 1, 2013, the unexpended  
12 portion of the appropriation shall be transferred.

13 20 Rehiring of Laid Off Classified State Employees.

14 I. For purposes of this section, “laid off” means any person in a classified position as  
15 described in RSA 21-I:49 who receives written notice of the state’s intent to lay him or her off or who  
16 is laid off between July 1, 2013 and June 30, 2015, as a result of reorganization or downsizing of  
17 state government.

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

23 III. The head of each department or agency shall submit the name and classification of any  
24 individual laid off between July 1, 2013 and June 30, 2015, to the director of the division of personnel  
25 within 10 days of the layoff.

26 21 Judicial Appointments; Number Limited; Vacancies.

27 I. Except as provided in paragraph II, for the biennium ending June 30, 2015 the number of  
28 judges serving on the superior court shall not exceed 20 and the number of full-time judges serving  
29 on the circuit court shall not exceed 31.

30 II. For the biennium ending June 30, 2015, the filling of a marital master position by a judge  
31 shall increase the authorized number of circuit court judges allowed under paragraph I for each  
32 position so filled.

33 22 Suspension. The following are suspended for each fiscal year of the biennium ending  
34 June 30, 2015:

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

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

1           23 Department of Resources and Economic Development; Transfer of Funds Authorized. The  
2 commissioner of the department of resources and economic development may transfer funds between  
3 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-  
4 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike  
5 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2015. The  
6 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court  
7 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers  
8 made under this section.

9           24 Medicaid Management Information System; Reports. Amend 2011, 224:365 to read as  
10 follows:

11           224:365 Medicaid Management Information System; Reports.

12           I. ~~[The commissioner of the department of information technology shall, in consultation with~~  
13 ~~the commissioner of the department of health and human services, engage the services of an~~  
14 ~~information systems consultant experienced with implementation of large healthcare and/or~~  
15 ~~governmental information systems. The consultant shall review and evaluate the state's Medicaid~~  
16 ~~management information system (MMIS) implementation project and provide a report on the~~  
17 ~~progress of the implementation and the projected go live date. The consultant shall report on the~~  
18 ~~readiness of the MMIS upon start up to meet all current federal MMIS requirements and all~~  
19 ~~New Hampshire specific contract requirements. The consultant shall provide a detailed list of any~~  
20 ~~system features that will not be available upon start-up of operations and report specifically on the~~  
21 ~~readiness of the system to meet New Hampshire's Medicaid managed care requirements. The~~  
22 ~~consultant shall report on the MMIS readiness to comply with the current CMS certification Toolkit~~  
23 ~~required to attain federal certification. The commissioner of the department of information~~  
24 ~~technology shall present the consultant's report to the fiscal committee of the general court no later~~  
25 ~~than October 1, 2011. The cost of the evaluation and report shall be borne by ACS State Healthcare,~~  
26 ~~LLC.~~

27           H.] *For the biennium ending June 30, 2015*, the commissioner of the department of  
28 health and human services shall provide the fiscal committee of the general court with monthly  
29 reports on the status of the new MMIS system implementation and shall report on the department's  
30 efforts to seek cost recovery under section 10.1 (Failure to Meet Start Date for Operations Phase) of  
31 the MMIS contract dated October 18, 2005 and approved by governor and council on December 17,  
32 2005.

33           25 Department of Administrative Services; Manager of Risks and Benefits; Position Established.

34           I. There is established within the department of administrative services the unclassified  
35 position of manager of risks and benefits. The manager of risks and benefits shall be qualified to  
36 hold that position by reason of education and experience, shall be nominated by the commissioner of  
37 administrative services for appointment by the governor, with the consent of the executive council,

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 7 -**

1 and shall serve for a term of 4 years. The manager of risks and benefits shall supervise the  
2 department of administrative services' risk management unit and shall perform such duties as the  
3 commissioner from time to time may authorize.

4 II. The salary of the manager of risks and benefits shall be determined after assessment and  
5 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which  
6 shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and  
7 appointment of the manager of risks and benefits, position 41835 shall be abolished to allow for the  
8 transition of this classified position with its available appropriations into the unclassified position of  
9 manager of risks and benefits. Funding shall be transferred into a new expenditure class 011, within  
10 accounting unit 01-14-14-143510-2901. The incumbent in the abolished classified position shall be  
11 offered the opportunity to seek the commissioner's nomination for the unclassified position of  
12 manager of risks and benefits.

13 26 Department of Administrative Services; Risk Management. Amend the introductory  
14 paragraph of RSA 21-I:7-c to read as follows:

15 21-I:7-c Risk Management. There is established within the office of the commissioner of  
16 administrative services a risk management unit, [~~which shall be under the supervision of such staff~~  
17 ~~as may be employed by the commissioner of administrative services~~] ***under the supervision of an***  
18 ***unclassified manager of risks and benefits, who shall be qualified to hold that position by***  
19 ***reason of education and experience and who shall perform such duties as the***  
20 ***commissioner from time to time may authorize.*** The risk management unit shall be responsible  
21 for the following functions, in accordance with applicable laws:

22 27 Department of Administrative Services; Manager of Risks and Benefits; Nomination by  
23 Commissioner. Amend RSA 21-I:2, II, to read as follows:

24 II. The commissioner shall nominate for appointment by the governor, with the consent of  
25 the council, each division director, the assistant commissioner, the deputy commissioner, the internal  
26 auditor, the financial data manager, ***the manager of risks and benefits***, and the senior  
27 operational analyst. The division directors, the assistant commissioner, the deputy commissioner,  
28 the internal auditor, the financial data manager, ***the manager of risks and benefits***, and the  
29 senior operational analyst shall each serve for a term of 4 years.

30 28 Applicability. RSA 21-I:7-c and RSA 21-I:2, II as amended by sections 26 and 27 of this act  
31 shall take effect upon the abolition of position 41835, the transfer of funding and appropriations to  
32 the unclassified position, and the initial appointment of the manager of risks and benefits, as  
33 certified by the commissioner of administrative services to the director of legislative services.

34 29 Department of Administrative Services; Consolidation of Human Resources and Payroll  
35 Functions.

36 I. Notwithstanding any law or administrative rule to the contrary, the commissioner of  
37 administrative services, with the prior approval of the fiscal committee of the general court and the

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 8 -**

1 governor and council, is authorized to make such transfers of appropriation items and changes in  
2 allocations of funds available for operational purposes to the department of administrative services,  
3 from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of  
4 human resource and payroll functions within state government.

5 II. The commissioner of administrative services is authorized to establish the number and  
6 classification of personnel required for human resource and payroll management in state government  
7 and, with the prior approval of the governor and council, is authorized to eliminate unnecessary  
8 positions and to transfer to the department of administrative services any position in another agency  
9 identified by the commissioner of administrative services as necessary to effectuate the efficient  
10 consolidation of human resource and payroll functions within state government. Such transfers shall  
11 include the transfer of all associated books, papers, records, personnel files, and equipment,  
12 including but not limited to work station and information technology equipment, and shall include  
13 the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended  
14 appropriations for salary/payroll, benefits, support costs, or any other costs associated with the  
15 transferred personnel. All commissioners and department heads shall cooperate with the  
16 commissioner of administrative services to accomplish the intent of this section.

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

23 IV. The consolidation of human resources and payroll functions shall achieve a savings in  
24 the biennium ending June 30, 2015 of no less than \$1,428,000 in total funds and \$571,200 in general  
25 funds.

26 30 Department of Administrative Services; Consolidation of Business Processing Functions.

27 I. The commissioner of administrative services, with the prior approval of the fiscal  
28 committee of the general court and the governor and council, is authorized to make such transfers of  
29 appropriation items and changes in allocations of funds available for operational purposes to the  
30 department of administrative services, from any other agency, as may be necessary or desirable to  
31 effectuate the efficient consolidation of business processing functions within state government. Such  
32 business processing functions shall include:

33 (a) Accounts receivable;

34 (b) Accounts payable;

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

37 (d) Such other finance and accounting functions and transactions the commissioner of

1 administrative services determines would achieve substantial efficiencies from consolidation.

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

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

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

23       31 Continuation of Appropriation. Department of Administrative Services. Any unspent  
24 balance remaining on the \$250,000 appropriation made by 2011, 224:86 to the department of  
25 administrative services for the biennium ending June 30, 2013, for the purpose of selecting and  
26 retaining an independent business processing consultant to evaluate and make recommendations  
27 relative to the consolidation of business processing functions within state government, shall not  
28 lapse until June 30, 2015. The department of administrative services may use this balance to fund  
29 such projects, functions or activities as the commissioner of administrative services may direct  
30 relating to the efficiency of state government, including but not limited to the selection and retention  
31 of an independent business processing consultant and/or other projects, functions, or activities  
32 relating to the consolidation of human resource, payroll, finance, business processing and accounting  
33 functions.

34       32 Department of Administrative Services; Transfer Among Accounts and Classes.  
35 Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the approval  
36 of the fiscal committee of the general court and governor and council, for the biennium ending June  
37 30, 2015, the commissioner of the department of administrative services is hereby authorized to

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 10 -**

1 transfer funds within and among all accounting units and/or class codes within the department, with  
2 the exception of class 60 transfers, and is further authorized to create new class codes within the  
3 department into which funds may be transferred or placed, as the commissioner deems necessary  
4 and appropriate to address present or projected budget deficits, or to respond to changes in federal  
5 laws, regulations, or programs, and otherwise as necessary for the efficient management of the  
6 department.

7 33 Cost Containment Plan for Retiree Health Care Program. The commissioner of the  
8 department of administrative services shall develop a comprehensive and cohesive plan outlining  
9 cost containment options and managed care techniques available through the underlying insurer and  
10 other managed care vendors to generate additional savings for the state of New Hampshire retiree  
11 health care program. The cost containment plan shall be developed no later than September 15,  
12 2013 and the commissioner of the department of administrative services shall make a report to the  
13 fiscal committee of the general court.

14 34 New Section; State Employees Group Insurance; Commission Established; Cost Containment  
15 Options; Retiree Health Plan for New Employees. Amend RSA 21-I by inserting after section 36-a  
16 the following new section:

17 21-I:36-b Commission Established; Cost Containment Options; Retiree Health Plan for  
18 New Employees. There is established a commission to review retiree health care benefits for  
19 employees hired after July 1, 2013 in light of the implementation of the Patient Protection and  
20 Affordable Care Act and recommend a cohesive plan outlining cost effective health plan models  
21 effective for such new employees.

22 I. The members of the commission shall be:

- 23 (a) The commissioner of administrative services, or designee.
- 24 (b) The president of the State Employees' Association, or designee.
- 25 (c) The president of the New Hampshire Troopers Association, or designee.
- 26 (d) The president of the New England Police Benevolent Association, or designee.
- 27 (e) The president of Teamsters Local 633, or designee.
- 28 (f) Four members of the public, each of whom shall be a person who in the last 10 years

29 was not a member of a labor union, appointed by the governor.

30 II. The commissioner of the department of administrative services shall be the chairperson  
31 and shall call the first meeting as soon as practicable after the effective date of this section. Five  
32 members shall constitute a quorum.

33 III. The commission shall report its findings and recommendations to the governor and the  
34 fiscal committee of the general court by November 15, 2013.

35 35 Repeal. RSA 21-I:36-b, relative to the commission on cost containment options, is repealed.

36 36 Impaired Driver Education Programs; Fees. Amend RSA 265-A:39, I to read as follows:

37 I. Except as provided in paragraph III, the commissioner of the department of health and



**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 11 -**

1 human services shall be responsible for approving the impaired driver education programs which  
2 persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver's  
3 licenses or driving privileges; but the commissioner of the department of health and human services  
4 shall not approve any impaired driver education program unless such program is conducted without  
5 cost to the state. [~~Notwithstanding RSA 6:12, any fees collected under subparagraph III(g) of this~~  
6 ~~section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for~~  
7 ~~the purposes of this subdivision only.]~~

8 37 Department of Health and Human Services; Bureau of Drug and Alcohol Services; Utilization  
9 of Funds. Amend RSA 265-A:41 to read as follows:

10 265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of  
11 the department of health and human services under RSA 265-A:18, ***RSA 265-A:39***, and RSA 265-  
12 A:40 shall be [~~paid over to the state treasurer within 10 days of the subsequent month, or at an~~  
13 ~~earlier date, for deposit into a separate account in the treasury known as the impaired driver~~  
14 ~~education program (IDEP) and impaired driver care management program (IDCMP) account. These~~  
15 ~~funds are appropriated as indicated in the operating budget as a source of funds for the department~~  
16 ~~of health and human services' responsibilities under this subdivision. Any funds remaining in the~~  
17 ~~account over the appropriation indicated in the operating budget shall lapse into the general fund at~~  
18 ~~the end of each fiscal year]~~ ***deposited into the general fund.***

19 38 Repeal. The following are repealed:

20 I. RSA 6:12, I(b)(147), relative to the impaired driver education program (IDEP) and  
21 impaired driver care management program (IDCMP) account.

22 II. RSA 6:12, I(b)(175), relative to the alcoholism and alcohol abuse account.

23 39 Probate Courts and Decedents' Estates; Priority of Claims. Amend RSA 554:19, I(d) to read  
24 as follows:

25 (d) Claims made for financial and/or medical assistance provided to the deceased by the  
26 department of health and human services, [~~as well as under certain circumstances, changes]~~ ***debts***  
27 ***collected by the state pursuant to RSA 126-A:34, and charges*** pursuant to RSA 166:19. ***The***  
28 ***department of health and human services may distribute claims made in the following***  
29 ***order: first, that assistance funded entirely by moneys from the general fund; and second,***  
30 ***that assistance funded by a combination of state and federal funds.***

31 40 Department of Health and Human Services; Office of Reimbursements; Duties. Amend  
32 RSA 126-A:34, I(b) to read as follows:

33 (b) Investigate the ability of patients, residents, or clients of such institutions and of the  
34 persons receiving care, treatment, [~~or~~] maintenance, ***or services*** either in public or private  
35 institutions or otherwise at the direction of the commissioner and those legally chargeable for their  
36 support and maintenance to pay for such care, treatment, [~~and~~] maintenance, ***and/or services*** and  
37 recommend to the commissioner the charge to be rendered.

1           41 Department of Health and Human Services; Office of Reimbursements; Financial  
2 Statements. Amend RSA 126-A:38 to read as follows:

3           126-A:38 Financial Statements.

4           I.(a) Within 60 days after admittance, except as provided in paragraph II, and annually  
5 thereafter if requested by the commissioner, a financial statement shall be filed under penalty of  
6 perjury by a person legally chargeable for expenses pursuant to RSA 126-A:36 on forms provided for  
7 this purpose by the office of reimbursements.

8           (b) *The commissioner is hereby authorized to request and receive from any and*  
9 *all former or current employers, including, but not limited to, personal information with*  
10 *respect to dates of employment, number of hours worked, rate of pay, date of birth,*  
11 *available health insurance, current address, payroll deductions, and social security*  
12 *number of any person with respect to whom the department is investigating the ability to*  
13 *pay; provided, however, the commissioner shall limit the request to the minimum*  
14 *information necessary for the review of the individual's ability to pay. The employer shall*  
15 *furnish the information within 15 days of the department's request unless the time period*  
16 *is extended for good cause shown. If the request for the information is burdensome to the*  
17 *employer, it shall give written notice to the commissioner within the 15-day period, and the*  
18 *commissioner shall review the request of the employer and modify the request if reasonably*  
19 *possible to alleviate the burden on the employer.*

20           (c) *The department or employer who discloses financial or employment records*  
21 *under this section shall not be subject to civil liability or criminal prosecution which is*  
22 *based upon its disclosure under this section, or for any other action taken in good faith to*  
23 *comply with the requirements of this section.*

24           (d) *Any records established or information collected pursuant to the provisions*  
25 *of this section shall be made available only to the commissioner and the attorney general*  
26 *and their authorized designees, attorneys employed by the department of health and*  
27 *human services, and the client or the client's authorized representative. Such records and*  
28 *information shall be available and used only for purposes directly connected with the*  
29 *investigation of a person's ability to pay under this chapter. The records and information*  
30 *made available to the client or the client's authorized representative shall not include*  
31 *information provided to the department that is prohibited from release by federal law,*  
32 *state statute, state case law, or by contract or agreement between the department and*  
33 *another entity if such contract or agreement prohibits release of such information.*

34           II. Persons admitted to the multiple DWI offender intervention program (M.O.P.) **prior to**  
35 **January 1, 2013** who do not pay program fees in full at the time of admission shall file a financial  
36 statement under penalty of perjury on forms provided for this purpose by the office of  
37 reimbursements and shall enter a payment contract for balance of fees due. The office of

1 reimbursements shall be entitled to recover reasonable attorneys' fees and costs of collection for  
2 program fees not paid in accordance with a payment contract.

3 III. Persons admitted to the multiple DWI offender intervention program (M.O.P.) *prior to*  
4 **January 1, 2013** shall notify the office of reimbursements of each change of mail address and actual  
5 street address until that person has made payment in full of fees due in accordance with an M.O.P.  
6 payment contract. Whenever notice to a person subject to a payment contract is required, notice to  
7 the last mail address on file with the office of reimbursements shall be deemed notice to and binding  
8 on the payer.

9 42 Department of Health and Human Services; Office of Reimbursements; Recovery of  
10 Expenses. Amend RSA 359-C:11, IV to read as follows:

11 IV. Subject to the limitations of RSA 359-C:6, the examination by or disclosure to the  
12 commissioner of the department of health and human services of the financial records of a person  
13 upon a request by the commissioner *pursuant to RSA 126-A:38, I(b) for the purpose of*  
14 ***reviewing a person's ability to pay for care, treatment, maintenance, and services provided***  
15 ***by institutions***; pursuant to RSA 161-C:3-a, I for the purpose of establishing, modifying, or  
16 enforcing an obligation to pay child support against such person; or pursuant to RSA 167:4-a for  
17 purposes directly connected with the determination and verification of eligibility for medical  
18 assistance for applicants and recipients whose eligibility for medical assistance is based upon the  
19 applicant's or recipient's age, blindness, or disability.

20 43 New Subparagraph; Department of Health and Human Services; Office of Reimbursements;  
21 Recovery of Expenses. Amend RSA 126-A:42, II by inserting after subparagraph (e) the following  
22 new subparagraph:

23 (f) If an agreement was made under RSA 126-A:43, III, recovery shall be limited to any  
24 payment obligation resulting from such agreement.

25 44 Department of Health and Human Services; Office of Reimbursements Regular Rate. Amend  
26 RSA 126-A:43, III to read as follows:

27 III. ***The commissioner may compromise or reduce any debt or obligation owed to the***  
28 ***state pursuant to an agreement with a group health plan carrier, as defined in RSA 420-***  
29 ***G:2, or any health insurer as defined in 607(1) of the Employee Retirement Income Security***  
30 ***Act of 1974 (ERISA), 29 U.S.C. section 1167 (1), federal and or state funded assistance, or***  
31 ***any other legally liable third party or persons chargeable for support.***

32 IV. The office of reimbursements shall, upon request, furnish to each estate from which, or  
33 to each person chargeable from whom, a recovery of expenses is sought pursuant to RSA 126-A:42, a  
34 record of the accumulated charges against said estate or said person.

35 45 Department of Health and Human Services; Office of Reimbursements; Administrators;  
36 Bond. Amend RSA 553:13, II to read as follows:

37 II. Notwithstanding the provisions of paragraph I, when the estate has a gross value of

1 \$25,000 or less, only a personal bond without sureties will be required. *In addition, in cases in*  
2 *which the department of health and human services is administering an estate pursuant to*  
3 *RSA 126-A:34, I(e), no bond shall be required.*

4 46 Department of Health and Human Services, Division of Community-Based Care Services,  
5 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the  
6 biennium ending June 30, 2015, the department of health and human services shall maintain a limit  
7 on benefits of \$4,000 per person per year for adults with low service utilization of community mental  
8 health services, as identified in He-M 401.07; provided, that the department shall also establish, by  
9 rule under RSA 541-A, a procedure for such persons or community health providers to request a  
10 waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the  
11 commissioner of the department of health and human services, the fiscal committee of the general  
12 court may authorize a higher per person per year limit.

13 47 Department of Health and Human Services; Division for Children, Youth, and Families.

14 I. Notwithstanding any provision of law or administrative rule to the contrary, for the  
15 biennium ending June 30, 2015, the rates for all services, placements, and programs that are paid  
16 for by the department of health and human services pursuant to RSA 169-B:40, 169-C:27, 169-D:29,  
17 with the exception of rates for contracted services that are approved by the governor and council and  
18 rates for out-of-state placements, shall be no greater than the rates in effect for the particular  
19 service, placement, or program as of June 30, 2013.

20 II. Notwithstanding paragraph I, upon the department's implementation of managed care,  
21 the rate of reimbursement for services and programs for a Medicaid eligible child shall be the rate  
22 agreed to by the provider and the managed care organization. The total rate of reimbursement for  
23 residential placement (board and care) for a Medicaid eligible child shall consist of the "room and  
24 board rate" and the "educational rate" as established by the department on July 1, 2013, and the  
25 treatment or the private non-medical institution rate as agreed to by the provider and the managed  
26 care organization.

27 48 Uncompensated Care Fund. Amend RSA 167:64, I(a) and (b) to read as follows:

28 (a)(I) The commissioner may provide reimbursement for uncompensated care costs in  
29 accordance with the approved schedule of payments through either Medicaid rate adjustments or  
30 disproportionate share hospital payment adjustments, or a combination thereof, *provided however*  
31 *that no hospital shall receive any such reimbursement for uncompensated care costs unless*  
32 *it is a qualified hospital as defined in subparagraph (b)(1).* Funds available under this  
33 section shall also be used to make medical provider payments and to support the state's Medicaid  
34 enhancement tax unrestricted revenue account, in amounts directed by the budget in each year of  
35 the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be made *for*  
36 *the following purposes* in the following order of priority:

37 [~~1~~] (A) To support medical provider payments as budgeted in each year of the

1 biennium;

2 ~~[(2) To ensure that critical access hospitals receive reimbursement for reported~~  
3 ~~uncompensated care costs at the rate of 100 percent of the individual hospital limit or at the highest~~  
4 ~~uniform percentage that available funding would permit should funds be inadequate to cover 100~~  
5 ~~percent of the hospital limit for disproportionate share payments as determined by the commissioner~~  
6 ~~consistent with the provisions of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations~~  
7 ~~promulgated thereunder;~~

8 ~~(3)~~ **(B)** To support the state's Medicaid enhancement tax unrestricted revenue  
9 account as budgeted in each year of the biennium; ~~and]~~

10 **(C)** *To make disproportionate share hospital payments to support up to*  
11 *75 percent of the uncompensated care costs of New Hampshire's hospitals with critical*  
12 *access designation as available funding allows, to be shared among such hospitals in*  
13 *proportion to the amount of uncompensated care provided;*

14 **(D)** *To make a disproportionate share hospital payment to each hospital*  
15 *that meets the criteria set forth for "deemed disproportionate share hospitals" as that term*  
16 *is defined under 42 U.S.C. section 1396r-4 in an amount as budgeted in each year of the*  
17 *biennium;*

18 ~~[(4) If authorized, to reimburse non-critical access hospitals at the highest uniform~~  
19 ~~percentage of each hospital's disproportionate share hospital payment limit as the funds made~~  
20 ~~available under this section permit and are]~~ **(E)** *To support the uncompensated care costs of*  
21 *New Hampshire's hospitals without critical access designation in proportion to the*  
22 *amount of uncompensated care provided by each hospital* consistent with the requirements of  
23 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder[-]; **and**

24 **(F)** *Any remaining funds produced from the Medicaid enhancement tax*  
25 *shall be used to reduce hospital losses associated with providing services to Medicaid*  
26 *recipients through an increase in provider reimbursement rates.*

27 **(2)** *Should funds be inadequate to make a disproportionate share hospital*  
28 *payment to hospitals within either of the groups identified in subparagraph (1)(C) or*  
29 *(1)(E), an amount of \$1,000,000 shall be designated to make payments in accordance with*  
30 *42 U.S.C. section 1396r-4(b) and distributed as follows:*

31 **(A)** *Equally to each group of hospitals should both groups be impacted,*  
32 *and distributed among each of the hospitals within each group in proportion to the*  
33 *amount of uncompensated care provided; or*

34 **(B)** *If only hospitals in subparagraph (1)(E) are impacted, distributed to*  
35 *those hospitals in proportion to the amount of uncompensated care provided.*

36 **(b)(1)** The commissioner is hereby authorized and directed to develop and implement[-; in  
37 connection with the payment by the state to hospitals for reimbursement of uncompensated care

1 ~~costs,~~ a schedule of payments for reimbursement of the uncompensated care costs [~~of those hospitals~~  
2 ~~that are subject to the tax liability imposed under RSA 84-A and that participate in]~~ **consistent**  
3 **with the level of funding made available for such payments in each year of the biennium,**  
4 **incurred by those hospitals that are qualified as follows:**

5 (A) **The hospital is a “deemed disproportionate share hospital” as defined**  
6 **by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a**  
7 **disproportionate share hospital payment, or**

8 (B) **The hospital participates in the provider network of** the state  
9 **Medicaid Care Management program as of July 1, 2013.**

10 (2) The reimbursement of uncompensated care costs paid in state fiscal year [~~2012]~~  
11 **2014** and state fiscal year [~~2013]~~ **2015** shall be in accordance with the schedule of payments to  
12 hospitals that takes effect on or after July 1, [~~2011]~~ **2013**, subject to the prior review and approval of  
13 the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is  
14 consistent with all federal laws and regulations governing (i) Title XIX disproportionate share  
15 hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial  
16 participation, and (iii) permissible sources of state financial participation as provided for under 42  
17 C.F.R. part 433 and all other applicable federal regulations.

18 49 Health and Human Services; Uncompensated Care Fund Payments; Fiscal Year 2015. For  
19 the fiscal year ending June 30, 2015 only, after the disproportionate share payments are made  
20 pursuant to RSA 167:64, I(a)(1)(C) as amended by this act, any remaining uncompensated care funds  
21 shall be used to make payments for “deemed disproportionate share hospitals” under RSA 167:64,  
22 I(a)(1)(D).

23 50 Repeal. RSA 167:65, II, relative to reporting methodology of payment to the oversight  
24 committee on health and human services, is repealed.

25 51 Department of Health and Human Services; Bureau of Adult and Elderly Services;  
26 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver  
27 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the  
28 biennium ending June 30, 2015.

29 52 Repeal. 1988, 192:12 as amended by 1990, 201:16, relative to certification of shelter  
30 care/detention beds, is repealed.

31 53 Residential Care and Health Facility Licensing; Licenses. Amend RSA 151:5 to read as  
32 follows:

33 151:5 Licenses. Licenses issued hereunder shall expire one year after the date of issuance.  
34 Licenses shall be issued only for the premises and persons named in the application, and shall not be  
35 transferable or assignable; **provided that home health care providers, personal care**  
36 **providers, home health hospice providers, and case management agencies shall not be**  
37 **required to apply for and receive a new license if they change the physical location of their**

1 ***office within the one year licensing period.*** Licenses shall be posted in a conspicuous place on  
2 the licensed premises. Fees for an annual license shall be as follows:

- 3 I. Hospitals; \$25 per licensed bed.
- 4 II. Specialty hospital-psychiatric; \$25 per licensed bed.
- 5 III. Specialty hospital-rehabilitation; \$25 per licensed bed.
- 6 IV. Nursing homes; \$25 per licensed bed.
- 7 V. Acute psychiatric residential treatment programs; \$25 per licensed bed.
- 8 VI. Residential treatment and rehabilitation facilities; \$25 per licensed bed.
- 9 VII. Hospice houses; \$25 per licensed bed.
- 10 VIII. Adult family care homes; \$25 per licensed bed.
- 11 IX. Residential and supported residential care; \$15 per licensed bed.
- 12 X. Home health hospice providers; \$250.
- 13 XI. Home health care providers; \$250.
- 14 XII. Personal care providers:
  - 15 (a) [~~Less~~] ***Fewer*** than 10 clients; [~~\$100~~] ***\$25***.
  - 16 (b) Ten (10) or more clients; \$250.
- 17 XIII. Outpatient clinics; \$500.
- 18 XIV. End stage renal dialysis centers; \$500.
- 19 XV. Ambulatory surgical centers; \$500.
- 20 XVI. Educational health centers; \$500.
- 21 XVII. Freestanding emergency rooms; \$500.
- 22 XVIII. Health promotion clinics; \$500.
- 23 XIX. Collecting stations; \$250.
- 24 XX. Adult day care centers; \$200.
- 25 XXI. Birthing centers; \$150.
- 26 XXII. Case management agencies; \$150.
- 27 XXIII. Laboratories; \$150 per year for each category of testing licensed.

28 54 New Chapter; Innovation in Medicaid Delivery Commission. Amend RSA by inserting after  
29 chapter 126-V the following new chapter:

30 CHAPTER 126-W

31 INNOVATION IN MEDICAID DELIVERY COMMISSION

32 126-W:1 Innovation in Medicaid Delivery (I-MD) Commission Established; Membership; Duties.

33 I. There is established an innovation in Medicaid delivery (I-MD) commission, the purpose of  
34 which shall be to prepare a Medicaid waiver application under section 1115 of the Social Security  
35 Act, 42 U.S.C. 1315, to be submitted by the department of health and human services to obtain  
36 federal matching funds for so-called "costs not otherwise matchable" to improve access and quality of  
37 care for Medicaid-dependent patients.

1           II. The members of the I-MD commission shall be as follows:

2           (a) Two members appointed by the governor.

3           (b) Two members appointed by the senate president.

4           (c) Two members appointed by the speaker of the house of representatives.

5           (d) The commissioner of the department of health and human services, or designee.

6           (e) Two representatives of non-critical access hospitals, appointed by the New  
7 Hampshire Hospital Association.

8           (f) A representative of critical access hospitals, appointed by the New Hampshire  
9 Hospital Association.

10          (g) A representative of the New Hampshire Medical Society, appointed by the society.

11          III. Legislative members of the I-MD commission, if any, shall receive mileage at the  
12 legislative rate when attending to the duties of the commission.

13          IV. The first meeting of the I-MD commission shall be called by the members appointed by  
14 the senate president and shall be held within 45 days of the effective date of this section. Members  
15 of the commission shall elect co-chairpersons of the commission. Four members of the commission  
16 shall constitute a quorum.

17          V. The I-MD commission shall:

18          (a) Prepare a Medicaid waiver application under section 1115 of the Social Security Act,  
19 42 U.S.C. 1315, to be submitted by the department of health and human services to obtain federal  
20 matching funds for so-called "costs not otherwise matchable" to improve access and quality of care  
21 for Medicaid-dependent patients.

22          (b) Create any subcommittees it deems necessary, which may include members of the  
23 public appointed by the chairpersons, to assist with research, analysis, or other work necessary to  
24 support the waiver application.

25          (c) Review state-maintained data concerning the Medicaid program and interview state  
26 personnel with knowledge of the Medicaid program.

27          (d) Respond to questions or inquiries from the Centers for Medicare and Medicaid  
28 Services concerning the section 1115 waiver application. Members of the commission selected by the  
29 co-chairpersons shall attend all meetings with the Centers for Medicare and Medicaid Services  
30 during which the 1115 waiver application is to be discussed.

31          (e) Provide recommendations to the commissioner of the department of health and  
32 human services on the implementation of any section 1115 waiver approved.

33          (f) Prepare for submission through the department of health and human services any  
34 applications necessary to extend or modify the section 1115 waiver granted.

35          VI.(a) On or before October 31, 2013, the I-MD commission shall make an initial report on  
36 the status of its work to the fiscal committee of the general court. On or before December 31, 2013,  
37 the I-MD commission shall make a report of its findings and activities, including the form and status



1 of the application for a section 1115 waiver and any recommendations for proposed legislation, to the  
2 senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the  
3 governor, and the state library. The I-MD commission shall determine the deadline for submitting  
4 the application for a section 1115 waiver to the Centers for Medicare and Medicaid Services.

5 (b) Beginning November 1, 2014, the I-MD commission shall make an annual report of  
6 its findings and activities, including any recommendations for sustainable funding of the Medicaid  
7 program, to the governor, the senate president, the speaker of the house of representatives, and the  
8 state library.

9 55 Department of Corrections; Authority to Fill Unfunded Positions. Notwithstanding any  
10 provision of law to the contrary, the commissioner of corrections may fill unfunded positions during  
11 the biennium ending June 30, 2015, provided that the total expenditure for such positions shall not  
12 exceed the amount appropriated for personal services, permanent, and personal services,  
13 unclassified.

14 56 Department of Corrections; Transfers. Notwithstanding any provision of law to the contrary,  
15 and subject to approval of the fiscal committee of the general court and governor and council, for the  
16 biennium ending June 30, 2015, the commissioner of the department of corrections is authorized to  
17 transfer funds within and among all accounting units within the department and to create  
18 accounting units and expenditure classes as required and as the commissioner deems necessary and  
19 appropriate to address present or projected budget deficits, or to respond to changes in federal law,  
20 regulations, or programs, and otherwise as necessary for the efficient management of the  
21 department.

22 57 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

23 (f) ~~Neither~~ **Notwithstanding any provision of law to the contrary**, the department  
24 ~~[nor the judicial council]~~ shall have ~~[authority]~~ **no responsibility** for the payment of the cost of  
25 assigned counsel for any party under this chapter.

26 58 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

27 604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a  
28 guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such  
29 appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. **In**  
30 **cases involving a neglected or abused child, when an attorney is appointed to represent a**  
31 **parent determined to be indigent pursuant to RSA 169-C:10, II, at the preliminary hearing**  
32 **or a hearing pursuant to RSA 169-C:6-a, III, whichever occurs earlier, the cost of such**  
33 **appointment shall be paid from funds appropriated for indigent defense pursuant to this**  
34 **chapter.**

35 59 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

36 (a) Appoint a CASA or other approved program guardian ad litem or an attorney ~~[or~~  
37 ~~other qualified guardian ad litem]~~ to represent the child pursuant to RSA 169-C:10.

1           60 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

2           (a) In cases involving a neglected or abused child under this chapter, where the child's  
3 expressed interests conflict with the recommendation for dispositional orders of the guardian ad  
4 litem, the court may appoint an attorney to represent the interests of the child. ***In any case of***  
5 ***neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to***  
6 ***represent an indigent parent alleged to have neglected or abused his or her child. In***  
7 ***addition, the court may appoint an attorney to represent an indigent parent not alleged to***  
8 ***have neglected or abused his or her child if the parent is a household member and such***  
9 ***independent legal representation is necessary to protect the parent's interest. The court***  
10 ***shall not appoint an attorney to represent any other persons involved in a case brought***  
11 ***under this chapter.***

12           61 School Money; Distribution Schedule of Adequate Education Grants. RSA 198:42, IV is  
13 repealed and reenacted to read as follows:

14           IV. For chartered public schools approved by the state board of education, the department of  
15 education may expend budgeted amounts to fund chartered public school tuition payments under  
16 RSA 194-B:11, I. Said amounts are hereby appropriated to the department from the education trust  
17 fund established under RSA 198:39. The education trust fund shall be used to satisfy the state's  
18 obligation under this paragraph. The payment shall be issued regardless of the balance of funds  
19 available in the education trust fund. The department of education may request additional funds  
20 from the fiscal committee of the general court, with the approval of governor and council, for a new  
21 chartered public school approved for initial operation by the state board of education pursuant to  
22 RSA 194-B:3-a.

23           62 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV to  
24 read as follows:

25           IV. The state board of education shall either approve or deny an application using  
26 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and  
27 (dd). ***Lack of state funding alone shall not constitute grounds for the denial of an***  
28 ***application.*** Approval of an application constitutes the granting of charter status and the right to  
29 operate as a ~~public~~ chartered public school. The state board of education shall notify all applicants  
30 of its decision in writing, and shall include in any notice of denial a written statement specifying any  
31 areas deemed deficient, the reasons for the denial, and explaining that the applicant may reapply  
32 under RSA 194-B:3 or under this section in a subsequent year.

33           63 Chartered Public School; Funding. Amend RSA 194-B:11, I(b) to read as follows:

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

1           (2) *For an online chartered public school which receives its initial*  
2 *authorization to operate from the state board of education pursuant to RSA 194-B:3-a on or*  
3 *after July 1, 2013, the state shall pay tuition pursuant to RSA 198:40-a directly to the online*  
4 *chartered public school for each pupil who is a resident of this state in attendance at such*  
5 *chartered public school. In this subparagraph, “online chartered public school” means a*  
6 *chartered public school which provides the majority of its classes and instruction on the*  
7 *Internet.*

8           64 Community College System; Retiree Health Care Payments; Task Force.

9           I. The community college system of New Hampshire shall remit to the state the sum of  
10 \$957,295 for the fiscal year ending June 30, 2014 and the sum of \$1,048,862 for the fiscal year  
11 ending June 30, 2015 for retiree health care benefits.

12           II. The commissioner of the department of administrative services and the chancellor of the  
13 community college system of New Hampshire shall jointly establish a task force consisting of  
14 representatives from each entity to evaluate and make recommendations for future cost allocation of  
15 retiree health care benefits for community college system employees and retirees. The task force  
16 shall submit its recommendations to the governor, the senate president, the speaker of the house of  
17 representatives, and the chairpersons of the senate and house finance committees by December 1,  
18 2013.

19           65 Repeal. 2011, 224:221, relative to fines paid by mail, is repealed.

20           66 Police Standards and Training Council Training Fund. Amend RSA 188-F:30 to read as  
21 follows:

22           188-F:30 Police Standards and Training Council Training Fund. There is established in the  
23 state treasury a separate ***nonlapsing*** fund to be known as the police standards and training council  
24 training fund from which the state treasurer shall pay expenses incurred in the administration of  
25 this subdivision. ***In case the expenditure of additional funds in excess of appropriated***  
26 ***amounts is necessary to meet the statutory obligations of the police standards and training***  
27 ***council for the training of police and corrections officers on a timely basis because of***  
28 ***unanticipated circumstances beyond the control of the police standards and training***  
29 ***council, the governor and council, with approval of the fiscal committee of the general***  
30 ***court, upon request of the police standards and training council, may authorize the***  
31 ***transfer of unappropriated amounts from the police standards and training council***  
32 ***training fund for such purposes.***

33           67 Repeal. RSA 188-F:32-b, relative to transfers of unappropriated funds, is repealed.

34           68 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d  
35 to read as follows:

36           21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is  
37 established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire

1 standards and training and emergency medical services fund from which the state treasurer shall  
2 pay expenses incurred in the administration of the division of fire standards and training and  
3 emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the  
4 division of homeland security and emergency management, and the position of fireworks inspector,  
5 under RSA 160-C:17. *If the expenditure of additional funds over budget estimates was*  
6 *unanticipated and is necessary for the proper functioning of the division of fire standards*  
7 *and training and emergency medical services, the division of fire safety, or the division of*  
8 *homeland security and emergency management, the commissioner of the department of*  
9 *safety may transfer funds, with the prior approval of the fiscal committee of the general*  
10 *court, from this fund to the department of safety for such purposes.*

11 69 Tax on Meals and Rooms; Disposition of Revenue. RSA 78-A:26, I is repealed and reenacted  
12 to read as follows:

13 I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay  
14 over all revenue, except revenues identified in paragraph III of this section, collected under this  
15 chapter to the state treasurer. On or before October 1 of each year, the department shall determine  
16 the cost of administration of this chapter for the fiscal year ending on the preceding June 30, and it  
17 shall notify the state treasurer of these costs by a report certified by them as to correctness. After  
18 deducting the cost of administration of the chapter from the total income, the state treasurer shall  
19 distribute the net income as follows:

20 (a) The amount necessary to provide payments of principal and interest on the bonds  
21 and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30, 2009 through  
22 June 30, 2030;

23 (b) An amount equal to 3.15 percent of the net income distributed under the introductory  
24 paragraph of paragraph I and subparagraph I(a) in the first year of the preceding fiscal biennium,  
25 which shall be credited to the department of resources and development, division of travel and  
26 tourism development;

27 (c) Forty percent of the net income under the introductory paragraph of paragraph I of  
28 the most recent fiscal year to the unincorporated towns, unorganized places, towns, and cities. The  
29 amount to be distributed to each such town, place, or city shall be determined by multiplying the  
30 amount to be distributed by a fraction, the numerator of which shall be the population of the  
31 unincorporated town, unorganized place, town or city and the denominator of which shall be the  
32 population of the state. The population figures shall be based on the latest resident population  
33 figures furnished by the office of energy and planning; and

34 (d) The remainder to the general fund.

35 70 Reference Change. Amend RSA 6:12, I(b)(21) to read as follows:

1           (21) The money received under RSA 78-A:26, [~~H(a)~~] **I(b)** and RSA 230:52, II, which  
2 shall be credited to the division of travel and tourism development, department of resources and  
3 economic development.

4           71 Fish and Game Department; Publications, Specialty Items and Fund Raising Revolving  
5 Fund. Amend RSA 206:22-a, III to read as follows:

6           III. The amount in the publications, specialty items and fund raising revolving fund shall  
7 not exceed [~~\$200,000~~] **\$100,000** and any amounts in excess of [~~\$200,000~~] **\$100,000** shall be deposited  
8 in the fish and game fund. Any moneys in the fund not in excess of [~~\$200,000~~] **\$100,000** shall not  
9 lapse.

10          72 Fish and Game Department; Utilization of Funds to Support Staff Costs. Notwithstanding  
11 any other provision of law, for the biennium ending June 30, 2015, the executive director of the fish  
12 and game department, with the approval of the fish and game commission, may utilize funds in the  
13 wildlife habitat account established in RSA 214:1-f and fisheries habitat account established in  
14 RSA 214:1-g for the wages, salaries, benefits, and other expenses of the department employees.

15          73 Fish and Game Department; Utilization of Funds to Support Staff Costs. Notwithstanding  
16 any other provision of law, for the biennium ending June 30, 2015, the executive director of the fish  
17 and game department may utilize funds in the statewide public boat access fund established in  
18 RSA 233-A:13 for the wages, salaries, benefits, and other expenses of the department employees.

19          74 New Section; Fish and Game Department; Divisions Within the Department. Amend  
20 RSA 206 by inserting after section 1 the following new section:

21          206:1-a Divisions Within the Department. There are established the following divisions, as  
22 defined in RSA 21-G:5, within the fish and game department:

23           I. The division of marine fisheries, under RSA 211:65.

24           II. The fisheries division.

25           III. The wildlife division.

26           IV. The business division.

27           V. The facilities and lands division.

28           VI. The law enforcement division.

29           VII. The public affairs division.

30           VIII. The office of the executive director.

31          75 Fish and Game Department; Fish Food Sales Revenue. Amend RSA 206:35-c to read as  
32 follows:

33          206:35-c Fish Food Sales Revenues. The state treasurer shall establish a separate account to  
34 which shall be credited all monies collected by the fish and game department from the sale of fish  
35 food at hatchery vending machines. The [~~monies~~] **moneys** in said account shall be used for the  
36 acquisition and maintenance of fish hatchery equipment **and/or emergency trout or salmon egg**  
37 **purchase** and are hereby appropriated for said purposes. Said funds shall be nonlapsing and are to

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 24 -**

1 be expended for the purposes of this section as determined by the executive director with the  
2 approval of the commission.

3 76 Certificate of Need; Nursing Home Beds; Rehabilitation Beds; Moratorium Extended. Amend  
4 RSA 151-C:4, III(a) to read as follows:

5 III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled  
6 nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter  
7 310, laws of 1995, department of health and human services reorganization act, through the period  
8 ending June 30, ~~2014~~ **2015**. This moratorium shall also apply to new certificates of need regarding  
9 any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering  
10 comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement  
11 or renovation of existing beds as necessary to meet life safety code requirements or to remedy  
12 deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification  
13 process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need  
14 may be issued for construction or renovation as necessary to repair or refurbish an existing facility,  
15 or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair,  
16 refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure  
17 threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any  
18 state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate  
19 whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing  
20 inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds.  
21 If the application is approved, it shall be deemed that the board has agreed with the indicated reason  
22 for such application.

23 77 Cannon Mountain. Amend RSA 2011, 224:350 to read as follows:

24 224:350 Department of Resources and Economic Development; Cannon Mountain. The  
25 department of resources and economic development shall deposit \$650,000 in the fiscal year ending  
26 June 30, 2012, and \$650,000 in the fiscal year ending June 30, 2013 in *net* revenue derived by the  
27 department of resources and economic development from fees, services, accommodations, rentals, lift  
28 and tramway operations, retail sales, and concession operations for Cannon Mountain into the ~~[state~~  
29 ~~general fund which shall be applied to the negative balance contained in the]~~ state park fund  
30 established in RSA 216-A:3-i. The department of resources and economic development shall also  
31 deposit \$50,000 in each fiscal year of the biennium ending June 30, 2013 into the fish and game  
32 search and rescue fund established in RSA 206:42. ***For the fiscal year ending June 30, 2013, the***  
33 ***net revenue in excess of \$700,000 shall be credited to the Cannon Mountain capital***  
34 ***improvement fund established in RSA 12-A:29-c for use in paying debt service related to***  
35 ***capital improvements for the ski area and related state park facilities at Cannon***  
36 ***Mountain.***

37 78 Department of Resources and Economic Development; Cannon Mountain. For each year of

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 25 -**

1 the biennium ending June 30, 2015, \$500,000 in net revenue derived by the department of resources  
2 and economic development from fees, services, accommodations, rentals, revenue from lift and  
3 tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited  
4 in the state park fund established in RSA 216-A:3-i. Net revenue in excess of \$500,000 shall be  
5 credited to the Cannon Mountain capital improvement fund established in RSA 12-A:29-c for use in  
6 paying debt service related to capital improvements for the ski area and related state park facilities  
7 at Cannon Mountain.

8 79 Repeal. RSA 195-H:4, V, relative to allocation of administrative fees, is repealed.

9 80 Department of Employment Security; Deputy Commissioner. RSA 282-A:109 is repealed and  
10 reenacted to read as follows:

11 282-A:109 Deputy Commissioner.

12 I. The commissioner of employment security shall nominate for appointment by the  
13 governor, with the consent of council, a deputy commissioner of the department of employment  
14 security, who shall serve for a term of 4 years and shall be qualified to hold that position by reason of  
15 education and experience. The deputy commissioner shall act as commissioner whenever the  
16 commissioner of the department of employment security is incapacitated, absent, or unable to act for  
17 any cause. The deputy commissioner shall also act as commissioner of the department of  
18 employment security until a new commissioner is duly appointed whenever there is no  
19 commissioner.

20 II. The salary of the deputy commissioner shall be specified in RSA 94:1-a, I.

21 81 Department of Employment Security Deputy Commissioner.

22 I. There is established within the department of employment security the unclassified  
23 position of deputy commissioner. The deputy commissioner shall be qualified to hold that position by  
24 reason of education and experience, and shall be nominated by the commissioner of employment  
25 security for appointment by the governor, with the consent of the executive council, and shall serve  
26 for a term of 4 years.

27 II. The salary of the deputy commissioner shall be determined after assessment and review  
28 of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall  
29 be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and  
30 appointment of the deputy commissioner, position 11303 shall be abolished to allow for the  
31 transition of this classified position with its available appropriations into the unclassified position of  
32 deputy commissioner. Funding shall be transferred into expenditure class 011, within accounting  
33 unit 02-27-27-270010-8040. The incumbent in the abolished classified position shall be offered the  
34 opportunity to seek the commissioner's nomination for the unclassified position of deputy  
35 commissioner.

36 III. Paragraphs I and II shall take effect upon the abolition of position 11303, the transfer of  
37 funding and appropriations into the unclassified position and the initial appointment of the deputy

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 26 -**

1 commissioner, as certified by the commissioner of employment security to the director of legislative  
2 services.

3 82 Banks and Banking; Bank Commissioner; Payment of Cost of Examination. Amend  
4 RSA 383:11 to read as follows:

5 383:11 Payment of Cost of Examination.

6 **I.** The bank commissioner shall~~[, each fiscal year,]~~ charge and collect from ~~[the institutions]~~  
7 **each institution**, the condition and management of which he or she is required to examine under  
8 the provisions of RSA 383:9, and which he or she supervises under the provisions of RSA 361-A,  
9 RSA 397-A, RSA 397-B, RSA 399-A, RSA 399-D, and RSA 399-G, ~~[the total amount appropriated for~~  
10 ~~the bank commissioner's department. Said sum shall be collected as follows:~~

11 ~~I. From each such institution examined]~~ **an examination fee, which shall be calculated**  
12 **as** a sum equal to the product of the average daily rate of overall salary costs, including the benefits  
13 portion thereof, and expenses of all examining personnel employed in making examinations  
14 pursuant to the provisions of RSA 383:9, multiplied by the number of personnel days devoted to the  
15 examination of the particular institution, provided, however, that no such institution shall be  
16 charged or pay for less than one full day. Sums collected under this section shall be payable to the  
17 state treasurer as restricted revenue and credited, in accordance with the banking department's  
18 accounting unit designation, to the appropriation for the bank commissioner or the consumer credit  
19 administration division.

20 **II.** ~~[The balance of said sum remaining after the charges provided for in paragraph I have~~  
21 ~~been deducted from the total sum shall be charged and collected]~~ **If, after the close of each fiscal**  
22 **year, there remains any deficiency between the sums collected under paragraph I,**  
23 **combined with the other fees, fines, and penalties collected by the department during the**  
24 **fiscal year just closed, and actual department expenditures for the fiscal year just closed,**  
25 **the commissioner shall make an assessment of the institutions** as follows:

26 (a) From banks and credit unions. Each state-chartered savings bank, commercial bank,  
27 trust company, cooperative bank, building and loan association, credit union, Morris Plan bank, or  
28 similar institution required to be examined under the provisions of RSA 383:9 shall be charged and  
29 pay such proportion of said balance applicable to such institutions under the banking department's  
30 accounting unit designation, as its total assets bear to the total assets of all such institutions as  
31 shown by their reports to the commissioner as of June 30 preceding such charges, except that the  
32 percent of the fiduciary assets used in the calculation of the total assets of each institution and all  
33 such institutions shall be determined as follows:

- 34 (1) Fiduciary assets up to \$5,000,000,000 shall be calculated at 25 percent;  
35 (2) Fiduciary assets that are between \$5,000,000,000 and \$10,000,000,000, shall be  
36 calculated at 20 percent;



1           (3) Fiduciary assets that are between \$10,000,000,000 and \$15,000,000,000, shall be  
2 calculated at 15 percent;

3           (4) Fiduciary assets that are between \$15,000,000,000 and \$20,000,000,000, shall be  
4 calculated at 10 percent;

5           (5) Fiduciary assets that are between \$20,000,000,000 and \$25,000,000,000, shall be  
6 calculated at 5 percent;

7           (6) Fiduciary assets that are between \$25,000,000,000 and \$50,000,000,000, shall be  
8 calculated at 2.5 percent;

9           (7) Fiduciary assets that are \$50,000,000,000 or more, shall be calculated at one  
10 percent.

11           (b) From non-depository lenders, debt adjusters, money transmitters, and brokers. Each  
12 licensee and registrant subject to the supervision of the bank commissioner under the provisions of  
13 RSA 397-A, RSA 397-B, RSA 399-A, RSA 399-D, RSA 399-G, and sales finance companies under  
14 RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the  
15 consumer credit administration division under the banking department's accounting unit  
16 designation as the gross revenue received from the total dollar volume of loans made, originated,  
17 funded, or brokered, or debt adjustment contracts entered into, or mortgage servicing fees received  
18 or money transmitted from each licensee's New Hampshire business bears to the total gross revenue  
19 received from the total dollar volume of all such loans made, originated, funded, or brokered, or debt  
20 adjustment contracts entered into, or mortgage servicing fees received, or money transmitted, from  
21 New Hampshire business by such licensees during the preceding calendar year ending December 31,  
22 as shown by their annual reports to the commissioner.

23           **III. *Except for institutions supervised under RSA 361-A, 397-A, 397-B, 399-A, 399-D***  
24 ***and 399-G where the individual regulatory chapter specifies a shorter*** time, payments of the  
25 charges provided for by paragraphs I and II shall be made within 60 days of receipt of the notice  
26 thereof.

27           **IV.** Any excess collected in any fiscal year under the provisions of this section shall be used  
28 to reduce the sum required to be collected in the next succeeding fiscal year.

29           83 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and  
30 subject to approval of the fiscal committee of the general court, for the biennium ending June 30,  
31 2015, the supreme court is hereby authorized to transfer funds within and among all accounting  
32 units within the judicial branch as the supreme court deems necessary and appropriate to address  
33 budget reductions or to respond to changes in federal laws, regulations, or programs, and otherwise  
34 as necessary for the efficient management of the judicial branch. If the supreme court intends to  
35 transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,  
36 prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

37           84 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by

1 inserting after section 6-d the following new section:

2 7:6-e Disposition of Funds Obtained by the Attorney General.

3 I. No money received by the attorney general, on behalf of the state or its citizens as a result  
4 of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or  
5 other action or threatened action, shall be expended or otherwise distributed until authorized by the  
6 general court, provided however that in the case of any judgment or settlement greater than  
7 \$1,000,000, the state treasurer shall first transfer 10 percent to the revenue stabilization reserve  
8 account established in RSA 9:13-e.

9 II. Upon resolving a matter described in paragraph I, the attorney general shall promptly  
10 report to the fiscal committee of the general court any money received under this section. All reports  
11 under this paragraph shall include, but shall not be limited to:

12 (a) The date of the judgment or settlement.

13 (b) The reason for the judgment or settlement.

14 (c) The amount of the judgment or settlement.

15 III. This section shall not apply to fines received by the attorney general in criminal cases,  
16 penalty assessment funds, or enforcement actions taken by state agencies or the attorney general in  
17 which fines are authorized under state law.

18 85 Report; Mosaic Parcel GIS System. The department of revenue administration shall compile  
19 data on the sharing of the Mosaic Parcel GIS system with other state agencies that includes but is  
20 not limited to a listing of the agencies accessing the system, the amount of system time used by each  
21 agency, examples of cost allocation plans that could be applied to the use of the system, and any  
22 other information that would be necessary in determining the best approach to share costs  
23 associated with the system. The department shall provide a report to the house finance committee  
24 no later than November 1, 2013.

25 86 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any other  
26 law to the contrary, for the biennium ending June 30, 2015, the liquor commission shall reimburse  
27 the cost for any legal services provided by the department of justice to the commission that would not  
28 normally be included as part of the statewide cost allocation paid by the commission.

29 87 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486,  
30 RSA 486-A, RSA 149-M, or any other law to the contrary, for the biennium ending June 30, 2015, the  
31 department of environmental services shall discontinue the first in, first out delayed and deferred  
32 infrastructure project list or any other infrastructure list as it relates to state aid grants under  
33 RSA 486, RSA 486-A, or RSA 149-M. Infrastructure projects that were approved by vote of the  
34 executive council prior to November 30, 2008 shall continue to be funded. Infrastructure projects on  
35 the first in, first out delayed and deferred infrastructure project list prior to December 31, 2012, as  
36 listed in section 88 of this act, shall be eligible for state aid grant payments. Infrastructure projects  
37 that had local authorization by December 31, 2008 to construct but are not listed in section 88 are

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 29 -**

1 eligible for state aid grants subject to availability of funding. A moratorium shall be in place for any  
2 infrastructure projects not listed in section 88 or that did not have local authorization by December  
3 31, 2008 that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or  
4 RSA 149-M. Nothing in this section shall affect the provision of the future water supply land  
5 protection grants under RSA 486-A if funding is available for such purpose.

6 88 State Aid Grants; First in, First out Delayed and Deferred Project List. The following  
7 infrastructure projects from the department of environmental services first in, first out delayed and  
8 deferred infrastructure project list for state aid grants under RSA 486, RSA 486-A, or RSA 149-M  
9 prior to December 31, 2012 shall be eligible for state aid grant payments:

10 Wastewater Projects (RSA 486)

11	FIFO	Pending Grant Number	Applicant (Location)
12	1	P-001	Winnepesaukee River Basin Program
13	2	C-777	Manchester
14	3	C-778	Manchester
15	4	C-779	Manchester
16	5	C-780	Manchester
17	6	C-782	Manchester
18	7	C-783	Hillsborough
19	8	C-784	Hillsborough
20	9	C-781	Manchester
21	10	C-731	Swanzey
22	11	C-789	Bristol
23	12	C-787	Manchester
24	13	C-785	Portsmouth
25	14	C-788	Manchester
26	15	C-786	Manchester
27	16	P-002	Manchester
28	17	P-003	Concord
29	18	P-004	Manchester
30	19	P-005	Manchester
31	20	P-006	Hanover
32	21	P-007	Concord
33	22	P-010	Lebanon
34	23	P-009	Lebanon
35	24	P-008	Lebanon
36	25	P-011	Hinsdale
37	26	P-012	Newmarket

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 30 -**

1	27	P-013	Manchester
2	28	P-014	Newmarket
3	29	P-015	Allenstown
4	30	P-016	Allenstown
5	31	P-017	Allenstown
6	32	P-018	Allenstown
7	33	P-019	Amherst
8	34	P-020	Exeter
9	35	P-021	Piermont
10	36	P-022	Derry
11	37	P-023	Derry
12	38	P-024	Salem
13	39	P-025	Epping
14	40	P-026	Littleton
15	41	P-027	Nashua
16	42	P-028	Nashua
17	43	P-029	Nashua
18	44	P-030	Newport
19	45	P-031	Claremont
20	46	P-032	Nashua
21	47	P-033	Nashua
22	48	P-034	Nashua
23	49	P-035	Manchester
24	50	P-036	Manchester
25	51	P-037	Manchester
26	52	P-038	Manchester
27	53	P-039	Hanover
28	54	P-040	Hudson
29	55	P-041	Merrimack
30	56	P-042	Jaffrey
31	57	P-043	Hanover
32	58	P-044	Manchester
33	59	P-045	Keene
34	60	P-046	Tilton
35	61	P-047	Hampton
36	62	P-048	Hampton
37	63	P-049	Manchester

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 31 -**

1	64	P-050	Manchester
2	65	P-051	Manchester
3	66	P-052	Keene
4	67	P-053	Keene
5	68	P-054	Wolfeboro
6	69	P-055	Newbury
7	70	P-056	North Conway Water Precinct
8	71	P-057	North Conway Water Precinct
9	72	P-058	North Conway Water Precinct
10	73	P-059	North Conway Water Precinct
11	74	P-060	Concord
12	75	P-061	Manchester
13	76	P-062	Amherst
14	77	P-063	Manchester
15	78	P-064	Marlborough
16	79	P-065	Hampton
17	80	P-066	North Conway Water Precinct
18	81	P-067	Wakefield
19	82	P-068	Merrimack
20	83	P-069	Conway Village Fire District
21	84	P-070	Keene
22	85	P-071	Manchester
23	86	P-072	Manchester
24	87	P-073	Newmarket
25	88	P-074	Manchester
26	89	P-075	Manchester
27	90	P-076	Manchester
28	91	P-077	Manchester
29	92	P-078	Manchester
30	93	P-079	Manchester
31	94	P-080	Concord
32	95	P-081	Concord
33	96	P-082	Rochester
34	97	P-083	Rochester
35	98	P-084	Rochester
36	99	P-085	Bristol
37	100	P-086	Peterborough

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 32 -**

1	101	P-087	Manchester
2	102	P-088	Berlin
3	103	P-089	Berlin

4

5 Public Water System Projects (RSA 486-A)

6	FIFO	Pending Grant Number	Applicant (Location)
7	1	612010	Lower Bartlett Water Precinct (Bartlett)
8	2	512020	Birch Hill (Pennichuck, Conway)
9	3	1471010	Manchester Water Works
10	4	1531010	Merrimack Village District
11	5	2353060	White Rock Estates (Tilton)
12	6	882050	Brake Hill (Gilford)
13	7	1831010	Orford Village Water District
14	8	2272010	Granliden Community (Sunapee)
15	9	511030	North Conway Water Precinct
16	10	511030	North Conway Water Precinct
17	11	2041010	Rye Water District
18	12	511010	Conway Village Fire District
19	13	1036020	Village Square Condo Assoc (Hampstead)
20	14	2041010	Rye Water District
21	15	1051010	Aquarion Water Company (Hampton)
22	16	1431010	Lyme Water Association

23

24 Landfill Projects (RSA 149-M)

25	FIFO	Pending Grant Number	Applicant (Location)
26	1	L-144	Nashua
27	2	L-145	Lebanon
28	3	L-125	Auburn
29	4	L-146	Tilton
30	5	L-148	Whitefield
31	6	L-147	Unity
32	7	L-149	Marlow
33	8	L-150	Farmington

34 89 Legislative Branch; Special Account; Transfer to the General Fund. Amend 2011; 224:217, II  
35 to read as follows:

36 II. The legislative accountant shall allocate the original \$3,000,000 special legislative  
37 account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the

1 senate, the house of representatives, the joint offices, and the office of legislative budget assistant.  
2 Beginning in fiscal year ~~[2012]~~ **2013** and each year thereafter ~~[all]~~, **any** unexpended and  
3 unencumbered appropriations shall be transferred to the appropriate subaccount, **provided that no**  
4 **subaccount balance shall exceed \$750,000.** ~~[Any subaccount with a balance in excess of \$750,000~~  
5 ~~at the end]~~ **All unexpended and unencumbered appropriations remaining at the close** of the  
6 fiscal year shall ~~[transfer the excess]~~ **lapse** to the general fund.

7 90 Repeal. RSA 12-L:14, II, relative to the McAuliffe-Shepard discovery center commission  
8 business plan, is repealed.

9 91 Appropriation; North Country Fire Training Facility. Amend 2012, 106:3 to read as follows:

10 106:3 Appropriation. The sum of \$550,000 is hereby appropriated to the department of safety,  
11 division of fire standards and training and emergency medical services, for the biennium ending  
12 June 30, 2013 for the purpose of establishing a North Country fire training facility. Said sum shall  
13 be a charge against the fire standards and training and emergency medical services fund established  
14 in RSA 21-P:12-d. **This appropriation shall not lapse until June 30, 2014.**

15 92 Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as follows:

16 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled  
17 “Notice of Fine, Division of Motor Vehicles” which shall contain the normal fines for violations of the  
18 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be  
19 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the  
20 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear  
21 personally. Defendants summoned to appear personally shall do so on the arraignment date  
22 specified in the summons, unless otherwise ordered by the court. Defendants who are issued a  
23 summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on  
24 the summons and return it with payment of the fine plus penalty assessment to the director of the  
25 division of motor vehicles within 30 days of the date of the summons. The director of the division of  
26 motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any  
27 transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine  
28 amount which is credited as agency income and not out of the penalty assessment charged by the  
29 district court. The director of the division of motor vehicles shall remit the penalty assessments  
30 collected to the police standards and training council for deposit in the police standards and training  
31 council training fund and to the state treasurer to be credited and continually appropriated to the  
32 victims’ assistance fund and the judicial branch information technology fund in the percentages and  
33 manner prescribed in RSA 188-F:31. Fines shall be paid over to the state treasurer, and shall be  
34 credited as agency income by the department of safety within 14 days of their receipt **and shall not**  
35 **lapse to the general fund until the second year of each biennium.**

36 93 Pharmacy Board; Inspectional Services. Amend RSA 318:9-a to read as follows:

37 318:9-a ~~[Payment for]~~ Inspectional Services. ~~[For the purpose of providing inspectional services~~

1 ~~under this chapter and RSA 318-B:25,] The pharmacy board shall [enter into separate agreements~~  
2 ~~with] **provide inspectional services under this chapter and RSA 318-B:25** to the board of~~  
3 ~~medicine, the board of veterinary medicine, the board of podiatry, the board of registration in~~  
4 ~~optometry, the board of dental examiners, and the board of nursing[ providing for each such board to~~  
5 ~~compensate the pharmacy board for such inspectional services. The agreements shall provide for~~  
6 ~~payment based upon a per capita charge for each person registered with each such board as a~~  
7 ~~percentage of the total number of persons subject to inspection under this chapter and RSA 318-~~  
8 ~~B:25. The fees received from agreements under this section shall be deposited with the treasurer as~~  
9 ~~restricted revenue by the pharmacy board, and shall be included in the computation of fees to be~~  
10 ~~established for the following fiscal year].~~

11 94 New Paragraph; Approved Alcohol Treatment Programs. Amend RSA 172-B:2 by inserting  
12 after paragraph III the following new paragraph:

13 IV. The commissioner shall establish, by rules adopted under RSA 541-A, a uniform, sliding-  
14 fee scale, based on the client's income, for voluntary services provided by approved alcohol treatment  
15 programs.

16 95 New Section; Access to Budget and Expenditures for Persons Receiving State Services.  
17 Amend RSA 126-A by inserting after section 5 the following new section:

18 126-A:5-a Access to Budget and Expenditures for Persons Receiving State Services. The  
19 commissioner of the department of health and human services and the area agencies shall provide to  
20 any person, or that person's guardian, who is receiving state services pursuant to a plan with an  
21 individualized budget, a copy of such budget and the expenditures made under such budget.

22 96 Fees for Copies, Verifications, and Amendments to Vital Records. Amend RSA 5-C:10, II to  
23 read as follows:

24 II. The town clerk shall forward \$8 of each search fee collected by the clerk under this  
25 section to the department of state for deposit in the vital records improvement fund established  
26 under RSA 5-C:15~~[, and \$3 to the state treasurer for deposit in the general fund,]~~ and shall retain  
27 the remaining ~~[\$4]~~ **\$7** as the clerk's fee for issuing such a copy. For subsequent copies issued at the  
28 same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this  
29 section to the department for deposit in the vital records improvement fund established under  
30 RSA 5-C:15 ~~[and \$2 to the state treasurer for deposit in the general fund,]~~ and shall retain the  
31 remaining ~~[\$3]~~ **\$5** as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee  
32 for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed  
33 birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit  
34 into the vital records improvement fund established under RSA 5-C:15.

35 97 Certified Public Accountants; Board Fees; Receipts. Amend RSA 309-B:4, IV to read as  
36 follows:

37 IV. **The board shall establish fees for examination of applicants, for licenses, for**



1 *certificates of authorization, for reissuance of licenses, for renewal and reinstatement of*  
2 *licenses and certificates to practice under this chapter, for late renewals, for verification*  
3 *of licensure or examination, and for transcribing and transferring records and other*  
4 *services.* All moneys collected by the board from fees authorized under this chapter shall be  
5 received and accounted for by the board, shall be deposited in the state treasury [~~to the credit of the~~  
6 ~~board, and shall not lapse~~]. Administration expenses shall be limited to the funds collected and may  
7 include, but shall not be limited to, the costs of conducting investigations and of taking testimony  
8 and procuring the attendance of witnesses before the board or its committees; all legal proceedings  
9 taken under this chapter for the enforcement of this chapter; and educational programs for the  
10 benefit of the public or licensees and their employees. All fees prescribed by the board under prior  
11 law shall remain in effect until the board shall prescribe a new schedule of fees pursuant to RSA  
12 541-A.

13 98 Professional Engineers; Receipts and Disbursements. Amend RSA 310-A:8 to read as follows:

14 310-A:8 Receipts and Disbursements. [~~There shall be a board secretary who shall receive and~~  
15 ~~account for all moneys derived under the provisions of this subdivision and shall pay the same to the~~  
16 ~~state treasurer. The secretary of the board shall receive such salary as the board shall determine.]~~  
17 The board may employ such investigators, clerical, and other assistants as are necessary for the  
18 proper performance of its work and may make expenditures for any purpose which is reasonably  
19 necessary for the proper performance of its duties under this subdivision, including the reasonable  
20 expenses of the board's delegate to meetings of, and membership dues to, the National Council of  
21 Examiners for Engineering and Surveying (NCEES). The board may, with the approval of the  
22 attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel  
23 and investigators for the investigation and prosecution of any violation of this subdivision. [~~Such~~  
24 ~~compensation and reasonable expenses shall be paid from the funds of the board.]~~

25 99 Professional Engineers; Reference Removed. Amend RSA 310-A:3, IV to read as follows:

26 IV. [~~In addition to any moneys received under RSA 310-A:8,]~~ Members of the board shall  
27 receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all  
28 actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of  
29 this chapter.

30 100 Land Surveyors; Receipts and Disbursements. Amend RSA 310-A:61 to read as follows:

31 310-A:61 Receipts and Disbursements. [~~The secretary of the board shall receive and account for~~  
32 ~~all moneys derived under this subdivision, and shall pay the same to the state treasurer. The~~  
33 ~~secretary of the board shall receive such salary as the board shall determine in addition to the~~  
34 ~~expenses provided herein.] The board may employ such clerical or other assistants as are necessary  
35 for the proper performance of its work, and may make expenditures for any purpose which, in the  
36 opinion of the board, are reasonably necessary for the proper performance of its duties under this  
37 subdivision.~~

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 36 -**

1           101 Professional Geologists; Receipts and Disbursements. Amend RSA 310-A:123 to read as  
2 follows:

3           310-A:123 Receipts and Disbursements. ~~[There shall be a board secretary who shall receive and~~  
4 ~~account for all moneys derived under the provisions of this subdivision and shall pay the same to the~~  
5 ~~state treasurer.]~~ The board may employ such investigators, clerical assistants, and other assistants  
6 as are necessary for the proper performance of its work and may make expenditures for any purpose  
7 which is reasonably necessary for the proper performance of its duties under this subdivision,  
8 including the reasonable expenses of the board's delegate to meetings and membership dues. The  
9 board may, with the approval of the attorney general, hire counsel and investigators and pay the  
10 reasonable expenses of such counsel and investigators for the investigation and prosecution of any  
11 violation of this subdivision. ~~[Such compensation and reasonable expenses shall be paid from the~~  
12 ~~funds of the board.]~~

13           102 Real Estate Appraisers; Receipts and Disbursements. Amend RSA 310-B:21, I to read as  
14 follows:

15           I. The board shall receive and account for all moneys derived under the provisions of this  
16 chapter. ~~[At least monthly, the receipts shall be turned over to the state treasurer, who shall keep~~  
17 ~~such moneys in a separate fund to be known as the real estate appraisers fund. Such fund shall be~~  
18 ~~kept separate and apart from all moneys in the treasury, and shall be disbursed only for purposes of~~  
19 ~~this chapter.]~~ Under no circumstances shall the total amount of payments exceed the fees collected  
20 under this chapter.

21           103 Appropriation; Reimbursement for Payment of Erroneously Charged Medical Benefits. The  
22 sum of \$19,164.34 is hereby appropriated to the department of administrative services for the  
23 purpose of reimbursing Mrs. Patrick Kelly, the spouse of a law enforcement officer who died in the  
24 line of duty, who through no fault of her own was charged erroneously for medical benefits promised  
25 to her by the state of New Hampshire. The governor is authorized to draw a warrant for said sum  
26 out of any money in the treasury not otherwise appropriated.

27           104 Department of Information Technology; Transfers Among Accounts. Notwithstanding the  
28 provisions of RSA 9:17-a or any other provision of law to the contrary, for the biennium ending  
29 June 30, 2015 the department of information technology may transfer funds within and among all  
30 accounting units and class lines within said department as necessary for the efficient management of  
31 the department. The department of information technology shall provide quarterly reports to the  
32 fiscal committee of the general court detailing said transactions.

33           105 Continuation of Appropriation Regarding Emergency Management. The sums appropriated  
34 pursuant to 2011, 223:1 in accounting unit 02-23-23-236010-2740, class 244, state match public  
35 assistance, shall not lapse until June 30, 2015.

36           106 General Fund; Transfer to Fish and Game Fund. The state treasurer shall transfer  
37 unrestricted general fund revenue to the fish and game fund in the amounts of \$699,000 for the

1 fiscal year ending June 30, 2014 and \$893,000 for the fiscal year ending June 30, 2015. Said  
2 transfers shall occur no later than August 1st of each fiscal year.

3 107 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, III(b) to  
4 read as follows:

5 (b) Beginning July 1, 2013, and each fiscal year thereafter, the department of education  
6 shall not distribute a total education grant on behalf of all pupils who reside in a municipality that  
7 exceeds ~~[405.5]~~ **108** percent of the total education grant distributed to such municipality in the  
8 previous fiscal year.

9 108 Purpose. RSA 489-C establishes a voluntary program for the certification of commercial  
10 road salt applicators in order to encourage more efficient winter maintenance of roadways, parking  
11 lots, and sidewalks and to provide certain liability protections for certified commercial applicators  
12 and landowners whose premises are maintained by certified commercial applicators.

13 109 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 489-B the  
14 following new chapter:

15 CHAPTER 489-C

16 SALT APPLICATOR CERTIFICATION OPTION

17 489-C:1 Definitions. In this chapter:

18 I. "Apply salt" means to apply salt or a salt alternative to roadways, parking lots, or  
19 sidewalks for the purpose of winter maintenance.

20 II. "Commercial applicator" means any individual who applies or supervises others who  
21 apply salt, but shall not include municipal or state employees.

22 III. "Commissioner" means the commissioner of the department of environmental services.

23 IV. "Department" means the department of environmental services.

24 V. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other  
25 substance containing chloride.

26 VI. "Salt alternative" means any substance not containing chloride used for the purpose of  
27 de-icing or anti-icing.

28 489-C:2 Certification Option. Commercial applicators may elect to be annually certified by the  
29 department. Applicator certificates shall be issued by the department. Any business that employs  
30 multiple commercial applicators may obtain a master certificate for the owner or chief supervisor,  
31 and commercial applicators employed by the business may obtain certificates to qualify under the  
32 master certificate. Any business holding a master certificate shall ensure that all commercial  
33 applicators operating under its master certificate receive the required training and shall provide the  
34 required recordkeeping on behalf of all commercial applicators. Annual fees for certificates obtained  
35 under a master certificate shall be significantly less than the fees for a master certificate.

36 489-C:3 Rulemaking Authority. The commissioner shall adopt rules pursuant to RSA 541-A,  
37 relative to:

1           I. Policies and goals for applying salt.

2           II. Receiving and allocating federal grants and other funds or gifts for the purpose of  
3 carrying out any of the provisions of this chapter.

4           III. The types and frequency of training programs required for certification.

5           IV. Procedures for commercial applicators to obtain certification.

6           V. Recordkeeping required for commercial applicators to maintain certification.

7           489-C:4 Application for Certification. Applications for certification shall be on a form prescribed  
8 by the department and shall include the following:

9           I. The full name and address of the person applying for the certification.

10          II. The name and address of a person whose domicile is in the state, and who is authorized  
11 to receive and accept service of summons and legal notices of all kinds for the applicant.

12          III. The type of apparatus used to apply salt or salt alternative whether liquid or dry.

13          IV. Any other information deemed necessary by the department.

14          489-C:5 Administration and Enforcement.

15          I. The commissioner shall administer and enforce the provisions of this chapter.

16          II. The department may issue an order to any person who is in violation of any provision of  
17 this chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter,  
18 to cease and desist from any act in violation of such provision, certification, or rule. Orders of the  
19 department under this section shall be effective immediately.

20          III. The commissioner, after notice and hearing pursuant to RSA 541-A, may revoke the  
21 certification of any person who violates this chapter. Rehearings and appeals relating to revocation  
22 shall be governed by RSA 541.

23          110 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners.  
24 Amend RSA 508 by inserting after section 21 the following new section:

25          508:22 New Section; Liability Limited for Winter Maintenance.

26          I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2,  
27 or owner, occupant, or lessee of land whose premises is maintained by a commercial applicator  
28 certified under RSA 489-C:2, shall be liable for damages arising from insufficiencies or hazards on  
29 any premises owned, occupied, maintained, or operated by them, even with actual notice thereof,  
30 when such hazards are caused solely by snow or ice, and the commercial applicator's, owner's,  
31 occupant's, or lessee's failure or delay in removing or mitigating such hazards is the result of its  
32 implementation, absent gross negligence or reckless disregard of the hazard, of best management  
33 practices for winter road, parking lot, and sidewalk maintenance adopted and published by the  
34 department of transportation and the department of environmental services. All commercial  
35 applicators, owners, occupants, or lessees who adopt such best management practices shall be  
36 presumed to be acting pursuant to the best management practices in the absence of proof to the  
37 contrary.

1 II. In order to receive the liability protection provided in paragraph I, a commercial  
2 applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written  
3 record describing its winter road, parking lot and property maintenance practices. The written  
4 record shall include the type and rate of application of de-icing materials used, the dates of  
5 treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept  
6 for a period of 3 years.

7 111 Compensation; Definition. Amend RSA 77-E:1, V to read as follows:

8 V. "Compensation" means:

9 (a) All wages, salaries, fees, bonuses, commissions, or other payments paid *directly* or  
10 accrued *by the business enterprise* in the taxable period on behalf of or for the benefit of  
11 employees, officers, or directors of the business enterprise and subject to or specifically exempt from  
12 withholding under section 3401 of the United States Internal Revenue Code except such payments  
13 as are made expressly exempt from withholding under sections 3401(a)(1), (9), (10), (13), (14), (15),  
14 (16), (18), (19), and (20); *and except any tips required to be reported by the employee to the*  
15 *employer under section 6053(a) of the United States Internal Revenue Code; and*

16 (b) The amount of any deduction taken under RSA 77-A:4, III in the taxable period; and

17 (c) Any net earnings from self-employment subject to tax under section 1401 of the  
18 United States Internal Revenue Code to the extent not included in the amount of any deduction  
19 taken under RSA 77-A:4, III in the taxable period.

20 112 Legislative Budget Assistant; Charge for Cost of Financial Audits. Amend RSA 14:31-c to  
21 read as follows:

22 14:31-c Charge Back of *Financial* Audits of Special Funds Agencies. The cost of any *financial*  
23 audit done by the legislative budget assistant or by any other auditor under his *or her* direction or  
24 authority of any department, division, or agency funded by highway, fish and game, any self-  
25 sustaining, or special fund shall be a charge against the appropriate fund and said cost shall be  
26 transferred from said fund to the general fund.

27 113 Flood Control Payments. Notwithstanding any provision of law to the contrary, \$250,000 in  
28 FY 2014 and \$250,000 in FY 2015 shall be transferred from existing budgetary allocations of the  
29 department of justice to the department of revenue administration for the purpose of funding the  
30 flood control payments under the Connecticut River Flood Control Compact as contained in  
31 RSA 484:1 and the Merrimack River Flood Control Compact as contained in RSA 484:7.

32 114 Compensation and Benefit Cost Reductions. For the biennium ending June 30, 2015, the  
33 governor shall reduce total appropriations for compensation and benefits for classified employees in  
34 any department, as defined in RSA 9:1, by not less than \$20,000,000 in fiscal year 2014 and not less  
35 than \$50,000,000 for the biennium, of which the general fund component shall be not less than  
36 \$20,000,000.

37 115 New Section; Public Assistance to Blind, Aged, or Disabled Persons and to Dependent

1 Children; Prohibited Use of Electronic Benefit Transfer Cards. Amend RSA 167 by inserting after  
2 section 7-a the following new section:

3 167:7-b Prohibited Use of Electronic Benefit Transfer Cards.

4 I. Any person receiving public assistance is prohibited from using electronic benefit transfer  
5 (EBT) cards or cash obtained with EBT cards for the purpose of purchasing or participating in any  
6 activities in any location listed in paragraph II. Any person receiving public assistance who uses an  
7 EBT card in violation of paragraph II shall be subject to the following penalties:

8 (a) Suspension of cash assistance benefits for that person for 2 pay periods for the first  
9 offense.

10 (b) Suspension of cash assistance benefits for that person for 4 pay periods for the second  
11 offense.

12 (c) Suspension of cash assistance benefits for that person for 6 pay periods for the third  
13 and subsequent offense.

14 II. On or before January 1, 2014, the businesses listed in this paragraph shall disable the  
15 ability of automated teller machines and point-of-sale machines located on their business premises to  
16 accept EBT cards. The following businesses are required to comply with this paragraph:

17 (a) State liquor stores and agency liquor stores established by or under the authority of  
18 the New Hampshire liquor commission.

19 (b) Off-premises retail licensees that exclusively or primarily sell beer, wine, or other  
20 alcoholic beverages.

21 (c) Gambling establishments licensed under the authority of New Hampshire racing and  
22 charitable gaming commission or the New Hampshire lottery commission.

23 (d) Retail establishments which provide adult-oriented entertainment in which  
24 performers disrobe or perform in an unclothed state for entertainment.

25 III. The department may notify the licensing authority of any business listed in paragraph II  
26 in the event that such business has continued to allow the use of the EBT card in violation of this  
27 section. The licensing authority may take reasonable action as deemed appropriate under existing  
28 licensing provisions. Notwithstanding any provision of law to the contrary, the department is  
29 authorized to provide information and cooperate with the licensing authority regarding any  
30 investigation commenced under this section.

31 116 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, III to read as follows:

32 III. "Hospital" means general hospitals [~~and special hospitals for rehabilitation~~] required to  
33 be licensed under RSA 151 that provide inpatient and outpatient hospital services, but not including  
34 government facilities.

35 117 Uncompensated Care Fund. Amend RSA 167:63, IV to read as follows:

36 III. "Hospital" means general hospitals [~~and special hospitals for rehabilitation~~] required to  
37 be licensed under RSA 151 that provide inpatient and outpatient hospital services, but not including

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 41 -**

1 government facilities.

2 118 New Subdivision; Commission to Study Expansion of Medicaid Eligibility. Amend RSA 126-  
3 A by inserting after section 65 the following new subdivision:

4 Commission to Study Expansion of Medicaid Eligibility  
5 126-A:66 Commission Established; Membership; Duties.

6 I.(a) There is established a commission to study the potential costs and benefits of expanding  
7 Medicaid eligibility in New Hampshire. The members of the commission shall be as follows:

8 (1) Two members of the senate, one of whom shall be appointed by the president of  
9 the senate and one of whom shall be appointed by the minority leader.

10 (2) Two members of the house of representatives, one of whom shall be appointed by  
11 the speaker of the house of representatives and one of whom shall be appointed by the minority  
12 leader.

13 (3) The commissioner of the department of health and human services, or designee,  
14 who shall serve as a non-voting member.

15 (4) A person representing the health care industry, appointed by the speaker of the  
16 house of representatives.

17 (5) A person representing the insurance industry, appointed by the senate president.

18 (6) One public member, appointed by the governor.

19 (b) Legislative members of the commission shall receive mileage at the legislative rate  
20 when attending to the duties of the commission.

21 II.(a) The commission's study shall include, but not be limited to, the potential costs and  
22 benefits of:

23 (1) Expanding Medicaid eligibility in New Hampshire as authorized by section  
24 1902(a)(10)(A)(i)(VIII) and section 1902(e)(14) of the Social Security Act as amended by the Patient  
25 Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and  
26 Education Reconciliation Act of 2010, Public Law 111-152.

27 (2) Requesting federal approval to provide medical assistance through the purchase  
28 of private health insurance to individuals who become newly eligible for Medicaid if New Hampshire  
29 expands eligibility.

30 (3) Seeking a Medicaid waiver that would enhance state flexibility on program  
31 design, eligibility, co-payments, benefit levels, or seek a federal block grant for Medicaid.

32 (4) The impact that increased Medicaid eligibility as well as increased utilization of  
33 health care exchanges will have on the ability of medical providers to provide access to health care  
34 services.

35 (5) The impact that increasing Medicaid eligibility could have regarding increased  
36 cost shifting to other insured groups due to under reimbursement for Medicaid.

37 (b) The commission may solicit information from any person or entity the commission

1 deems relevant to its study.

2 IV. The first-named senate member shall serve as chairperson of the commission. The first  
3 meeting of the commission shall be called by the first-named senate member. The first meeting of  
4 the commission shall be held within 45 days of the effective date of this section. Five members of the  
5 commission shall constitute a quorum.

6 V. The department of administrative services shall provide administrative support to the  
7 commission.

8 VI. The commission shall make an interim report of its finding and recommendations for  
9 proposed legislation to the president of the senate, the speaker of the house of representatives, and  
10 the governor on or before December 1, 2013 and a final report on or before December 1, 2014.

11 119 Appropriation. The sum of \$200,000 is hereby appropriated to the department of  
12 administrative services for the fiscal year ending June 30, 2014, for the purpose of providing  
13 administrative support to the commission established in RSA 126-A:66 as inserted by section 118 of  
14 this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury  
15 not otherwise appropriated.

16 120 Repeal. RSA 126-A:66, relative to the commission to study the potential costs and benefits  
17 of expanding Medicaid eligibility in New Hampshire, is repealed.

18 121 New Subdivision; Commission on Medicaid Long-Term Care Financing and Cost. Amend  
19 RSA 151-E by inserting after section 18 the following new subdivision:

Commission on Medicaid Long-Term Care Financing and Costs

20 151-E:19 Commission on Medicaid Long-Term Care Financing and Cost.

21 I. There is established a commission to review and analyze the costs and future funding of  
22 Medicaid long-term care services for the elderly, either in licensed facilities or under the Medicaid  
23 waiver in New Hampshire.

24 (a) The members of the commission shall be as follows:

25 (1) One member of the senate who shall be a member of the finance committee,  
26 appointed by the president of the senate.

27 (2) Three members of the house of representatives, one of whom shall be a member  
28 of the health, human services and elderly affairs committee and one of whom shall be a member of  
29 the finance committee, appointed by the speaker of the house of representatives.

30 (3) The commissioner of the department of health and human services, or designee.

31 (4) A representative of the New Hampshire Association of Counties, appointed by the  
32 association.

33 (b) Legislative members of the commission shall receive mileage at the legislative rate  
34 when attending to the duties of the commission.

35 II.(a) The commission shall review and analyze the costs and future funding of Medicaid  
36 long-term care services for the elderly, either in licensed facilities or under the Medicaid waiver in  
37



1 New Hampshire. The commission's study shall include, but not be limited to, a review and analysis  
2 of funding sources, reimbursement rates, and overall costs.

3 (b) The commission may solicit information from any other entity or resource the  
4 commission deems relevant to its study.

5 III. The members of the commission shall elect a chairperson from among the members. The  
6 first meeting of the commission shall be called by the senate member. The first meeting of the  
7 commission shall be held within 45 days of the effective date of this section. Four members of the  
8 commission shall constitute a quorum.

9 IV. The commission shall report its findings and any recommendations for proposed  
10 legislation to the oversight committee on health and human services, established in RSA 126-A:13,  
11 on or before November 1, 2013.

12 122 Repeal. RSA 151-E:19, relative to a commission to review and analyze the costs and future  
13 funding of Medicaid long-term care services for the elderly, either in licensed facilities or under the  
14 Medicaid waiver in New Hampshire, is repealed.

15 123 Transfer of Dedicated Funds; Renewable Energy Fund. Notwithstanding the provisions of  
16 RSA 362-F:10 and any other law to the contrary, for the fiscal year ending June 30, 2014, the  
17 department of administrative services shall transfer funds from the renewable energy fund to the  
18 general fund in the amount of \$16,100,000.

19 124 General Fund Balance. Notwithstanding RSA 9:13-e, II, any budget surplus for the close of  
20 the fiscal biennium ending June 30, 2013 shall not be deposited in the revenue stabilization reserve  
21 account but shall remain in the general fund.

22 125 Transfer of Funds to the Tri-County Community Action Program.

23 I. Notwithstanding any provision of law to the contrary, the chairman of the public utilities  
24 commission is authorized to transfer funds from the account created by RSA 362-F:10 to the office of  
25 energy and planning to repay funds for low income home energy assistance, and to provide other  
26 necessary funds to Tri-County Community Action Program, Inc., acting through its court-appointed  
27 special trustee, for the stabilization of that agency, in an amount not to exceed \$533,000 upon  
28 request of the special trustee, until June 30, 2014. Such funds shall be used to pay and manage  
29 priority unsecured debt and such other obligations as the special trustee shall determine. The  
30 special trustee shall provide monthly reports on the use of such funds, as well as the efforts to  
31 stabilize and restore accountability to the agency, to the office of energy and planning, the  
32 department of justice charitable trusts unit, and to the probate court as it requires.

33 II. Funds transferred under this section shall be repaid by the Tri-County Community  
34 Action Program from litigation or settlement funds or from insurance proceeds received or recovered  
35 by the Tri-County Community Action Program from claims or litigation related to the circumstances  
36 that resulted in the special trusteeship. The state shall have a priority claim to reimbursement from  
37 such proceeds. The final amount utilized by the agency and the use of the funds shall be reported to

1 the fiscal committee of the general court, the office of energy and planning, and the department of  
2 justice charitable trusts unit no later than July 31, 2014.

3 126 Trusts and Agency Funds; Other Post-Employment Benefits (OPEB) Trusts. Amend  
4 RSA 6:12-c by inserting after paragraph II the following new paragraph:

5 III.(a) The state treasurer may establish one or more other post-employment benefits  
6 (OPEB) trusts for the payment of other post-employment benefits for employees or officers of the  
7 state after their termination of service. In this paragraph, the term “other post-employment  
8 benefits” means employee benefits other than pensions that are received after employment ends, and  
9 may include such medical, disability, or other health benefits, as are covered by Statement No. 45 of  
10 the Governmental Accounting Standards Board (GASB). The term “trust” means a trust qualified  
11 under GASB Statement No. 43.

12 (b) Deposits to any fund under such a trust and any earnings on those deposits shall be  
13 irrevocable and shall be held in trust for the exclusive benefit of retirees and their beneficiaries in  
14 accordance with the terms of the plans or programs providing other post-employment benefits,  
15 except that funds governed by the trust may be withdrawn for other purposes only when the state’s  
16 liability owed to former officers or employees for other post-employment benefits has been satisfied  
17 or otherwise eliminated pursuant to subparagraph (d)(2). The assets of any trust created pursuant  
18 to this paragraph shall be exempt from taxation and execution, attachment, garnishment, or any  
19 other process. No public officer, employee, or agency shall divert, use, or authorize the use of such  
20 funds for any purpose other than as provided in law for other post-employment benefits covered by  
21 the trust and administrative expenses.

22 (c) The state treasurer shall have the full power to invest, reinvest, and manage the  
23 assets of the trust. The state treasurer shall invest the assets of the trust with the care, skill,  
24 prudence, and diligence under the circumstances then prevailing that a prudent person acting in a  
25 like capacity and familiar with such matters would use in the conduct of an enterprise of a like  
26 character and with like aims. The state treasurer shall also diversify such investments so as to  
27 minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.  
28 The state treasurer may engage a trust administrator, investment consultants, or other qualified  
29 professionals to assist with management and investment of the funds of the trust and may pay for  
30 these services out of the funds of the trust.

31 (d) The state treasurer may withdraw money from the funds of a trust created pursuant  
32 to this paragraph only:

33 (1) As needed to pay other post-employment benefits owed to former state officers  
34 and employees; or

35 (2) When all other post-employment benefits liability owed to former state officers or  
36 employees has been satisfied or otherwise deceased.

37 (e) The state treasurer shall complete and make available, not later than 120 days after

1 +the close of each fiscal year, an annual comprehensive financial report of the OPEB trust for the  
2 preceding fiscal year. The comprehensive financial report shall be prepared in a manner consistent  
3 with generally accepted accounting principals and shall be audited annually by a qualified  
4 independent auditor selected by the state treasurer.

5 (f) When the balance of any trust established under this paragraph reaches \$10,000,000,  
6 the state treasurer shall transfer responsibility for administration of the trust to a board of trustees  
7 comprised of the state treasurer and 3 members of the public. The governor, the speaker of the  
8 house of representatives, and the senate president shall each appoint one trustee, who shall be a  
9 qualified person with substantial investment or financial experience, taking into account factors  
10 such as educational background, business experience, and professional licensure and designations.  
11 The trustees shall serve 3-year terms and until a successor is appointed and qualified, except that  
12 the initial appointment by the governor shall be for a term of one year, the initial appointment by  
13 the speaker of the house of representatives shall be for a term of 2 years, and the initial appointment  
14 by the senate president shall be for a term of 3 years. No trustee, other than the state treasurer,  
15 may serve more than 3 full terms.

16 127 Navigation Safety Fund. Amend RSA 270-E:6-a to read as follows:

17 270-E:6-a Navigation Safety Fund. There is established the navigation safety fund which shall  
18 be ***nonlapsing and*** continually appropriated to the department of safety, division of state police.  
19 The state treasurer may invest moneys in the fund as provided by law and all interest received on  
20 such investment shall be credited to the fund. The fund shall only be used to promote the safety of  
21 navigation and the administration and enforcement of RSA 270, RSA 270-B, RSA 270-D, and RSA  
22 270-E. ~~[Any balance remaining in the navigation safety fund at the close of each fiscal year shall~~  
23 ~~lapse to the general fund.]~~

24 128 Department of Health and Human Services, Office of Medicaid Business and Policy;  
25 Hospital Reimbursement. Any hospital that provides designated receiving services under contract  
26 with the department of health and human services pursuant to RSA 135-C shall be reimbursed at a  
27 rate that is not less than 80 percent of the rate paid to New Hampshire hospital.

28 129 Effective Date.

29 I. Sections 28, 33, 54, 90, 111, 118, 119, and 121 of this act shall take effect upon its passage.

30 II. Sections 31, 34, 66-67, 77, 89, 91, and 105 of this act shall take effect June 30, 2013.

31 III. Sections 108-110 of this act shall take effect 90 days after its passage.

32 IV. Section 120 of this act shall take effect December 2, 2014.

33 V. Section 115 of this act shall take effect January 1, 2014.

34 VI. Section 35 of this act shall take effect November 15, 2013.

35 VII. Section 122 of this act shall take effect November 1, 2013.

36 VIII. Section 127 of this act shall take effect July 1, 2015.

37 IX. Sections 26 and 27 of this act shall take effect as provided in section 28 of this act.

**HB 2-FN-A-LOCAL – AS AMENDED BY THE SENATE**  
**- Page 46 -**

1           X. The remainder of this act shall take effect July 1, 2013.

LBAO  
13-1022  
03/04/13

**HB 2-FN-A-LOCAL - FISCAL NOTE**

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

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.