

HB 2-FN-A-LOCAL – AS INTRODUCED

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

ANALYSIS

This bill:

1. Funds meals and rooms distributions to cities and towns for the biennium 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, 2014, 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 permanently discontinue direct and indirect graduate medical education payments to hospitals effective July 1, 2013.
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. Suspension of catastrophic aid payment to hospitals.
7. Allows the department of health and human services 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. Establishes 2 temporary special funds in the state treasurer's office to receive and temporarily hold funds for certain New Hampshire hospital programs for the biennium ending June 30, 2015.
11. Directs the commissioner of the department of health and human services to pursue certain consolidation initiatives and to report the progress of such efforts to the committees of the house and senate with jurisdiction over health and human services and finance issues.

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12. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.
13. Directs the department of health and human services to administer its adoption assistance program consistent with federal law and the state's Title IV-E plan, and repeals state law and regulations relative to discretionary adoption subsidies for hard to place children.
14. Authorizes the commissioner of the department of transportation to enter into agreements to lease-purchase vehicles and equipment.
15. Appropriates federal emergency assistance grants to the department of transportation.
16. Suspends bumping rights.
17. Authorizes the lottery commission to use monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance.
18. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2015.
19. Suspends the allocation of gross appropriations from the highway fund.
20. Establishes certain procedures for special meetings regarding education funding.
21. Transfers an appropriation received by the governor's commission on disability.
22. Establishes hiring priority for laid off classified state employees.
23. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.
24. 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.
25. Limits the number of judicial appointments and establishes certain requirements for conversion of a marital master position to a judge position and for filling marital master vacancies.
26. Changes the fees for obtaining a saltwater fishing license.
27. Suspends certain provisions regarding public assistance.
28. Authorizes transfers of funds by the department of resources and economic development for welcome centers.
29. Extends a date for business profits tax net operating loss carryovers.
30. Revises requirements for MMIS reports.
31. Authorizes transfers from the revenue stabilization account in the event of a deficit.
32. Establishes the position of manager of risks and benefits in the department of administrative services.
33. 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.

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34. Authorizes the department of administrative services to transfer funds within accounting units of the department.
35. Prevents the anticipated lapse of a prior appropriation to the department of administrative services to hire an independent business processing consultant.
36. Directs the department of administrative services to develop a cost containment plan for the New Hampshire retiree health care program.
37. Prevents the anticipated lapse of a prior appropriation to the department of administrative services for costs associated with the sale of the Laconia state school and training center property.
38. Repeals a provision relative to lease of rental space for the superior court center.
39. Establishes a commission to study cost containment options relative to the retiree health plan for new employees.
40. Establishes an office of innovation and efficiency and the unclassified position of director of innovation and efficiency within the department of administrative services.
41. Expands the definition of a child in need of services under RSA 169-D and revises the procedure for filing a CHINS petition and the circumstances under which the court may order various services or placements.
42. Adds requirements to truancy policies adopted by school boards.
43. Makes the impaired driver education program (IDEP) and impaired driver care management program (IDCMP) account nonlapsing.
44. Establishes for the biennium, priority for distributing amounts collected from an estate.
45. 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.
46. Clarifies the recovery of expenses for care, treatment, and maintenance of patients and residents in certain institutions from the estates of such persons.
47. Places fines for infractions of the child day care license law into a nonlapsing fund to be used for purposes of technical assistance for compliance with the licensure law.
48. 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.
49. Provides that the rate for services, placements, and programs paid for by the department for delinquent children, child protection act, and children in need of services are to be maintained at 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.
50. Carries forward certain Medicaid appropriations.
51. Repeals the law relative to Medicaid reimbursements.
52. Clarifies the purposes for which the uncompensated care fund may be used.
53. 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.

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54. Establishes that for the biennium ending June 30, 2015, a portion of the nursing facility assessment and intermediate care facility assessment shall be used for purposes of long-term care services provided by the state.

55. Suspends congregate housing and congregate services.

56. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to seek federal approval for assistance to newly eligible populations.

57. Suspends the Medicaid breast and cervical cancer program conditioned upon implementation of the Medicaid expansion group.

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

59. Provides that certain home care providers do not have to get a new license if they change their physical location of their office within the licensure period.

60. Establishes a Medicaid enhancement tax commission.

61. Authorizes the department of corrections to fill unfunded positions within a total expenditure cap, transfer funds within and among all accounting units within the department, and request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding for overtime.

62. Limits the appointment of an attorney to represent an indigent parent alleged to have neglected or abused his or her child to circumstances where the appointment is necessary to protect the parent's due process rights and provides payment for the appointments.

63. Replaces the members of the liquor commission with a single liquor commissioner and a deputy commissioner.

64. Limits department of education expenditures for chartered public schools to 100 percent of budgeted amounts, and requires the state board of education to approve chartered public school applications involving changes in enrollment and review whether a proposed chartered public school will serve a geographic or programmatic need in the state.

65. Repeals the education tax credit against the business profits tax and the business enterprise tax.

66. Limits expenditures for chartered public schools for the biennium ending June 30, 2015.

67. Establishes a community college system health benefit fund.

68. Establishes a needs-based scholarship program.

69. Establishes the mechanical licensing board under the joint board of licensure and certification, for the regulation of fuel gas fitters, plumbers, and the voluntary certification of heating equipment personnel and water treatment technicians, and repeals the state board for the licensing and regulation of plumbers and establishes the bureau of building safety and construction under the department of safety.

70. Requires a portion of the recording surcharge collected by the register of deeds for the fiscal year ending June 30, 2014 to be deposited in the land and community heritage investment program administrative fund.

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71. 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.

72. Authorizes the department of education to expend funds for the biennium ending June 30, 2015 to support public high school robotics programs and to support the New Hampshire Leadership Program at the university of New Hampshire.

73. Authorizes the department of justice to expend funds to support the Child Advocacy Center.

74. Requires the judicial branch to notify the commissioner of the department of administrative services of the allocation of the reductions specified in HB 1-A from the 2013 legislative session.

75. Requires funding for the Green Launching Pad at the university of New Hampshire from the renewable energy fund.

76. Extends the effective date for changes enacted in 2012 to the threshold amounts for taxation under the business enterprise tax.

77. Increases the rate of the tobacco tax.

78. Modifies the calculation of meals and rooms tax revenue credited to the division of travel and tourism development.

79. Extends the effective date for changes enacted in 2011 to the carry forward period for the business enterprise tax credit against the business profits tax.

80. Authorizes the director of the division of forests and lands to qualify for classification as a permanent firemen in the retirement system.

81. Reduces the amount that may be deposited in certain funds before the excess is deposited in the fish and game fund.

82. Repeals certain provisions relating to lifetime licenses.

83. Permits utilization of certain funds to support fish and game staff costs.

84. Establishes divisions within the fish and game department.

85. Permits moneys collected from hatchery vending machines to be used for additional purchases.

86. 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.

87. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the state park fund until June 30, 2015.

88. Increases the amount to be distributed to colleges and universities under the UNIQUE endowment allocation program.

89. Establishes the position of deputy commissioner of employment security as an unclassified position requiring appointment by the governor and council.

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90. Requires the governor to identify an amount of dedicated funds for transfer to the general fund, sufficient to cover the budget shortfall.

91. Allows the commissioner of the department of transportation to transfer funds within accounting units of the department.

92. Increases the aggregate amount of tax credits issued by the commissioner of revenue administration under the business profits tax.

93. Repeals the prospective repeal of the research and development tax credit.

94. Establishes a commission to study opportunities and options to improve the sustainability of the fish and game department.

95. Requires the bank commissioner to assess institutions for any deficiency between fees collected and department expenditures for the fiscal year.

96. Repeals a prospective repeal of RSA 122:4, relative to reimbursements to cities and towns.

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.

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, RSA 31-
7 A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending
8 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 2014.

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, 2014; 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, 2014.

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; Direct Graduate Medical Education;
27 Discontinuation. The commissioner of the department of health and human services shall submit a
28 Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services
29 to permanently discontinue the provision of direct graduate medical education payments to hospitals
30 as contemplated at 42 U.S.C. section 1396a(a)(30)(A) effective July 1, 2013.

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1 5 Department of Health and Human Services; Indirect Graduate Medical Education;
2 Discontinuation. The commissioner of the department of health and human services shall submit a
3 Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services
4 to permanently discontinue the provision of indirect graduate medical education payments to
5 hospitals effective July 1, 2013.

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

11 7 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
12 commissioner of the department of health and human services shall submit a Title XIX Medicaid
13 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
14 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2015.

15 8 Department of Health and Human Services; Additional Revenues; Transfer Among Accounts.

16 I. Notwithstanding any provision of the law to the contrary, for the biennium ending
17 June 30, 2015 the commissioner of the department of health and human services is authorized to
18 accept and expend additional revenues in excess of \$50,000, that are in addition to the budgeted
19 amounts, from any source, which become available to the department.

20 II. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the
21 contrary except RSA 9:17-c, for the biennium ending June 30, 2015 the commissioner of the
22 department of health and human services is hereby authorized to transfer funds within and among
23 all accounting units within the department, as the commissioner deems necessary and appropriate to
24 address present or projected budget deficits, or to respond to changes in federal laws, regulations, or
25 programs, and otherwise as necessary for the efficient management of the department, with the
26 exception of class 60 transfers.

27 III. Notwithstanding any provision of law to the contrary, for the biennium ending June 30,
28 2015 the department of health and human services may transfer moneys from any class line, except
29 from personnel and benefit class lines, within the approved budget to class line 027 to fund
30 information technology related projects which would not otherwise be funded.

31 9 Department of Health and Human Services; Bureau of Adult and Elderly Services; County
32 Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County
33 Payments. RSA 167:18-a, II is repealed and reenacted to read as follows:

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

36 (1) State fiscal year 2014, \$112,000,000.

37 (2) State fiscal year 2015, \$117,000,000.

1 (b) The caps on total billings for fiscal years after fiscal year 2015 shall be established by
2 the legislature at least on a biennial basis.

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

8 11 Treasury; Establishment of Revolving Funds for New Hampshire Hospital Accounting Units
9 05-95-94-940010-9064 and 05-95-94-940010-8028. For the biennium ending June 30, 2015 there
10 shall be established in the state treasury 2 funds for use as a depository account by the department
11 of health and human services, New Hampshire hospital. The funds shall be nonlapsing, continually
12 appropriated to the department, and used to receive and temporarily hold funds for the hospital's
13 education programs and emergency preparedness events until the funds are disbursed.

14 12 Department of Health and Human Services; Consolidation. For the biennium ending
15 June 30, 2015, the commissioner of the department of health and human services is directed to
16 pursue operating and service consolidation initiatives, in an effort to improve service delivery, obtain
17 operating efficiencies, and promote the well-being of the state's citizens. The commissioner shall
18 provide regular notice of these efforts to the committees with jurisdiction over health and human
19 services and finance of the house and senate.

20 13 Foster Grandparent Program. The reimbursements to the foster grandparent program
21 through the senior volunteer grant program established in RSA 161-F:40 are hereby suspended for
22 the biennium ending June 30, 2015.

23 14 Department of Health and Human Services; Adoption Assistance Program. The department
24 of health and human services shall administer its adoption assistance program consistent with
25 federal law and regulations and the state's Title IV-E plan for foster care and adoption assistance.

26 15 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment
27 Authorized. For the biennium ending June 30, 2015, the commissioner of the department of
28 transportation is authorized, with the prior approval of the fiscal committee of the general court, to
29 enter into agreements to lease-purchase vehicles and equipment.

30 16 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received
31 in the fiscal years ending June 30, 2014 or June 30, 2015 from the Federal Emergency Management
32 Agency of Federal Highway Administration's Emergency Relief Program or any other federal
33 program providing emergency assistance to the department of transportation to reimburse costs
34 incurred for emergency response, including but not limited to, equipment rental, snow plowing,
35 sanding, salting, flood damage response, and personnel overtime during any emergency declared
36 shall be collected by the appropriate agency and appropriated to the department of transportation.

1 17 Department of Administrative Services; Suspension of Bumping Rights. The displacement of
2 classified state employees by more senior classified state employees, or so-called bumping, pursuant
3 to administrative rule Per 1101.02(i) through (l) under the authority of RSA 21-I:43 by the director of
4 the division of personnel is hereby suspended from the effective date of this section to June 30, 2015.

5 18 Lottery Commission; Incentive Program. For the biennium ending June 30, 2015, the lottery
6 commission may develop and implement an employee recognition program for monetary incentives to
7 promote increased sales and compensate lottery sales representatives based upon performance and
8 funded from an existing lottery budget line item. The incentive program shall be implemented
9 through rules adopted by the lottery commission in accordance with RSA 541-A. The lottery
10 commission shall report quarterly to the fiscal committee of the general court on the status of the
11 incentive program.

12 19 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund
13 Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2015, all gross
14 revenue derived by the liquor commission from the sale of liquor and related products, or from
15 license fees, shall be deposited into the liquor commission fund.

16 20 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspended. For the
17 biennium ending June 30, 2015, RSA 9:9-b, relative to allocation of gross appropriations from the
18 highway fund, shall be suspended.

19 21 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education
20 Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in
21 reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to
22 school districts, the governing body of any school district, including those that have adopted
23 RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or
24 increase of appropriations made at an annual meeting, subject to the following:

25 I. The governing body of any school district that has adopted the provisions of RSA 40:13
26 may elect to hold and conduct the meeting in accordance with the provisions of this section in a
27 single session for deliberating and voting, and without regard to the provisions of RSA 40:13. A
28 special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant
29 articles shall be inserted in the warrant.

30 II. The governing body's warrant shall specify, in one or more articles, the amounts of
31 appropriations proposed for reduction, rescission, or increase from the operating budget or separate
32 warrant articles, or both, adopted at the annual meeting.

33 III. The governing body shall hold a public hearing on the proposed reductions, rescissions,
34 or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such
35 hearing shall be posted in at least 2 public places within the political subdivision, one of which shall
36 be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

1 IV. The governing body of such school district shall post a notice of the meeting, which shall
2 include the warrant, in at least 2 public places within the political subdivision, one of which shall be
3 on the political subdivision’s website, if such exists, at least 7 days prior to the meeting. Additional
4 notice shall be published in a newspaper of local or regional circulation in the political subdivision,
5 provided that if there is no newspaper of local or regional circulation in which notice can be
6 published at least 7 days before the date of the meeting, public notice shall be posted in at least one
7 additional place within the political subdivision.

8 V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The
9 most recently updated checklist shall be used.

10 VI. The legislative body may approve or disapprove any proposed reduction, rescission, or
11 increase of appropriations, or may approve lesser reductions, but the legislative body shall not
12 approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act
13 on any other business at the meeting.

14 VII. Except as provided in this section, provisions of the following chapters of the RSAs, as
15 they apply to special meetings of the legislative body of a school district shall not be required for
16 special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654,
17 RSA 669, RSA 670, and RSA 671.

18 22 Governor’s Commission on Disability; Client Assistance Program; Contingent Transfer of
19 Appropriation. The appropriation for the administration of the client assistance program that is
20 received by the governor’s commission on disability pursuant to 29 U.S.C. section 732 for fiscal years
21 2014 and 2015 may be transferred to another qualified agency (or agencies) upon certification by the
22 governor to the commissioner of administrative services that the program has been redesignated. If
23 the redesignation occurs and the governor’s certification is made after July 1, 2013, the unexpended
24 portion of the appropriation shall be transferred.

25 23 Rehiring of Laid Off Classified State Employees.

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

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

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

1 24 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding
2 any provision of law to the contrary, for the biennium ending June 30, 2015 departments, agencies,
3 and branches may transfer moneys from any class line, except from personnel and benefit class lines,
4 within their approved budgets to class line 027 to fund information technology related projects which
5 would not otherwise be funded.

6 25 Department of Information Technology; Transfers Among Accounts. Notwithstanding the
7 provisions of RSA 9:17-a or any other provision of law to the contrary, for the biennium ending June
8 30, 2015 the department of information technology may transfer funds within and among all
9 accounting units and class lines within said department as necessary for the efficient management of
10 the department. The department of information technology shall provide quarterly reports to the
11 fiscal committee of the general court detailing said transactions.

12 26 Judicial Appointments; Number Limited; Vacancies.

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

16 II. For the biennium ending June 30, 2015:

17 (a) An existing marital master position may be converted to a judge position if such
18 conversion can be made within the limits of the judicial branch operating budget and is approved by
19 the fiscal committee of the general court.

20 (b) If a marital master retires or resigns, the vacant marital master position shall be
21 filled by a judge, if such position can be filled within the limits of the judicial branch operating
22 budget and is approved by the fiscal committee of the general court. The filling of a marital master
23 position by a judge shall increase the authorized number of circuit court judges allowed under
24 paragraph I for each position so filled.

25 27 Saltwater Fishing License; Fees. Amend RSA 214:9, XVI(e) to read as follows:

26 (e) The following fees shall apply:

27 (1) ~~[\$10]~~ **\$15** for resident and nonresident individuals.

28 (2) ~~[\$50]~~ **\$75** for charter boats and other for-hire vessels, except party boats.

29 (3) ~~[\$100]~~ **\$150** for party boats.

30 28 Suspension. The following are suspended for each fiscal year of the biennium ending
31 June 30, 2015:

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

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

34 III. RSA 165:20, relative to reimbursement for aid to assisted persons.

35 29 Department of Resources and Economic Development; Transfer of Funds Authorized. The
36 commissioner of the department of resources and economic development may transfer funds between
37 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-

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1 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike
2 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2015. The
3 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court
4 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers
5 made under this section.

6 30 Business Profits Tax; Net Operating Loss Carryovers. Amend RSA 77-A:4, XIII(e) to read as
7 follows:

8 (e) On or after January 1, ~~[2013]~~ **2014**, the amount of net operating loss generated in a
9 tax year that may be carried forward may not exceed \$10,000,000.

10 31 Medicaid Management Information System; Reports. Amend 2011, 224:365 to read as
11 follows:

12 224:365 Medicaid Management Information System; Reports.

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

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

32 32 Transfer from Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, in the
33 event of a general fund operating budget deficit at the close of fiscal year 2013 as determined by the
34 official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal
35 committee of the general court and the governor of such deficit and request that sufficient funds, to
36 the extent available, be transferred from the revenue stabilization reserve account to eliminate such
37 deficit.

1 33 Department of Administrative Services; Manager of Risks and Benefits; Position Established.

2 I. There is established within the department of administrative services the unclassified
3 position of manager of risks and benefits. The manager of risks and benefits shall be qualified to
4 hold that position by reason of education and experience, shall be nominated by the commissioner of
5 administrative services for appointment by the governor, with the consent of the executive council,
6 and shall serve for a term of 4 years. The manager of risks and benefits shall supervise the
7 department of administrative services' risk management unit and shall perform such duties as the
8 commissioner from time to time may authorize.

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

18 34 Department of Administrative Services; Risk Management. Amend the introductory
19 paragraph of RSA 21-I:7-c to read as follows:

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

27 35 Department of Administrative Services; Manager of Risks and Benefits; Nomination by
28 Commissioner. Amend RSA 21-I:2, II, to read as follows:

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

35 36 Applicability. RSA 21-I:7-c and RSA 21-I:2, II as amended by sections 34 and 35 of this act
36 shall take effect upon the abolition of position 41835, the transfer of funding and appropriations to
37 the unclassified position, and the initial appointment of the manager of risks and benefits, as
38 certified by the commissioner of administrative services to the director of legislative services.

1 37 Department of Administrative Services; Consolidation of Human Resources and Payroll
2 Functions.

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

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

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

27 38 Department of Administrative Services; Consolidation of Business Processing Functions.

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

34 (a) Accounts receivable;

35 (b) Accounts payable;

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

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

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

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

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

24 39 Department of Administrative Services; Transfer Among Accounts and Classes.
25 Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the approval
26 of the fiscal committee of the general court and governor and council, for the biennium ending June
27 30, 2015, the commissioner of the department of administrative services is hereby authorized to
28 transfer funds within and among all accounting units and/or class codes within the department, with
29 the exception of class 60 transfers, and is further authorized to create new class codes within the
30 department into which funds may be transferred or placed, as the commissioner deems necessary
31 and appropriate to address present or projected budget deficits, or to respond to changes in federal
32 laws, regulations, or programs, and otherwise as necessary for the efficient management of the
33 department.

34 40 Continuation of Appropriation. Department of Administrative Services. Any unspent
35 balance remaining on the \$250,000 appropriation made by 2011, 224:86 to the department of
36 administrative services for the biennium ending June 30, 2013, for the purpose of selecting and
37 retaining an independent business processing consultant to evaluate and make recommendations

1 relative to the consolidation of business processing functions within state government, shall not
2 lapse until June 30, 2015. The department of administrative services may use this balance to fund
3 such projects, functions or activities as the commissioner of administrative services may direct
4 relating to the efficiency of state government, including but not limited to the selection and retention
5 of an independent business processing consultant and/or other projects, functions, or activities
6 relating to the consolidation of human resource, payroll, finance, business processing and accounting
7 functions.

8 41 Cost Containment Plan for Retiree Health Care Program. The commissioner of the
9 department of administrative services shall develop a comprehensive and cohesive plan outlining
10 cost containment options and managed care techniques available through the underlying insurer and
11 other managed care vendors to generate additional savings for the state of New Hampshire retiree
12 health care program. The cost containment plan shall be developed no later than September 15,
13 2013 and the commissioner of the department of administrative services shall make a report to the
14 fiscal committee of the general court.

15 42 New Section; State Employees Group Insurance; Commission Established; Cost Containment
16 Options; Retiree Health Plan for New Employees. Amend RSA 21-I by inserting after section 36-a
17 the following new section:

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

23 I. The members of the committee shall be:

- 24 (a) The commissioner of administrative services, or designee.
- 25 (b) The president of the State Employees' Association, or designee.
- 26 (c) The president of the New Hampshire Troopers' Association, or designee.
- 27 (d) The president of the New England Police Benevolent Association, or designee.
- 28 (e) The president of Teamsters Local 633, or designee.
- 29 (f) Four members of the public, 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 43 Continuation of Appropriation Regarding Sale of Property. Notwithstanding the June 30,
36 2013 lapse date in 2011, 224:82, any unspent balance of the \$250,000 appropriation made by 2010,
37 1:96 to the department of administrative services, shall not lapse until June 30, 2015. The

1 department of administrative services may use this balance to undertake any required title,
2 subdivision, and other land preparation needed for the sale of the former Laconia state school
3 property and the former Laconia state school and training center property, and for the purpose of
4 employing a consultant with real estate or financial expertise in preparation of the request for
5 proposals for the sale of said property. In the event that 2011, 224:80 is repealed, or in the event
6 that there is a remaining balance after use of the appropriation in the manner specified above, any
7 remaining balance may be used by the commissioner of the department for the purpose of
8 undertaking any required title, subdivision, and other preparation needed for the sale of other state
9 properties or assets and/or for retaining independent real estate and financial expertise for the sale
10 of other state properties and assets.

11 44 Repeal. 2011, 224:351, relative to lease of rental space for the superior court center, is
12 repealed.

13 45 Repeal. RSA 21-I:36-b, relative to the commission on cost containment options, is repealed.

14 46 New Section; Office of Innovation and Efficiency Established Within the Department of
15 Administrative Services. Amend RSA 21-I by inserting after section 9 the following new section:

16 21-I:9-a Office of Innovation and Efficiency.

17 I. There is established within the department of administrative services the office of
18 government innovation and efficiency. The office shall be responsible for coordinating and
19 implementing statewide efforts to improve the efficiency, customer service, and transparency of state
20 government activities.

21 II. There is established within the department of administrative services the unclassified
22 position of director of innovation and efficiency, who shall be qualified to hold the position by reason
23 of education and experience, shall be nominated by the commissioner and appointed by the governor,
24 with the consent of the executive council, and shall serve a 4 year term. The director shall supervise
25 the office of innovation and efficiency and perform such duties as the commissioner may authorize
26 and assign from time to time.

27 III. The salary of the director of innovation and efficiency shall be determined after
28 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
29 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

30 47 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as
31 follows:

32 II. "Child in need of services" means a child under the age of 18:

33 (a) Who is subject to compulsory school attendance, and who is habitually, willfully, and
34 without good and sufficient cause truant from school;

35 (b) Who habitually runs away from home, or who repeatedly disregards the reasonable
36 and lawful commands of his or her parents, guardian, or custodian and places himself or herself or
37 others in unsafe circumstances;

1 (c) Who has exhibited willful repeated or habitual conduct constituting offenses which
2 would be violations under the criminal code of this state if committed by an adult or, if committed by
3 a person 16 years of age or older, would be violations under the motor vehicle code of this state; or

4 (d) With a diagnosis of severe emotional, cognitive, or other mental health issues who
5 engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others
6 and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C.

7 48 Children in Need of Services; Petition. Amend RSA 169-D:5, I to read as follows:

8 ***I.(a) A petition alleging that a child is in need of services under RSA 169-D:2, II(a)***
9 ***may be filed by a truant officer or school official from the school district where the child is***
10 ***attending school with a judge or clerk of the court in the judicial district where the child is***
11 ***found or resides. In accordance with RSA 189:36 II, a truant officer or school official shall***
12 ***not file a petition alleging that a child is in need of services under RSA 169-D:2 II(a) until***
13 ***all steps in the school district’s intervention process under RSA 189:34, II have been***
14 ***followed.***

15 ***(b) A petition alleging that a child is in need of services under RSA 169-D:2,***
16 ***II(b) or RSA 169-D:2, II(c) may be filed by a parent, legal guardian or custodian, school***
17 ***official, or law enforcement officer with a judge or clerk of the court in the judicial district***
18 ***in which the child is found or resides.***

19 (c) A petition alleging ***that*** a child is in need of services ***under RSA 169-D:2, II(d)***
20 may, with the consent of the department, be filed by a parent, legal guardian or custodian, school
21 official, or law enforcement officer with a judge or clerk of the court in the judicial district in which
22 the child is found or resides.

23 ***I-a.*** The petition shall be in writing and verified under oath. The following notice shall be
24 printed on the front of the petition in bold in no smaller than 14 point font size: “See back for
25 important information and financial obligations.” The back of the petition shall include a notice of
26 liability for parents and other individuals chargeable by law for the child’s support and necessities.

27 49 Children in Need of Services; Release Prior to Initial Appearance. Amend RSA 169-D:10, II
28 and III to read as follows:

29 II. Pending the initial appearance, the court shall release the child to one of the following,
30 which in the court’s opinion is the least restrictive and most appropriate:

31 (a) A parent or guardian;

32 (b) A relative or suitable adult;

33 (c) ***Where there are reasonable grounds to believe that the child is a runaway***
34 ***under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2,***
35 ***II(d), the custody of department of health and human services for placement in a foster home, as***
36 ***defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses***
37 ***chargeable as provided in RSA 169-D:29; or***

1 (d) [Repealed.]

2 (e) An alcohol crisis center certified to accept juveniles.

3 III. ***Where there are reasonable grounds to believe that the child is a runaway***
4 ***under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2,***
5 ***II(d) and*** ~~Should~~ there ~~be~~ ***is*** no shelter care/detention bed available, nor an appropriate parent,
6 guardian, or custodian as defined in paragraph II of this section available, the court or the officer
7 taking the child into temporary custody shall notify the department. If the child cannot be referred
8 to an alternative to secure detention, the court shall make an order authorizing the department to
9 place the child. The department shall then promptly arrange for placement of the child.

10 50 Children in Need of Services; Release Pending Adjudicatory Hearing. Amend RSA 169-D:13,
11 I to read as follows:

12 I. Following the initial appearance, a child alleged to be in need of services may be ordered
13 by the court subject to such conditions as the court may order, to be:

14 (a) Retained in the custody of a parent, guardian, or custodian; or

15 (b) Released in the supervision and care of a relative; or

16 (c) ***Where the petition alleges that the child is a habitual runaway under***
17 ***RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d),***
18 released to the custody of the department of health and human services for placement in a foster
19 home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with
20 expenses chargeable as provided in RSA 169-D:29.

21 (d) [Repealed.]

22 ***I-a. Where the petition alleges that the child is a habitual truant under RSA 169-***
23 ***D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his***
24 ***or her parents, guardian, or custodian under RSA 169-D:2, II(b), or that the child***
25 ***repeatedly or habitually engages in conduct that constitutes violation level offenses under***
26 ***RSA 169-D:2, II(c), the court shall not order the out-of-home placement of the child.***

27 51 Children in Need of Services; Dispositional Hearing. Amend RSA 169-D:17, I to read as
28 follows:

29 I. If the court finds the child is in need of services, it shall order the least restrictive and
30 most appropriate disposition considering the facts in the case, the investigation report, and the
31 dispositional recommendations of the parties and counsel. The dispositional recommendation of the
32 department of health and human services shall include the costs of the recommended services,
33 placements, and programs. Such disposition may include:

34 (a) Permitting the child to remain with a parent, guardian, relative or custodian, subject
35 to such limitations and conditions as the court may prescribe, including:

36 (1) Ordering the child or parent, guardian, relative or custodian, or both, to accept
37 individual or family counseling;

1 (2) Placing the child on conditional release for a term of 2 years or less.

2 (b)(1) Releasing the child in the supervision and care of a relative or suitable adult; or

3 (2)(A) *Where the petition alleges that the child is a habitual runaway under*
4 *RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d),*
5 releasing the child to the custody of the department of health and human services for placement in a
6 foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility
7 with expenses charged in accordance with RSA 169-D:29.

8 (B) *Notwithstanding subparagraph (A) where the petition alleges that*
9 *the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly*
10 *disregards the reasonable and lawful commands of his or her parents, guardian, or*
11 *custodian under RSA 169-D:2, II(b) or that the child repeatedly or habitually engages in*
12 *conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall*
13 *not order the out-of-home placement of the child.*

14 (c) Imposing a fine or restitution, or both, on a child who has committed an offense
15 which, if committed by an adult, would be a violation under the criminal code of this state; or has
16 committed an offense which, if committed by a person 16 years of age or older, would be a violation
17 under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town.
18 Such fine shall not exceed the fine which may be imposed against an adult for the same offense.

19 (d) Ordering the minor to perform up to 50 hours of uncompensated public service subject
20 to the approval of the elected or appointed official authorized to give approval of the city or town in
21 which the offense occurred. The court's order for uncompensated public service shall include the name
22 of the official who will provide supervision to the minor. However, no person who performs such public
23 service under this subparagraph shall receive any benefits that such employer gives to its other
24 employees, including, but not limited to, workers' compensation and unemployment benefits and no
25 such employer shall be liable for any damages sustained by a person while performing such public
26 service or any damages caused by that person unless the employer is guilty of gross negligence.

27 (e) Requiring any child to attend structured after-school or evening programs which
28 address some of the child's compliance issues, as well as supervise the child during the time of the
29 day in which the child most values his or her freedom and the time which is most often used to
30 perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or
31 otherwise by the child, parent, guardian, or person having custody of the child, or may be available to
32 the child free of charge based on the limited means of the family or based on the program's receipt of
33 other funding. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have
34 been certified pursuant to RSA 170-G:4, XVIII.

35 52 School Board Truancy Policy. Amend RSA 189:34, II(b) to read as follows:

36 (b) A process for intervention designed to address individual cases of truancy as quickly
37 as possible and to reduce the number of habitual truants in the school district. *The process shall*

1 *consider and document the effect, if any, on the child's attendance of the following:*
2 *inconsistent and ineffective school attendance policies; poor record keeping; notification*
3 *provided to parents or guardians of the child's absences; unsafe school environment; poor*
4 *school climate; poor relations with teachers; and the adequacy of the identification of the*
5 *child's special education needs.* The board shall provide for the participation of parents in the
6 development of the policy. The policy shall include early parental involvement in the intervention
7 process. The policy shall also designate an employee in each school as the person responsible for
8 truancy issues.

9 53 Department of Health and Human Services; Bureau of Drug and Alcohol Services; Utilization
10 of Funds. Amend RSA 265-A:41 to read as follows:

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

20 54 Department of Health and Human Services, Office of Reimbursements; Inventory, Accounts,
21 and Dealing with Assets; Priority of Charges. For the biennium ending June 30, 2015, within
22 RSA 554:19, I(d), the department of health and human services may distribute amounts collected
23 from an estate for financial and or medical assistance provided to the deceased by the department in
24 the following order: First, that assistance funded entirely by moneys from the general fund; and
25 second, that assistance funded by a combination of state and federal funds.

26 55 Department of Health and Human Services; Office of Reimbursements; Duties. Amend
27 RSA 126-A:34, I(b) to read as follows:

28 (b) Investigate the ability of patients, residents, or clients of such institutions and of the
29 persons receiving care, treatment, ~~or~~ maintenance, **or services** either in public or private
30 institutions or otherwise at the direction of the commissioner and those legally chargeable for their
31 support and maintenance to pay for such care, treatment, ~~and~~ maintenance, **and/or services** and
32 recommend to the commissioner the charge to be rendered.

33 56 Department of Health and Human Services; Office of Reimbursements; Financial
34 Statements. Amend RSA 126-A:38 to read as follows:

35 I.(a) Within 60 days after admittance, except as provided in paragraph II, and annually
36 thereafter if requested by the commissioner, a financial statement shall be filed under penalty of

1 perjury by a person legally chargeable for expenses pursuant to RSA 126-A:36 on forms provided for
2 this purpose by the office of reimbursements.

3 *(b) Notwithstanding the provisions of RSA 359-C or any other provision of law*
4 *to the contrary, the commissioner is hereby authorized to request, on an individually-*
5 *named basis, and receive, on the same basis, from any financial institution, including, but*
6 *not limited to, any bank, trust company, savings and loan association, credit union, or*
7 *other financial institution doing business in this state, personal information with respect*
8 *to all transactions with such financial institution including, but not limited to, the assets*
9 *of any person of whom the department is investigating the ability to pay. The financial*
10 *institution shall furnish the information within 15 days of the department's request. After*
11 *such time, a financial institution, which fails to comply with these provisions, shall be*
12 *liable for an administrative fine of \$50 per day.*

13 *(c) The commissioner is hereby authorized to request and receive from any and*
14 *all former or current employers, including, but not limited to, personal information with*
15 *respect to dates of employment, number of hours worked, rate of pay, date of birth,*
16 *available health insurance, current address, payroll deductions, and social security*
17 *number of any person of whom the department is investigating the ability to pay. The*
18 *employer shall furnish the information within 15 days of the department's request. After*
19 *such time, an employer who fails to comply with these provisions shall be liable for an*
20 *administrative fine of \$50 per day.*

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

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

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

1 reimbursements and shall enter a payment contract for balance of fees due. The office of
2 reimbursements shall be entitled to recover reasonable attorneys fees and costs of collection for
3 program fees not paid in accordance with a payment contract.

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

10 57 New Subparagraph; Department of Health and Human Services; Office of Reimbursements;
11 Recovery of Expenses. Amend RSA 126-A:42, II by inserting after subparagraph (e) the following
12 new subparagraph:

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

15 58 Department of Health and Human Services; Office of Reimbursements Regular Rate. Amend
16 RSA 126-A:43, III to read as follows:

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

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

25 59 Department of Health and Human Services; Office of Reimbursements; Administrators;
26 Bond. Amend RSA 553:13, II to read as follows:

27 II. Notwithstanding the provisions of paragraph I, when the estate has a gross value of
28 \$25,000 or less, only a personal bond without sureties will be required. ***In addition, in cases in***
29 ***which the department of health and human services is administering an estate pursuant to***
30 ***RSA 126-A:34, (I)(e), no bond shall be required for estates with a gross value of \$25,000 or***
31 ***less.***

32 60 Child Day Care Licensing; Administrative Fines. Amend RSA 170-E:21-a to read as follows:

33 170-E:21-a Administrative Fines. The commissioner of the department of health and human
34 services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an
35 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision
36 of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the
37 commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this

1 section shall not preclude the imposition of further penalties or administrative actions under this
 2 chapter. The commissioner shall adopt rules in accordance with RSA 541-A relative to
 3 administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums
 4 obtained from the levying of administrative fines under this chapter shall be ~~forwarded to the state~~
 5 ~~treasurer to be deposited into the general fund.]~~ ***nonlapsing and continually appropriated to***
 6 ***the commissioner for the purposes of providing technical assistance to providers or***
 7 ***programs that have a history of noncompliance with this chapter or rules adopted under***
 8 ***this chapter, or that have been cited with a violation of this chapter or rules adopted under***
 9 ***this chapter. Such account shall be known as the child day care licensing fund. The fund***
 10 ***shall be used to provide technical assistance designed to assist the provider or program to***
 11 ***come into compliance with this chapter or rules adopted under this chapter and may***
 12 ***include such assistance as the services of a consultant approved by the department, or an***
 13 ***independent review of the provider or program by a review committee convened by the***
 14 ***department.***

15 61 New Subparagraph; Child Day Care Licensing Fund. Amend RSA 6:12, I(b) by inserting
 16 after subparagraph (310) the following new subparagraph:

17 (311) Moneys deposited in the child day care licensing fund established under
 18 RSA 170-E:21-a.

19 62 Department of Health and Human Services, Division of Community-Based Care Services,
 20 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the
 21 biennium ending June 30, 2015, the department of health and human services shall maintain a limit
 22 on benefits of \$4,000 per person per year for adults with low service utilization of community mental
 23 health services, as identified in He-M 401.07; provided, that the department shall also establish, by
 24 rule under RSA 541-A, a procedure for such persons or community health providers to request a
 25 waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the
 26 commissioner of the department of health and human services, the fiscal committee of the general
 27 court may authorize a higher per person per year limit.

28 63 Department of Health and Human Services; Division for Children, Youth, and Families.
 29 Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending
 30 June 30, 2015, the rates for all services, placements, and programs that are paid for by the
 31 department of health and human services pursuant to RSA 169-B:40, 169-C:27, 169-D:29, with the
 32 exception of rates for contracted services that are approved by the governor and council and rates for
 33 out-of-state placements, shall be the rate in effect for the particular service, placement, or program
 34 as of June 30, 2013.

35 II. Notwithstanding paragraph I, upon the department's implementation of managed care,
 36 the rate of reimbursement for services and programs for a Medicaid eligible child shall be the rate
 37 agreed to by the provider and the managed care organization. The total rate of reimbursement for

1 residential placement (board and care) for a Medicaid eligible child shall consist of the “room and
2 board rate” and the “educational rate” as established by the department on July 1, 2013, and the
3 treatment or PNMI rate as agreed to by the provider and the managed care organization.

4 64 Department of Health and Human Services; Carry Forward Medicaid Appropriations.
5 Appropriations in the following accounts shall not lapse until June 30, 2015:

6 · 7940 Class 100 Pharmacy Services (formerly 6143):

7 · 7940 (formerly 6147) Class 101 Provider Payments:

8 · 7940 (formerly 6147) Class 565 Outpatient Hospital:

9 7948 Medicaid Care Management Class 560 Insurance Premium Payments

10 65 Repeal. RSA 126-A:18-b, relative to Medicaid reimbursement rates, is repealed.

11 66 Uncompensated Care Fund. Amend RSA 167:64, I(a) and (b) to read as follows:

12 (a)(1) The commissioner may provide reimbursement for uncompensated care costs in
13 accordance with the approved schedule of payments through either Medicaid rate adjustments or
14 disproportionate share hospital payment adjustments, or a combination thereof. Funds available
15 under this section shall also be used to make medical provider payments and to support the state's
16 Medicaid enhancement tax unrestricted revenue account, in amounts directed by the budget in each
17 year of the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be
18 made in the following order of priority:

19 ~~(1)~~ (A) To support medical provider payments as budgeted in each year of the
20 biennium;

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

27 ~~(3) To support the state's Medicaid enhancement tax unrestricted revenue account~~
28 ~~as budgeted in each year of the biennium; and~~

29 ~~(4) If authorized, to reimburse non-critical access hospitals at the highest uniform~~
30 ~~percentage of each hospital's disproportionate share hospital payment limit as the funds made~~
31 ~~available under this section permit and are consistent with the requirements of 42 U.S.C. section~~
32 ~~1396r 4(g) and any relevant federal regulations promulgated thereunder.]~~

33 (B) *To support the state's Medicaid enhancement tax unrestricted*
34 *revenue account as budgeted in each year of the biennium;*

35 (C) *To support up to 80 percent of the uncompensated care costs of*
36 *New Hampshire's hospitals with critical access designation as available funding allows, to be*
37 *shared among such hospitals in proportion to the amount of uncompensated care provided;*

1 ***(D) To support up to 80 percent of the uncompensated care costs of New***
2 ***Hampshire’s hospitals without critical access designation as available funding allows, to***
3 ***be shared among such hospitals in proportion to the amount of uncompensated care***
4 ***provided;***

5 ***(E) Any remaining funds produced from the Medicaid Enhancement Tax***
6 ***shall be used to reduce hospital losses associated with providing services to Medicaid***
7 ***recipients through an increase in provider reimbursement rates.***

8 ***(2) Should funds be inadequate to make a disproportionate share hospital***
9 ***payment to hospitals within either of the groups identified in subparagraph (C) or (D), an***
10 ***amount of \$1,000,000 shall be designated to make payments in accordance with 42 U.S.C.***
11 ***1396r-4(b) and distributed as follows:***

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

15 ***(B) If only hospitals in subparagraph (D) are impacted, distributed to***
16 ***those hospitals in proportion to the amount of uncompensated care provided.***

17 (b) The commissioner is hereby authorized and directed to develop and implement, in
18 connection with the payment by the state to hospitals for reimbursement of uncompensated care
19 costs, a schedule of payments for reimbursement of the uncompensated care costs of those hospitals
20 that are subject to the tax liability imposed under RSA 84-A and that participate in the state
21 Medicaid program. The reimbursement of uncompensated care costs paid in state fiscal year ~~[2012]~~
22 **2014** and state fiscal year ~~[2013]~~ **2015** shall be in accordance with the schedule of payments to
23 hospitals that takes effect on or after July 1, ~~[2011]~~ **2013**, subject to the prior review and approval of
24 the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is
25 consistent with all federal laws and regulations governing (i) Title XIX disproportionate share
26 hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial
27 participation, and (iii) permissible sources of state financial participation as provided for under 42
28 C.F.R. part 433 and all other applicable federal regulations.

29 67 Repeal. RSA 167:65, II, relative to reporting methodology of payment to the oversight
30 committee on health and human services, is repealed.

31 68 Department of Health and Human Services; Bureau of Adult and Elderly Services; Nursing
32 Facility Quality Assessment; Contingency. Notwithstanding RSA 84-C:11, I, for the biennium
33 ending June 30, 2015, the nursing facility quality assessment imposed by RSA 84-C shall not be
34 assessed, and no return shall be required to be made, upon the occurrence of any proceeds collected
35 from nursing facilities as defined in RSA 84-C:1,V(a), from the nursing facility quality assessment
36 being expended by the state or any state agency for any purpose other than funding nursing facility

1 expenditures through the nursing facility trust fund under RSA 151-E:14 and long-term care
2 services through the department of health and human services.

3 69 Department of Health and Human Services; Bureau of Adult and Elderly Services;
4 Intermediate Care Facilities (ICF); Use of ICF Separate Account. Notwithstanding the provisions of
5 RSA 84-D:5, for the biennium ending June 30, 2015, funds from the intermediate care facilities
6 separate account may be expended by the state for long-term care services through the department
7 of health and human services.

8 70 Department of Health and Human Services; Bureau of Adult and Elderly Services; Quality
9 Assessment Expenditures; State Expenditures for Long-Term Care Services. Notwithstanding the
10 provisions of RSA 151-E:14 and RSA 151-E:15-a, for the biennium ending June 30, 2015, 25 percent
11 of the receipts from the nursing facility quality assessment under RSA 84-C:3 and the intermediate
12 care facilities quality assessment under RSA 84-D:3 shall be deposited as restricted revenue in
13 accounts of the department of health and human services and shall be used in support of long-term
14 care services and not for any other purpose.

15 71 Department of Health and Human Services; Bureau of Adult and Elderly Services;
16 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
17 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
18 biennium ending June 30, 2015.

19 72 New Paragraph; Department of Health and Human Services; Assistance to Newly Eligible
20 Population Consistent with Federal Law. Amend RSA 126-A:5 by inserting after paragraph XXI the
21 following new paragraph:

22 XXII.(a) Notwithstanding any provision of law to the contrary, the commissioner shall
23 submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
24 Medicaid Services and take any other administrative and operational actions necessary to expand
25 eligibility for Medicaid in the state authorized by section 1902(a)(10)(A)(i)(VIII) and section
26 1902(e)(14) of the Social Security Act as amended by the Patient Protection and Affordable Care Act,
27 Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010,
28 Public Law 111-152 (hereinafter the “Act”). The state shall seek federal approval to provide medical
29 assistance to individuals who become eligible for Medicaid pursuant to this section and to other
30 individuals eligible under 1902(a)(10)(A)(i) in the same amount, duration, and scope. The expansion
31 provisions under this paragraph shall be implemented commencing January 1, 2014 or as soon
32 thereafter as is practicable.

33 (b) The commissioner may adopt rules, pursuant to RSA 541-A, as necessary to
34 implement the Medicaid eligibility expansion under subparagraph (a).

35 (c) The commissioner is authorized to accept and expend all federal funds authorized by
36 the Act as necessary to implement the eligibility expansion under subparagraph (a).

1 73 Department of Health and Human Services; Medicaid Breast and Cervical Cancer Program.
2 Enrollment in the Medicaid breast and cervical cancer program, under 42 U.S.C. section 1396a(aa),
3 shall be suspended effective December 31, 2013 conditioned upon implementation of the Medicaid
4 expansion group pursuant to RSA 126-A:5, XXII. Any individual covered under the Medicaid breast
5 and cervical cancer program prior to December 31, 2013 shall continue to be covered for the program
6 unless his or her medical treatment has concluded, or until the next redetermination of his or her
7 eligibility by the department, whichever event occurs later; whereas after, the individual's eligibility
8 for the Medicaid expansion group shall be determined by the department pursuant to RSA 126-A:5,
9 XXII. Commencing January 1, 2014, administrative rule He-W 641.09 shall be limited in its
10 application to only those individuals enrolled in the Medicaid breast and cervical cancer program
11 receiving treatment as of December 31, 2013 conditioned upon implementation of the Medicaid
12 expansion group pursuant to RSA 126-A:5, XXII.

13 74 Repeal. 1988, 192:12 as amended by 1990, 201:16, relative to certification of shelter
14 care/detention beds, is repealed.

15 75 Residential Care and Health Facility Licensing; Licenses. Amend the introductory
16 paragraph of RSA 151:5 to read as follows:

17 Licenses issued hereunder shall expire one year after the date of issuance. Licenses shall be issued
18 only for the premises and persons named in the application, and shall not be transferable or
19 assignable; ***provided that home health care providers, personal care providers, home health***
20 ***hospice providers, and case management agencies shall not be required to apply for and***
21 ***receive a new license if they change the physical location of their office within the one year***
22 ***licensing period.*** Licenses shall be posted in a conspicuous place on the licensed premises. Fees
23 for an annual license shall be as follows:

24 76 New Section; New Hampshire Medicaid Enhancement Tax Commission Established. Amend
25 RSA 84-A by inserting after section 12 the following new section:

26 84-A:13 New Hampshire Medicaid Enhancement Tax Commission Established; Members;
27 Duties.

28 I.(a) There is hereby established a commission to be known as the New Hampshire Medicaid
29 enhancement tax commission. The members of the commission shall be as follows:

30 (1) Two members of the house of representatives, appointed by the speaker of the
31 house of representatives.

32 (2) Two members of the senate, appointed by the president of the senate.

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

34 (4) The commissioner of the department of revenue administration, or designee.

35 (5) The commissioner of the department of insurance, or designee.

36 (6) A representative of a licensed acute care hospital designated as a critical access
37 hospital, appointed by the governor.

1 (7) A representative of a licensed acute care hospital without critical access hospital
2 designation, appointed by the governor.

3 (8) A representative of a licensed acute care hospital with a specialty hospital
4 designation, appointed by the governor.

5 (9) A representative of health insurance carriers, appointed by the governor.

6 (10) Four public members, appointed by the governor.

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

9 (c) Members under subparagraphs (a)(1) through (5) shall serve terms coterminous with
10 their term of office. The other members of the commission shall serve 3-year terms, provided that
11 initial appointments shall be for staggered terms of one, 2, or 3 years.

12 II. The commission shall advise and recommend to the governor options for restructuring
13 the framework of the Medicaid enhancement tax (MET) to:

14 (a) Support sustainability of uncompensated care payments.

15 (b) Increase predictability of future annual MET revenues, taking into consideration the
16 MET revenue trends of recent years.

17 (c) Simplify the MET liability calculation.

18 (d) Address the forthcoming reduction in DSH allotments as directed by provisions of the
19 federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health
20 Care and Education Reconciliation Act of 2010, Public Law 111-152.

21 III. The members of the commission shall elect a chairperson from among the members.
22 The first meeting of the commission shall be called by the chairperson no later than August 15, 2013.
23 The first meeting of the committee shall be held within 45 days of the effective date of this section.
24 Five members of the committee shall constitute a quorum.

25 77 Department of Corrections; Authority to Fill Unfunded Positions. Notwithstanding any
26 provision of law to the contrary, the commissioner of corrections may fill unfunded positions during
27 the biennium ending June 30, 2015, provided that the total expenditure for such positions shall not
28 exceed the amount appropriated for personal services, permanent, and personal services,
29 unclassified.

30 78 Department of Corrections; Transfers. Notwithstanding any provision of law to the contrary,
31 and subject to approval of the fiscal committee of the general court and governor and council, for the
32 biennium ending June 30, 2015, the commissioner of the department of corrections is authorized to
33 transfer funds within and among all accounting units within the department and to create
34 accounting units and expenditure classes as required and as the commissioner deems necessary and
35 appropriate to address present or projected budget deficits, or to respond to changes in federal law,
36 regulations, or programs, and otherwise as necessary for the efficient management of the
37 department.

1 79 Department of Corrections; Exemption from Footnote I. Notwithstanding any other law to
 2 the contrary, for the biennium ending June 30, 2015, accounting unit 02-46-46-462010-5731 within
 3 the department of corrections shall be exempt from the provisions of the 'I' footnote as set forth in
 4 the Budget Footnotes – General (HB 1 section 1.08).

5 80 Department of Corrections; Overtime. In the event that expenditures in class line 018
 6 overtime within the department of corrections are greater than amounts appropriated, the
 7 commissioner may request, with prior approval of the fiscal committee of the general court, that the
 8 governor and council authorize additional funding. Upon fiscal committee and governor and council
 9 approval, the governor is authorized to draw a warrant for said sums out of any money in the
 10 treasury not otherwise appropriated.

11 81 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as
 12 follows:

13 (a) In cases involving a neglected or abused child under this chapter, where the child's
 14 expressed interests conflict with the recommendation for dispositional orders of the guardian ad
 15 litem, the court may appoint an attorney to represent the interests of the child. ***In cases of neglect
 16 or abuse brought pursuant to this chapter, appointment of an attorney to represent an
 17 indigent parent alleged to have neglected or abused his or her child shall be made only
 18 when, under the circumstances of the particular case, the court determines that the
 19 assistance of counsel is necessary to protect the indigent parent's right to due process.***

20 82 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I(f) to read as follows:

21 (f) ~~Neither~~ The department ~~[nor the judicial council]~~ shall have ~~[authority]~~ ***no***
 22 ***responsibility*** for the payment of the cost of assigned counsel for any party under this chapter.

23 83 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

24 604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a
 25 guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such
 26 appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. ***In
 27 cases involving a neglected or abused child, when an attorney is appointed to represent a
 28 parent determined to be indigent pursuant to RSA 169-C:10, II(a), the cost of such
 29 appointment shall be paid from funds appropriated for indigent defense pursuant to this
 30 chapter.***

31 84 Liquor Commission. Amend RSA 176:1 to read as follows:

32 176:1 Commission. There shall be a state liquor commission ~~[consisting of 3 members]~~ ***under***
 33 ***the executive direction of a liquor commissioner, who shall be qualified to hold that***
 34 ***position by reason of education and experience, who shall also be known as the chairman***
 35 ***of the liquor commission. The liquor commissioner shall be*** appointed by the governor with
 36 the consent of the council~~[. Not more than 2 members shall belong to the same political party. Each~~
 37 ~~member]~~ ***and*** shall hold office for a term of ~~[6]~~ ***4*** years. If a vacancy shall occur ~~[in the commission],~~

1 it shall be filled for the remainder of the term. ~~[Any or all of the commissioners]~~ **The commissioner**
2 may be removed by the governor and council for cause. **The commissioner shall be subject to a**
3 **background check by the state police prior to appointment.**

4 85 Chairman; Compensation. Amend RSA 176:2 to read as follows:

5 176:2 ~~[Chairman]~~ **Liquor Commissioner**; Compensation. ~~[The chairman of the commission~~
6 ~~shall be appointed and commissioned as such by the governor with the consent of the council, and his~~
7 ~~term shall be coterminous with each term of the governor unless his successor shall have been~~
8 ~~sooner appointed. The expiration or termination of a commission member's term of office as~~
9 ~~chairman of the commission shall in no way affect the length of his term as a commission member as~~
10 ~~established under RSA 176:1.]~~ The annual salary of ~~[each member of the commission]~~ **the**
11 **commissioner** shall be as specified in RSA 94:1-a, and the ~~[commissioners]~~ **commissioner** shall
12 receive ~~[their]~~ **his or her** reasonable expenses while traveling in the performance of ~~[their]~~ **his or**
13 **her** duties, provided that ~~[they]~~ **the commissioner** shall not be allowed as expenses, travel between
14 ~~[their places]~~ **his or her place** of residence and ~~[their]~~ **the commissioner's** office in Concord, nor
15 shall ~~[they]~~ **the commissioner** be allowed board or lodging while in Concord. The ~~[chairman of the~~
16 ~~commission]~~ **commissioner** shall serve as the representative to the National Alcoholic Beverage
17 Control Association.

18 86 New Section; Deputy Commissioner. Amend RSA 176 by inserting after section 2 the
19 following new section:

20 176:2-a Deputy Commissioner.

21 I. The commissioner shall nominate a deputy commissioner for appointment by the governor
22 with the consent of the council who shall be qualified to hold that position by reason of education and
23 experience. The deputy commissioner shall hold office for a term of 4 years and may be reappointed.
24 The deputy commissioner shall be subject to a background check by the state police prior to
25 appointment.

26 II. If a vacancy shall occur in said office, it shall be filled for the remainder of the term. The
27 deputy commissioner may be removed by the governor and council for cause.

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

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

32 V. The deputy commissioner shall, subject to the supervision of the commissioner, exercise
33 authority as required to ensure that the divisions and their directors are implementing the
34 organizational goals and managing the work of the commission in an effective and efficient manner.

35 87 Requirements. Amend RSA 176:4 to read as follows:

36 176:4 Requirements. The ~~[members of the commission]~~ **commissioner** shall devote ~~[their]~~ **his**
37 **or her** entire time to the service of the commission. ~~[No member of the commission]~~ **The**

1 **commissioner** shall **not** be directly or indirectly interested in the liquor or beverage business. The
2 compensation and expenses of the ~~[commissioners]~~ **commissioner** and the expenses of the
3 administration of this chapter shall be paid by the state on the warrant of the governor with the
4 approval of the council.

5 88 Divisions and Directors. Amend RSA 176:8 to read as follows:

6 176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of
7 unclassified division directors. The directors shall be ~~[appointed by the commission and serve at the~~
8 ~~pleasure of the commission based on]~~ **nominated by the commissioner for appointment by the**
9 **governor with the consent of the council and shall serve for terms of 4 years dependent**
10 **upon maintaining** good behavior and competence. There shall be a division of marketing,
11 merchandising, and warehousing, a division of administration, and a division of enforcement and
12 licensing. **The director of the division of enforcement and licensing shall be subject to a**
13 **background check by the state police prior to appointment.**

14 89 Liquor Investigator. Amend RSA 176:9, I to read as follows:

15 I. The commission may, subject to rules adopted by the director of personnel **and the**
16 **requirements of the police standards and training council**, employ and dismiss liquor
17 investigators. Liquor investigators shall, under the direction of the commission, investigate any or
18 all matters arising under this title.

19 90 Investigations. Amend RSA 176:9, III to read as follows:

20 III. ~~[Any member of the commission]~~ **The commissioner**, assistant, or liquor investigator
21 may enter any place where liquor, beverages, or tobacco products are sold or manufactured, at any
22 time, and may examine any license or permit issued or purported to have been issued under the
23 terms of this title. They shall make complaints for violations of this title.

24 91 Purchases by the Liquor Commission. Amend RSA 176:17 to read as follows:

25 176:17 Purchases by the Liquor Commission. The liquor commission shall purchase all liquor,
26 wine, and beverages from primary sources. For the purposes of this title, primary source means the
27 manufacturer or producer, whether or not it is within the state. If a primary source is not available,
28 the ~~[commission]~~ **commissioner** may, if ~~[it]~~ **he or she** feels it is in the best interests of the state,
29 ~~[vote at its regular meeting to]~~ allow an exemption and shall explain why such exemption has been
30 allowed.

31 92 Employment Prohibited. Amend RSA 179:21 to read as follows:

32 179:21 Employment Prohibited. No elected state official, ~~[member of the]~~ liquor ~~[commission]~~
33 **commissioner**, or employee of the liquor commission responsible for making recommendations to
34 the commission relative to the purchase of liquor, wine, or beer shall hold a liquor or wine
35 representative license for a period of ~~[1]~~ **one** year from the date that such person leaves office or
36 terminates such employment.

37 93 Employment Intervention. Amend RSA 179:22, II to read as follows:

1 II. It shall be unlawful for **the liquor commissioner or** any ~~member or~~ employee of the
2 commission knowingly to intervene in the selection, employment, or dismissal of any liquor or wine
3 representative, or other agent or employee of any distiller, importer, rectifier, or other holder of a
4 liquor or wine manufacturer license or liquor or wine vendor license.

5 94 Hearings. Amend RSA 179:56, I to read as follows:

6 I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
7 proceedings and to regulate the mode and manner of all investigations and hearings before it. **The**
8 **commission shall appoint hearing officers to review any enforcement action by an**
9 **employee of the commission. Any person who is the subject of any enforcement action by an**
10 **employee of the commission may request an administrative review or hearing before a**
11 **hearing officer by filing a written request stating the grounds for review within 30 days of**
12 **the action.** All hearings before the ~~commission~~ **commissioner or a hearing officer** shall be in
13 accordance with RSA ~~541-A:31-36~~ **541-A:31 through RSA 541-A:36.** In any such investigation or
14 hearing the commission shall not be bound by the technical rules of evidence. The ~~commission~~
15 **commissioner** or any ~~member,~~ **hearing officer** may subpoena witnesses and administer oaths in
16 any proceeding or examination instituted before or conducted by ~~it~~ **the commissioner or hearing**
17 **officer,** and may compel, by subpoena, the production of any accounts, books, contracts, records,
18 documents, memoranda, and papers of any kind whatever. Witnesses summoned before the
19 ~~commission~~ **commissioner or a hearing officer** shall be paid the same fees as witnesses
20 summoned to appear before the superior court, and such summons issued by any justice of the peace
21 shall have the same effect as though issued for appearance before such court. **Decisions of the**
22 **hearing officer may be appealed to the liquor commissioner. Decisions of the commissioner**
23 **may be appealed to the supreme court pursuant to RSA 541.**

24 95 Applicability.

25 I. The chairman and next senior member of the liquor commission holding their offices on
26 the effective date of sections 84-94 of this act shall remain in office until the expiration of their
27 appointed terms. The chairman shall assume the title and duties of the commissioner and the next
28 senior member shall assume the title and duties of the deputy commissioner for the remainder of
29 their terms. The salaries of the chairman and next senior member shall not be reduced during their
30 service as commissioner and deputy commissioner for the unexpired term.

31 II. Sections 84-94 of this act shall not affect the validity of any rule, order, or contract of the
32 commission adopted, issued, or executed prior to the effective date of such sections.

33 96 Chartered Public Schools; Funding. Amend RSA 194-B:11, IV-a to read as follows:

34 IV-a. The commissioner of the department of education ~~shall~~ **may** apply for ~~all~~
35 funding available to chartered public schools under the No Child Left Behind Act, Title I of the
36 Elementary and Secondary Education Act, or other federal source of funds. The commissioner shall
37 expend any such funds received in a manner acceptable to the funding source.

1 97 School Money; Distribution Schedule of Adequate Education Grants. Amend RSA 198:42, IV
2 to read as follows:

3 IV. For the fiscal year beginning July 1, ~~[2011]~~ **2013**, and every fiscal year thereafter, the
4 department of education may expend funds up to ~~[110]~~ **100** percent of budgeted amounts as
5 necessary to fund chartered public school tuition payments under RSA 194-B:11, I. Said amounts
6 are hereby appropriated to the department from the education trust fund established under RSA
7 198:39. The education trust fund shall be used to satisfy the state’s obligation under this paragraph.
8 The payment shall be issued regardless of the balance of funds available in the education trust fund.
9 ~~[In the event that chartered public school tuition payments exceed budgeted amounts by over 10~~
10 ~~percent, the department of education may expend funds in excess of said amounts, with the approval~~
11 ~~of the fiscal committee of the general court and governor and council. Said funds shall be paid from~~
12 ~~the education trust fund established under RSA 198:39 upon the warrant of the governor out of any~~
13 ~~money in the fund not otherwise appropriated.]~~

14 98 Committee Established. There is established a committee to study both the realized and
15 potential effects of chartered public school funding options on the state’s economy and existing
16 revenue base.

17 I. The members of the committee shall be as follows:

18 (a) One member of the house ways and means committee, appointed by the speaker of
19 the house of representatives.

20 (b) One member of the senate ways and means committee, appointed by the president of
21 the senate.

22 (c) Two members of the house of representatives, appointed by the speaker of the house
23 of representatives.

24 (d) One member of the state board of education, appointed by the chairman of the state
25 board of education.

26 (e) One member with experience in public education, appointed by the governor.

27 II. The committee shall solicit advice and testimony from the chairman of the state board of
28 education, or another member designated by the chairman, and from members of the public with
29 experience in public education recommended by the governor.

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

32 IV. The committee shall study the following issues:

33 (a) Costs of instruction in a chartered public school.

34 (b) Funding mechanisms for chartered public schools, including the current state
35 adequate education funding model.

36 (c) Costs of administration and facilities.

37 (d) Stability and sustainability of chartered public schools over time.

1 V. The members of the study committee shall elect a chairperson from among the members.
2 The first meeting of the committee shall be called by the first-named house member. The first
3 meeting of the committee shall be held within 45 days of the effective date of this section. Three
4 members of the committee shall constitute a quorum.

5 VI. The committee shall report its findings and any recommendations for proposed
6 legislation to the speaker of the house of representatives, the president of the senate, the house
7 clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

8 99 Chartered Public Schools; Approval by State Board of Education. Amend RSA 194-B:3-a to
9 read as follows:

10 194-B:3-a Chartered Public School Approval by State Board of Education.

11 I. The state board of education may grant charter status to applicants that meet the
12 requirements of this chapter.

13 II. The proposed chartered public school application shall be presented for approval directly
14 to the state board of education by the applicant for the prospective chartered public school. The
15 content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and
16 (dd) **and shall also contain, within the application's renewal provision, language requiring**
17 **the state board of education to approve any change in enrollment.** The department of
18 education shall notify an applicant of any missing information within 10 days of the initial filing.
19 The applicant shall file any missing information before the department reviews the application.

20 III. The department of education may forward the proposed application to the applicant,
21 along with a written statement detailing any suggested amendments or modifications.

22 IV. The state board of education shall either approve or deny an application using
23 reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and (dd)
24 **and whether, in the discretion of the state board the proposed chartered public school**
25 **serves the state's needs geographically or programmatically.** Approval of an application
26 constitutes the granting of charter status and the right to operate as a public chartered public school.
27 The state board of education shall notify all applicants of its decision in writing, and shall include in
28 any notice of denial a written statement specifying any areas deemed deficient, the reasons for the
29 denial, and explaining that the applicant may reapply under RSA 194-B:3 or under this section in a
30 subsequent year.

31 V. **Any material change to an approved application, charter, or contract, including**
32 **any change in enrollment, shall be submitted to the state board of education for approval.**

33 VI.(a) The following provisions of law shall not apply to chartered public school applications
34 proposed under this section, or to chartered public schools granted approval for operation under this
35 section:

36 (1) RSA 194-B:3, II(cc).

37 (2) RSA 194-B:3, III-IV.

1 (3) RSA 194-B:3, XI.

2 (4) RSA 194-B:15, II.

3 (b) Except as provided in this paragraph, the provisions of RSA 194-B shall apply to
4 chartered public schools approved for operation by the state board of education under this section.

5 (c) Not more than 10 percent of the resident pupils in any grade shall be eligible to
6 transfer to a chartered public school in any school year without the approval of the local school
7 board.

8 100 Chartered Public Schools; Reporting Requirements. Amend RSA 194-B:10, III to read as
9 follows:

10 III. To ensure compliance with its application and contract and applicable law, a chartered
11 public school shall be subject to a first year ~~[and periodic subsequent]~~ program ~~[audits]~~ **audit** by the
12 department of education or its agent, **and shall be subject to a program audit by the**
13 **department of education at least once every 3 years thereafter.**

14 101 Chartered Public Schools; Funding for Biennium. Notwithstanding RSA 198:42, IV, funding
15 for chartered public schools for the fiscal year ending June 30, 2014 shall not exceed \$19,586,406 and
16 for the fiscal year ending June 30, 2015 shall not exceed \$22,465,060. No additional expenditures for
17 chartered public schools shall be made during the biennium ending June 30, 2015.

18 102 Department of Education; Funding of Public High School Robotics Programs. The
19 department of education shall expend the sum of \$100,000 for the fiscal year ending June 30, 2014,
20 and the sum of \$100,000 for the fiscal year ending June 30, 2015, from general funds appropriated in
21 class line 602 in accounting unit 06-56-56-565010-6030, Vocational Education, to provide matching
22 funds to public school districts in New Hampshire for the development of robotics teams consistent
23 with team models such as of FIRST Robotics, for the purpose of making robotics available to more
24 public high school students in New Hampshire.

25 103 Department of Education; Support for the New Hampshire Leadership Program. The
26 department of education shall expend the sum of \$50,000 for the fiscal year ending June 30, 2014,
27 and the sum of \$50,000 for the fiscal year ending June 30, 2015, from general funds appropriated in
28 class line 602 in accounting unit 06-56-56-561010-6019, Other State Aid, to provide funds to the New
29 Hampshire Leadership Program at the university of New Hampshire's Institute on Disability.

30 104 New Paragraph; Community College System Retiree Health Benefit Fund. Amend
31 RSA 188-F:7 by inserting after paragraph IV the following new paragraph:

32 V. There is hereby established in the office of the treasurer a fund to be known as the
33 community college system retiree health benefit, which shall be accounted for separately from other
34 funds. All moneys credited to the fund from payments made to the treasurer by the community
35 college system shall be used exclusively for payment of the costs associated with the provision of
36 retiree health care benefits for community college employees who retired after July 1, 2011 and
37 became eligible for retiree health care benefits. The plan design and cost-sharing arrangement shall

1 be equivalent to the health benefits offered to retired state employees pursuant to RSA 21-I:30,
2 RSA 21-I:30, XIII and RSA 100-A:54, III shall apply to such retirees. The moneys in the fund shall
3 be nonlapsing and continually appropriated to the treasurer.

4 105 New Chapter; Need-Based New Hampshire Scholarship Program Administered by
5 Department of Education. Amend RSA by inserting after chapter 200-M the following new chapter:

6 CHAPTER 200-N

7 NEW HAMPSHIRE SCHOLARSHIP PROGRAM

8 200-N:1 Program Established. There is hereby established the New Hampshire scholarship
9 program which shall be administered by the department of education. The purpose of this program is
10 to provide academic scholarships to students pursuing a degree at a public postsecondary educational
11 institution in New Hampshire. All funds received pursuant to this chapter shall be nonlapsing and
12 continually appropriated to the department of education for the purposes of this program.

13 200-N:2 Program Criteria.

14 I. Any student who has graduated from a public or private high school or has received a
15 GED or other high school equivalency certificate in New Hampshire, who is interested in pursuing
16 an associate's, bachelor's, or master's degree at any public postsecondary educational institution in
17 New Hampshire, and whose family income is less than 200 percent of the state median family
18 income based on the most recent calculations by the United States Department of Commerce, Census
19 Bureau, shall be eligible to apply for this program.

20 II. Applicants who are selected to receive a scholarship under this program shall meet the
21 academic and other criteria as may be established pursuant to this chapter. Applicants selected
22 shall receive a scholarship for 75 percent of applicable tuition and academic fees at an institution in
23 the university system of New Hampshire, and 100 percent of applicable tuition and academic fees at
24 an institution in the community college system of New Hampshire. No other charges for tuition or
25 academic fees shall be levied against an applicant. The scholarship shall be for a maximum of 5
26 academic years.

27 200-N:3 Rulemaking. The commissioner of the department of education shall adopt rules,
28 pursuant to RSA 541-A, relative to the following:

29 I. The academic standards by which scholarships shall be awarded.

30 II. Priorities in awarding scholarships where the funds available for scholarships are less
31 than the amount needed for eligible applicants.

32 III. A scholarship application process, which includes but is not limited to requiring that all
33 applicants complete a formal scholarship application on appropriate forms to be developed by the
34 department of education and time frames for the application process.

35 IV. Procedures for awarding and disbursing scholarships.

36 V. Procedures for determining the amount of funds available each fiscal year for
37 scholarships.

1 106 Repeal. The following are repealed:

2 I. RSA 77-A:5, XV, relative to the education tax credit against the business profits tax.

3 II. RSA 77-E:3-d, relative to the education tax credit against the business enterprise tax.

4 III. RSA 77-G, relative to the education tax credit.

5 107 Repeal. 2011, 224:221, relative to fines paid by mail, is repealed.

6 108 Police Standards and Training Council Training Fund. Amend RSA 188-F:30 to read as
7 follows:

8 188-F:30 Police Standards and Training Council Training Fund. There is established in the
9 state treasury a separate fund to be known as the police standards and training council training
10 fund from which the state treasurer shall pay expenses incurred in the administration of this
11 subdivision. ***This fund shall be nonlapsing and continually appropriated to the police***
12 ***standards and training council.***

13 109 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-
14 d to read as follows:

15 21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is
16 established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire
17 standards and training and emergency medical services fund from which the state treasurer shall
18 pay expenses incurred in the administration of the division of fire standards and training and
19 emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the
20 division of homeland security and emergency management, and the position of fireworks inspector,
21 under RSA 160-C:17. ***If the expenditure of additional funds over budget estimates was***
22 ***unanticipated and is necessary for the proper functioning of the division of fire standards***
23 ***and training and emergency medical services, the division of fire safety, or the division of***
24 ***homeland security and emergency management, the commissioner of the department of***
25 ***safety may transfer funds, with the prior approval of the fiscal committee of the general***
26 ***court, from this fund to the department of safety for such purposes.***

27 110 Land and Community Heritage Investment Program Administrative Fund; Deposit of
28 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal year
29 ending June 30, 2014 the amount of \$1,160,000 received from the recording surcharge collected by
30 registers of deeds under RSA 478:17-g, II(a) shall be deposited in the land and community heritage
31 investment program administrative fund under RSA 227-M:7-a, and the remainder of funds received
32 for the surcharge shall be credited to the general fund.

33 111 Joint Board of Licensure and Certification. Amend RSA 310-A:1 to read as follows:

34 310-A:1 Joint Board Established. There shall be a joint board of licensure and certification
35 for professional engineers, architects, land surveyors, foresters, professional geologists, natural
36 scientists, landscape architects, court reporters, home inspectors, accountants, manufactured
37 housing installers, real estate appraisers, ~~and~~ electricians, ~~and~~ the board of manufactured

1 housing, ***fuel gas fitters, and plumbers*** consisting of each of the members of the board of
2 professional engineers, board of architects, state board of licensure for land surveyors, foresters'
3 board, board of professional geologists, the board of natural scientists, the board of landscape
4 architects, the board of court reporters, the board of home inspectors, the board of accountancy, the
5 real estate appraiser board, the electricians' board, the manufactured housing installation standards
6 board, ~~and~~ the board of manufactured housing, ***and the mechanical licensing board.***

7 112 State Fire Marshal; Duties. Amend RSA 21-P:12, VII to read as follows:

8 VII. Administration, supervision, and enforcement of RSA ~~[153:27-37 regulating fuel gas~~
9 ~~fitters]~~ ***153:27-38. There is hereby established within the department of safety a bureau of***
10 ***building safety and construction under the supervision of the state fire marshal, which***
11 ***shall include the mechanical safety staff. The joint board of licensure and certification***
12 ***established in RSA 310-A:1 shall be responsible for the administrative, clerical, and***
13 ***business processing functions of the bureau.***

14 113 New Paragraph; Rulemaking. Amend RSA 21-P:14 by inserting after paragraph IX the
15 following new paragraph:

16 X. The commissioner of safety may approve rules prior to adoption by the mechanical
17 licensing board, as provided in RSA 153:16-b and RSA 153:27-38.

18 114 Voluntary Certification; Heating Equipment Personnel. Amend RSA 153:16-b to read as
19 follows:

20 153:16-b Certification of Heating Equipment Installers and Heating Equipment Service
21 Personnel; Penalty.

22 I. The ~~[state fire marshal]~~ ***mechanical licensing board established in RSA 153:27-a***
23 ***shall establish a voluntary certification program for certifying the following:***

24 (a) Individuals involved in the installation of residential and non-residential heating
25 equipment systems, water heating systems, or appliances using heating oil.

26 (b) Individuals involved in the servicing and repair of heating equipment, water heating
27 systems, or appliances using heating oil.

28 II. The ~~[commissioner of the department of safety]~~ ***mechanical licensing board with the***
29 ***approval of the commissioner*** shall adopt rules, pursuant to RSA 541-A, relative to the
30 establishment of minimum education and training standards for voluntarily certified heating
31 equipment installers and heating equipment service personnel.

32 III. The ~~[commissioner of the department of safety]~~ ***mechanical licensing board with the***
33 ***approval of the commissioner*** shall adopt rules, which shall not be subject to RSA 541-A, relative to
34 the establishment of fees for voluntary certification under this section. After the first year of this
35 program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct
36 operating expenses of the previous fiscal year. Fees ***collected*** shall be deposited in the ~~[fire standards~~
37 ~~and training and emergency medical services fund, established in RSA 21-P:12-d]~~ ***general fund.***

1 IX. “Hearth system installation and service technician” means any person engaged in the
2 installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting
3 systems.

4 X. “Journeyman plumber” means any person who customarily performs the work of
5 installing plumbing and drainage under the direction of a master plumber.

6 XI. “License” means any license issued pursuant to this subdivision.

7 XII. “Master plumber” means any person, firm, corporation, or limited liability company that,
8 as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person,
9 does that work as a principal business or as auxiliary to a principal business for its own account.

10 XIII. “Person” means an individual, natural person.

11 XIV. “Plumbing” means the practice, materials, and fixtures used in the installing,
12 maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing
13 appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm
14 drainage facilities; venting systems; and public or private water systems. For the purposes of this
15 subdivision, the term “plumbing” shall not apply beyond the first fitting beyond the foundation wall
16 of the building or 5 feet of pipe from the building.

17 XV. “Plumbing apprentice” means any person who is engaged in learning and assisting in
18 the installation of plumbing and drainage under an apprenticeship program that meets the
19 requirements of the state apprenticeship advisory council established in RSA 278.

20 XVI. “Water treatment system” means any apparatus for treating or processing water to
21 modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard,
22 and the pipes, fittings, and other components servicing such apparatus.

23 XVII. “Water treatment technician” means any person who installs, maintains, or repairs
24 water treatment systems.

25 XVIII. “Water treatment trainee” means any person who is engaged in learning about and
26 assisting in installing, maintaining, or repairing water treatment systems under the direct
27 supervision of a water treatment technician certified under this subdivision.

28 117 New Section; Mechanical Licensing Board. Amend RSA 153 by inserting after section 27
29 the following new section:

30 153:27-a Mechanical Licensing Board. There is hereby established within the division of fire
31 safety a mechanical licensing board. The term of office for the members appointed to the board shall
32 be 3 years and until a successor is appointed. The initial appointed members of the board shall serve
33 staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. No
34 member of the board shall be appointed to more than 2 consecutive terms. A member of the board
35 shall serve as the board secretary.

1 I.(a) No member of the board may be associated with the formal education for licensing,
2 and/or be a provider or an employee of a provider for continuing education for any profession or trade
3 licensed under this subdivision.

4 (b) A public member of the board shall be a person who is not, and never was, a member
5 of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have,
6 and never has had, a material financial interest in either the provision of plumbing and/or fuel gas
7 services or an activity directly related to plumbing and/or fuel gas, including the representation of
8 the board or trade for a fee at any time during the 5 years preceding appointment.

9 II. The board shall:

10 (a) Adopt rules as provided for in this subdivision.

11 (b) Implement the licensing program under this subdivision.

12 (c) Review and approve educational programs and providers.

13 (d) Conduct hearings for disciplinary actions.

14 (e) Review and recommend adoptions, exceptions, or omissions to technical standards as
15 adopted under RSA 153:28.

16 (f) Develop and recommend for the legislature future changes to this subdivision.

17 III. The members of the board shall be appointed by the governor and council as follows:

18 (a) Two licensed journeymen or master plumbers, who are actively working in the trade
19 as plumbers.

20 (b) Two licensed fuel gas fitters, both of whom are actively working in the trade as fuel
21 gas fitters, and one of whom shall represent the propane fuel industry.

22 (c) One certified heating equipment installer or heating equipment service person under
23 RSA 153:16-b.

24 (d) One licensed master plumber who is also a licensed fuel gas fitter and a certified
25 heating equipment installer or servicer, actively working in the trade.

26 (e) One public member who is not, and never was, a member of the plumbing trade or
27 the spouse of any such person, and who does not have, and never has had, a material financial
28 interest in either the provision of plumbing services or an activity directly related to plumbing,
29 including the representation of the board or trade for a fee at any time during the 5 years preceding
30 appointment.

31 (f) One certified water treatment technician, who shall be a nonvoting member of the
32 board.

33 (g) The commissioner of the department of safety, or designee.

34 IV. The board shall hold at least 8 regular meetings each year, and may hold special
35 meetings at such times as the business of the board may require. Notice of all meetings shall be
36 given in such a manner as rules adopted by the board may provide and in accordance with New
37 Hampshire state law. A quorum of the board shall consist of 4 members.

1 V. The board shall annually elect a chairman and a vice-chairman from among its members.

2 VI. The joint board of licensure and certification established in RSA 310-A:1 shall be
3 responsible for the administrative, clerical, and business processing functions of the board.

4 118 Rulemaking; Mechanical Licensing Board. RSA 153:28 is repealed and reenacted to read as
5 follows:

6 153:28 Rulemaking.

7 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
8 appointed board members, in consultation with the state fire marshal and with the approval of the
9 commissioner of safety, shall adopt rules, pursuant to under RSA 541-A, necessary for the proper
10 implementation of the licensure requirements established in this subdivision, which shall include
11 the following:

12 (a) Standards regarding education or its equivalent, experience requirements, and
13 testing requirements for applicants for initial licensure for the following specialty licenses:

14 (1) Hearth system installation and service technician.

15 (2) Fuel gas installation technician.

16 (3) Fuel gas service technician.

17 (4) Fuel gas piping installer.

18 (5) Fuel gas trainee.

19 (6) Domestic appliance technician.

20 (7) Master plumber.

21 (8) Journeyman plumber.

22 (9) Apprentice plumber.

23 (b) Standards for license renewal and continuing education requirements. Continuing
24 education requirements may be fulfilled in full or in part by training programs approved by the
25 board. The rules shall address the number of hours of continuing education for each specialty
26 license, and education applicable to holders of multiple specialty licenses.

27 (c) The implementation of reciprocity agreements entered into pursuant to paragraph V.

28 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
29 appointed board members, in consultation with the state fire marshal and with the approval of the
30 commissioner of safety, shall establish application fees for licensure, for renewal, for late renewal,
31 and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees
32 including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for
33 replacement licenses, for certified copies and reports, for inspections done pursuant to this
34 subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure
35 and certification, and for transcribing and transferring records and other services. The fee for
36 examination by third parties shall be separate from the fees established by the board. Fees shall be

1 sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the
2 previous fiscal year. Fees collected shall be deposited in the general fund.

3 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
4 appointed board members, in consultation with the state fire marshal and with the approval of the
5 commissioner of safety, shall adopt technical standards for fuel gas fitting by rule under RSA 541-A.
6 The board shall use applicable codes as adopted by the state of New Hampshire.

7 IV. The state fire marshal shall assist and support the board in administering and enforcing
8 the provisions of this subdivision.

9 V. The board may enter into reciprocity agreements which shall permit the licensing of fuel
10 gas fitters and plumbers from states which have a mutual mechanical licensing reciprocity
11 agreement with this state, for all mechanical licenses listed in subparagraph I(a) provided the board,
12 in consultation with the state fire marshal, determines that the requirements for licensure in that
13 state are equivalent to, or greater than, those established by this subdivision.

14 119 Fuel Gas Fitter and Plumber Licensing. Amend RSA 153:29 through RSA 153:37 to read as
15 follows:

16 153:29 Examinations; Licenses.

17 I. ***Notwithstanding RSA 21-G:9***, the ~~[commissioner]~~ ***board, with an affirmative vote of***
18 ***at least 4 of the appointed board members, in consultation with the state fire marshal and***
19 ***with the approval of the commissioner of safety***, shall establish, through rulemaking pursuant
20 to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses ***and***
21 ***plumbers licenses***. The scope of such examinations and the methods of procedure shall be
22 prescribed by the ~~[commissioner]~~ ***board***. This may include an outside organization approved by the
23 ~~[commissioner]~~ ***board***.

24 II. Each license issued by the ~~[commissioner]~~ ***board*** shall identify which of the following
25 special licenses ~~[applies]~~ ***or license endorsements apply*** to the licensee:

- 26 (a) Hearth system installation and service technician.
27 (b) ~~[Liquefied propane]~~ ***Fuel gas*** installation technician.
28 (c) ~~[Liquefied propane]~~ ***Fuel gas*** service technician.
29 (d) ~~[Natural gas installation technician.~~
30 ~~(e) Natural gas service technician.~~
31 ~~(f) Fuel gas~~ piping installer.
32 ~~(g)~~ (e) ***Fuel gas*** trainee.
33 (f) ***Domestic appliance technician.***
34 (g) ***Master plumber.***
35 (h) ***Journeyman plumber.***
36 (i) ***Apprentice plumber.***

37 III. No licensee shall engage in any activity not covered by his or her specialty license.

1 IV. The licensee shall have in his or her possession a current biennial license issued by the
 2 ~~[commissioner]~~ **board**. The license shall be available for inspection on request. The ~~[commissioner]~~
 3 **board** shall issue ~~[both a wall license and]~~ a license suitable to be carried by the individual licensee.

4 153:29-a ~~[Fuel Gas Fitter]~~ **Mechanical** License; Business Entities.

5 I. The ~~[commissioner]~~ **board** may issue a business entity a ~~[gas fitter]~~ license without
 6 examination or continuing education requirements to corporations, partnerships, or limited liability
 7 companies engaged in fuel gas fitting **and/or plumbing**, provided one or more officers of the
 8 corporation, or designee, or one or more members of the partnership, or designee, or one or more
 9 managing members of the limited liability company, or designee, hold an active and current license
 10 as a ~~[liquefied propane service technician or natural]~~ **fuel** gas service technician **or master**
 11 **plumber for the appropriate mechanical business entity license, or any combination**
 12 **thereof, provided that the licensee of record is properly licensed for each of the business**
 13 **entities listed by the applicant** under this subdivision. Within 30 days after the death or
 14 withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership,
 15 or designee, or one or more managing members of the limited liability company, or designee, the
 16 licensed person, corporation, partnership, or limited liability company shall give notice thereof to the
 17 commissioner and, if no other officer, partner, manager or designee, is licensed as a ~~[liquefied~~
 18 ~~propane service technician or natural]~~ **fuel** gas service technician **or master plumber**, the
 19 corporation, or partnership, or limited liability company shall not act as a fuel gas fitter **or plumber**
 20 until some other officer, member, or designee, has obtained a license as a ~~[liquefied propane service~~
 21 ~~technician or natural]~~ **fuel** gas service technician **or master plumber**. Notwithstanding any other
 22 provision of law, the ~~[commissioner]~~ **board** shall not require a fee for a ~~[corporation]~~ **business**
 23 **entity** engaged in fuel gas fitting **and/or plumbing** where a licensed ~~[liquefied propane service~~
 24 ~~technician or natural]~~ **fuel** gas service technician **or master plumber** is the sole ~~[shareholder]~~
 25 **individual holding the license** of the ~~[corporation]~~ **business entity**.

26 II. All licenses issued under this section shall expire every 2 years on the last day of
 27 December. The ~~[commissioner]~~ **board** shall renew a valid license issued under this section on
 28 receipt of an application for renewal and the required fee before the expiration date of the license.

29 III. **Notwithstanding RSA 21-G:9**, the ~~[commissioner]~~ **board, with an affirmative vote**
 30 **of at least 4 of the appointed board members, in consultation with the state fire marshal**
 31 **and with the approval of the commissioner of safety**, shall adopt rules, pursuant to RSA 541-A,
 32 relative to the application and renewal procedure and any eligibility requirements in addition to
 33 those in this subdivision for a fuel gas fitter license **or plumber** for business entities issued
 34 pursuant to this section.

35 **IV. The board shall establish a fee structure for mechanical business entities by**
 36 **providing the following:**

1 (a) *Fees not to exceed \$250 for a business entity which employs no less than one*
2 *additional licensee and not more than 5 employees required to be licensed under this*
3 *subdivision.*

4 (b) *Fees not to exceed \$400 for a business entity employing not more than 20*
5 *employees required to be licensed under this subdivision.*

6 (c) *Fees not to exceed \$600 for a business employing 21 or more employees*
7 *required to be licensed under this subdivision.*

8 (d) *Application, renewal, late renewal, and re-instatement fees.*

9 153:30 Expiration and Renewal.

10 I. Licenses shall be renewed as follows:

11 (a) Except for licenses issued pursuant to RSA 153:29-a, all licenses shall expire every 2
12 years on the last day of the month of the holders birth. The [~~commissioner~~] **board** shall renew a
13 valid license issued under this subdivision on receipt of an application for renewal and the required
14 fee before the expiration date of the license.

15 (b) If a person or business entity fails to renew a license prior to expiration, the person
16 or business entity may have the license reinstated within [~~90~~] **365** days of its expiration by paying
17 the late fee in addition to the renewal fee. A late fee is not required during the first 30 days of
18 expiration.

19 (c) Except for licenses issued pursuant to RSA 153:29-a, any application received [~~90~~]
20 **365** days or more after the expiration of the license shall be rejected unless accompanied by proof of
21 successful completion of the examination required under RSA 153:29 subsequent to its expiration.

22 (d) Except for applications received pursuant to RSA 153:29-a, applicants for license
23 renewal shall provide to the [~~commissioner~~] **board** evidence of completion of continuing education
24 within the previous 24-month period.

25 II. Upon the request of a licensed fuel gas fitter *or licensed plumber* who is a member of
26 any reserve component of the armed forces of the United States or the national guard and is called to
27 active duty, the [~~commissioner~~] **board** shall place the person's license on inactive status. The license
28 may be reactivated within one year of the licensee's discharge by payment of the renewal fee and
29 with proof of completion of the most current continuing education requirement unless still within the
30 renewal period.

31 III. The [~~commissioner~~] **board** shall assess a reinstatement fee for any individual or
32 business entity license upon completion of a suspension or revocation period resulting from
33 disciplinary action pursuant to RSA 153:32, IV.

34 153:31 Emergencies. The commissioner *of the department of safety* is authorized, at his or
35 her discretion, to waive the requirements of this subdivision for the purpose of restoring service
36 during an emergency, *as declared by the commissioner.*

37 153:32 Disciplinary Action.

1 I. The ~~[commissioner]~~ **board** may undertake disciplinary proceedings:

2 (a) Upon ~~[his or her]~~ **its** own initiative; or

3 (b) Upon written complaint of any person which charges that a person licensed by the
4 ~~[commissioner]~~ **board** has committed misconduct under paragraph II and which specifies the
5 grounds therefor.

6 II. Misconduct sufficient to support disciplinary proceedings under this subdivision shall
7 include:

8 (a) The practice of fraud or deceit in procuring or attempting to procure a license to
9 practice under this subdivision;

10 (b) Conviction of any criminal offense involving injury to a victim or the risk of such
11 injury or any criminal offense involving dishonesty;

12 (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the
13 practice of, the profession, or such conduct that poses risk to public health, safety, or welfare to
14 individuals affected by the practices or actions of the licensee;

15 (d) Unfitness or incompetence by reason of negligent habits or other causes; or negligent
16 or willful acts performed in a manner inconsistent with the health or safety of persons under the
17 care of the licensee;

18 (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders
19 him or her unfit to practice under this subdivision;

20 (f) Mental or physical incompetence to practice under this subdivision;

21 (g) Willful or repeated violation of the provisions of this subdivision; or

22 (h) Suspension or revocation of a license, similar to one issued under this subdivision, in
23 another jurisdiction and not reinstated.

24 III. The ~~[commissioner]~~ **board** may take disciplinary action in any one or more of the
25 following ways:

26 (a) By reprimand;

27 (b) By suspension, limitation, or restriction of license for a period of up to 5 years after
28 hearing before the ~~[commissioner or his or her designee]~~ **board** pursuant to RSA 541-A, unless
29 waived by the licensee;

30 (c) By revocation of license after hearing before the ~~[commissioner or his or her designee]~~
31 **board** pursuant to RSA 541-A, unless waived by the licensee;

32 (d) By requiring the person to participate in a program of continuing education in the
33 area or areas in which he or she has been found deficient; or

34 (e) By immediate suspension pursuant to RSA 541-A:30.

35 IV. The ~~[commissioner]~~ **board** shall assess a reinstatement fee for all suspended or revoked
36 licenses of license holders seeking restoration of the license after the prescribed disciplinary time period.

1 153:33 Appeals *From Board Decisions*. [~~Any person or business entity affected by a final~~
2 ~~decision of the commissioner may appeal such final decision pursuant to RSA 541.~~]

3 ***I.(a) A party to the proceedings shall have the right to file a petition with the***
4 ***superior court or the department of safety bureau of hearings to request a review of the***
5 ***final order of the board within 30 days of the date of the final order.***

6 ***(b) For appeals through the bureau of hearings, the bureau shall review the***
7 ***record as developed before the board, together with any written legal argument presented***
8 ***to the bureau at the earliest practical time. Based on that review, the bureau may affirm***
9 ***or reverse the decision of the board or order that oral argument be held. As justice may***
10 ***require, the bureau may remand the case to the board for further findings and rulings.***
11 ***The petition for appeal shall set forth all the grounds upon which the final order is sought***
12 ***to be overturned. Issues not raised by the appellant before the board shall not be raised***
13 ***before the bureau of hearings. The burden of proof shall be on the appellant to show that***
14 ***the decision of the board was unreasonable or unlawful.***

15 ***(c) No new or additional evidence shall be introduced in the bureau of hearings,***
16 ***but the case shall be determined upon the record and evidence transferred, except that in***
17 ***any case, if justice requires the review of evidence which by reason of accident, mistake, or***
18 ***misfortune could not have been offered before the board, the bureau of hearings shall***
19 ***remand the case to the board to receive and consider such additional evidence.***

20 ***II.(a) A party to the proceeding shall have the right to file a petition in the superior***
21 ***court of the county in which the licensee resides to review the final order of the board or***
22 ***the bureau of hearings within 30 days of the date of the final order.***

23 ***(b) At the earliest practical time, the court shall review the record as developed***
24 ***before the board and/or the bureau of hearings, together with any written legal argument***
25 ***presented to the court. Based on that review, the court may affirm or reverse the decision***
26 ***of the board or order that oral argument be held. As justice may require, the court may***
27 ***remand the case to the board for further findings and rulings. The petition for appeal***
28 ***shall set forth all the grounds upon which the final order is sought to be overturned.***
29 ***Issues not raised by the appellant before the board shall not be raised before the superior***
30 ***court. The burden of proof shall be on the appellant to show that the decision of the board***
31 ***was unreasonable or unlawful.***

32 ***(c) No new or additional evidence shall be introduced in the superior court, but***
33 ***the case shall be determined upon the record and evidence transferred, except that in any***
34 ***case, if justice requires the review of evidence which by reason of accident, mistake, or***
35 ***misfortune could not have been offered before the board, the superior court shall remand***
36 ***the case to the board to receive and consider such additional evidence.***

37 153:34 Inspectors.

1 I. The ~~[commissioner]~~ **state fire marshal with the approval of the board and the**
2 **commissioner of safety** shall have the authority to appoint such inspectors as are necessary to
3 insure compliance throughout the state with practices consistent with the public safety and welfare.
4 **Any person so employed shall be under the administration and supervisory direction of the**
5 **state fire marshal.**

6 II. An inspector appointed under this subdivision shall have the authority to enter any
7 premises in which a fuel gas fitter **or plumber** subject to regulation is performing, or has completed,
8 work regulated under this subdivision for the purpose of making such inspection as is necessary to
9 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
10 reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative
11 inspection warrant under RSA 595-B.

12 III. An inspector appointed under this subdivision may order the removal or correction of
13 any violation of this subdivision.

14 IV. Whenever an inspector orders the removal or correction of a violation under paragraph
15 III, he or she shall immediately notify the local building inspection department or administrative
16 authority of the town where the violation is located, and further order that all the work in violation
17 be corrected prior to continuance. The local building authority shall approve the continuation of
18 work upon being satisfied that violations have been corrected and shall notify the inspector of such
19 approval.

20 153:35 Local Enforcement. The rules adopted **by the mechanical licensing board** pursuant
21 to RSA 153:28, may be enforced by the building inspection department or by any officer designated
22 by the administrative authority of the city or town; provided, however, that a city or town may adopt
23 and enforce ordinances more stringent than the rules adopted under this subdivision.

24 153:36 Exceptions.

25 I. The license requirements of this subdivision shall not apply to anyone who performs fuel
26 gas fitting **or plumbing** within an existing single family, stand alone structure owned and occupied
27 by the person who performs the fuel gas fitting work, **or plumbing**, and such structure is used as
28 the individual's primary residence. Notwithstanding any provision to the contrary, any person who
29 is exempt under this paragraph shall perform fuel gas fitting work, **or plumbing** in accordance with
30 applicable technical standards, and comply with any applicable code, application, and inspection
31 requirements that may apply to the fuel gas fitting work, **or plumbing** performed.

32 II. The license requirements of this subdivision shall not apply to persons performing tasks
33 covered by federal and state regulation of public utilities pursuant to 49 C.F.R. part 192 and rules of
34 the New Hampshire public utilities commission for gas service.

35 **III. The license requirements of this subdivision shall not apply to any plumbing**
36 **installations in residential buildings performed by students enrolled in a high school**
37 **vocational plumbing program approved by the department of education or an approved**

1 *postsecondary vocational plumbing program, provided such work is performed under the*
 2 *supervision of either a teacher holding a plumber’s license or by a licensed plumber who is*
 3 *a supervisor of students in cooperative education placements from such programs; and in*
 4 *those cases where the installation is in a new building being constructed as a part of the*
 5 *vocational program, that the installation will be inspected and approved by an individual*
 6 *or group of individuals chosen by the local school districts from persons nominated by the*
 7 *mechanical licensing board. Any person nominated by the board shall hold a master’s*
 8 *plumbers license issued by the board.*

9 *IV. The license requirements of this subdivision shall not apply to employees of*
 10 *public drinking water systems and public water system operators certified by the*
 11 *department of environmental services for drinking water treatment.*

12 *V. The license requirements of this subdivision shall not apply to any welder who*
 13 *shall hold a current and valid certification for welding as authorized by the American*
 14 *Society of Mechanical Engineers (ASME), who is employed under a licensed fuel gas fitter*
 15 *or master plumber, for the sole purpose of joining pipe and pipe fittings, through the*
 16 *appropriate certified welding processes, to piping systems, under the direct supervision of*
 17 *the licensed fuel gas fitter or master plumber.*

18 *VI. The license requirements of this subdivision shall not apply to any member of*
 19 *the New Hampshire national guard while in a unit training assembly status and enrolled*
 20 *in a plumbing program as part of their military training. Such training shall only be*
 21 *provided under the supervision of an instructor who holds a current plumber’s license*
 22 *under this subdivision.*

23 153:37 Penalties.

24 I. Any person or business entity who performs fuel gas fitting *or plumbing* without first
 25 having obtained a license, shall be guilty of a misdemeanor.

26 II. Any person or business entity who violates any rule adopted under RSA 153:28 or
 27 whoever violates any ordinance or bylaw enacted pursuant to the provisions of RSA 153:35 shall be
 28 guilty of a misdemeanor.

29 III. Any person or business entity which procures any license based upon inaccurate information
 30 contained on an application, or procures any license by fraud, shall be guilty of a misdemeanor.

31 IV. Any person who performs fuel gas fitting *or plumbing* without first having obtained a
 32 license, or who violates any rule adopted pursuant to this subdivision, and such performance of fuel
 33 gas fitting *or plumbing* results in serious bodily injury or death, shall be guilty of a felony.

34 IV-a. Any person or business entity employing a person to perform fuel gas fitting *or*
 35 *plumbing* when the employed person is not in training and does not have a current valid fuel gas
 36 fitting *or plumbing* license issued pursuant to this subdivision or rules adopted pursuant to this
 37 subdivision, shall be guilty of a misdemeanor.

1 ~~[V. The penalties in this subdivision shall not apply until after one calendar year following~~
2 ~~the effective date of rules first adopted under this subdivision.]~~

3 120 New Section; Voluntary Certification of Water Treatment Technicians. Amend RSA 153 by
4 inserting after section 37 the following new section:

5 153:38 Voluntary Certification of Water Treatment Technicians; Examinations.

6 I. Any person who has acted as a water treatment trainee for a period of not less than one
7 year shall, upon payment of the fees established by the board, be entitled to examination and, upon
8 achieving the passing score on the examination, be certified as a water treatment technician. A
9 certificate issued under this section shall be carried on the person and displayed at any time upon
10 request. Any person failing to achieve the passing score on the examination may be examined as
11 often as he or she may desire.

12 II. The title “certified water treatment technician” shall be used only by persons and
13 business entities certified under this section. No person shall continue to represent himself or
14 herself and no business entity shall continue to represent itself as a certified water treatment
15 technician after certification has been revoked or nonrenewed under this section.

16 III. The board may issue, upon payment of the required fees, certification without
17 examination to a corporation, partnership, limited liability company, or other business entity that
18 installs, maintains, or repairs water treatment systems, provided the entity designates one employee
19 certified under this chapter who is responsible for the entity’s compliance with this subdivision and
20 the rules adopted by the board. Within 30 days after termination of employment of such employee
21 by such entity, he or she shall give notice thereof to the board and, if no other employee is certified
22 under this section, the entity shall not represent itself as employing certified water treatment
23 technicians until some other employee has obtained certification. The board shall not require an
24 additional fee for an entity that installs, maintains, or repairs water treatment systems where the
25 person certified under this section is the sole owner of the entity.

26 IV. The board may issue certification without examination to those water treatment
27 technicians who provide adequate documentation of having operated in the capacity of a water
28 treatment technician for a period of at least one year prior to January 1, 2004 and who pay the
29 required fees.

30 V. The board, with the approval of the commissioner, shall adopt rules pursuant to RSA 541-
31 A to implement the certification requirements established in this section, including the application
32 procedure and any eligibility requirements in addition to those in this section for certification as a
33 certified water treatment technician or water treatment trainee, the renewal of certification and
34 reinstatement of certification, and to establish the fees for certification of water treatment
35 technicians and water treatment trainees.

36 121 Reference to Plumbers Board; State Building Code Review Board. Amend RSA 155-A:10,
37 I(l) to read as follows:

1 (1) One master plumber licensed in this state for a minimum of 5 years, nominated by
2 the ~~[state board for the licensing and regulation of plumbers established in RSA 329-A]~~ **mechanical**
3 **licensing board established in RSA 153:27-a.**

4 122 Appeals of Decisions Removed; State Building Code Review Board. Amend RSA 155-A:11-a
5 to read as follows:

6 155-A:11-a Appeal of Decisions of the Electricians' Board and the ~~[State]~~ Board ~~[for the~~
7 ~~Licensing and Regulation of Plumbers]~~ **of Home Inspectors.**

8 I. The board shall hear appeals of final decisions of the board established under RSA 319-
9 C:4~~[, the board established under RSA 329 A:3,]~~ and the board established under RSA 310-A:186.

10 II. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an
11 extension of time has been granted by the board at the written request of one of the parties and shall
12 render a decision within 30 days of the conclusion of the hearing.

13 123 General Administration; Reference to Appeals Removed. Amend RSA 332-G:5 to read as
14 follows:

15 332-G:5 Certain Appeals. Notwithstanding any other provision of law to the contrary, any
16 person affected by the final decision of the electricians' board, established under RSA 319-C:4~~[, or the~~
17 ~~state board for the licensing and regulation of plumbers, established under RSA 329 A:3,]~~ may
18 appeal such final decision to the state building code review board established under RSA 155-A:10.

19 124 Water Well Board; Reference to Plumbers. Amend RSA 482-B:7 to read as follows:

20 482-B:7 Plumbers Exempted. This chapter shall not restrict a plumber from engaging in the
21 trade for which the plumber has been licensed if such plumber holds a pump installer's license. No
22 examination shall be required for a person who is a plumber licensed ~~[under RSA 329 A]~~ **under**
23 **RSA 153:27-a** and holds a valid pump installer's license on the effective date of this section.

24 125 Application of Act; Transition.

25 I. Plumbers licensed by the board, established in RSA 329-A, prior to repeal by section 126 of
26 this act shall continue to be validly licensed until expiration, suspension, or revocation of the license
27 by the mechanical licensing board according to RSA 153:27-37 as amended by section 119 of this act.

28 II. Rules of the plumbers board adopted under the provisions of RSA 329-A shall continue to
29 be effective until amended, replaced, superseded, or repealed by the mechanical licensing board
30 pursuant to RSA 153:28.

31 III. Water treatment technicians certified by the plumbers board prior to the repeal by this
32 act shall continue to be validly certified until expiration, suspension, or revocation of the certification
33 by the mechanical licensing board according to RSA 153:38 as inserted by section 120 of this act.

34 126 Repeals. The following are repealed:

35 I. RSA 329-A, relative to the regulation of plumbers by the plumbers board.

36 II. RSA 6:12, I(b)(202) relative to designation of moneys deposited in the plumbers board
37 account.

1 III. RSA 21-P:14, II(ee), relative to rulemaking authority of the commissioner of safety on
2 licensing fuel gas fitters.

3 IV. RSA 153:16-c, II, relative to the duties of the heating system certification advisory
4 committee.

5 127 Judicial Branch; General Fund Appropriation Reductions. The judicial branch shall notify
6 the commissioner of the department of administrative services of the allocation of the reductions
7 specified in HB 1-A of the 2013 legislative session. The judicial branch may modify these reduction
8 allocations during each fiscal year for the biennium ending June 30, 2015 in order to make the best
9 use of the reduced appropriations and shall notify the commissioner of the department of
10 administrative services of any such modifications.

11 128 Department of Justice; Funding for Child Advocacy Center Network. The department of
12 justice shall expend the sum of \$100,000 for the fiscal year ending June 30, 2014, and the sum of
13 \$100,000 for the fiscal year ending June 30, 2015, from general funds appropriated in class line 073
14 in accounting unit 02-20-20-200010-2601, Attorney General, to provide funds to the Child Advocacy
15 Center Network in New Hampshire.

16 129 PUC Expenditure for Green Launching Pad. Notwithstanding any other law to the
17 contrary, in each year of the biennium ending June 30, 2015, the public utilities commission shall
18 expend \$250,000 of agency income appropriated in class line 102 in accounting unit 02-81-81-
19 811510-5454, renewable energy fund, to provide funds to the Green Launching Pad at the university
20 of New Hampshire.

21 130 Business Enterprise Tax; Threshold Amounts for Taxation; Effective Date. Amend 2012,
22 279:12, I to read as follows:

23 I. Section 1 of this act shall be in effect for taxable periods ending on or after December 31,
24 ~~[2013]~~ **2015**.

25 131 Tobacco Tax Rate Increased. Amend RSA 78:7 to read as follows:

26 78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[\$1.68]~~ **\$1.98**
27 for each package containing 20 cigarettes or at a rate proportional to such rate for packages
28 containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment
29 of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in
30 which such products usually are sold at retail. The word “package” as used in this section shall not
31 include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this
32 state is prohibited by the Constitution of the United States.

33 132 Tobacco Tax Rate. Amend RSA 78:7-c to read as follows:

34 78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer
35 is hereby imposed on tobacco products other than cigarettes at a **percentage** rate ~~[of 48 percent]~~
36 the wholesale sales price **which is equivalent to the tax rate on cigarettes under RSA 78:7**.
37 The tax under this section may be rounded to the nearest cent if the commissioner determines that

1 the amount of tax would not thereby be made materially disproportionate. No such tax is imposed
2 on any transactions, the taxation of which by this state is prohibited by the Constitution of the
3 United States. No such tax shall be imposed on premium cigars.

4 133 Applicability. Sections 131 and 132 of this act shall apply to all persons licensed under
5 RSA 78:2. Such persons shall inventory all cigarettes and taxable tobacco products other than
6 cigarettes in their possession and file a report of such inventory with the department of revenue
7 administration on a form prescribed by the commissioner within 20 days after the effective date of
8 this section. The tax rate effective June 30, 2013 shall apply to such inventory and the difference, if
9 any, in the amount paid previously on such inventory and the current effective rate of tax shall be
10 paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of
11 computing penalties under RSA 21-J.

12 134 Repeal. 2011, 224:379 through 224:381, relative to contingent tax rate increases of the
13 tobacco tax on cigarettes and other tobacco products based on reporting of tobacco tax revenues, are
14 repealed.

15 135 Tax on Meals and Rooms; Disposition of Revenue. Amend RSA 78-A:26, I(a)(2) to read as
16 follows:

17 (2) An amount equal to 3.15 percent of net income distributed under this subparagraph
18 *in the first year of the preceding fiscal biennium*, which shall be credited to the department of
19 resources and development, division of travel and tourism development.

20 136 Carry Forward Credit Period Changes; Effective Date. Amend 2011, 225:2 and 225:3 to
21 read as follows:

22 225:2 Applicability. Section 1 of this act shall take effect for taxable periods ending on or after
23 July 1, ~~[2014]~~ **2015**.

24 225:3 Effective Date. This act shall take effect July 1, ~~[2014]~~ **2015**.

25 137 New Paragraph; Director of Division of Forests and Lands; Retirement Classification.
26 Amend RSA 12-A:9-a by inserting after paragraph II the following new paragraph:

27 III. For purposes of classification under the provisions of RSA 100-A, the director shall be
28 considered a permanent fireman if the director was a permanent fireman in group II for at least 10
29 years prior to appointment as director and continues to meet the physical, mental, educational, and
30 other qualifications to fight forest fires pursuant to RSA 100-A:1, VIII(b).

31 138 Fish and Game Department; Publications, Specialty Items and Fund Raising Revolving
32 Fund. Amend RSA 206:22-a, III to read as follows:

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

1 139 Fish and Game Department; Accounts Transferred; Prepaid Fish and Game License Fund.
2 All moneys existing in the prepaid fish and game license account as of June 30, 2013 shall be
3 transferred to the fish and game fund established in RSA 206:33.

4 140 Repeal. The following are repealed:

5 I. RSA 214:9-c, IV and V, relative to moneys received for lifetime licenses for hunting,
6 fishing, and trapping.

7 II. RSA 214:9-cc, IV and V relative to moneys received for lifetime licenses for bow and
8 arrow, muzzleloader, and crossbow.

9 III. RSA 6:12, I(b)(163), relative to prepaid fish and game license fund.

10 141 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 RSA
14 214:1-g for the wages, salaries, benefits, and other expenses of the department employees.

15 142 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.

19 143 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.

31 144 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

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

3 145 Hospitals and Sanitaria; Certificate of Need; Institutional Health Services; Prohibitions.
4 Amend 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~~ **2016**. 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.

23 146 Department of Resources and Economic Development; Cannon Mountain. For each year of
24 the biennium ending June 30, 2015, \$500,000 in net revenue derived by the department of resources
25 and economic development from fees, services, accommodations, rentals, revenue from lift and
26 tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited
27 in the state park fund established in RSA 216-A:3-i. Net revenue in excess of \$500,000 shall be
28 appropriated for capital improvement projects at Cannon Mountain as determined by the
29 commissioner.

30 147 Education; College Tuition Savings Plan; UNIQUE Endowment Allocation Program.
31 Amend RSA 195-H:4, V to read as follows:

32 V. Notwithstanding RSA 6:12, I(b)(115), for the biennium ending June 30, ~~2013~~ **2015**,
33 annual administrative fees, less any annual administrative costs that are generated from the
34 New Hampshire college tuition savings plan, less ~~[\$500,000]~~ **\$625,000** per year which shall be
35 distributed to *public and* private New Hampshire colleges and universities under the UNIQUE
36 endowment allocation program established in administrative rule Csp ~~[701-703]~~ **700, less amounts**
37 ***appropriated to the department of education for need-based scholarships***, shall be allocated

1 in the following manner: 70 percent of such total shall be paid annually prior to the end of each state
2 fiscal year to the university system of New Hampshire and 30 percent of such total shall be paid
3 annually prior to the end of each state fiscal year to the community college system of
4 New Hampshire.

5 148 Department of Employment Security; Deputy Commissioner. RSA 282-A:109 is repealed
6 and reenacted to read as follows:

7 282-A:109 Deputy Commissioner.

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

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

17 149 Department of Employment Security Deputy Commissioner.

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

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

32 III. Paragraphs I and II shall take effect upon the abolition of position 11303, the transfer of
33 funding and appropriations into the unclassified position and the initial appointment of the deputy
34 commissioner, as certified by the commissioner of employment security to the director of legislative
35 services.

36 150 Department of Administrative Services; Transfer of Dedicated Funds. Notwithstanding
37 RSA 6:12 or any other law to the contrary, for the fiscal year ending June 30, 2013, the governor is

1 hereby authorized to identify an amount of dedicated funds for transfer to the general fund,
2 sufficient to cover the budget shortfall. The department of administrative services shall transfer the
3 amounts of the funds identified by the governor to the general fund.

4 151 Department of Transportation; Transfer of Funds. Notwithstanding any provision of law to
5 the contrary and subject to approval of the fiscal committee of the general court and governor and
6 council, for the biennium ending June 30, 2015, the commissioner of transportation is authorized to
7 transfer funds within and among all accounting units within the department and to create
8 accounting units and expenditure classes as required and as the commissioner deems necessary and
9 appropriate to address present or projected budget deficits, or to respond to changes in federal law,
10 regulations, or programs, and otherwise as necessary for the efficient management of the
11 department.

12 152 Business Profits Tax; Credits Limited. Amend RSA 77-A:5, XIII(a)(1) to read as follows:

13 (1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming
14 the credit shall not exceed [~~\$1,000,000~~] **\$2,000,000** for any fiscal year~~[- except that any amount of~~
15 ~~the credit less than \$1,000,000 that is not claimed in the fiscal year ending June 30, 2008 may be~~
16 ~~claimed in the fiscal year ending June 30, 2009].~~

17 153 Repeal. 2007, 271:6 and 2007, 271:7, I as amended by 2012, 116:1 relative to the
18 prospective repeal of the research and development tax credit, are repealed.

19 154 New Section; Commission to Study Opportunities and Options to Improve the Sustainability
20 of the Fish and Game Department. Amend RSA 206 by inserting after section 1-a the following new
21 section:

22 206:1-b Commission to Study Opportunities and Options to Improve the Sustainability of the
23 Fish and Game Department.

24 I. There is established a commission to study opportunities and options to improve the
25 sustainability of the fish and game department.

26 II.(a) The members of the commission shall be as follows:

27 (1) Two members of the house of representatives, appointed by the speaker of the
28 house of representatives.

29 (2) Two members of the senate, appointed by the president of the senate.

30 (3) The director of the fish and game department, or designee.

31 (4) The chairman of the fish and game commission, or designee.

32 (5) Three public members appointed by the governor.

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

35 III. The commission shall study options and opportunities for ensuring the financial stability
36 and sustainability of the fish and game department. The commission may solicit information and
37 testimony from those with experience or expertise relevant to the study.

1 IV. The members of the commission shall elect a chairperson from among the members. The
2 first meeting of the commission shall be called by the first-named house member. The first meeting
3 of the commission shall be held within 45 days of the effective date of this section. Three members of
4 the commission shall constitute a quorum.

5 V. The commission shall report its findings and any recommendations for proposed
6 legislation to the speaker of the house of representatives, the president of the senate, the house
7 clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

8 155 Repeal. RSA 201:1-b, relative to the commission to study opportunities to improve
9 sustainability of the fish and game department, is repealed.

10 156 Banks and Banking; Bank Commissioner; Payment of Cost of Examination. Amend
11 RSA 383:11 to read as follows:

12 383:11 Payment of Cost of Examination.

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

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

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

33 (a) From banks and credit unions. Each state-chartered savings bank, commercial bank,
34 trust company, cooperative bank, building and loan association, credit union, Morris Plan bank, or
35 similar institution required to be examined under the provisions of RSA 383:9 shall be charged and
36 pay such proportion of said balance applicable to such institutions under the banking department's
37 accounting unit designation, as its total assets bear to the total assets of all such institutions as

1 shown by their reports to the commissioner as of June 30 preceding such charges, except that the
2 percent of the fiduciary assets used in the calculation of the total assets of each institution and all
3 such institutions shall be determined as follows:

4 (1) Fiduciary assets up to \$5,000,000,000 shall be calculated at 25 percent;

5 (2) Fiduciary assets that are between \$5,000,000,000 and \$10,000,000,000, shall be
6 calculated at 20 percent;

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

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

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

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

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

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

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

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

35 157 Repeal. 2012, 286:1, relative to the repeal of RSA 122:4, II, relative to reimbursement to
36 cities and towns, is repealed.

37 158 Effective Date.

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- 1 I. Sections 36, 41, 44, and 154 of this act shall take effect upon its passage.
- 2 II. Sections 40, 42, 64, 108, and 157 of this act shall take effect June 30, 2013.
- 3 III. Section 155 of this act shall take effect November 1, 2013.
- 4 IV. Section 45 of this act shall take effect November 15, 2013.
- 5 V. Sections 34 and 35 of this act shall take effect as provided in section 36 of this act.
- 6 VI. 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.