

Amendment to HB 2-FN-A-LOCAL

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

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3 1 Department of Administrative Services; Consolidation of Human Resources and Payroll
4 Functions.

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

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

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

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1 2 Department of Administrative Services; Consolidation of Business Processing Functions.

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

8 (a) Accounts receivable;

9 (b) Accounts payable;

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

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

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

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

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

35 3 Department of Administrative Services; Continuation of Appropriation. Any unspent balance
36 remaining on the \$250,000 appropriation made by 2011, 224:86 to the department of administrative
37 services for the biennium ending June 30, 2013, for the purpose of selecting and retaining an

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1 independent business processing consultant to evaluate and make recommendations relative to the
2 consolidation of business processing functions within state government, shall not lapse until June
3 30, 2017. The department of administrative services may use this balance to fund such projects,
4 functions, or activities as the commissioner of administrative services may direct relating to the
5 efficiency of state government, including, but not limited to, the selection and retention of an
6 independent business processing consultant and/or other projects, functions, or activities relating to
7 the consolidation of human resource, payroll, finance, business processing and accounting functions.

8 4 Department of Administrative Services; Transfer Among Accounts and Classes.
9 Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the approval
10 of the fiscal committee of the general court and governor and council, for the biennium ending June
11 30, 2017, the commissioner of the department of administrative services is hereby authorized to
12 transfer funds within and among all accounting units and/or class codes within the department, with
13 the exception of class 60 transfers, and is further authorized to create new class codes within the
14 department into which funds may be transferred or placed, as the commissioner deems necessary
15 and appropriate to address present or projected budget deficits, or to respond to changes in federal
16 laws, regulations, or programs, and otherwise as necessary for the efficient management of the
17 department; provided if a transfer does not include new class codes, only transfers over \$75,000 shall
18 require prior approval of the fiscal committee of the general court.

19 5 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

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

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

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

32 6 Health Risk Appraisal; Protected Health Information. All information contained in a state
33 employee's health risk appraisal as referenced in any collective bargaining agreement shall be
34 considered protected health information and entitled to all of the non-disclosure and other
35 restrictions set forth in the Health Insurance Portability and Accountability Act of 1996, as
36 amended, (HIPAA) Standards for Privacy of Individually Identifiable Health Information at 45
37 C.F.R. Part 160 and Subparts A and E of Part 164 ("Privacy Rule").

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1 7 State Employee Health Plan; Application. The cost sharing and plan design for unrepresented
2 active state employees who participate in the health plans offered by the state shall be the same as
3 those for individuals covered by the collective bargaining agreement between the state of
4 New Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal committee
5 of the general court may approve changes to the above plan design cost sharing provisions consistent
6 with RSA 21-I:30, I. The cost sharing and plan designs for represented active state employees who
7 participate in the health plans offered by the state shall be in accordance with the provisions of the
8 collective bargaining agreements between the state and the employee organizations representing
9 those employees.

10 8 New Paragraph; Executive Councilors. Amend RSA 94:1-a by inserting after paragraph IV the
11 following new paragraph:

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

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

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

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

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

33 9 Department of Administrative Services; Energy Consumption Reduction Reports. Amend RSA
34 21-I:14-c to read as follows:

35 21-I:14-c Energy Consumption Reduction Goal; Reports.

36 I. Each state department shall identify cost-effective measures to reduce fossil fuel
37 consumption by 25 percent by 2025 in state buildings, on a square foot basis, compared to a 2005

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1 baseline. Implementation of any measures shall be subject to the appropriate budgetary process and
2 approval. Cost effectiveness for the purposes of this section shall mean a return on investment
3 based on energy savings and reduced operational costs within the expected lifetime of the measure.

4 II. Beginning in calendar year ~~[2012]~~ **2016**, each state department shall submit ~~[an annual]~~
5 **a biennial** report to the commissioner of administrative services on or before ~~[September 1]~~
6 **October 15** which details any cost-effective measures it is utilizing and those potential measures,
7 subject to budgetary approval, to comply with the energy consumption reduction goal established in
8 paragraph I and its annual progress in complying with this goal.

9 III. Beginning in calendar year ~~[2012]~~ **2016**, the commissioner shall submit ~~[an annual]~~ **a**
10 **biennial** report to be made available to the public on or before ~~[December 1]~~ **January 15** compiling
11 the annual reports submitted under paragraph II, with findings on the departments' annual progress
12 in complying with the energy consumption reduction goal established in paragraph I and problems
13 which may prevent the departments from achieving this goal, to the governor, the senate president,
14 the speaker of the house of representatives, the chair of the senate energy and natural resources
15 committee and the chair of the house science, technology and energy committee.

16 10 New Paragraph; Department of Administrative Services; State Facility Energy Cost
17 Reduction; Definition of Renewable Energy Added. Amend RSA 21-I:19-b by inserting after
18 paragraph VI the following new paragraph:

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

23 11 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-
24 I:19-d, I to read as follows:

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

33 12 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-I:
34 19-d, II(f) to read as follows:

35 (f) Any energy performance contract should require the contractor to include all energy
36 efficiency improvement in selected buildings that are calculated to recover all costs within 20 years
37 from the date of project implementation at existing energy prices. The contract shall require that

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1 the public utility or energy services provider be repaid only to the extent of energy cost savings
2 guaranteed by the contractor to accrue over the term of the contract. [~~Repayments to the public~~
3 ~~utility or energy services provider shall be interest free.~~]

4 13 New Paragraph; State Employees Group Insurance; Medical and Surgical Benefits. Amend
5 RSA 21-I:30 by inserting after paragraph II the following new paragraph:

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

10 14 Department of Administrative Services; State Employees Group Insurance; Medical and
11 Surgical Benefits. RSA 21-I:30, III is repealed and reenacted to read as follows:

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

19 15 Department of Administrative Services; State Employees Group Insurance; Medical and
20 Surgical Benefits. Amend RSA 21-I: 30, XIII to read as follows:

21 XIII. The commissioner of administrative services shall invoice and collect from retired state
22 employees [~~under the age of 65 years~~] ***and/or each applicable spouse who are not Medicare***
23 ***eligible and*** receiving medical and surgical benefits provided under this section, who do not receive
24 a retirement allowance as defined in RSA 100-A:1, XXII, [~~the~~] ***a*** premium contribution [~~amounts of~~
25 ~~12.5 percent~~] ***amount based on a percentage*** of the total monthly premium [~~for each such retiree~~
26 ~~and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge~~
27 ~~to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants]~~
28 ***attributable to the applicable retiree and/or spouse, as determined by the commissioner of***
29 ***administrative services, with prior approval by the fiscal committee of the general court,***
30 ***provided the percentage is not lower than 20 percent.*** The commissioner of administrative
31 services is also authorized to invoice and collect from such other participants contribution amounts
32 as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk
33 management fund. Failure to remit payment of the contribution amount in full within 30 days of
34 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.
35 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts
36 within 6 months of the termination date. If a participant fails to remit payment in full for
37 participation within 30 days of billing, on the 30th day the participant shall be notified by certified

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1 mail, return receipt requested, that he or she shall remit payment to the department within 10
2 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th
3 business day after receipt of the letter and that reenrollment shall be dependent upon payment of
4 any outstanding contribution or other amount within 6 months of the termination date.

5 16 Department of Administrative Services; New Hampshire Retirement System; Medical
6 Benefits. Amend RSA 100-A:54, III to read as follows:

7 III. The retirement system shall deduct from the monthly retirement allowance of retired
8 state employees ~~[under the age of 65 years]~~ **and/or each applicable spouse who are not**
9 **Medicare eligible and** receiving medical and surgical benefits provided pursuant to RSA 21-I:30,
10 ~~[the]~~ **a premium contribution [amounts of 12.5 percent] amount based on a percentage** of the
11 total monthly premium ~~[for each such retiree and 12.5 percent of the total monthly premium for each~~
12 ~~applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the~~
13 ~~total monthly premium for 2 plan participants]~~ **attributable to the applicable retiree and/or**
14 **spouse, as determined by the commissioner of administrative services, with prior approval**
15 **by the fiscal committee of the general court provided the percentage is not lower than 20**
16 **percent.** The department of administrative services shall provide information as to the total
17 monthly premium cost for each participant to the retirement system for purposes of calculating this
18 deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts
19 payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b,
20 shall be deposited in the employee and retiree benefit risk management fund. In the event the
21 retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement
22 system shall so notify the department of administrative services, which shall invoice and collect from
23 the retiree **and/or each applicable spouse** the remaining contribution amount. Failure to remit
24 payment of the contribution amount in full within 30 days of billing shall be grounds for terminating
25 benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon
26 payment of any outstanding contribution or other amounts within 6 months of the termination date.
27 The department of administrative services shall provide notice of the termination of benefits as
28 provided in RSA 21-I:30, XIII.

29 17 Department of Administrative Services; Judicial Retirement Plan. Amend RSA 100-C:11-a to
30 read as follows:

31 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and
32 **their applicable** spouses ~~[under the age of 65 years]~~ **who are not Medicare eligible and**
33 receiving medical and surgical benefits shall be responsible for payment of a premium contribution
34 amount ~~[of 12.5 percent of the]~~ **based on a percentage of the** total monthly premium ~~[for each such~~
35 ~~retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the~~
36 ~~charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan~~
37 ~~participants]~~ **attributable to the applicable retiree and/or spouse, as determined by the**

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1 *commissioner of administrative services, with prior approval by the fiscal committee of the*
2 *general court, provided the percentage is not lower than 20 percent.* The department of
3 administrative services shall provide information as to the total monthly premium cost for each
4 participant to the judicial retirement plan for purposes of calculating this deduction. The judicial
5 retirement plan shall deduct the payment required under this section from the retiree's monthly
6 retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts
7 within 14 days along with a statement identifying from whom the deduction was made, and shall be
8 used to pay for plan retiree and spouse health care expenses and any administrative costs related
9 thereto.

10 18 Lottery Commission; Incentive Program. Amend RSA 284:21-h by inserting after paragraph
11 VI the following new paragraph:

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

18 19 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any
19 provision of law to the contrary, for the biennium ending June 30, 2017, the liquor commission shall
20 reimburse the cost for any legal services provided by the department of justice to the commission
21 that would not normally be included as part of the statewide cost allocation paid by the commission.

22 20 New Paragraph; Department of Justice; Civil Bureau; Contract Attorney. Amend RSA 21-
23 M:11 by inserting after paragraph II the following new paragraph:

24 III. The department of justice shall have the authority to hire a full-time attorney assigned
25 to the bureau, who shall act as legal counsel for state executive agencies in the procurement,
26 negotiation, and development of contracts as determined by the attorney general. Each agency shall
27 notify the department of justice of its intent to procure a contract or enter into any agreement that
28 may materially impact the state, according to criteria established by the department of justice,
29 including but not limited to, contract value, complexity, and performance obligations.

30 21 Department of Justice; Agency Attorneys. Amend RSA 7:13 to read as follows:

31 7:13 Transfer of Attorneys From Other Departments.

32 I. Upon request of the attorney general, the governor is hereby authorized to transfer any
33 employee authorized to do legal work, and all unexpended appropriations and funds allocated for the
34 payment of such employee's salary, from any department or agency of the state to the department of
35 justice whenever such action is deemed by the governor to be in the best interest of the state. ***Upon***
36 ***transfer, the employee's position shall be converted to an unclassified attorney position.***
37 ***The transferring agency shall be responsible for any eligible earned but unused leave due***

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1 **to the employee.** Any such employee so transferred or employed by the expenditure of such funds
2 and appropriations shall be directly responsible to the attorney general and shall perform such
3 services as the attorney general may direct. [~~The provisions of this section shall not apply to the~~
4 ~~general counsel and counsel of the department of employment security.~~]

5 ***II. Whenever an attorney position in any agency or department becomes vacant, the***
6 ***attorney general shall have the option of transferring the position and any related***
7 ***appropriations to the department of justice. The attorney general shall be notified***
8 ***whenever such a vacancy occurs, and shall decide whether to request a transfer of the***
9 ***position pursuant to paragraph I.***

10 22 Department of Justice; Compliance with Nonparticipating Manufacturer Adjustment
11 Settlement Agreement. Amend RSA 21-J:14, XII to read as follows:

12 XII. Department records, files, or information obtained by the commissioner or other
13 department employee under the provisions of RSA 78, RSA 541-C, or RSA 541-D may be disclosed to
14 the attorney general, or designee, and other federal, state, or local agencies as provided under
15 RSA 541-D:5, II. ***The attorney general or designee may further disclose such records, files,***
16 ***or information pursuant to an agreement with an entity designated to serve as a data***
17 ***clearinghouse in accordance with the terms of the Nonparticipating Manufacturer***
18 ***Adjustment Settlement Agreement. The Nonparticipating Manufacturer Adjustment***
19 ***Settlement Agreement means, for purposes of this paragraph, the settlement agreement***
20 ***between the state of New Hampshire and the participating manufacturers, as primarily set***
21 ***forth in the term sheet dated November 14, 2012 and approved by the general court in***
22 ***2013, 6.***

23 23 Judicial Appointments; Number Limited; Vacancies.

24 I. Except as provided in paragraph II, for the biennium ending June 30, 2017, the number of
25 judges serving on the superior court shall not exceed 20 and the number of full-time judges serving
26 on the circuit court shall not exceed 31.

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

30 24 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and
31 subject to approval of the fiscal committee of the general court, for the biennium ending June 30,
32 2017, the supreme court is hereby authorized to transfer funds within and among all accounting
33 units within the judicial branch as the supreme court deems necessary and appropriate to address
34 budget reductions or to respond to changes in federal laws, regulations, or programs, and otherwise
35 as necessary for the efficient management of the judicial branch. If the supreme court intends to
36 transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,
37 prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

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1 25 New Paragraph; Community College System; Retiree Health Care Payments. Amend
2 RSA 188-F:7 by inserting after paragraph IV the following new paragraph:

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

9 26 Fish and Game Department; Rulemaking; Fees. Amend RSA 206:10, I as follows:

10 I. It shall be the duty of the executive director to function as the chief administrator of the
11 commission and to protect, propagate and preserve the fish, game, and wildlife resources of the state
12 and to protect and conserve nongame birds of the state. The executive director shall, subject to the
13 limitations hereinafter set forth, have the power and authority to adopt and enforce rules, pursuant
14 to RSA 541-A, for the adequate and effective control, management, restoration, conservation, and
15 regulation of the fish, game, bird, and wildlife resources of the state, including rules designed to
16 prohibit or otherwise regulate nonagricultural activities which may cause the introduction or spread
17 of infectious disease in the state's wildlife resources. Such power and authority shall include: **(a)**
18 the right, ***after consultation with the commission***, to ***set and charge fees adopted pursuant***
19 ***to RSA 541-A***, ***(b) the right to*** open and close the season for taking fish, game, birds, and wildlife,
20 ***(c) the right to*** fix the size, number and weight limits, and other conditions governing the method
21 and manner of taking the same. Such power and authority may be exercised with reference to the
22 state as a whole, or for any specified county or part thereof, or for any lake, pond, stream, or part
23 thereof.

24 27 Fish and Game; Crossbow Permit; Disability; Administrative Fee. Amend RSA 207:10-c, V,
25 to read as follows:

26 V. ~~[A-\$10]~~ ***An*** administrative fee ***set by the executive director pursuant to RSA 206:10, I***
27 shall be charged once, upon application to the executive director for such permit.

28 28 Fish and Game; Dog Training; Fee. Amend RSA 207:12-a, I to read as follows:

29 I. Any person who is licensed to hunt within the state may be issued a training permit for
30 the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except
31 deer, moose, caribou, elk, lynx, cougar, bobcat, and turkey, upon application and the payment of a fee
32 ~~[of \$5]~~. The executive director shall adopt rules pursuant to RSA 541-A, relative to the ***amount of***
33 ***the fee for the training permit and the*** period for the training of bear dogs. Notwithstanding the
34 provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

35 29 Fish and Game; Field Trials. Amend RSA 207:13, I to read as follows:

36 I. Field trials for dogs may be held at such times, in such manner, and under such
37 restrictions, as may be prescribed by the executive director. Any person wishing to hold a field trial

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1 shall first obtain a written permit from the person on whose land it is proposed to hold the trial,
2 present the same to the executive director, and pay a fee ~~[of \$9.50]~~ **set by the executive director**
3 **pursuant to RSA 206:10, I**, including field trials for coon dogs and such night hunts for coon dogs
4 as authorized by paragraph II. The executive director may thereupon issue a permit for such field
5 trial. The executive director or his duly authorized agent shall supervise the holding of such field
6 trial, enforce the terms of the permits, and the rules for its conduct. The executive director shall
7 adopt rules under RSA 541-A for the conduct of field trials as in his **or her** opinion are necessary to
8 safeguard the interest of the wildlife of the state, provided that the executive director shall issue
9 permits for beagle trials to any beagle club recognized by the American Kennel Club for trials to be
10 run under the rules and regulations of the American Kennel Club. The fee for this permit shall ~~[not~~
11 ~~exceed \$9.50]~~ **be set by the executive director pursuant to RSA 206:10, I**. The executive director
12 or his **or her** authorized agent shall enforce the terms of such permits.

13 30 Fish and Game; Bow and Arrow; License Fee. RSA 208:5, I is repealed and reenacted to read
14 as follows:

15 I. The executive director shall set the fee pursuant to RSA 206:10, I, for issuance of archery
16 licenses for the following categories: residents 16 years of age or older and nonresidents 16 years of
17 age or older.

18 31 Fish and Game; Muzzleloaders. Amend RSA 208:5-a to read as follows:

19 208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to
20 hunting deer pursuant to RSA 214, ~~[upon payment of a fee of \$15 by residents or a fee of \$40 by non~~
21 ~~residents,]~~ shall be issued a license, **upon payment of a fee set by the executive director**
22 **pursuant to RSA 206:10, I, for the following categories: residents 16 years of age or older**
23 **and nonresidents 16 years of age or older**. A muzzleloading license shall not be required for
24 residents less than 16 years of age, but such person while hunting with a muzzleloading firearm
25 shall be accompanied by a properly licensed person who is 18 years of age or over and must also
26 comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a
27 single shot muzzleloading firearm.

28 32 Fish and Game; Special Deer Permits. Amend RSA 208:5-b to read as follows:

29 208:5-b Special Deer Permits. The executive director may issue special deer permits to a person
30 licensed with the applicable license to hunt issued under RSA 214, or RSA 208:5 or ~~[5-a]~~ **208:5-a**.
31 The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex
32 limitations for wild deer and any other conditions governing the location, method, and manner of
33 taking as well as the issuance and fee for special deer permits. ~~[The executive director may charge a~~
34 ~~fee not to exceed \$15 for all applications for special deer permits.]~~

35 33 Fish and Game; Black Bears. Amend RSA 208:24, II to read as follows:

36 II. No person shall take wild black bears in this state without first procuring a bear license
37 and tag in addition to the applicable license to hunt issued pursuant to RSA 214 or RSA 208:5. The

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1 cost of the bear license and tag, **for both residents and nonresidents**, shall be [~~\$15 for residents~~
2 ~~and \$47 for non-residents~~] **set by the executive director pursuant to RSA 206:10, I.**

3 34 Fish and Game; Fishing Tournaments. Amend RSA 211:16-b to read as follows:

4 211:16-b Fishing Tournaments.

5 I. No person shall promote or operate any fishing tournament in the waters under the
6 jurisdiction of this state without first procuring a special permit from the executive director to do so.

7 [~~The fee for a permit issued under this section is \$25.~~]

8 II. The executive director shall adopt rules, pursuant to RSA 541-A, relative to definitions,
9 **fees**, conditions, requirements for waivers, including waivers of the fee, qualifications, and all other
10 criteria relating to the operation of a fishing tournament on any waters of the state.

11 35 Fish and Game; Lobster and Crab. Amend RSA 211:18, III-a to read as follows:

12 III-a. The [~~following fees shall apply to lobster and crab license~~] **executive director shall**
13 **set the fee pursuant to RSA 206:10, I for the following lobster and crab license types** issued
14 under this section:

15 (a) Resident commercial lobster and crab license[~~;\$300~~].

16 (b) Nonresident commercial lobster and crab license[~~;\$600~~].

17 (c) Resident limited commercial lobster and crab license[~~;\$175~~].

18 (d) Nonresident limited commercial lobster and crab license[~~;\$350~~].

19 (e) Resident part-time commercial lobster and crab license[~~;\$103~~].

20 (f) Nonresident part-time commercial lobster and crab license[~~;\$350~~].

21 (g) Recreational lobster and crab license[~~;\$35~~].

22 36 Fish and Game; Lobster Helper's License. Amend RSA 211:20 to read as follows:

23 211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may get a
24 helper's license which entitles the person to have the help of a person in the taking of lobsters or
25 crabs. The helper's license may be transferred to any one helper employed by the licensee, but may
26 not be transferred to a person who previously had a lobster license which is under suspension. A
27 helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and
28 crabs only in the presence of and aboard the boat of a person licensed under the provisions of
29 RSA 211:18, and who holds a valid helper's license. [~~The fee for a helper's license is \$10.~~] The
30 executive director shall adopt rules pursuant to RSA 541-A relative to the **fee for a helper's license**
31 **and the** terms and restrictions of a helper's license to comply with lobster trap limits established
32 under the Atlantic States Marine Fisheries Commission management plan for American lobster
33 relative to reduced fishing effort.

34 37 Fish and Game; Lobster Retail Dealer. RSA 211:39, II through IV are repealed and
35 reenacted to read as follows:

36 II. The executive director shall set the fee pursuant to RSA 206:10, I, for retail dealer
37 licenses issued under this section.

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1 38 Fish and Game; Nonresident Commercial Salt Water License. Amend RSA 211:49-a, II to
2 read as follows:

3 II. The fee for an annual license shall be [~~\$500~~] **set by the executive director pursuant to**
4 **RSA 206:10, I.** The license shall be for the operator of the boat, vessel, flotation device, or gear, and
5 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops
6 by diving.

7 39 Fish and Game; Nonresident Wholesaler License. Amend RSA 211:49-aa, I, to read as
8 follows:

9 I. Any person, firm, or corporation who does not qualify as a resident under RSA 207:1 or
10 RSA 211:43 and who is engaged in a wholesale trade in any marine species shall first procure a valid
11 license from the executive director to do so in this state. The license shall entitle the licensee to buy,
12 sell, process, and transport any marine species in wholesale trade within the state and to ship any
13 marine species within and outside the state. A separate extra facility license shall be required for
14 each market, store, vehicle, or facility where such marine species are bought or sold at wholesale. A
15 nonresident wholesale license shall not be required by a person properly licensed pursuant to
16 RSA 211:49-a. The [~~fee~~] **fees** for an annual license [~~shall be \$200 and \$75~~] **and** for each extra facility
17 license **shall be set by the executive director pursuant to RSA 206:10, I.** A copy of the license
18 shall be carried in each vehicle and displayed at all facilities.

19 40 Fish and Game; Resident Commercial Salt Water License. Amend RSA 211:49-b, II to read
20 as follows:

21 II. The fee for such annual license shall be [~~\$50~~] **set by the executive director pursuant to**
22 **RSA 206:10, I.** The license shall be for the operator of the boat, vessel, flotation device, or gear, and
23 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops
24 by diving.

25 41 Fish and Game; Resident Wholesaler License. Amend RSA 211:49-c, I to read as follows:

26 I. Any person, firm, or corporation engaged in a wholesale trade in any marine species shall
27 first procure from the executive director a license to do so. Said license shall entitle the licensee to
28 buy, sell, process, and transport any marine species in wholesale trade within the state and to ship
29 any marine species within and outside the state. A separate extra facility license shall be required
30 for each market, store, vehicle, or facility where such marine species are bought or sold at wholesale.
31 A resident wholesaler license shall not be required by a person properly licensed pursuant to
32 RSA 211:49-b. The [~~fee~~] **fees** for an annual license [~~shall be \$100 and \$50~~] **and** for each extra facility
33 license **shall be set by the executive director pursuant to RSA 206:10, I.** A copy of the license
34 shall be carried in each vehicle and displayed at all facilities.

35 42 Fish and Game; Landing License. Amend RSA 211:49-d to read as follows:

36 211:49-d Landing License; Lobster and Crabs. Any person who is not licensed under
37 RSA 211:18, RSA 211:49-a, or RSA 211:49-b and wishes to transport in state waters lobsters and

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1 crabs taken outside the jurisdiction of the state via ship, vessel, or similar craft in state waters for
2 the purposes of landing the lobsters and crabs in the state must first procure a landing license. This
3 shall allow the licensee to sell lobster and crab landed under such person's license. The fee for ~~an~~
4 annual ~~license~~ **licenses** ~~[shall be \$50 for a resident and \$500 for any persons who does not qualify~~
5 ~~as a residents under RSA 207:1]~~ **for residents and nonresidents shall be set by the executive**
6 **director pursuant to RSA 206:10, I.**

7 43 Fish and Game; Commercial Shrimp License. Amend RSA 211:49-e, II and III to read as
8 follows:

9 II. The ~~fee~~ **fees** for the northern shrimp ~~license~~ **resident and nonresident licenses**
10 shall be ~~[\$100 for residents]~~ **set by the executive director pursuant to RSA 206:10, I.**

11 III. ~~[The fee for the northern shrimp license shall be \$500 for nonresidents.]~~ A nonresident
12 shall not be eligible to obtain a commercial shrimp license unless the state in which such person is a
13 resident provides a reciprocal licensing privilege for residents of this state.

14 44 Fish and Game; Oyster License. Amend RSA 211:62-a to read as follows:

15 211:62-a License for Taking. No person shall at any time take oysters unless the person is a
16 resident of the state and has been duly licensed as provided in this section. Any resident of this
17 state shall, upon application to the executive director of the fish and game department, be granted a
18 license to take oysters upon payment of a fee ~~[of \$29]~~ **set by the executive director pursuant to**
19 **RSA 206:10, I.** Such license shall be issued for the current calendar year. The executive director of
20 the fish and game department shall make readily available such licenses as are covered by this
21 section through its regular outlets. A person who furnishes to another person or permits another
22 person to have or use the person's oyster license or the license of any other person, or changes or
23 alters such license or uses a license issued to another person, or makes a false statement in an
24 application to obtain said license shall be subjected to the penalty under RSA 211:64.

25 45 Fish and Game; Clams in Coastal Waters. Amend RSA 211:62-d to read as follows:

26 211:62-d Clams in Coastal Waters. No one other than an individual natural person who is a
27 bona fide resident of the state, and who has obtained a ~~[\$300]~~ commercial clamming license, may at
28 any time commercially harvest or take the following from ocean waters within the jurisdiction of the
29 state, black clams (*Cyprina islandica*), sea clams (*Spisula solidissima*), and razor clams (*Enis*
30 *directus*). No such person authorized by this section to take such clams may take more than 500
31 bushels of unshucked clams daily. **The fee for a commercial clamming license shall be set by**
32 **the executive director pursuant to RSA 206:10, I.**

33 46 Fish and Game; Recreational Taking of Clams. Amend RSA 211:64-b to read as follows:

34 211:64-b License for Recreational Taking of Clams. No person shall at any time take clams for
35 such person's own use unless the person is a resident of the state and has been duly licensed as
36 provided in this section. Any person 6 years of age or older shall, upon application to the executive
37 director of the fish and game department, be granted a license to take clams for recreational

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1 purposes upon payment of a fee [~~of \$29~~] **set by the executive director pursuant to RSA 206:10, I.**
2 Such license shall be issued for the current calendar year. A resident of the state may take up to one
3 quart of clamworms during any one day for such person's own use without a license. A person who
4 furnishes to another person or permits another person to have or use the person's recreational clam
5 license or the license of any other person, or changes or alters such license or uses a license issued to
6 another person, or makes a false statement in an application to obtain said license shall be subjected
7 to the penalty under RSA 211:64.

8 47 Fish and Game; Sale of Venison. Amend RSA 212:30-d, III to read as follows:

9 III. Resident and nonresident wholesalers who wish to sell imported venison in this state as
10 permitted in paragraph I shall procure a wholesaler's license from the department of fish and game
11 to do so, the fee for which shall be [~~\$50~~] **set by the executive director pursuant to RSA 206:10, I.**
12 Said license shall expire on December 31 of each calendar year. Wholesalers shall provide bills of
13 sale in duplicate, one copy of which shall be given to the retail seller, and the other copy of which
14 shall be retained as a file copy by the wholesaler and shall be available for inspection by any agent of
15 the executive director.

16 48 Fish and Game; License Fees. Amend RSA 214:8 to read as follows:

17 214:8 Form; **Fees.**

18 I. The executive director shall prepare licenses, game tags, permits, stamps, and such other
19 forms as determined necessary to comply with all licensing requirements of title XVIII. Such license,
20 when issued to the licensee, shall bear the date of issuance, and shall contain the name, age, color of
21 eyes, and residence of the licensee and such other information, including affidavits, as may be
22 requested by the executive director. The license, to be valid, shall be countersigned by the licensee
23 on the face of the license in the space provided.

24 II. **The executive director shall set fees for the various license types described in**
25 **RSA 214:9 pursuant to RSA 206:10, I.**

26 49 Fish and Game; License Applications and Fees. Amend RSA 214:9 to read as follows:

27 214:9 Application[~~;-Fees~~]. [~~The~~] **To obtain any of the following licenses, an** applicant shall
28 fill out and subscribe [~~to~~] **on** a blank to be furnished by the executive director and pay the agent the
29 [~~following~~] **license** fees, **established under RSA 214:8, II,** and the agent fee as provided in
30 RSA 214-A:4:

31 I. [~~If the applicant is a resident of this state and wishes to hunt, \$21, and the agent shall~~
32 ~~thereupon issue a~~] Resident hunting license, which shall entitle the licensee to hunt, shoot, kill, or
33 take, except by the use of traps, and to transport wild birds and wild animals under the restrictions
34 of this title.

35 II. [~~If the applicant is a resident of this state and wishes to fish, \$33, and the agent shall~~
36 ~~thereupon issue a~~] Resident fishing license, which shall entitle the licensee to kill, take, and
37 transport all species of freshwater fish, under the restrictions of this title.

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1 II-a. [Repealed.]

2 II-b. [~~If the applicant is a resident of this state and wishes to fish for one day, \$8, and the~~
3 ~~agent shall thereupon issue a~~] One-day resident fishing license, which shall entitle the licensee to
4 kill, take, and transport all species of freshwater fish, for said time only, under the restrictions of
5 this title.

6 III. [~~If the applicant is a resident of this state and wishes to hunt and fish, \$44, and the~~
7 ~~agent shall thereupon issue a~~] Resident hunting and fishing license, which shall entitle the licensee
8 to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, and all
9 species of freshwater fish under the restrictions of this title.

10 IV. [~~If the applicant is a resident of this state and wishes to take fur-bearing animals and~~
11 ~~coyote by the use of traps, \$27.50, and the department shall thereupon issue a~~] **Resident** trapping
12 license, which shall entitle the licensee to take fur-bearing animals and coyote by the use of traps
13 and sell and transport them under the restrictions of this title.

14 V. [~~If the applicant is a resident under 16 years of age and wishes to take fur-bearing~~
15 ~~animals and coyote by the use of traps when not accompanied by a licensed trapper 18 years of age~~
16 ~~or over, \$5.50, and the agent shall thereupon issue a~~] Resident minor's trapping license, which shall
17 entitle the licensee **under 16 years of age** to take fur-bearing animals and coyote by the use of
18 traps and sell and transport them under the restrictions of this title.

19 VI. [~~If the applicant is a nonresident, 16 years of age or older, and wishes to hunt, \$102, and~~
20 ~~the agent shall thereupon issue a~~] Nonresident hunting license which shall entitle the licensee to
21 hunt, shoot, kill, and take, except by the use of traps, and to transport wild birds and wild animals
22 under the restrictions of this title.

23 VI-a. [~~If the applicant is a nonresident and wishes to hunt and fish, \$139, and the agent~~
24 ~~shall thereupon issue a~~] Nonresident hunting and fishing license, which shall entitle the licensee to
25 hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, and all
26 species of freshwater fish under the restrictions of this title.

27 VII. [Repealed.]

28 VII-a. [~~If the applicant is a nonresident and wishes to take small game as defined in~~
29 ~~RSA 207:1, XXVI, \$52, and the agent shall thereupon issue a~~] Nonresident small game license which
30 shall entitle the licensee to hunt, shoot, or take small game **as defined in RSA 207:1, XXVI**;
31 provided, however, this license shall not authorize the taking of fur-bearing animals as defined in
32 RSA 207:1, VIII.

33 VII-b. [~~If the applicant is a nonresident and wishes to take small game as defined in~~
34 ~~RSA 207:1, XXVI, for 3 consecutive days, \$24, and the agent shall thereupon issue a~~] 3-day
35 nonresident small game license which shall entitle the licensee to hunt, shoot, or take small game **as**
36 **defined in RSA 207:1, XXVI, for 3 consecutive days**; provided, however, this license shall not
37 authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

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1 VIII. ~~[If the applicant is a nonresident, 16 years of age or older, and wishes to take any~~
2 ~~species of freshwater fish, \$51, and the agent shall thereupon issue a]~~ Nonresident fishing license
3 which shall entitle the licensee to kill, take, and transport all species of freshwater fish under the
4 restrictions of this title~~[-provided that:~~

5 (a) ~~[Repealed.]~~

6 (b) ~~If the applicant wishes to take said fish for 7 consecutive days, \$33, and the agent~~
7 ~~shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of~~
8 ~~this title;~~

9 (c) ~~If the applicant wishes to take said fish for 3 consecutive days, \$26, and the agent~~
10 ~~shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of~~
11 ~~this title; and~~

12 (d) ~~[Repealed.]~~

13 (e) ~~If the applicant wishes to take said fish for one day, \$13, and the agent shall~~
14 ~~thereupon issue a one-day nonresident fishing license for said time only under the restrictions of this~~
15 ~~title].~~

16 VIII-a. ~~[Repealed.]~~

17 VIII-b. ~~[Repealed.]~~

18 ***VIII-c. 7-day nonresident fishing license, which shall entitle the licensee to kill,***
19 ***take, and transport all species of freshwater fish, for 7 consecutive days, under the***
20 ***restrictions of this title.***

21 ***VIII-d. 3-day nonresident fishing license, which shall entitle the licensee to kill,***
22 ***take, and transport all species of freshwater fish, for 3 consecutive days, under the***
23 ***restrictions of this title.***

24 ***VIII-e. One day nonresident fishing license, which shall entitle the licensee to kill,***
25 ***take, and transport all species of freshwater fish, for one day, under the restrictions of this***
26 ***title.***

27 IX. ~~[If the applicant is a nonresident and wishes to take fur-bearing animals and coyotes by~~
28 ~~the use of traps, the nonresident shall pay \$300.]~~ ***Nonresident trapping license, which shall***
29 ***entitle the licensee to take fur-bearing animals and coyote by the use of traps and sell and***
30 ***transport them under the restrictions of this title.*** If the applicant's state or province does not
31 permit nonresident trappers, said applicant shall be denied a nonresident license in this state.

32 X.(a) ~~[If the applicant wishes to hunt pheasants, the agent shall thereupon issue a]~~
33 Pheasant license or stamp which shall entitle the licensee to hunt, shoot, kill, and take, except by the
34 use of traps, pheasants during the open season.

35 (b) The fee for such license or stamp shall be ~~[determined by the executive director~~
36 ~~pursuant to RSA 541-A]~~ ***set by the executive director pursuant to RSA 206:10, I.***

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1 XI. [~~If the applicant is a resident and wishes to hunt wild turkeys, \$15, and if the applicant~~
2 ~~is a nonresident and wishes to hunt wild turkeys, \$30, and the fish and game department shall~~
3 ~~thereupon issue a wild turkey license or permit~~] **Resident wild turkey license**, which shall entitle
4 the licensee to hunt, shoot, kill, and take turkey, except by the use of traps.

5 **XI-a. Nonresident wild turkey license, which shall entitle the licensee to hunt,**
6 **shoot, kill, and take turkey, except by the use of traps.**

7 XII. [~~If the applicant wishes to hunt migratory waterfowl, \$4.00, and the agent shall~~
8 ~~thereupon issue a state~~] Migratory waterfowl license which shall entitle the licensee to hunt, shoot,
9 kill, and take migratory waterfowl during such time and in such manner and numbers as may be
10 allowed under RSA 209:6.

11 XIII.(a) Any recognized summer camp or educational facility operated within the state may
12 apply to the executive director of the fish and game department for a group fishing license that may
13 be utilized by individual campers or students while participating in camp or school approved
14 activities. The fee for the license [~~shall be \$25, and~~], the definitions, requirements for participation,
15 and criteria for obtaining the license shall be determined by the executive director pursuant to rules
16 adopted under RSA 541-A.

17 (b) [Repealed.]

18 XIV. [Repealed.]

19 XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild
20 birds, [~~\$2.50~~] **a fee set by the executive director pursuant to RSA 206:10, I**, and the agent shall
21 thereupon issue a wildlife habitat stamp or license as provided in RSA 214:1-f. For any year in
22 which a stamp is issued, the agent shall be entitled to retain [~~\$.50~~] **a portion** of the [~~\$2.50~~] fee **as**
23 **set by the executive director pursuant to RSA 206:10, I** for each wildlife habitat stamp sold and
24 all stamps sold at the department headquarters or any subagency thereof shall retain the same
25 [~~\$.50~~] **portion of the** fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish
26 and game fund. Notwithstanding any other provision of law, there shall be no agent fee for a wildlife
27 habitat license issued pursuant to RSA 214:1-f.

28 XVI.(a) [~~If the applicant is 16 years of age or older and wishes to take, possess, or transport~~
29 ~~finfish from coastal and estuarine waters under the restrictions of this title, the applicant shall pay~~
30 ~~the fee according to the schedule in subparagraph (e), and the agent shall thereupon issue a]~~
31 **Recreational saltwater license** which shall entitle the licensee, **16 years of age or older**, to take,
32 possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title,
33 provided that any person participating in a recreational saltwater fishing opportunity on a for-hire
34 vessel, which is licensed under subparagraph (b), shall be exempt from the license requirement of
35 this subparagraph.

36 (b) A resident or nonresident owner or operator of a for-hire vessel who wishes to provide
37 recreational saltwater fishing opportunities for persons taking finfish from coastal and estuarine

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1 waters, shall pay a fee, **set by the executive director pursuant to RSA 206:10, I**, for each charter
2 boat and each party boat [~~according to the schedule in subparagraph (e),~~] which shall entitle the
3 owner or operator of the licensed for-hire vessel to take, possess, or transport finfish from coastal and
4 estuarine waters, under the restrictions of this title.

5 (c) A nonresident holding a valid recreational saltwater license or a for-hire charter or
6 party boat saltwater license from Maine or Massachusetts, shall be allowed to take, possess, or
7 transport finfish from New Hampshire coastal and estuarine waters, provided that the state in
8 which such person purchased a recreational saltwater license or in which the for-hire vessel is
9 registered allows an angler with a New Hampshire recreational saltwater license or a saltwater for-
10 hire vessel with a for-hire license from New Hampshire to recreationally take, possess, or transport
11 finfish in that state's coastal and estuarine waters.

12 (d) In this paragraph:

13 (1) "Coastal and estuarine waters" means all waters within the rise and fall of the
14 tide, and water below any fishway or dam which is normally the dividing line between tide water
15 and fresh water, or below any tidal bound which has been legally established in streams flowing into
16 the sea under the jurisdiction of the state.

17 (2) "For-hire vessel" means a party boat, charter boat, dive boat, head boat, or other
18 boat hired by persons to engage in recreational saltwater fishing opportunities.

19 (3) "Recreational saltwater fishing" means taking of any marine finfish, by any
20 means for personal use only and which are not sold.

21 (4) "Charter boat" means a vessel less than 100 gross tons (90.8 metric tons) that
22 meets the requirements of the U.S. Coast Guard to carry 6 or fewer passengers for hire.

23 (5) "Party boat" or "head boat" means a vessel that holds a valid Certificate of
24 Inspection issued by the U.S. Coast Guard to carry passengers for hire.

25 (e) [~~The following fees shall apply:~~

26 (1) ~~\$10 for resident and nonresident individuals.~~

27 (2) ~~\$50 for charter boats and other for hire vessels, except party boats.~~

28 (3) ~~\$100 for party boats.~~

29 (f) The executive director shall adopt rules under RSA 541-A on the further definitions,
30 criteria, and requirements for obtaining the licenses under this paragraph.

31 50 Fish and Game; Fur Buyers. Amend RSA 214:25 to read as follows:

32 214:25 Applications; Fees. The applicant, whether a resident or nonresident, shall fill out and
33 sign a blank to be furnished by the executive director and pay [~~the applicable~~] a license fee **set by**
34 **the executive director pursuant to RSA 206:10, I**. The executive director shall thereupon issue a
35 fur buyer's license which shall entitle the licensee to buy and sell the furs and skins of deer, coyotes,
36 and fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of
37 this title. The executive director shall grant such licenses for the entire state upon the payment of

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1 ~~[a] the applicable license~~ fee ~~[of \$50 for residents or upon the payment of a fee of \$150 for~~
2 ~~nonresidents].~~

3 51 Fish and Game; Taxidermy. Amend RSA 214:29-a to read as follows:

4 214:29-a Taxidermy. The executive director may grant licenses which may be revoked or
5 suspended at any time to any person desiring to practice taxidermy, as defined under general
6 provisions, RSA 207:1, XXVII-a. ~~[The fee for a taxidermy permit shall be \$50, and]~~ The executive
7 director shall adopt rules under RSA 541-A relative to the **fee for a taxidermy permit, and the**
8 conditions, qualifications, and other criteria under which a taxidermy permit shall be granted.

9 52 Fish and Game; Freshwater Bait. Amend RSA 214:34 to read as follows:

10 214:34 Licenses Required.

11 I. No person shall take, sell, or offer to sell live fish for bait without first procuring a license
12 to do so.

13 II. The applicant shall complete the prescribed application form furnished by the executive
14 director and pay the ~~[following]~~ appropriate **license** fee in addition to the \$1 agent's fee as provided
15 in RSA 214-A:4[~~;~~

16 ~~(a) If the applicant is a retailer, he shall pay a fee of \$25.~~

17 ~~(b) If a resident applicant wishes to sell at retail and wholesale, he shall pay a fee of \$75.~~

18 ~~(c) If a nonresident applicant wishes to sell at retail, he shall pay a fee of \$50.~~

19 ~~(d) If a nonresident applicant wishes to sell at wholesale, he shall pay a fee of \$150].~~

20 **III. Fees for the following license types shall be set by the executive director**
21 **pursuant to RSA 206:10, I:**

22 **(a) Retail.**

23 **(b) Resident retail and wholesale.**

24 **(c) Nonresident retail.**

25 **(d) Nonresident wholesale.**

26 53 Fish and Game; Importing Bait. Amend RSA 214:34-d to read as follows:

27 214:34-d Permit to Import. No fish of any description shall be brought into this state for use as
28 bait without first procuring a permit from the executive director. Such permit shall be valid for no
29 longer than one year but no additional permit shall be required within that period of time to import
30 the same species of fish from the same source of supply. Five days' notification of each intent to
31 import shall be filed with the executive director. ~~[The fee for each such permit is \$9.50.]~~ **The**
32 **executive director shall set the fee for such permits pursuant to RSA 206:10, I.**

33 54 Fish and Game; Guide License. RSA 215:4 is repealed and reenacted to read as follows:

34 215:4 Fee for License. The executive director shall set the fees for resident and nonresident
35 licenses to guide under this chapter pursuant to RSA 206:10, I.

36 55 Fish and Game; Guides. Amend RSA 215:5, II to read as follows:

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1 II. ***Notwithstanding RSA 215:4***, every resident 65 years of age or older who has been a
2 licensed guide in this state for 5 or more years may obtain a license as a guide to fish or to hunt [~~not~~
3 ~~by payment of the fees prescribed in RSA 215:4, I and II but rather~~] by payment of only the cost of
4 issuing said license as determined by the executive director.

5 56 Fish and Game Department; Licenses for Persons Over 65. RSA 214:7-a is repealed and
6 reenacted to read as follows:

7 214:7-a Persons Over 68 Years of Age.

8 I. Any resident of this state who is 68 years of age or over may make application each year,
9 to any authorized agent of the state for the sale of freshwater fishing, hunting, or trapping licenses,
10 for a special license to fish in freshwaters and hunt or trap, under the restrictions of this title. Such
11 license may permit the use of a muzzle-loading firearm and bow and arrow. The executive director
12 shall set the annual fee for the special license established in this section by rule pursuant to
13 RSA 206:10, I. Said fee shall not exceed 50 percent of the regular resident license fee for fishing in
14 freshwaters, hunting, or trapping. The license shall be marked in such manner as the executive
15 director may designate.

16 II. Those individuals holding a special license under this section as of June 30, 2015 shall be
17 exempt from the requirement to apply for said license annually. The special license held by these
18 individuals shall remain effective for the remainder of each individual's life, as long as the individual
19 remains a resident of the state, unless suspended or revoked by the executive director.

20 57 New Section; Fish and Game Department; Environmental Review Fees. Amend RSA 206 by
21 inserting after section 33-e the following new section:

22 206:33-f Environmental Review Fees.

23 I. The executive director may charge a fee for the review of proposed projects which may
24 adversely impact wildlife, including threatened or endangered species of wildlife, if such review is
25 requested by a project developer, either public or private, regardless of whether such request is
26 received before or after an application is submitted to any permitting agency.

27 II. The fees established by this section shall be designed to recover a reasonable portion of
28 the costs of:

29 (a) Reviewing, assessing, and monitoring the impacts to wildlife of a proposed project;

30 (b) Reviewing and assessing research, sampling, or modeling protocols to be
31 implemented either prior to or after the completion of a project; and

32 (c) Formulating recommendations designed to avoid, minimize, and/or mitigate any
33 potential adverse impacts of a project on wildlife.

34 III. Fees shall be fixed in a schedule prepared and revised as necessary by the executive
35 director, and established in rules adopted pursuant to RSA 541-A. Such schedule may differentiate
36 among different classes of projects based on the intensity of the requisite review by the department.

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1 IV. All moneys received under this section shall be deposited into the fish and game fund
2 established under RSA 206:33 and used solely for the purposes set forth in RSA 206:34-a.

3 V. Receipt of the fees established by this section shall be a prerequisite for any
4 environmental review undertaken by the department. Any permit or certificate dependent on the
5 environmental review undertaken by the department shall be invalid until the fees assessed under
6 this section are paid in full.

7 58 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

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

21 59 State Park Fund. RSA 216-A:3,-i II is repealed and reenacted to read as follows:

22 II. Any funds deposited into the state park account are hereby continually appropriated to
23 and may be expended by the commissioner of the department of resources and economic development
24 to cover budgeted appropriations provided the balance in the state park account does not go below
25 \$1.5 million and any transfer is reported to the governor and council and fiscal committee of the
26 general court within 60 days.

27 60 Department of Resources and Economic Development; Transfer of Funds Authorized. The
28 commissioner of the department of resources and economic development may transfer funds between
29 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-
30 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike
31 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2017. The
32 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court
33 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers
34 made under this section.

35 61 Department of Resources and Economic Development; Cannon Mountain. For each year of
36 the biennium ending June 30, 2017, net revenue derived by the department of resources and
37 economic development from fees, services, accommodations, rentals, revenue from lift and tramway

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1 operations, retail sales, and concession operations for Cannon Mountain shall be credited to the
2 Cannon Mountain capital improvement fund established in RSA 12-A:29-c for use in paying debt
3 service related to capital improvements for the ski area and related state park facilities at Cannon
4 Mountain.

5 62 Suspension. The following are suspended for each fiscal year of the biennium ending
6 June 30, 2017:

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

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

9 63 Department of Transportation; Transfer of Funds. Notwithstanding any provision of law to
10 the contrary, for the biennium ending June 30, 2017, the commissioner of transportation is
11 authorized to transfer funds within and among all accounting units within the department and to
12 create accounting units and expenditure classes as required and as the commissioner deems
13 necessary and appropriate to address present or projected budget deficits, or to respond to changes in
14 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
15 the department; provided if a transfer does not include new accounting units or expenditure classes,
16 only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court.

17 64 New Paragraph; Salt Applicators; Rulemaking. Amend RSA 489-C:3 by inserting after
18 paragraph V the following new paragraph:

19 VI. Establishing and collecting fees to cover the cost of program implementation *with all*
20 *fees collected to be deposited in the general fund.*

21 65 Veterans' Home; Reports. Amend RSA 119:13 to read as follows:

22 119:13 Reports. The board shall file with the secretary of state, the fiscal committee of the
23 general court, and the commissioner of administrative services, on or before October 1 [~~and every 6~~
24 ~~months thereafter~~], a report to the legislature, setting forth the operations and condition of the
25 home, a detailed account of all moneys received and expended on its behalf since the last report, an
26 estimate of the amount of money required for its uses before the meeting of the next legislature, and
27 such other matters and recommendations as they shall think its interests require.

28 66 New Paragraph; Department of Information Technology; Statewide Standards and Protocols.
29 Amend RSA 21-R:4 by inserting after paragraph XVII the following new paragraph:

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

34 67 Department of Information Technology; Purchasing Policy. RSA 21-R:8-a is repealed and
35 reenacted to read as follows:

36 21-R:8-a Purchasing Policy.

37 I. The department shall, in collaboration with the department of administrative services,

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1 establish standards for computer hardware, software, related licenses, media, documentation,
2 support and maintenance services, and other related services. Agencies may purchase directly using
3 contracts established by administrative services without approval from the chief information officer,
4 or designee, subject to any limitations established by the chief information officer.

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

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

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

15 68 Repeal. RSA 21-I:11, I(a)(9), relative to approval by the chief information officer, is repealed.

16 69 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received
17 in the fiscal years ending June 30, 2016 or June 30, 2017 from the Federal Emergency Management
18 Agency or Federal Highway Administration's Emergency Relief Program or any other federal
19 program providing emergency assistance to the department of transportation to reimburse costs
20 incurred for emergency response, including but not limited to, equipment rental, snow plowing,
21 sanding, salting, flood damage response, and personnel overtime during any emergency declared
22 shall be collected by the appropriate agency and appropriated to the department of transportation.

23 70 Continuation of Appropriation Regarding Emergency Management. The sums appropriated
24 pursuant to 2011, 223:1 as amended by 2013, 144:118 in accounting unit 02-23-23-236010-2740,
25 class 244, state match public assistance, shall not lapse until June 30, 2017.

26 71 Department of Safety; Assistant Commissioners.

27 I. Upon the appointment of the second assistant commissioner under RSA 21-P:5, I, position
28 9U539 shall be abolished to allow for the transition of this unclassified position with its available
29 appropriations into the unclassified position of assistant commissioner. Funding shall be in
30 expenditure class 013, within accounting unit 02-23-23-231015-2300. The incumbent in the
31 abolished unclassified position shall be offered the opportunity to seek the commissioner's
32 nomination for the unclassified position of assistant commissioner.

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

36 72 Department of Safety; Assistant Commissioners. Amend RSA 21-P:5, I and II, to read as
37 follows:

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

6 II. ~~The~~ **Each** assistant commissioner shall perform such duties as are assigned by the
7 commissioner. ~~The~~ **Either** assistant commissioner shall assume the duties of the commissioner in
8 the event that the commissioner is unable for any reason to perform such duties. The assistant
9 commissioner shall be responsible for the operations of the bureau of hearings, and shall, subject to
10 the supervision of the commissioner, exercise authority as required to ensure that the divisions and
11 their directors are implementing the organizational goals and managing the work of the department
12 in an effective manner.

13 73 New Chapter; Office of Substance Use Disorders and Behavioral Health. Amend RSA by
14 inserting after chapter 12-N the following new chapter:

CHAPTER 12-O

OFFICE OF SUBSTANCE USE DISORDERS AND BEHAVIORAL HEALTH

12-O:1 Establishment; General Duties and Responsibilities.

18 I. There is established the office of substance use disorder and behavioral health within the
19 office of the governor. The office of substance use disorder and behavioral health shall be under the
20 supervision and direction of the governor or the governor's designee. The governor's designee shall
21 be known as the senior director of the office of substance use disorder and behavioral health, and
22 shall be appointed for a fixed term.

23 II. The office of substance use disorder and behavioral health shall:

24 (a) Coordinate state resources, state agency spending and budget proposals in the areas
25 of mental health and substance abuse prevention and treatment.

26 (b) Propose solutions to the governor to reduce unnecessary duplication of state efforts
27 and resources.

28 (c) Identify evidence-based treatment practices for substance use disorder services and
29 work with state agencies to ensure quality delivery of such services.

30 (d) Encourage the coordination and correlation of state planning by agencies of state
31 government.

32 (e) Participate in interstate, regional, and national planning efforts.

33 (f) Lead grant application efforts that assist in the state's efforts to address substance
34 use disorders and other behavioral health challenges.

35 (g) Identify barriers to and gaps in New Hampshire's system of care.

36 (h) Serve as the governor's liaison to the governor's commission on alcohol, substance
37 abuse prevention, treatment and recovery established in RSA 12-J:1.

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1 (i) Perform such other duties as the governor may assign.

2 III. All state agencies and departments shall provide the office of substance use disorder and
3 behavioral health such information and assistance as required by the office to fulfill its
4 responsibilities. The office shall maintain the confidentiality of any information which is protected
5 by law.

6 12-O:2 Coordination.

7 I. The office of substance use disorder and behavioral health shall formulate policies and
8 plans for consideration by the governor which serve to integrate and coordinate resource and
9 development activities affecting more than one state agency, level of government, or governmental
10 function. Nothing in this paragraph shall be construed to grant the governor any additional
11 authority to implement such plans beyond that which has been granted to him or her under the
12 constitution and other laws of this state.

13 II. The senior director of substance abuse and mental health shall serve on the governor's
14 commission on alcohol and substance abuse prevention, treatment and recovery.

15 74 New Paragraph; Governor's Commission on Alcohol and Substance Abuse Prevention,
16 Treatment and Recovery; Membership. Amend RSA 12-J:1 by inserting after paragraph IV the
17 following new subparagraph:

18 V. The senior director of the office of substance use disorder and behavioral health, or
19 designee shall serve as the governor's liaison to the commission.

20 75 New Section; Departments; Electronic Credit Card Payments; Authorization to Administer.
21 Amend RSA 21-G by inserting after section 6 the following new section:

22 21-G:6-a Electronic Credit Card Payments; Authorization to Administer. Notwithstanding other
23 provision of law to the contrary, the head of any state agency or department and any authorized
24 employee or agent of the head, may accept credit cards or debit cards for the online payment of any
25 of the taxes, penalties, interest, or fees administered by such commissioner or collected by the
26 department. The amount of any service charge collected shall be disclosed in advance of the
27 transaction to the individual paying the tax, penalty or fee and shall be at a reasonable and
28 customary rate approved in advance by the comptroller.

29 76 Filling Unfunded Positions; Authorization. Notwithstanding other provisions of law to the
30 contrary, the head of any state agency or department may fill unfunded positions during the
31 biennium ending June 30, 2017, provided that the total expenditure for such positions shall not
32 exceed the amount appropriated for personal services.

33 77 Insect Pests and Plant Diseases; Pesticide Product Registration. RSA 430:38, III is repealed
34 and reenacted to read as follows:

35 III.(a) The registrant shall pay an annual fee for each pesticide registered as follows:

36 (1) A restricted use pesticide.

37 (2) A general use pesticide, other than a specialty/household pesticide.

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1 (b) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the amount
2 of the fees charged under subparagraph (a). Until such rules are adopted, the fees under
3 subparagraph (a) shall be the same as the fees which were in effect on June 30, 2015.

4 78 Insect Pests and Plant Diseases; Integrated Pest Management Program. Amend RSA 430:50,
5 II to read as follows:

6 II. There is established a nonlapsing fund to be known as the integrated pest management
7 fund. ~~Ten~~ **Twenty-five** percent of the pesticide registration fees collected under RSA 430:38, III
8 shall be deposited in the fund. The fund shall only be used to support the purposes of the integrated
9 pest management program. The state treasurer may invest moneys in the fund as provided by law
10 and all interest received on such investment shall be credited to the fund. The commissioner shall be
11 authorized to accept grants, gifts, and donations from any public or private sources for deposit in the
12 fund.

13 79 New Paragraph; Governor's Commission on Disability; Committee on Architectural Barrier-
14 Free Design; Waivers. Amend RSA 275-C:15 by inserting after paragraph V the following new
15 paragraph:

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

22 80 New Paragraph; Governor's Commission on Disability; Rulemaking. Amend RSA 275-C:6 by
23 inserting after paragraph VII the following new paragraph:

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

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

29 81 Governor's Commission on Disability; Application for Waiver Process. Amend RSA 275-C:15,
30 IV to read as follows:

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

36 82 Repeal. 1899, 42, relative to the payment of a fee to university system of New Hampshire, is
37 repealed.

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1 83 Department of Revenue Administration; Administration and Enforcement Fee. Amend
2 RSA 72-B:16 to read as follows:

3 72-B:16 Administration and Enforcement Fee. There shall be an administration and
4 enforcement fee of \$100 for each original notice of intent to excavate filed with the department. Such
5 fee shall accompany the original intent to excavate and shall be deposited into [~~a revolving fund~~
6 ~~within the department to be used by the department for the administration and enforcement of this~~
7 ~~chapter and for the education of municipal officials regarding the chapter. It also may be used to~~
8 ~~educate state personnel responsible for the administration and enforcement of this chapter]~~ **the**
9 **general fund.**

10 84 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes
11 administered and collected by the department of revenue administration, an amnesty from the
12 assessment or payment of all penalties and interest in excess of 50 percent of the applicable interest
13 rate for the tax period shall apply with respect to unpaid taxes reported and paid in full during the
14 period from December 1, 2015 through and including February 15, 2016, regardless of whether
15 previously assessed. This amnesty shall only apply to taxes due but unpaid on or February 15, 2016.

16 85 Mandatory Penalties. On or after March 1, 2016, notwithstanding the provisions of any
17 other law, the department or any administrative tribunal or court with jurisdiction, either in law or
18 equity, shall have no discretion to waive, abate, reduce or remit, for good cause or any other reason,
19 any penalties assessed with respect to taxes administered by the department, which taxes were due
20 before December 1, 2015.

21 86 Appropriation. The sum of \$50,000 is hereby appropriated to the department of revenue
22 administration for the fiscal year ending June 30, 2016 to the following account for the purposes of
23 outreach and other administration necessary for the implementation of the tax amnesty program:
24 01-084-8405-7884-102 contracts for program services. The governor is authorized to draw a warrant
25 for said sum out of any money in the treasury not otherwise appropriated.

26 87 Office of Energy and Planning; Establishment; General Duties and Responsibilities. Amend
27 RSA 4-C:1, II to read as follows:

28 II. The office of energy and planning shall, ***within the limits of resources of the agency:***

29 (a) [~~Plan~~] ***Participate in planning*** for the orderly development of the state and the
30 wise management of the state's resources.

31 (b) Compile, analyze, and disseminate data, information, and research services as
32 necessary to advance the welfare of the state.

33 (c) Encourage and assist planning, growth management, and development activities of
34 cities and towns and groups of cities and towns with the purpose of encouraging smart growth.

35 (d) Encourage the coordination and correlation of state planning by agencies of state
36 government.

37 (e) Participate in interstate, regional, and national planning efforts.

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1 (f) Administer federal and state grant-in-aid programs assigned to the office by statute
2 or executive order.

3 (g) Participate and advise in matters of land use planning regarding [~~water resources~~
4 ~~and~~] floodplain management.

5 (h) [~~Take a leadership role in encouraging~~] **Encourage** smart growth and [~~preserving~~]
6 **the preservation of** farmland, open space land, and traditional village centers.

7 (i) Administer the following programs: [~~the statewide comprehensive outdoor recreation~~
8 ~~plan,~~] the national flood insurance program, [~~the land conservation investment program,~~] fuel
9 assistance contracts, and weatherization contracts. The office shall employ necessary personnel to
10 administer these programs. In administering fuel assistance and weatherization contracts, the office
11 shall ensure that when an individual applies for fuel assistance or weatherization, the individual
12 shall be provided with application forms and information about the Link-Up New Hampshire and
13 Lifeline Telephone Assistance programs, and shall be provided assistance in applying for these
14 programs.

15 (j) Perform such other duties as the governor may assign.

16 88 Repeal. The following are repealed:

17 I. RSA 4-C:2, relative to office of energy and planning, state development plan.

18 II. RSA 4-C:3, relative to office of energy and planning, data and information services.

19 III. RSA 4-C:5, relative to office of energy and planning, rulemaking authority.

20 IV. RSA 4-C:6, relative to office of energy and planning, coordination.

21 V. RSA 4-C:8, III and IV, relative to office of energy and planning, responsibilities for
22 assistance.

23 89 Office of Energy and Planning; Regional and Municipal Assistance; Program Established.
24 Amend RSA 4-C:7 to read as follows:

25 4-C:7 Program Established. The director shall establish a program of regional and municipal
26 assistance within the office of energy and planning. This program shall coordinate state, regional,
27 and local planning efforts with the goal of [~~assuring~~] **promoting** delivery of efficient and effective
28 assistance to local governments in areas related to growth management and resource protection.

29 90 Office of Energy and Planning; Responsibilities for Assistance. Amend RSA 4-C:8, I(c) to
30 read as follows:

31 (c) Contributions to and coordination with statewide planning and management
32 activities[~~, including the formulation and updating of the comprehensive state development plan~~
33 ~~prepared pursuant to RSA 4-C:2].~~

34 91 New Section; Fish and Game; Propagation of Fish and Game; Use of Lands. Amend RSA 212
35 by inserting after section 10-b the following new section:

36 212:10-c Conservation Easements. The executive director may monitor conservation easements
37 and fee-owned conservation lands held by the state or by other entities. The executive director may

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1 accept funds and enter into agreements, contracts, or memoranda of understanding with the council
2 on resources and development established under RSA 162-C:1, with other state agencies, or with
3 other entities as necessary for the purpose of monitoring and overseeing conservation easements in
4 this state.

5 92 Tax on Meals and Rooms; Population Figures. Amend RSA 78-A:25 to read as follows:

6 78-A:25 Population Figures.

7 I. The ~~[office of energy and planning]~~ **department of employment security** is hereby
8 directed to estimate annually the resident population for all cities and towns of the state as of July 1
9 of the preceding year and shall certify the same to the state treasurer on or before August 19 of each
10 year.

11 II. For this section only the definition of resident, and therefore those persons who are to be
12 included in estimate figures, will be the same as that adopted by the United States bureau of the
13 census.

14 III. On or before April 30 of each year, the ~~[office of energy and planning]~~ **department of**
15 **employment security** shall notify the chief administrative officer in each community of all the data
16 components which will be used as the basis for the estimate of population. Municipalities believing
17 that such data components are incorrect shall file their specific objections and evidence in support
18 thereof with the ~~[office of energy and planning]~~ **department of employment security** on or before
19 May 30 of the same year. After due consideration of such evidence, the ~~[director of energy and~~
20 ~~planning]~~ **commissioner of the department of employment security** shall determine the final
21 components and resulting estimates.

22 IV. Municipalities dissatisfied with population estimates produced by the ~~[office of energy~~
23 ~~and planning]~~ **department of employment security** may, at their own expense, have a special
24 census conducted under contract with the United States bureau of the census. The results of such a
25 census shall serve as a basis for subsequent estimates made by the ~~[office of energy and planning]~~
26 **department of employment security** after said results are made available to the ~~[office of energy~~
27 ~~and planning]~~ **department of employment security**.

28 93 State Energy Strategy. Amend the introductory paragraph of RSA 4-E:1, I to read as follows:

29 I. The office of energy planning, in consultation with the state energy advisory council
30 established in RSA 4-E:2, with assistance from an independent consultant and with input from the
31 public and interested parties, shall prepare a 10-year energy strategy for the state. The office shall
32 review the strategy and consider any necessary updates in consultation with the senate energy and
33 natural resources committee and the house science, technology and energy committee, after
34 opportunity for public comment, at least every ~~[3]~~ **5** years starting in ~~[2017]~~ **2019 within the limits**
35 **of resources provided to the office**. The state energy strategy shall include, but not be limited to,
36 sections on the following:

37 94 Repeal. The following are repealed:

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1 I. RSA 9-A:1 through 9-A:4, relative to state development plan.

2 II. RSA 9-B:5, relative to state economic growth resource protection, and planning policy;
3 procedures for review.

4 III. RSA 9-B:6, relative to state economic growth, resource protection, and planning policy;
5 report to the general court and the governor.

6 IV. RSA 162-C:2, IX through XII, relative to council on resources and development,
7 responsibilities.

8 95 Regional Planning Commission; General Powers and Duties. Amend RSA 36:47, III to read
9 as follows:

10 III. ~~[In preparing]~~ A comprehensive plan for the development of the region ~~[within its~~
11 ~~jurisdiction, each regional planning commission may use the framework for the state's~~
12 ~~comprehensive development plan in RSA 9 A:1, III as the basis for its plan. Such plan]~~ shall be
13 updated every 5 years or sooner if desired by the regional planning commission. Prior to its
14 adoption, the plan shall be distributed to every library, planning board, and board of
15 selectmen/aldermen/city council in each of the communities within the region, and to the office of
16 energy and planning. The regional planning commission shall address in writing all comments
17 received prior to the publication of a final draft. A public hearing shall be held by the regional
18 planning commission with 30 days' notice published in all newspapers of general circulation in the
19 region, and shall state where the document can be viewed, the time and place of the public hearing,
20 and shall allow for written comments. For each regional plan, the office of energy and planning shall
21 offer comments as to its consistency with the state plan. The first regional development plans
22 affected by this statute shall be adopted within 5 years of the effective date of this paragraph and
23 renewed at least every 5 years thereafter.

24 96 Regional Planning Commission; General Powers and Duties. Amend RSA 36:47, XII to read
25 as follows:

26 XII. Facilitate coordination of state agencies to support local, regional, and state planning
27 efforts ~~[consistent with RSA 9 A:1-4].~~

28 97 Planning and Zoning; Enactment and Adoption Procedures; Place for Filing Documents;
29 Reporting of Adoptions or Amendments. Amend RSA 675:9 to read as follows:

30 675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. ~~[A copy of each~~
31 ~~master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code,~~
32 ~~subdivision regulation, historic district regulation, site plan review regulation or amendment which~~
33 ~~is adopted by a municipality shall be placed in a central file with the office of energy and planning;~~
34 ~~provided, however, that failure to file these documents or amendments with the office of energy and~~
35 ~~planning shall not affect the validity of the document.] Every municipality which adopts a master~~
36 plan, zoning ordinance, historic district ordinance, capital improvement plan, building code,
37 subdivision regulation or site plan review regulation or amendment thereto, shall inform the office of

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1 energy and planning of such adoption or amendment. The office of energy and planning is hereby
2 authorized to gather this information by way of an annual survey of the municipalities or other such
3 means as may be deemed appropriate. The office of energy and planning shall periodically create
4 lists and reports of the information gathered for use by the municipalities and the general public.

5 98 Repeal. RSA 21-O:5-a, I(d), relative to wetlands council membership, is repealed.

6 99 Department of Environmental Services; Water Council. Amend RSA 21-O:7, I(b)(3) to read
7 as follows:

8 (3) The director of parks and recreation, or designee; *and*

9 (4) ~~The director of the office of energy and planning, or designee; and~~

10 ~~(5)~~ The commissioner of safety, or designee.

11 100 Water Management and Protection; Rivers Management Advisory Committee;
12 Establishment. Amend RSA 483:8, II to read as follows:

13 II. The ~~[director of the office of energy and planning, the]~~ executive director of the fish and
14 game department, the commissioner of resources and economic development, the commissioner of
15 the department of transportation, the commissioner of the department of safety, and the
16 commissioner of the department of agriculture, markets, and food or their designees shall serve as
17 nonvoting members of the committee.

18 101 Water Management and Protection; Lakes Management Advisory Committee. Amend
19 RSA 483-A:6, III to read as follows:

20 III. The ~~[director of the office of energy and planning, the]~~ executive director of the fish and
21 game department, the commissioner of resources and economic development, the commissioner of
22 the department of safety, the commissioner of the department of agriculture, markets, and food, and
23 the commissioner of the department of transportation, or their designees, shall serve as nonvoting
24 members of the advisory committee.

25 102 Land Conservation Investment Program; Transfer of Personnel and Functions.
26 Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties,
27 responsibilities, and funding of the land conservation investment program, including positions 42501
28 and 42502, shall be transferred to the fish and game commission on July 1, 2015. The transfer
29 provided in this section shall include all of the all associated books, papers, records, personnel files,
30 and equipment, including but not limited to work station and information technology equipment,
31 and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as
32 any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs
33 associated with the transferred personnel.

34 103 State Data Center; Transfer of Personnel and Functions. Notwithstanding any provision of
35 law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the
36 state data center, including position number 10014, shall be transferred to the department of
37 employment security on July 1, 2015. The transfer provided in this section shall include all

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1 associated books, papers, records, personnel files, and equipment, including but not limited to work
2 station and information technology equipment, and shall include the transfer of any unexpended
3 appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll,
4 benefits, support costs, or any other costs associated with the transferred personnel.

5 104 New Paragraph; Labor; Unemployment Compensation; Administrative Organization and
6 Administration. Amend RSA 282-A:113 by inserting after paragraph III the following new
7 paragraph:

8 IV. The commissioner of the department of employment security, through the economic and
9 labor market information bureau, shall annually estimate the resident population for all cities and
10 towns of the state pursuant to RSA 78-A:25; shall gather and maintain demographic and economic
11 statistics for statewide planning purposes; and shall cooperate with the Bureau of the Census and
12 other federal agencies with the objective of improving access to the statistical products, data, and
13 information of the federal government.

14 105 Chapter Heading; Joint Board; Office of Professional Licensure and Certification. Amend
15 the chapter heading preceding RSA 310-A:1 to read as follows:

16 **CHAPTER 310-A**

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

18 106 Office of Professional Licensure and Certification. RSA 310-A:1 and 310-A:1-a are repealed
19 and reenacted to read as follows:

20 310-A:1 Office of Professional Licensure and Certification; Purpose. The purpose of the office of
21 professional licensure and certification is to promote efficiency and economy in the administration of
22 the business processing, recordkeeping, and other administrative and clerical operations of
23 professional licensing and certification boards, including both professional healthcare licensing and
24 professional technical licensing. The individual licensing and certification boards that are organized
25 under the office of professional licensure and certification have specialized knowledge and experience
26 and are separate and distinct for the purpose of regulating their various professions.
27 Notwithstanding the unique regulatory role of each board, the legislature finds that there are
28 opportunities for improving efficiency and customer service by providing for the joint administration
29 of the boards' administrative, clerical, business processing, and recordkeeping functions. Except as
30 provided in this section, the licensing and certification boards and entities organized under the office
31 of professional licensure and certification shall exercise the powers, duties, functions, and
32 responsibilities granted by statute.

33 310-A:1-a Office of Professional Licensure and Certification; Division of Technical Professions
34 and Division of Health Professions Established. There shall be an office of professional licensure and
35 certification that shall consist of the division of technical professions and the division of health
36 professions.

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

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1 commissions of:

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

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

- 21 (a) Hearing care providers under RSA 137-F:3.
- 22 (b) Examiners of nursing home administrators under RSA 151-A:3.
- 23 (c) Podiatry under RSA 315:1.
- 24 (d) Chiropractic examiners under RSA 316-A:2.
- 25 (e) Dental examiners under RSA 317-A:2.
- 26 (f) Registration of funeral directors and embalmers under RSA 325:2.
- 27 (g) Midwifery council under RSA 326-D:3.
- 28 (h) Licensed dietitians under RSA 326-H:7.
- 29 (i) Optometry under RSA 327:2.
- 30 (j) Naturopathic board of examiners under RSA 328-E:7.
- 31 (k) Licensed allied health professionals under RSA 328-F:3.
- 32 (l) Acupuncture licensing under RSA 328-G:3.
- 33 (m) Psychologists under RSA 329-B:3.
- 34 (n) Mental health practice under RSA 330-A:3.
- 35 (o) Licensing for alcohol and other drug use professionals under RSA 330-C:3.
- 36 (p) Electrologists under RSA 314:2-a.
- 37 (q) Body art practitioners under RSA 314-A.

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- 1 (r) Ophthalmic dispensers under RSA 327-A:2.
2 (s) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-
3 H:6.
4 (t) Massage therapists under RSA 328-B:5.
5 (u) Medicine under RSA 329:2.
6 (v) Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-B:26.
7 (w) Pharmacy under RSA 318:2 .
8 (x) Barbering, cosmetology, and esthetics under RSA 313-A:2.
9 (y) Mental health practice under RSA 330-A:3.
10 (z) Medical technicians RSA 328-A:2.

11 107 New Sections; Executive Director; Administration; Investigations. Amend RSA 310-A by
12 inserting after section 1-a the following new sections:

13 310-A:1-b Executive Director of the Office of Professional Licensure and Certification.

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

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

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

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

31 V. The executive director of the joint board of licensure and certification serving on the
32 effective date of this section shall become the executive director of the office of professional licensure
33 and certification and shall serve a 4-year term beginning on July 1, 2015.

34 310-A:1-c Division Directors; Positions Transferred.

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

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

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

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

15 310-A:1-d Administration of the Office of Professional Licensure and Certification.

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

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

23 (a) Supervision of the division directors;

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

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

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

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

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

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

35 310-A:1-e Investigative Costs; Fees.

36 I. For any order issued in resolution of a disciplinary proceeding by any board or commission
37 authorized under this title, where such board or commission has found misconduct sufficient to

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1 support disciplinary action, the board or commission may require the licensee, registrant, or
2 certificate holder who is the subject of such finding to pay the board or commission a sum not to
3 exceed the reasonable cost of investigation and prosecution of the proceeding. Except where
4 otherwise limited, this sum shall not exceed \$10,000. This sum may be imposed in addition to any
5 otherwise authorized administrative fines levied by the board or commission as part of the penalty.
6 The investigative and prosecution costs shall be assessed by the board or commission and any sums
7 recovered shall be credited for the use of the board or commission and disbursed by the board or
8 commission for any future investigations of complaints.

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

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

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

18 (3) The board of podiatry under RSA 315.

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

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

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

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

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

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

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

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

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

29 (13) Electrologists under RSA 314.

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

31 (15) Ophthalmic dispensers under RSA 327-A.

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

34 (17) Massage therapists under RSA 328-B.

35 (c) If the license, certification, and renewal fees for a regulated profession are not
36 established in statute as of the effective date of this section, the relevant board, commission, or
37 council shall recommend the appropriate fee level to the executive director of the office of

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1 professional licensure and certification. The total of all such license, certification, and renewal fees
2 shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating
3 expenses for the boards, commissions, and councils for the previous fiscal year.

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

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

10 108 Positions Transferred; Department of Information Technology; Health and Human Services.

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

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

23 109 Board of Manufactured Housing; Administrative and Processing Functions. RSA 205-A:29-
24 a is repealed and reenacted to read as follows:

25 205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and
26 business processing functions of the board shall be transferred to the office of professional licensure
27 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

28 110 Manufactured Housing Installation Standards Board; Administrative and Processing
29 Functions. RSA 205-D:3-a is repealed and reenacted to read as follows:

30 205-D:3-a Administrative and Business Processing Functions. All administrative, clerical, and
31 business processing functions of the board shall be transferred to the office of professional licensure
32 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

33 111 Board of Accountancy. Amend RSA 309-B:4, III - X to read as follows:

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

37 ~~(b) In addition to the amounts in subparagraph (a), the secretary treasurer shall be~~

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1 ~~compensated in an amount to be determined by the board, but not to exceed \$5,000.]~~

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

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

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

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

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

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1 to:

2 (a) Rules governing the board's meetings and conduct of its business.

3 (b) Rules of procedure governing the conduct of investigations and hearings by the
4 board.

5 (c) Rules specifying the educational and experience qualifications required for all
6 licensees, and the continuing professional education required for renewal of certificates or
7 registrations.

8 (d) Rules of professional conduct directed to controlling the quality and integrity of the
9 practice of public accountancy by licensees, including, but not limited to, matters relating to
10 independence, integrity, objectivity, competence, technical standards, responsibilities to the public,
11 and responsibilities to clients.

12 (e) Rules on substantial equivalency for implementation of RSA 309-B:6.

13 (f) Rules governing the manner and circumstances of use of the titles "certified public
14 accountant", "CPA," "public accountant" and "PA."

15 (g) Rules regarding peer review as required under this chapter. Such rules shall include
16 conduct and cost parameters to ensure that charges for the off-site peer review process are not
17 excessive.

18 (h) The establishment of all fees required under this chapter.

19 (i) The establishment of administrative fines for violations of this chapter.

20 (j) Rules on how an applicant for certificate demonstrates good character.

21 (k) Rules for records retention, outsourcing disclosures, and the severance of
22 connections.

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

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

28 112 Board of Professional Engineers. Amend RSA 310-A:8 to read as follows:

29 310-A:8 Receipts and Disbursements. The board may employ such investigators, ~~[clerical, and~~
30 ~~other assistants as are necessary for the proper performance of its work]~~ **retained through the**
31 **office of professional licensure and certification**, and may make expenditures for ~~[any purpose~~
32 ~~which is reasonably necessary for the proper performance of its duties under this subdivision,~~
33 ~~including]~~ the reasonable expenses of the board's delegate to meetings of, and membership dues to,
34 the National Council of Examiners for Engineering and Surveying (NCEES). The board may, with
35 the approval of the attorney general, hire counsel and investigators **through the office of**
36 **professional licensure and certification** and pay the reasonable expenses of such counsel and
37 investigators for the investigation and prosecution of any violation of this subdivision.

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1 113 Board of Professional Engineers. Amend RSA 310-A:25, II to read as follows:

2 II. The attorney general, or a designee, shall act as legal advisor to the board if the board so
3 requests, and render such legal assistance as deemed necessary by the board in carrying out the
4 provisions of this subdivision, provided that this responsibility shall not relieve the local prosecuting
5 officers of any of their duties under the law. With the approval of the attorney general, the board
6 may employ counsel and necessary assistance ***through the office of professional licensure and***
7 ***certification*** in carrying out the provisions of this subdivision. Reasonable compensation and
8 expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such
9 purpose.

10 114 Rulemaking; Professional Engineers. Amend RSA 310-A:32, II to read as follows:

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

14 115 Professional Geologists. Amend RSA 310-A:123 to read as follows:

15 310-A:123 Receipts and Disbursements. The board may employ such investigators[~~,- clerical~~
16 ~~assistants, and other assistants~~] as are necessary for the proper performance of its work ***retained by***
17 ***the office of professional licensure and certification*** and may make expenditures ***through the***
18 ***office of professional licensure and certification*** for any purpose which is reasonably necessary
19 for the proper performance of its duties under this subdivision, including the reasonable expenses of
20 the board's delegate to meetings and membership dues. The board may, with the approval of the
21 attorney general, hire counsel and ***through the office of professional licensure and***
22 ***certification*** and pay the reasonable expenses of such counsel and investigators for the
23 investigation and prosecution of any violation of this subdivision.

24 116 Board of Professional Geologists; Hearings; Appeals. Amend RSA 310-A:135, II to read as
25 follows:

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

33 117 Real Estate Appraiser Board. RSA 310-B:4, X is repealed and reenacted to read as follows:

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

37 118 Electrician's Board. RSA 319-C:4, IV is repealed and reenacted to read as follows:

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

4 119 Board of Marital Mediator Certification. RSA 328-C:13 is repealed and reenacted to read as
5 follows:

6 328-C:13 Board of Marital Mediator Certification Administrative Functions. All administrative,
7 clerical, and business processing functions of the board shall be transferred to the office of
8 professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

9 120 Real Estate Commission. Amend RSA 331-A:5, IX to read as follows:

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

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

17 121 Real Estate Commission; Qualifications for Licensure. Amend the introductory
18 paragraph of RSA 331-A:10, I to read as follows:

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

21 122 Real Estate Commission; Qualifications for Licensure. Amend the introductory
22 paragraph of RSA 331-A:10, II and subparagraphs II(a) and (b) to read as follows:

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

25 (a) Has attained the age of 18;

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

31 123 Guardian ad Litem Board. RSA 490-C:7 is repealed and reenacted to read as follows:

32 490-C:7 Administrative Functions. All administrative, clerical, and business processing
33 functions of the board shall be transferred to the office of professional licensure and certification
34 established in RSA 310-A:1 through RSA 310-A:1-e.

35 124 Board of Medicine; Medical Review Subcommittee. Amend RSA 329:17, V-a to read as
36 follows:

37 V-a. A medical review subcommittee of 11 members shall be nominated by the board of

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

20 125 Board of Medicine; Investigations. Amend RSA 329:18, II to read as follows:

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

29 126 Board of Medicine; Accounts. Amend RSA 329:19 to read as follows:

30 329:19 Accounts. The ~~board~~ ***office of professional licensure and certification*** shall keep a
31 full and true record of all fees received and all sums actually paid for expenses, and at the end of
32 each year shall account to the governor and council.

33 127 Office of Licensed Allied Health Professionals; Governing Boards. Amend RSA 328-F:3 to
34 read as follows:

35 328-F:3 Governing Boards Established; Board of Directors; Office of Licensed Allied Health
36 Professionals.

37 I. There shall be established governing boards of athletic trainers, occupational therapists,

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1 recreational therapists, respiratory care practitioners, physical therapists, speech-language
2 pathologists, and genetic counselors.

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

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

15 128 Office of Allied Health Professionals; Responsibilities of the Board of Directors. Amend
16 RSA 328-F:12 to read as follows:

17 328-F:12 Responsibilities of the Board of Directors.

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

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

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

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

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

29 129 Office of Allied Health Professionals; Investigations and Disciplinary Proceedings. Amend
30 RSA 328-F:24, IV(a) and (b) to read as follows:

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

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

35 130 Board of Nursing. Amend RSA 326-B:3, IX - XII to read as follows:

36 IX. The governor may remove any member from the board for neglect of any duty under
37 RSA 326-B:4 or for incompetence or unprofessional or dishonorable conduct. Any person may file a

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1 complaint against a board member with the [~~department of health and human services~~] **office of**
2 **professional licensure and certification**. The provisions of RSA 4:1 controlling the removal of
3 public officials from office shall be followed in dismissing board members.

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

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

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

11 131 Board of Nursing; Expenditures. Amend RSA 326-B:6 to read as follows:

12 326-B:6 Collection and Expenditure of Funds. The [~~board~~] **office of professional licensure**
13 **and certification** shall receive and expend funds provided such funds are received and expended
14 for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges,
15 including those related to RSA 326-B:26, shall be deposited in the general fund.

16 132 Board of Nursing; Investigations. Amend RSA 326-B:38, II to read as follows:

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

20 133 Board of Pharmacy; Reports. Amend RSA 318:11 to read as follows:

21 318:11 Reports. The [~~board~~] **office of professional licensure and certification** shall file with
22 the governor and council, on or before December 1 biennially, a report upon the condition of
23 pharmacy in the state and containing a record of their acts and proceedings.

24 134 Board of Pharmacy; Investigatory Powers. Amend RSA 318:30, II to read as follows:

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

28 135 Board of Barbering, Cosmetology, and Esthetics; Receipts. Amend RSA 313-A:5 to read as
29 follows:

30 313-A:5 Receipts and Their Disposition. All moneys received [~~by the board~~] under this chapter
31 shall be [~~paid to the secretary of the board, who shall give a receipt therefor and shall at the end of~~
32 ~~each month report to the commissioner of administrative services the total amount of money~~
33 ~~received and thereupon and~~] **accounted for by the office of professional licensure and**
34 **certification, and shall be** deposited the same with the state treasurer.

35 136 Board of Barbering, Cosmetology, and Esthetics; Duties. Amend RSA 313-A:7, I to read as
36 follows:

37 I. The board shall:

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

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

5 137 Board of Barbering, Cosmetology, and Esthetics; Inspectors. Amend RSA 313-A:21, I and II
6 to read as follows:

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

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

16 138 Dental Board; Investigatory Powers. Amend RSA 317-A:4, I(d) to read as follows:

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

21 139 Dental Board; Receipts. RSA 317-A:5 is repealed and reenacted to read as follows:

22 317-A:5 Report; Receipts. The office of professional licensure and certification shall make a
23 biennial report of the board's proceedings to the governor and council in October, and all fees and
24 fines received shall be accounted for by the office of professional licensure and certification, and shall
25 be deposited in the state treasury.

26 140 Dental Board; Investigations. Amend RSA 317-A:18, II to read as follows:

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

30 141 Dental Board; Disposal of Fines Amend RSA 317-A:35 to read as follows:

31 317-A:35 Disposal of Fines. All fines imposed and collected under this chapter shall be paid by
32 the court or justice to the ~~[executive director of the board]~~ ***office of professional licensure and***
33 ***certification.***

34 142 Dental Board; Office Amend RSA 317-A:36 to read as follows:

35 317-A:36 Location of Office. The office of the New Hampshire state board of dental examiners
36 shall be located in the ~~[bureau of dental public health, department of health and human services]~~
37 ***office of professional licensure and certification.***

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1 143 Board of Mental Health Practice; Receipts and Disbursements. RSA 330-A:11 is repealed
2 and reenacted to read as follows:

3 330-A:11 Receipts and Disbursements. All monies derived from the provisions of this chapter
4 shall be received and accounted for by the office of professional licensure and certification and shall
5 be deposited in the state treasury.

6 144 Board of Mental Health Practice; Records and Reports. Amend RSA 330-A:13, II, to read as
7 follows:

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

11 145 Board of Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28, II
12 to read as follows:

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

17 146 Board of Podiatry; Investigations and Preliminary Hearings. Amend RSA 315:10, II to read
18 as follows:

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

22 147 Board of Nursing Home Administrators. Amend RSA 151-A:14 to read as follows:

23 151-A:14 Authorization. In order to provide necessary funds for training courses for nursing
24 home administrators, the state treasurer is authorized to establish a revolving fund within the
25 ~~[department of health and human services]~~ ***office of professional licensure and certification*** in
26 sums sufficient to carry out this provision, such funds to be reimbursed in full by federal matching
27 funds and by tuition charges to the nursing home administrators taking such training courses.

28 148 Board of Chiropractic Examiners; Income. RSA 316-A:8 is repealed and reenacted to read
29 as follows:

30 316-A:8 Income. All moneys collected by the board from fees authorized under this chapter shall
31 be received and accounted for by the office of professional licensure and certification, and shall be
32 deposited in the state treasury.

33 149 Board of Chiropractic Examiners; Report. Amend RSA 316-A:10 to read as follows:

34 316-A:10 Report. The secretary-treasurer shall file with the governor and council biennially and
35 in such form as the governor and council may prescribe, such information as is necessary to maintain
36 in the ~~[department of health and human services]~~ ***office of professional licensure and***
37 ***certification*** a current record of rules of the board of chiropractic examiners affecting the issuance

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1 of licenses.

2 150 New Paragraph; Electrologists; Definitions. Amend RSA 314:1 by inserting after paragraph
3 IV the following new paragraph:

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

6 151 References Changed; Electrologists; Executive Director. Amend the following
7 RSA provisions by replacing "commissioner" with "executive director": 314:2, 314:2-a, 314:3, 314:5,
8 314:6, 314:7, 314:8, 314:9, 134:10, I, 314:13.

9 152 Embalmers and Funeral Directors. Amend RSA 325:33, II(a) and (b) to read as follows

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

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

18 153 New Paragraph; Ophthalmic Dispensing; Definitions. Amend RSA 327-A:1 by inserting
19 after paragraph VI the following new paragraph:

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

22 154 References Changed; Ophthalmic Dispensing; Executive Director. Amend the following
23 RSA provisions by replacing "commissioner" with "executive director": the introductory
24 paragraph of 327-A:5, 327-A:5, VI, 327-A:6, 327-A:7, 327-A:12, 327-A:15, 327-A:17.

25 155 Ophthalmic Dispensing; Duties of Executive Director. Amend RSA 327-A:5, VII to read as
26 follows:

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

29 156 Ophthalmic Dispensing. Amend RSA 327-A:14 to read as follows:

30 327-A:14 Renewal of Registration; Continuing Education. Certificates of registration issued
31 under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the
32 manner prescribed by the commissioner. Certificates of registration for ophthalmic dispensing shall
33 be renewed upon the payment of the renewal fee and the completion of 8 credits of continuing
34 education during the previous 2-year period. Any national, regional, or state optical company, trade,
35 or professional group is authorized to sponsor continuing education programs approved by the
36 American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. The
37 [~~commissioner or the deputy commissioner of the department of health and human services~~]

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1 **executive director** shall authorize continuing education programs which contribute to the
2 advancement, extension, or enhancement of the professional skills and the technical knowledge of
3 opticians.

4 157 Naturopathic Board; Powers. Amend RSA 328-E:8, I(d) to read as follows:

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

7 158 Naturopathic Board; Administration. Amend RSA 328-E:15 to read as follows:

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

12 159 Board of Hearing Care Providers. Amend RSA 137-F:21, III to read as follows:

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

16 160 Board of Acupuncture. Amend RSA 328-G:8 to read as follows:

17 328-G:8 Disposition of Receipts. All moneys received by the board under this chapter shall be
18 [~~paid to the administrator of the board, who shall give a receipt therefor and shall, at the end of each~~
19 ~~month, report to the commissioner of the department of health and human services the total amount~~
20 ~~of money received and deposit it]~~ **deposited** with the state treasurer **through the office of**
21 **professional licensure and certification**.

22 161 Board of Acupuncture; Duties. Amend RSA 328-G:11 I(c), to read as follows:

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

25 162 Board of Licensure for Alcohol and other Drug Use Professionals. Amend RSA 330-C:3, XII
26 to read as follows:

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

35 163 Advisory Board of Massage Therapists. RSA 328-B:2, IV is repealed and reenacted to read
36 as follows:

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

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1 and certification.

2 164 References Changed; Massage Therapists; Executive Director. Amend the following
3 RSA provisions by replacing “commissioner” with “executive director”: 328-B:4, 328-B:5.

4 165 Advisory Board of Massage Therapists. Amend RSA 328-B:11-a to read as follows:

5 328-B:11-a Administrative Fines. The [~~commissioner of the department of health and human~~
6 ~~services~~] **executive director of the office of professional licensure and certification**, after
7 notice and opportunity for hearing, pursuant to rules adopted under RSA 541-A, may impose an
8 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision
9 of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the
10 [~~commissioner~~] **executive director** shall be in accordance with RSA 541. Any administrative fine
11 imposed under this section shall not preclude the imposition of further penalties or administrative
12 actions under this chapter. The [~~commissioner~~] **executive director** shall adopt rules in accordance
13 with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and
14 severity of the violation. The sums obtained from the levying of administrative fines under this
15 chapter shall be forwarded to the state treasurer to be deposited into the general fund.

16 166 Board of Psychologists. Amend RSA 329-B:22, III to read as follows:

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

21 167 New Paragraph; Advisory Board of Reflexology, Structural Integration, and Asian
22 Bodywork Therapy; Definitions. Amend RSA 328-H:2 by inserting after paragraph IV the following
23 new paragraph:

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

26 168 References Changed; Advisory Board of Reflexology, Structural Integration, and Asian
27 Bodywork Therapy; Executive Director. Amend the following RSA provisions by replacing
28 “commissioner” and “department” with “executive director”: 328-H:2, I, 328-H:2, VII, 328-H:4, 328-
29 H:5, 328-H:6, 328-H:7, 328-H:8, 328-H:9, 328-H:10, 328-H:11, 328-H:12, 328-H:15, 328-H:16, 328-
30 H:17.

31 169 Repeals. The following are repealed:

32 I. RSA 126:10-a, relative to the health and human services office of professional licensing.

33 II. RSA 310-A:61, relative to expenditures by the board of land surveyors.

34 III. RSA 331-A:2, V, relative to definition of executive director of the real estate commission.

35 IV. RSA 331-A:6, relative to administrative attachment of the real estate commission.

36 V. RSA 331-A:7, I, relative to appointment of the executive director of the real estate
37 commission.

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- 1 VI. RSA 331-A:8, relative to powers of the executive director of the real estate commission.
- 2 VII. RSA 326-B:4, XI and XII, relative to staff and executive director of the board of nursing.
- 3 VIII. RSA 326-B:5, relative to administration by the executive director of the board of
4 nursing.
- 5 IX. RSA 318:2-a, relative to administrative attachment of the pharmacy board.
- 6 X. RSA 318:9, relative to administrative duties of the pharmacy board.
- 7 XI. RSA 313-A:2, VI, relative to administrative attachment of the board of barbering,
8 cosmetology and esthetics.
- 9 XII. RSA 317-A:2, relative to administrative attachment of the dental board.
- 10 XIII. RSA 330-A:5, relative to administrative attachment of the board of mental health
11 practice.
- 12 XIV. RSA 327:2, IV and V, relative to administrative attachment of the board of optometry.
- 13 XV. RSA 315:1-a, relative to administrative attachment of the board of podiatry.
- 14 XVI. RSA 151-A:3, IV, relative to administrative attachment of the board of nursing home
15 administrators.
- 16 XVII. RSA 316-A:2, relative to administrative attachment of the board of chiropractic
17 examiners.
- 18 XVIII. RSA 314:1, I and II, relative to definitions under electrolysis regulation.
- 19 XIX. RSA 325:2, IV, relative to administrative attachment of the board of funeral directors
20 and embalmers.
- 21 XX. RSA 325:10, relative to duties of the secretary of the board of funeral directors and
22 embalmers.
- 23 XXI. RSA 327-A:1, V and VI, relative to definitions under the ophthalmic dispensers board
- 24 XXII. RSA 328-E:7, VII, relative to administrative attachment of the naturopathic board of
25 examiners.
- 26 XXIII. RSA 328-E:8, II, relative to personnel of the naturopathic board of examiners.
- 27 XXIV. RSA 328-E:11, relative to rulemaking by the naturopathic board of examiners.
- 28 XXV. RSA 137-F, VIII, relative to administrative attachment of the board of hearing care
29 providers.
- 30 XXVI. RSA 328-G:4, relative to administrative attachment of the board of acupuncture.
- 31 XXVII. RSA 328-G:11, V and VI relative to rulemaking by the board of acupuncture.
- 32 XXVIII. RSA 326-D:3, III, relative to administrative attachment of the midwifery council.
- 33 XXIX. RSA 326-D:10, II, relative to administrative services of the midwifery council.
- 34 XXX. RSA 330-C:4, relative to administrative attachment of the board of licensure for
35 alcohol and other drug use professionals.
- 36 XXXI. RSA 330-C:5, IX, relative to assistants of the board of licensure for alcohol and other
37 drug use professionals

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

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

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

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

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

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

12 170 Department of Resources and Economic Development; Reporting Requirements.

13 I. The commissioner of the department of resources and economic development may meet its
14 reporting obligations, notwithstanding any law to the contrary as set forth in statute, by making
15 such changes in its current reporting processes as may be necessary or desirable for the efficient,
16 streamlined, and cost-effective delivery of a consolidated department report and division reports
17 provided annually as required by statute while maintaining transparency to citizens. This may
18 include the elimination of the use of some reports as identified to avoid redundancy of information
19 provided that may be contained in one or more of each through this consolidated reporting process.
20 Such annual consolidated department and division reports shall incorporate information from the
21 following reports.

22 (a) The department of resources and economic development advisory commission report
23 provided biennially to the governor and council under RSA 12-A:6.

24 (b) The department's energy efficiency report provided quarterly to the department of
25 administrative services state's energy manager under executive order 2005-4.

26 II. Such annual consolidated division of economic development report shall incorporate and
27 consolidate information contained in the following reports:

28 (a) The division of economic development's economic development program loans and
29 grants report provided annually to the public under RSA 12-A:33.

30 (b) The division of economic development advisory committee on international trade
31 report provided annually to the general court and governor under RSA 12-A:30, I (f).

32 (c) The office of workforce opportunity job training program for economic growth report
33 provided annually to the general court, fiscal committee of the general court, governor and council,
34 and the commissioner of department of employment security under RSA 12-A:58, I.

35 (d) The division of forests and lands mining and reclamation report provided annually to
36 the governor and council under RSA 12-E:2, VI.

37 (e) The division of forests and lands report provided biennially to the governor under

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1 RSA 227-G:3, I (i).

2 (f) The division of parks and recreation community recreation service report provided
3 annually to the division director under RSA 12-B:3, X.

4 (g) The Monadnock advisory commission report, a commission administratively assigned
5 to the division of parks and recreation, provided annually to the member communities under
6 RSA 227-D:5, VII.

7 (h) The division of parks and recreation Cannon season pass sales report provided
8 quarterly to the general court, fiscal committee of the general court, and governor and council under
9 RSA 227:14.

10 (i) The division of parks and recreation Hampton Beach capital improvement fund report
11 provided annually to the fiscal committee of the general court and governor and council under
12 RSA 216:3, IV (b);

13 (j) The division of parks and recreation's financial report provided annually to the
14 general court and governor and council under RSA 216-A:3-e, III.

15 (k) The Hampton Beach area commission report, a commission administratively
16 assigned to the division of parks and recreation, provided annually to the general court and governor
17 and council under RSA 216-J:3, VIII.

18 (l) The division of parks and recreation's state of the parks and historic sites report
19 provided annually to the general court under RSA 216-A:3-c, VI.

20 (m) The state park system advisory council report, a council administratively assigned to
21 the division of parks and recreation, provided annually to the general court, governor and council,
22 and state library under RSA 216-A:3-k, VI (f).

23 (n) The division of parks and recreation Cannon Mountain package plan programs
24 report provided quarterly to the general court, fiscal committee of the general court, and governor
25 and council under RSA 12-A:15, II.

26 (o) The division of parks and recreation Cannon capital improvement fund report
27 provided annually to the fiscal committee of the general court and governor and council under
28 RSA 12-A:29-c, III.

29 (p) The Wentworth Coolidge commission report, a commission administratively assigned
30 to the division of parks and recreation, provided annually to the general court and governor and
31 council under executive order 1989-10.

32 (q) The division of parks and recreation bureau of trails report provided annually to the
33 general court and state library under RSA 215-A:3, IX and RSA 215-C:2, X.

34 (r) The division of parks and recreation Connecticut Lakes Headwaters tract report
35 provided annually to the general court, the governor and council, and the state library under
36 RSA 216:8, IV, RSA 216:9, V, and RSA 216:11, IV.

37 (s) The division of travel and tourism revolving fund report provided annually to the

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1 fiscal committee of the general court and the governor and council under RSA 12-A:15-a.

2 (t) The division of travel and tourism development fund provided annually to the general
3 court, governor and council, and state library under RSA 12-A:43-a, II.

4 III. The annual consolidated department report and division reports shall be delivered
5 electronically to the speaker of the house of representatives, senate president and fiscal committee of
6 the general court, and to the governor and council, by January 31 of each year. The department
7 shall electronically post its annual consolidated report on the department website by January 31 of
8 each year for review by all other parties as required by statute.

9 171 Issuance of Reports. RSA 20:7 is repealed and reenacted to read as follows:

10 20:7 Issuance of Reports.

11 I. All agencies and departments of the state shall issue biennial reports summarizing their
12 operations. All reports shall cover periods ending on June 30, and be posted to the state
13 transparency website, with one paper copy submitted to the state library by October 1. Biennial
14 reports shall cover periods ending in odd-numbered years beginning with 2015. State agencies and
15 departments shall make every effort to limit or eliminate the production of paper reports. The
16 governor and council, speaker of the house of representatives, and the senate president shall be
17 notified by letter that a report is available on the state transparency website.

18 II. Agencies and departments may post other required reports to their Internet website and
19 the state transparency website in lieu of other methods of distribution, and shall notify by letter all
20 persons or committees required by law to receive such reports of the reports' availability on the state
21 transparency website.

22 III. The governor's commission on disability established in RSA 275-C shall be exempt from
23 the provisions of this section but shall comply with the reporting requirements in RSA 275-C:6.

24 IV. The lottery commission's comprehensive annual financial report prepared pursuant to
25 RSA 21-I:8, II(b) shall meet the requirements of this section.

26 172 Department of Environmental Services; Milfoil and Other Exotic Aquatic Plants. Amend
27 RSA 487:29 to read as follows:

28 487:29 Milfoil and Other Exotic Aquatic Plants Prevention; Grant Fund Report and Budget.
29 The department of environmental services shall submit ~~[an annual]~~ **a biennial** report, beginning on
30 January 1, 2004, to the speaker of the house, president of the senate, and the governor and council
31 which shall include, but not be limited to, a description of prevention and research projects funded by
32 the milfoil and other exotic aquatic plants prevention program and the extent of aid to municipalities
33 or subdivisions of the state, non-profit corporations, and research institutions.

34 173 Telecommunications Equipment Assistance Program; Annual Report. Amend RSA 362-E:7
35 to read as follows:

36 362-E:7 Annual Report. The governor's commission on disability shall file a report which shall
37 include the number of persons assisted, all sources of funding, and the total amount disbursed under

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1 this chapter. Such report shall be submitted annually to the governor and council, the senate
2 president, the speaker of the house and the [~~science, technology and energy committee~~] **public**
3 **utilities commission**, on or before October 1.

4 174 Water Pollution and Waste Disposal; Duties of the Department. Amend RSA 485-A:4, XIV
5 to read as follows:

6 XIV. To formulate a policy relating to long-term trends affecting the purity of the surface
7 waters or groundwaters of the state. Insofar as practicable and necessary, a continuing program of
8 sampling and subsequent chemical or biological analysis, or both, shall be conducted to establish
9 patterns and reveal long-term trends to serve as a basis for formulating such policy. In conducting
10 said program of sampling and analysis, the department is authorized to accept any assistance as
11 may be proffered by persons that the department deems to be qualified. [~~The department shall make~~
12 ~~a biennial report of its findings to the governor and council, the senate environment committee, and~~
13 ~~the house resources, recreation, and development committee.] The department shall provide proper
14 warning to the public by posting a sign indicating where water quality standards are not being
15 attained as they relate to specified designated uses.~~

16 175 Water Pollution and Waste Disposal; Duties of the Department. Amend RSA 485-A:4, XVI-
17 c(a) to read as follows:

18 XVI-c.(a) To design and implement a program for state or independent third party sampling
19 and testing of sludge or biosolid materials that are intended for land application. The department
20 shall design the sampling methodology, in consultation with university of New Hampshire
21 statisticians and sludge and biosolid experts, to provide a statistical evaluation of the contaminant
22 levels contained in sludge or biosolids. The department shall concentrate its testing on those
23 contaminants that pose greater risks to public health and the environment due to their toxicity,
24 potential availability, concentration levels, or concentration uncertainty. The department shall
25 maintain a database of testing results and prepare, in consultation with university of
26 New Hampshire statisticians and sludge and biosolid experts, and make available to the public and
27 the general court, [~~an annual~~] **a biennial** report by November 1 of each year which analyses the
28 compiled test results, including data from prior years, as appropriate. The analysis shall detail
29 contaminant concentrations on both a statewide and generator level and shall indicate the statistical
30 degree of certainty in the results of the analysis. The department shall attempt to present the report
31 in terms that are understandable to the layperson including practical examples such as the
32 probability that any given load of untested sludge exceeds a contaminant standard.

33 176 Aquatic Resource Compensatory Mitigation; Report. Amend RSA 482-A:33 to read as
34 follows:

35 482-A:33 Report. The department shall submit [~~an annual~~] **a biennial** report 60 days after the
36 close of each **odd-numbered** fiscal year, to the fiscal committee of the general court, the chairperson
37 of the house resources, recreation and development committee, and the chairperson of the senate

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1 environment and wildlife committee summarizing all receipts and disbursements of the aquatic
2 resource compensatory mitigation fund, including a description of all projects undertaken and the
3 status of the administrative assessment account. Each report shall be in such detail with sufficient
4 information to be fully understood by the general court and the public. After submission to the
5 general court, the report shall be available to the public.

6 177 Unemployment Compensation; Duties and Powers. Amend RSA 282-A:112, I to read as
7 follows:

8 I. It shall be the duty of the commissioner of the department of employment security to
9 administer this chapter. [~~He~~] ***The commissioner*** shall have power and authority to adopt, amend,
10 or rescind rules, to employ such persons, make such expenditures, require such reports, make such
11 investigations, and take such other action as he deems necessary or suitable to that end. The
12 commissioner shall determine his ***or her*** own organization and methods of procedure in accordance
13 with the provisions of this chapter. Not later than the thirtieth day of June of each year, the
14 commissioner shall submit to the governor a report covering the administration and operation of this
15 chapter during the preceding calendar year and shall make such recommendations for amendments
16 to this chapter as he ***or she*** deems proper. Such reports shall include a balance sheet of the moneys
17 in the fund in which there shall be provided, if possible, a reserve against the liability in future years
18 to pay benefits in excess of the then current contributions, which reserve shall be set up by the
19 commissioner in accordance with accepted actuarial principles on the basis of statistics of
20 employment, business activity, and other relevant factors for the longest possible period. ***Such***
21 ***report shall satisfy the requirements of RSA 20:7 and the department shall not be required***
22 ***to submit a separate biennial report.*** Whenever the commissioner believes that a change in
23 contribution or benefit rates will become necessary to protect the solvency of the fund, [~~he~~] ***the***
24 ***commissioner*** shall promptly so inform the governor and the legislature and make
25 recommendations with respect thereto.

26 178 New Hampshire Employment Program and Family Assistance Program; Work Participation
27 Rates. Amend RSA 167:77-a, II to read as follows:

28 II. The department shall submit a report to the oversight committee for health and human
29 services, established in RSA 126-A:13, relative to actions taken to increase the work participation
30 rate reported to the federal Department of Health and Human Services. The department also shall
31 provide the oversight committee with an estimate of whether the state shall meet the federal
32 requirements for each federal fiscal year by [~~July~~] ***January*** 15 of that fiscal year.

33 179 New Hampshire Employment Program and Family Assistance Program; Outcome
34 Measurement System. Amend RSA 167:77-c, IV-V to read as follows:

35 IV. The department shall establish an outcome measurement system with the following
36 areas of analysis:

37 (a) [~~The job retention and earnings gain indicators using the same methodology as the~~]

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1 ~~TANF high performance measures.~~

2 ~~(b)]~~ The number and percent of cash assistance recipients who close each month due to
3 employment, the average hourly, weekly, and monthly wages, the average total weekly and monthly
4 total income, the number and percent who return to cash assistance after 3, 6, and 12 months.

5 ~~[(c) The extended earnings of families who leave TANF due to employment.~~

6 ~~(d) Numbers and percentages of families who leave TANF due to employment and stay~~
7 ~~employed.~~

8 ~~(e) Numbers and percentage of families who increase their earnings after leaving TANF.~~

9 ~~(f)]~~ **(b)** Numbers and percentages of TANF families that leave TANF and ranking of their
10 income compared to the federal poverty level and the [NH] *New Hampshire* living wage.

11 ~~[(g) Poverty and child poverty rates and out of wedlock births and the national ranking of~~
12 ~~New Hampshire.~~

13 ~~(h) The impact of TANF policies on local assistance based on data requested by the~~
14 ~~oversight committee and as reported by the New Hampshire Local Welfare Administrators~~
15 ~~Association.~~

16 ~~(i) The reasons for caseload increases and decreases with analysis of numbers and~~
17 ~~reasons for openings, denials, and closings and the numbers and reasons for sanctions and denials~~
18 ~~due to noncompliance with program requirements.~~

19 ~~(j) Any other measures selected by the department or the oversight committee on health~~
20 ~~and human services which shows TANF performance in moving families out of poverty.]~~

21 V. The department shall develop and maintain the indicators for the program outcomes
22 listed in paragraph IV, subject to review and approval by the oversight committee on health and
23 human services. The department shall submit a report to the oversight committee each [~~June and~~
24 ~~December]~~ **January**.

25 180 New Hampshire Employment Program and Family Assistance Program; Career Ladder
26 Initiatives. Amend RSA 167:77-f, II to read as follows:

27 II. The department shall report its progress to the oversight committee on health and
28 human services in [~~June and December of each year beginning with December 2007]~~ **January**.

29 181 Long-Term Care; Program Management and Cost Controls. Amend RSA 151-E:11, II to
30 read as follows:

31 II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average
32 annual cost for the provision of services to persons in the mid-level of care shall not exceed 60
33 percent of the average annual cost for the provision of services in a nursing facility. The average
34 annual cost for the provision of services in home-based care shall not exceed 50 percent of the
35 average annual cost for the provision of services to persons in a nursing facility. No person whose
36 costs would be in excess of 80 percent of the average annual cost for the provision of services to a
37 person in a nursing facility shall be approved for home-based or mid-level services without the prior

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1 approval of the commissioner of health and human services. The prior approval shall include a
2 comparison of the mid-level or home-based care costs of the person with the costs of a facility
3 qualified to provide any specialized services necessary for the proper care and treatment of the
4 individual. The department shall provide a report [~~semi-annually~~] on the utilization of non-nursing
5 home services to the county-state finance commission and the legislative fiscal committee **when**
6 ***such information is provided to the Centers for Medicare and Medicaid Services.***

7 182 Department of Health and Human Services; Rate Setting for Home Health Services.
8 Amend RSA 126-A:18-a, III to read as follows:

9 III. The commissioner shall make [~~an annual report on or before November 1,~~] ***a biennial***
10 ***report*** relative to the rates for home health services, to the speaker of the house of representatives,
11 the president of the senate, and the chairpersons of the house and senate finance committees.

12 183 Workers' Compensation; Reports of the Commissioner. Amend RSA 281-A:61 to read as
13 follows:

14 281-A:61 Reports of the Commissioner.

15 I. The commissioner shall make a report to the governor, by October 1 of each odd-numbered
16 year, showing the work done during the preceding 2 fiscal years. The report shall include a properly
17 classified statement of department expenses, statistical information relating to the number and
18 character of industrial accidents during such 2 years and such other information and
19 recommendations as the commissioner deems pertinent. The report shall be printed as part of the
20 commissioner's biennial report.

21 II. The commissioner shall make a workplace safety and injury report, which shall be
22 submitted with the report required under paragraph I, to the governor and the legislature. The
23 report shall provide statistical information pertaining to the nature, character and severity of
24 industrial accidents, injuries, and illnesses in New Hampshire and information pertaining to the
25 department's and employers' efforts in the area of safety promotion and accident prevention. [~~The~~
26 ~~statistical information related to workplace injuries shall be compiled from data gathered directly by~~
27 ~~the department through the required injury reports filed by employers.] This report shall include,
28 but not be limited to, the types and frequency of reported injuries; [~~a breakdown and analysis of the~~
29 ~~types and size of industries, and~~] the job classifications from which such injuries have been reported;
30 [~~the average length of disability;~~] a report of employer compliance with RSA 281-A:64; the annual
31 listing of best and worst performers as prepared by the commissioner under the provisions of
32 RSA 281-A:64; a report of all departmental activities required under RSA 281-A:65; specific
33 recommendations for improved workplace safety promotion and injury prevention; and any other
34 such information and recommendations pertaining to workplace injuries and injury prevention as
35 the commissioner deems appropriate. [~~The report shall also include the same information for~~
36 ~~certified managed care programs and shall include information relative to the number of employees~~
37 ~~and the number of hearings of claimants participating in each certified managed care program.]~~~~

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1 184 State Liquor Stores; Closing of State Stores. Amend RSA 177:2 to read as follows:

2 177:2 Closing of State Stores.

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

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

19 185 Horse and Dog Racing; Report of the Commission. Amend RSA 284:21-g to read as follows:

20 284:21-g Report of the Commission. The commission shall make an annual report to the
21 governor ~~[in accordance with RSA 20:7,]~~ including therein an account of its actions, receipts derived
22 under the provisions of this subdivision, the practical effects of the application thereof, and any
23 recommendation for legislation which the commission deems advisable. ***Such report shall be
24 submitted on or before February 1 and the commission shall not be required to submit a
25 separate report under RSA 20:7.***

26 186 Disposal of State-Owned Vehicles Based on Non-Business Use. Amend RSA 21-I:19-h, I-IV
27 to read as follows:

28 I. Each agency, as defined in RSA 21-G:5, III, shall report ~~[quarterly]~~ ***biennially*** to the
29 department of administrative services the total miles and total nonbusiness miles traveled by each
30 state-owned motor vehicle, including, but not limited to, use of vehicles for commuting between an
31 employee's home and regular place of business. This section shall not apply to vehicles used for the
32 purposes of law enforcement. This section shall be interpreted so as not to conflict with federal
33 Internal Revenue statutes or regulations and shall not relieve an agency or its employees from non-
34 wage fringe benefit reporting requirements for nonbusiness use of state-owned motor vehicles.

35 II. By August 1, 2011, each agency shall review the utilization of all vehicles which are
36 assigned to the agency to determine if nonbusiness use for any vehicle exceeds 15 percent of the total
37 miles traveled by that vehicle for the preceding fiscal year. By August 1 of each ***odd-numbered***

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1 year after 2011, each agency shall conduct the same review using the percentage of nonbusiness use
2 miles adjusted by the vehicle utilization committee.

3 III. Each agency shall, by August 15, 2011, report to the commissioner in writing all vehicles
4 which are determined to have nonbusiness use exceeding 15 percent of the total miles traveled by
5 that vehicle for the preceding fiscal year. Each agency shall, by August 15 of each **odd-numbered**
6 year after 2011, report to the commissioner in writing all vehicles which are determined to have
7 nonbusiness use miles exceeding the percentage adjusted by the vehicle utilization committee.

8 IV. The commissioner shall, by October 1, 2011 and each October 1 **in an odd-numbered**
9 **year** thereafter, submit a report to the governor and council and to the fiscal committee of the
10 general court identifying all vehicles which he or she has been advised have nonbusiness use
11 exceeding the applicable percentage of total miles traveled by that vehicle for the preceding **2** fiscal
12 [~~year~~] **years**.

13 187 State Trust Funds; Reporting. Amend RSA 11:5-b to read as follows:

14 11:5-b Reporting.

15 I. The state treasurer shall report annually or more often as required by the trust fund
16 administrators or the terms of the trust instrument to the administrator on the financial activities of
17 the respective trust fund.

18 II. The state treasurer shall keep appropriate bookkeeping records, showing on an annual
19 basis the amount of each trust fund and the profits and income allocable to each trust. [~~A copy of~~
20 ~~such records shall be approved annually by the governor and council and filed with the director of~~
21 ~~charitable trusts who serves under the supervision of the attorney general under RSA 7:20.]~~

22 III. Trust fund administrators shall report on the use of state trust funds and the income
23 received thereon pursuant to the requirements of RSA 7:28 and provide a copy of such reports to the
24 governor and council.

25 188 Investment and Debt Management; Duties of Office. Amend RSA 6-B:2, V to read as
26 follows:

27 V. Evaluate revenue projections for each proposed revenue bond issue [~~and report findings~~
28 ~~to the governor and the capital budget overview committee].~~

29 189 Controlled Drug Act; Drug Asset Forfeiture Guidelines Required. Amend RSA 318-B:17-e to
30 read as follows:

31 318-B:17-e Drug Asset Forfeiture Guidelines Required. The department of justice shall adopt
32 and maintain drug asset forfeiture guidelines. The attorney general shall submit the guidelines and
33 any proposed amendments to such guidelines to the house judiciary and family law committee and to
34 the senate judiciary committee for review and comment [~~at least as often as annually~~] **whenever**
35 **amendments to the guidelines are proposed**. The attorney general shall submit any proposed
36 amendments to the guidelines for legislative review and comment prior to their becoming effective.

37 190 State Solid Waste Plan and Report. Amend RSA 149-M:29, I and the introductory

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1 paragraph of RSA 149-M:29, II to read as follows:

2 I. Beginning October 1, 1998, and every [6] **10** years thereafter, the department shall update
3 the state's solid waste plan.

4 II. [~~At least every October 1 of every year~~] **No later than October 1, 2015 and by October**
5 **1 of every fifth year thereafter**, the department shall prepare a report on the level of achievement
6 in reaching the 40 percent diversion goal established in RSA 149-M:2 and on proposed strategies for
7 achieving the goal and any proposed changes to the goal. The report shall contain information
8 regarding:

9 191 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, III to
10 read as follows:

11 III. The council shall consult with and advise the director of the division of air resources
12 with respect to the policy, programs, goals and operations of the division, with particular emphasis
13 on long-range planning for the division and on education of the public relative to the functions of the
14 division, on a continuing basis. In order to accomplish said purposes, the council shall meet with the
15 director not less frequently than quarterly, or at the call of the chairman or 3 council members. [~~The~~
16 ~~council shall file annually a report of its deliberations and recommendations with the commissioner~~
17 ~~of the department of environmental services and the governor and council.~~]

18 192 Pollution Prevention; Duties of Coordinator. Amend RSA 21-O:18, VI to read as follows:

19 VI. Prepare a [~~biennial~~] report **every 4 years to submit** to the governor and council, the
20 legislature and the committee on environment and agriculture on the department's efforts to
21 integrate and promote pollution prevention concepts, the fiscal aspects of such efforts, and specific
22 cases of successful and unsuccessful pollution prevention resulting from the implementation of this
23 subdivision.

24 193 Diseases of Domestic Animals; Report. Amend RSA 436:4 to read as follows:

25 436:4 Report. The commissioner shall, [~~between September 1 and October 31 of each year,~~
26 ~~make~~] **within its biennial report pursuant to RSA 20:7, submit** a written report to the governor
27 and council, stating in detail the work done during the preceding [~~year~~] **2 years**.

28 194 Animal Population Control; Program Established. Amend RSA 437-A:2 to read as follows:

29 437-A:2 Program Established. The department shall establish and implement an animal
30 population control program. The purpose of this program shall be to reduce the population of
31 unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them
32 permanently sexually sterilized, thereby reducing potential threats to public health and safety from
33 mid-Atlantic rabies and other sources. The program shall not begin operation until June 1, 1994.
34 The commissioner shall [~~make an annual~~] report relative to the progress of the program beginning
35 on September 1, 1994, to the president of the senate, the speaker of the house and the governor
36 **within its biennial report pursuant to RSA 20:7**.

37 195 Standards for Weights and Measures; Duties of the Commissioner. Amend RSA 438:7, VII

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1 to read as follows:

2 VII. The commissioner shall biennially make to the governor a report on all of the activities
3 under this chapter ***within its biennial report pursuant to RSA 20:7.***

4 196 Standards for Weights and Measures; Duties of the Commissioner. Amend RSA 438:7, IX to
5 read as follows:

6 IX. The commissioner shall [~~make an annual~~] ***within its biennial report pursuant to***
7 ***RSA 20:7***, report [~~on October 1 of each year~~] to the house and senate committees on executive
8 departments and administration and to the house and senate clerks including the number of
9 consumer complaints, the number of inspections, and the number of audits during the prior fiscal
10 year for meters, scales, and other devices.

11 197 Beekeeping and Maple Honey Products; Report. Amend RSA 429:6 to read as follows:

12 429:6 Report. The inspector shall render [~~annually on or before July 1~~] a full and complete
13 report of his work. This report shall be included in and made a part of the report of the
14 commissioner, ***within the biennial report pursuant to RSA 20:7.***

15 198 Insect Pests and Plant Diseases; Board Responsibility and Authority. Amend RSA 431:31,
16 VI to read as follows:

17 VI. File a report [~~annually~~] ***within the biennial report pursuant to RSA 20:7***, with the
18 senate president and speaker of the house of representatives, for distribution to all state legislators,
19 regarding the policies and goals of the board and the enforcement of this subdivision.

20 199 Pesticides Training Program. Amend RSA 430:31-b, III to read as follows:

21 III. The department of agriculture, markets, and food shall, ***within its biennial report***
22 ***pursuant to RSA 20:7***, submit [~~an annual~~] a report [~~, beginning on July 1, 2002,~~] to the speaker of
23 the house, president of the senate, and the governor and council which shall include, but not be
24 limited to, training and educational programs offered or contracted by the division of pesticide
25 control under the training program established by paragraph I of this section, the revenue generated
26 from the program under paragraph II of this section, and the budget and revenue projections of the
27 division.

28 200 Agriculture Nutrient Management Program. Amend the introductory paragraph of
29 RSA 431:36, II to read as follows:

30 II. The commissioner shall [~~report by October 1 of each year, beginning 2002,~~] ***within the***
31 ***biennial report pursuant to RSA 20:7, report*** to the house environment and agriculture
32 committee, the senate environment committee, the house finance committee, and the senate finance
33 committee. The report shall include:

34 201 Waiver in Lieu of Court Appearance; Default. Amend RSA 262:44, VIII to read as follows:

35 VIII. The commissioner of the department of safety shall [~~make an annual report 60 days~~
36 ~~after the close of each fiscal year~~] ***within its biennial report pursuant to RSA 20:7, report*** to the
37 fiscal committee of the general court on fines and fines in default, paid and unpaid [~~, for each year~~

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1 ~~beginning with 1993~~].

2 202 Driver Education; Reciprocity. Amend RSA 263:20 to read as follows:

3 263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the
4 issuance of a driver's license to any individual who can provide satisfactory evidence of completion of
5 a course of driver education, approved by the state in which the course is offered, provided that the
6 commissioner of safety shall determine that such course is essentially equivalent to the state's
7 minimum standards. The commissioner shall take all reasonable steps to facilitate appropriate
8 interstate driver education. The commissioner shall **include in its report pursuant to RSA 20:7,**
9 **a** report [~~at least annually~~] to the general court on the progress of reciprocal driver education.

10 203 Public and Congregate Mooring Fields; Permit Required. Amend RSA 270:67, II(d) to read
11 as follows:

12 (d) Operators in charge of maintaining congregate mooring fields may charge no more
13 for the use of a mooring than an amount which reasonably covers the costs of mooring installations
14 and maintenance. Said charges shall be reported to the division of state police [~~who shall submit an~~
15 ~~annual report to the governor and council and the general court on all congregate mooring fields~~].

16 204 Fish and Game Commission; Biennial Report to the General Court. Amend the introductory
17 paragraph of RSA 206:9-a, I to read as follows:

18 I. The executive director of the fish and game department shall, [~~not later than October 1 of~~
19 ~~each odd numbered year~~] **within its biennial report pursuant to RSA 20:7**, submit a report to
20 the governor and council and to the general court to include: a summary report of department
21 proceedings; a description of the license fee reductions, waivers, and promotion activities pursuant to
22 RSA 214:9-f; and recommendations for changes in the fee structure for all licenses and permits
23 issued by the department. This report shall include consideration of:

24 205 Propagation of Fish and Game; Reasonable Price. Amend RSA 212:8 to read as follows:

25 212:8 Reasonable Price. The executive director, with the approval of the governor and council,
26 may pay a fair and reasonable price for waters, lands or rights therein with or without buildings,
27 required for the establishment of fish hatcheries, game farms, game refuges and fish and game
28 department uses for the protection, regulation and management of wildlife resources and the
29 implementation of department programs. The executive director, subject to the approval of the
30 governor and council, may expend for the purchase of land, waters or rights therein during any year
31 only such total sum as may be appropriated therefor. The executive director shall, **within its**
32 **biennial report pursuant to RSA 20:7**, make a report [~~during the month of January in the years~~
33 ~~that the legislature is in session~~] of all lands, waters or rights therein so acquired since the last
34 report to the senate president and the speaker of the house.

35 206 Propagation by the State; Accounts. Amend RSA 212:23 to read as follows:

36 212:23 Accounts. The executive director shall keep an itemized account of all such sales or
37 exchanges, and include the same in his biennial report to the governor and council **pursuant to**

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1 **RSA 20:7**, and shall remit to the state treasurer all money received under the provisions of this
2 subdivision, to be credited to the fish and game fund.

3 207 Expansion of State Park System; Development Plan. Amend RSA 216-A:3-c, VI to read as
4 follows:

5 VI. The director of parks and recreation shall report to the house resources, recreation and
6 development committee and the senate energy, environment, and economic development committee
7 [~~by January 31 of each year~~] **within the biennial report pursuant to RSA 12-A:6** on the state of
8 the parks and historic sites.

9 208 Repeal. The following are repealed:

10 I. RSA 9-E:5, relative to department of transportation reporting on roadway lighting.

11 II. RSA 21-H:8, IX, relative to an annual report on department of corrections operations.

12 III. RSA 235:23-a, IV, relative to an annual report on the bridge and highway betterment
13 program.

14 IV. RSA 339-F:6, VII, relative to the state fire marshal's report on certification of reduced
15 ignition propensity cigarettes.

16 V. RSA 483:13, IV, relative to a report on the rivers management and protection fund.

17 VI. RSA 486-A:9, II(f), relative to a report on the water supply and land grant program.

18 VII. RSA 167:77-b, II, relative to an department of health and human services on TANF
19 performance.

20 VIII. RSA 167:77-d, relative to a department of health and human services report on TANF
21 diversion.

22 IX. RSA 126-I:2, V, relative to a report on the osteoporosis prevention and education
23 program.

24 X. RSA 103:11, III, relative to a report on the administration of the policemen's retirement
25 fund.

26 XI. RSA 102:12, III, relative to a report on the administration of the firemen's retirement
27 fund.

28 XII. RSA 167:96, relative to the treasurer's certification of funds available in the long-term
29 care assistance fund.

30 XIII. RSA 367:46, relative to a report on railroad stock.

31 XIV. RSA 432:20, II, relative to a report by the agricultural lands preservation committee.

32 XV. RSA 432:6, relative to a report on soil conservation and the domestic allotment act.

33 XVI. RSA 9-C:10, relative to a report on state waste reduction and recycling.

34 XVII. RSA 6:17, relative to a report by the state treasurer.

35 XVIII. RSA 6:43, relative to a report on the New Hampshire excellence in higher education
36 endowment fund.

37 XIX. RSA 425:13, relative to a report by the department of agriculture, markets and food.

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1 XX. RSA 485:3-d, relative to a report on the status of the environmental site assessment
2 review and groundwater management programs.

3 XXI. RSA 219:21, relative to the inventory account report.

4 XXII. RSA 284:11, relative to a report by the racing and charitable gaming commission.

5 XXIII. 2006, 240:9, relative to department of transportation financial reports.

6 XXIV. 2006, 277:4, II, relative to a report on insurance company redomestications.

7 XXV. 2013, 155, relative to department of justice reports on collection of arrearages for
8 mitigation of flooding.

9 XXVI. 2013, 143, accounting unit 04-96-96-960515-3005, class note 030, relative to a
10 department of transportation status report to the capital budget overview committee.

11 209 Department of Agriculture, Markets, and Food; Assistant State Veterinarian; Position
12 Established. There is established within the department of agriculture, markets, and food the
13 unclassified position of assistant state veterinarian. The assistant state veterinarian shall be
14 qualified to hold that position by reason of education and experience, and shall be appointed by and
15 serve at the pleasure of the commissioner of agriculture, markets, and food. The assistant state
16 veterinarian shall assist the state veterinarian in carrying out the duties of the department of
17 agriculture, markets, and food, division of animal industry. The salary of the assistant state
18 veterinarian shall be determined after assessment and review of the appropriate temporary letter
19 grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant to RSA 94:1-d
20 and RSA 14:14-c. Funding shall be transferred into a new expenditure class 011, within accounting
21 unit 27000000.

22 210 New Sections; Agriculture, Horticulture and Animal Husbandry; Assistant State
23 Veterinarian; Powers; Salary and Expenses. Amend RSA 436 by inserting after section 9 the
24 following new sections:

25 436:9-a Appointment. The commissioner of agriculture, markets, and food shall appoint a
26 graduate of a veterinary college of recognized standing, who shall have had at least 5 years'
27 experience in the practice of veterinary medicine, including large animal practice, and who shall be
28 known as the assistant state veterinarian.

29 436:9-b Powers. The assistant state veterinarian, under the direction of the commissioner and
30 state veterinarian, shall assist the state veterinarian with the enforcement of this chapter and any
31 other law over which the division has regulatory authority. The state veterinarian may direct the
32 assistant state veterinarian to act for him or her in an official capacity whenever he or she may be
33 absent from his or her duties.

34 436:9-c Salary and Expenses. The assistant state veterinarian shall receive the annual salary
35 prescribed by RSA 94:1 - RSA 94:4, and shall be allowed his or her expenses when away from the
36 office of the department on official business.

37 211 New Subparagraph; Insect Pests and Plant Diseases. Amend RSA 430:31, IV by inserting

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1 after subparagraph (y) the following new subparagraph:

2 (z) Establish late fees pursuant to registration certificates and permits issued pursuant
3 to RSA 430:33 and pesticide product registrations issued pursuant to RSA 430:36.

4 212 New Subparagraph; Standards for Weights and Measures; Rulemaking Authority. Amend
5 RSA 438:8, I by inserting after subparagraph (l) the following new subparagraph:

6 (m) The imposition of late fees for all invoices that are late for service technician and
7 weighmaster license fees, device license fees, and metrology laboratory fees, pursuant to the
8 following schedule:

9 (1) For all invoices that are more than 60 days late from the date of the invoice, a 5
10 percent late fee shall be assessed for all invoices over \$100.

11 (2) For all invoices that are more than 60 days late from the date of the invoice, a
12 \$5.00 minimum late fee shall be assessed for all invoices under \$100.

13 (3) For all invoices that are more than 90 days late from the date of the invoice, a 10
14 percent late fee shall be assessed for all invoices over \$100.

15 (4) For all invoices that are more than 90 days late from the date of the invoice, a
16 \$10 minimum late fee shall be assessed for all invoices under \$100.

17 213 Standards for Weights and Measures; Fees for Licensing Commercial Devices. Amend
18 RSA 438:10-a to read as follows:

19 438:10-a Fees for Licensing Commercial Devices.

20 **I.** The following annual device license fees shall be charged for the following categories:

21 [~~I~~](a) Scales 100 pounds or less, \$18 each;

22 [~~II~~](b) Scales over 100 pounds to 2,000 pounds, \$27 each;

23 [~~III~~](c) Scales over 2,000 pounds to 5,000 pounds, \$54 each;

24 [~~IV~~](d) Non-vehicle scales over 5,000 pounds, \$90 each;

25 [~~V~~](e) Vehicle scales, \$180 each;

26 [~~VI~~](f) Lift truck/forklifts, on board weighing systems/scales, \$90 each;

27 [~~VII~~](g) On board weighing systems/scales, refuse or recyclable materials collection trucks,
28 \$90 each;

29 [~~VIII~~](h) Analytical balances, \$36 each;

30 [~~IX~~](i) Retail motor fuel dispensers, except liquefied petroleum gas and natural gas
31 dispensers, \$18 per meter;

32 [~~X~~](j) Liquefied petroleum gas retail motor fuel dispensers, \$54 per meter;

33 [~~XI~~](k) Natural gas retail motor fuel dispensers, \$54 per meter;

34 [~~XII~~](l) Liquid vehicle tank meters, except liquefied petroleum gas and natural gas meters,
35 \$54 per meter;

36 [~~XIII~~](m) Liquid bulk storage meters, \$90 per meter;

37 [~~XIV~~](n) Liquefied gas meters, \$90 per meter;

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1 ~~[XV.]~~(o) Taxi meters, \$27 per meter; and
2 ~~[XVI.]~~(p) Linear and cordage measures, \$18 per meter.

3 **II. An additional invoice for fees that are more than 60 days late may assess a**
4 **minimum late fee pursuant to rules adopted by the commissioner.**

5 214 New Paragraph; Sale of Pets and Disposition of Unclaimed Animals. Amend RSA 437:5 by
6 inserting after paragraph III the following new paragraph:

7 IV. The rules shall establish late fees pursuant to licenses issued pursuant to RSA 437:3.

8 215 Nurseries and Nursery Stock; Rulemaking Authority. Amend RSA 433:22, VII to read as
9 follows:

10 VII. Reasonable rules as may be needed to carry out and enforce the provisions of this
11 subdivision **including but not limited to the imposition of late fees.**

12 216 Animal Care, Breeding and Feed. Amend the introductory paragraph of RSA 435:25 to read
13 as follows:

14 435:25 Rulemaking. The commissioner may adopt such rules for commercial feeds and pet foods
15 as are specifically authorized in this subdivision and such other reasonable rules as may be
16 necessary for the efficient enforcement of this subdivision, **including but not limited to the**
17 **assessment of late fees.** In the interest of uniformity, the commissioner shall by rule adopt, unless
18 he determines that they are inconsistent with the provisions of this subdivision and are not
19 appropriate to conditions which exist in this state, the following:

20 217 Standards for Farm Products; Rulemaking; Fees. Amend RSA 426:8 to read as follows:

21 426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for
22 carrying out the provisions of this chapter, **including but not limited to the assessment of late**
23 **fees.**

24 218 New Paragraph; Horticultural Growing Media; Registration and Labeling; Rulemaking.
25 Amend RSA 433-A:5 by inserting after paragraph IV the following new paragraph:

26 V. Establishing late fees pursuant to this chapter.

27 219 New Subparagraph; Seeds, Plants and Nursery Stock; Duties and Authority of
28 Commissioner; Rulemaking. Amend RSA 433:7, III by inserting after subparagraph (m) the
29 following new subparagraph:

30 (n) The assessment of late fees related to seed label licenses.

31 220 All Agencies; Administrative Services. Unless restricted by law or administrative rule,
32 upon request of an intended recipient, an agency may provide documents by electronic mailing in
33 lieu of mail.

34 221 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds
35 in existing class 60 budgets to pay any penalties imposed under the employer shared responsibility
36 for health coverage under section 4980H of the Internal Revenue Code.

37 222 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the

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1 commissioner of the department of administrative services shall offer for sale the former Laconia
2 state school land and buildings and the former Laconia state school and training center land and
3 buildings, except those portions of the land and buildings required for state use. The commissioner
4 of the department of administrative services shall submit quarterly reports on the progress of the
5 sale to the fiscal committee of the general court. Any sale of such land and buildings shall be subject
6 to the requirements of RSA 4:40, except that review and approval of the sale of the land and
7 buildings by the council on resources and development and the long range capital planning and
8 utilization committee shall not be required. All proceeds from the sale shall be deposited into the
9 general fund.

10 223 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of
11 Appropriation. The appropriation for the administration of the client assistance program that is
12 received by the governor's commission on disability pursuant to 29 U.S.C. Section 732 for fiscal years
13 2016 and 2017 may be transferred to another qualified agency or agencies upon certification by the
14 governor to the commissioner of administrative services that the program has been redesignated. If
15 the redesignation occurs and the governor's certification is made after July 1, 2015, the unexpended
16 portion of the appropriation shall be transferred.

17 224 Repeal. RSA 486:4, relative to limitation of guarantee of construction bonds for sewage
18 disposal facilities, is repealed.

19 225 Department of Environmental Services; Aid to Municipalities for Water Pollution Control.
20 Amend RSA 486:1, I(a) to read as follows:

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

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1 separation by storm drains as defined in the Clean Water Act of 1977, ***less any other grant or***
2 ***subsidy. Cash payments, net of any other grant or subsidy, made by municipalities toward***
3 ***eligible costs shall also be eligible for state contributions in accordance with this section.***

4 226 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, or
5 any other law to the contrary, for the biennium ending June 30, 2017, a moratorium shall be in place
6 on state aid grants for any new infrastructure projects that would have otherwise been eligible for
7 state aid grants under RSA 486-486-A or RSA 149-M, with the exception that infrastructure projects
8 that had local authorization by December 31, 2008 to construct but were not listed in 2013, 144:101
9 continue to be eligible for state aid grants subject to availability of funding. Nothing in this section
10 shall affect the provision of the future water supply land protection grants under RSA 486-A if
11 funding is available for such purposes.

12 227 New Section; Office of the Chief Operating Officer. Amend RSA 21-I by inserting after
13 section 10 the following new section:

14 21-I:10-a Office of the Chief Operating Officer.

15 I. There is established within the department of administrative services the office of the
16 state chief operating officer. The office shall be responsible for coordinating and implementing
17 statewide efforts to monitor, oversee, and improve the operating efficiency, customer service, and
18 transparency of state government activities. The chief operating officer shall regularly report to the
19 governor and council and, the general court on ongoing efforts to improve state government
20 efficiency, including the projected return on investment of projects.

21 II. There is established within the department of administrative services the unclassified
22 position of chief operating officer, who shall be qualified to hold the position by reason of education
23 and experience, shall be appointed by the governor, and who shall serve at the pleasure of the
24 governor. The chief operating officer shall supervise the office of operating performance. and
25 perform such duties as the governor may authorize and assign from time to time.

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

29 IV. There is established with the department of administrative services a government
30 innovation fund, to be overseen by the chief operating officer. Such fund shall be nonlapsing and
31 continually appropriated to the department of administrative services. The chief operating officer,
32 may, with the consent of governor and council, use the innovation fund to invest in projects to
33 improve the efficiency of state government.

34 228 New Subparagraph; Government Innovation Fund. Amend RSA 6:12, I(b) by inserting after
35 subparagraph (326) the following new subparagraph:

36 (327) Moneys appropriated to the government innovation fund established in
37 RSA 21-I:10-a, IV.

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1 229 Agency Reports; Racing and Charitable Gaming Deleted. Amend RSA 20:7 to read as
2 follows:

3 20:7 Issuance of Reports. The following agency reports shall be issued annually: secretary of
4 state, state treasurer, bank commissioner, insurance commissioner, division of personnel,
5 commissioner of revenue administration, lottery commission, [~~racine and charitable gaming~~
6 ~~commission,~~] liquor commission, department of transportation, department of environmental
7 services, department of safety, adult parole board, and the board of trustees of the state colleges and
8 university. All other reports shall be issued biennially. All reports shall cover periods ending on
9 June 30, and be submitted to the governor and council, the speaker of the house of representatives,
10 and the senate president by October 1. Biennial reports shall cover periods ending in odd-numbered
11 years.

12 230 Terms of Appointment. Amend RSA 21:33-a, III(a) to read as follows:

13 (a) That any commissioner or agency head of a department, as defined in RSA 21-G:5,
14 VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the
15 appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond
16 the appointed term or unexpired portion thereof with the written authorization of the governor,
17 provided that such service shall not extend beyond 6 months. This subparagraph shall also apply to
18 the adjutant general and the attorney general, and to appointees to the liquor commission, the
19 lottery commission, [~~the racing and charitable gaming commission,~~] and the public utilities
20 commission.

21 231 State Employees; Terms Defined. Amend RSA 98-A:1, III to read as follows:

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

26 232 Racing and Charitable Gaming; Subdivision Heading Changed. Amend the subdivision
27 heading preceding RSA 284:6 to read as follows:

28 Racing and Charitable Gaming [~~Commission~~]

29 233 Racing and Charitable Gaming Commission; Lottery Commission Authorization. Amend
30 RSA 284:6-a to read as follows:

31 284:6-a Racing and Charitable Gaming; **Lottery** Commission.

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

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

9 III. The ~~[racing and charitable gaming]~~ **lottery** commission shall have all the powers, duties,
10 and rights conferred upon state commissions under the United States Interstate Horseracing Act of
11 1978 as it currently exists and as it may be amended from time to time.

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

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

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

32 234 Supervision and Hearings. Amend RSA 284:13 to read as follows:

33 284:13 Supervision and Hearings. The **lottery** commission shall have the power to conduct
34 hearings at which all matters pertaining to the administration of the affairs of the commission and
35 all activities conducted under its jurisdiction may be investigated and determined and, under the
36 hand of its chairperson, to issue subpoenas for the attendance of witnesses at such hearings. The
37 **lottery** commission on its own motion or at the request of any party may cause a complete record to

1 be made of such hearings by a competent reporter or by electronic recording which shall be
 2 transcribed at the request and expense of any party desiring the same, and a copy of such
 3 transcription shall be furnished to any other party upon the written request and at the expense of
 4 such other party. If the record is not transcribed, the **lottery** commission shall prepare a summary
 5 record of the proceedings and evidence. Any member of the **lottery** commission, **or the**
 6 **commission's designee**, may administer oaths and affirmations [~~and may~~] examine witnesses, **and**
 7 **receive testimony and shall forward findings to the full commission as part of the hearing.**
 8 Disobedience of such subpoenas or false swearing before the **lottery** commission shall be attended
 9 with the same penalties as if such disobedience or false swearing occurred in an action in the
 10 superior court. The **lottery** commission shall have the power and authority to regulate, supervise
 11 and check the making of pari-mutuel pools and the distributions therefrom. It shall have the further
 12 power and authority to investigate as to the direct and indirect ownership and control of any
 13 licensee, and any expense incurred by the **lottery** commission in so doing shall be at the expense of
 14 such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in
 15 proceedings before the **lottery** commission may, within 10 days after such decision is entered, appeal
 16 to the superior court by petition specifying the grounds upon which the decision is claimed to be
 17 unreasonable or unlawful. Findings and decisions by the **lottery** commission shall be deemed to be
 18 prima facie lawful and reasonable, and shall not be set aside on appeal unless found to be arbitrary,
 19 capricious, unreasonable, or unlawful.

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

26 235 Licensees; Restriction on Gambling. Amend RSA 284:17-c to read as follows:

27 284:17-c Restriction on Gambling. Notwithstanding any other provision of law, except as
 28 provided in RSA 284:22-a and in the introductory paragraph of RSA 284:22, no licensee who holds
 29 running horse races shall at the same facility hold any other kinds of races or permit any other type
 30 of gambling except harness horse races and activities licensed by the lottery commission [~~or the~~
 31 ~~racetrack and charitable gaming commission~~].

32 236 Stewards. Amend RSA 284:20 to read as follows:

33 284:20 Stewards. There shall be at least 3 stewards to supervise each running or harness horse
 34 race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold.
 35 One of such stewards shall be the official steward of the [~~state racing~~] **lottery** commission, and the
 36 remaining stewards shall be appointed by the person, association, corporation, or any other type of
 37 entity conducting the race or meet, subject to the approval of the commission. Said stewards shall be

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1 authorized to assess fines and suspend licenses and shall exercise such other powers and perform
2 such duties at each race meet as may be prescribed by the rules and regulations of the *lottery*
3 commission. Any person who has been assessed a fine or whose license has been suspended may
4 appeal any fine or suspension imposed by the stewards under this section to the *lottery* commission.

5 237 Rights Protected; Liability Limited. Amend RSA 284:20-a to read as follows:

6 284:20-a Rights Protected. No licensee conducting a race or meet under this chapter, no
7 member of the ~~[state racing]~~ *lottery* commission, no steward, judge, or assistant official appointed to
8 act as such pursuant to the provisions of this chapter, shall be liable for damages to any person,
9 association or corporation for any cause whatsoever arising out of or from the performance by such
10 licensee, commissioner, steward, judge or assistant official of such person's duties and exercise of
11 discretion with respect to such duties, so long as such person acted in good faith, without malice or
12 improper motive.

13 238 Lottery Commission Revenues. Amend RSA 284:21-j, I to read as follows:

14 I. The state treasurer shall credit all moneys received from the lottery commission ~~[and all~~
15 ~~moneys received from the racing and charitable gaming commission]~~ under RSA 284, RSA 287-D,
16 and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer
17 shall pay all expenses of the commission incident to the administration of this subdivision and all
18 administration and enforcement expenses of ~~[the]~~ racing and charitable gaming ~~[commission]~~ under
19 RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid
20 shall be deposited in the education trust fund established under RSA 198:39.

21 239 Change from Racing and Charitable Gaming to Lottery. Amend the following
22 RSA provisions by replacing "racing and charitable gaming commission" or "commission" with
23 "lottery commission": 21-I:18, I(n); the introductory paragraph of 21-P:4, VI; 175:1, LVI; 273-C:2, VI;
24 the introductory paragraph of 284:8; 284:12; 284:12-a; 284:13-a; 284:14; 284:15; 284:15-a; 284:15-b;
25 284:16; 284:16-a; 284:16-b; 284:16-c; 284:17; 284:18; 284:19; 284:20; 284:20-a; 284:20-c; 284:20-d;
26 284:20-f; 284:20-g; 284:21; 284:22; 284:23; 284:31; 284:32-a; 284:32-b; 284:38-a; 287-A:8, III; 787-D:1,
27 V; 287-D:1-a; the introductory paragraph of 287-D:1-b; 287-D:2; 287-D:2-a; 287-D:2-b; 287-D:2-c;
28 287-D:2-d; 287-D:3; 287-D:5; 287-D:6; 287-D:8; 287-D:9; 287-E:1, VI; 287-E:2; 287-E:16; and 647:2,
29 V(a).

30 240 Bingo and Lucky 7; Penalties. Amend RSA 287-E:25 to read as follows:

31 287-E:25 **Suspension; Revocation.** The commission shall ~~[immediately]~~ **suspend or** revoke the
32 license of any licensee **and/or impose an administrative fine upon the licensee upon a finding**
33 **that the licensee has violated** ~~[who violates]~~ any provision of this subdivision. Any licensee whose
34 license is revoked shall not be eligible for licensure for a period of up to one year from the date of
35 revocation.

36 241 Bingo and Lucky-7; Process. Amend RSA 287-E:3, IV to read as follows:

37 IV. Procedures for a hearing following the revocation of a license **and the imposition of**

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1 ***administrative orders and fines.***

2 242 New Paragraph; Bingo and Lucky-7; Process. Amend RSA 287-E:3 by inserting after
3 paragraph XIV the following new paragraph:

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

5 243 Administrative Orders; Subpoenas. RSA 287-E:14 is repealed and reenacted to read as
6 follows:

7 287-E:14 Administrative Orders and Fines.

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

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

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

16 244 New Section; Subpoenas. Amend RSA 287-E by inserting after section 14 the following new
17 section:

18 287-E:14-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may
19 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings
20 held by the commission.

21 245 New Paragraphs; Bingo and Lucky 7. Amend RSA 287-E:18 by inserting after paragraph VI
22 the following new paragraphs:

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

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

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

27 246 New Section; Administrative Orders and Fines. Amend RSA 287-E by inserting after
28 section 25 the following new section:

29 287-E:25-a Administrative Orders and Fines.

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

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

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

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1 247 New Section; Bingo and Lucky 7; Subpoenas. Amend RSA 287-E by inserting after section
2 25 the following new section:

3 287-E:26-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may
4 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings
5 held by the commission.

6 248 Repeal. The following are repealed:

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

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

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

11 249 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

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

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

20 250 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund
21 Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2017, all gross
22 revenue derived by the liquor commission from the sale of liquor and related products, or from
23 license fees, shall be deposited into the liquor commission fund.

24 251 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, III(b) to
25 read as follows:

26 (b) Beginning July 1, ~~[2013]~~ **2015**, and each fiscal year thereafter, the department of
27 education shall not distribute a total education grant on behalf of all pupils who reside in a
28 municipality that exceeds ~~[108]~~ **115** percent of the total education grant distributed to such
29 municipality in the previous fiscal year.

30 252 School Money; Determination of Grants. Amend RSA 198:41, IV to read as follows:

31 IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in
32 which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education
33 grant. The department shall distribute a stabilization grant to each of those municipalities equal to
34 100 percent of the decrease.

35 (b) For fiscal year 2013, the department of education shall identify all municipalities in
36 which the fiscal year 2013 total education grant, including any stabilization grant distributed
37 pursuant to subparagraph (a), will be less than the fiscal year 2011 total education grant. The

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1 department shall distribute funds to each of those municipalities equal to 100 percent of the
2 decrease.

3 (c) For fiscal year 2014~~[, and each fiscal year thereafter]~~ **and 2015**, the department of
4 education shall distribute a total education grant to each municipality in an amount equal to the
5 total education grant for the fiscal year in which the grant is calculated plus the amount of the fiscal
6 year 2012 stabilization grant, if any, distributed to the municipality.

7 (d) *For fiscal year 2016, the department of education shall distribute a total*
8 *education grant to each municipality in an amount equal to the total education grant for*
9 *the fiscal year in which the grant is calculated plus the amount of the stabilization grant*
10 *distributed pursuant to subparagraph (a), however, such stabilization grant shall be*
11 *reduced by the amount the municipality's total education grant for 2016 is increased over*
12 *the amount of the municipality's total education grant for 2015; and, if the number of*
13 *pupils receiving free or reduced price lunch is less than the state average number of pupils*
14 *receiving a free or reduced price lunch, then such stabilization grant shall be further*
15 *reduced by 5 percent of the municipality's fiscal year stabilization grant.*

16 (e) *For fiscal year 2017, the department of education shall distribute a total*
17 *education grant to each municipality in an amount equal to the total education grant for*
18 *the fiscal year in which the grant is calculated plus 60 percent of the municipality's fiscal*
19 *year 2012 stabilization grant, if any, distributed to the municipality.*

20 253 Repeal. RSA 198:41, III(b), relative to the cap on the total education grant to a
21 municipality, is repealed.

22 254 School Building Aid; Alternative School Building Aid.

23 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through
24 RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or
25 alternative school building aid for any project approved on or after June 30, 2015 through June 30,
26 2017.

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

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

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

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

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1 deficiencies set forth in this paragraph.

2 255 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other
3 provision of law, for the fiscal years ending June 30, 2016 and June 30, 2017, the state treasurer
4 shall fund the distribution of revenue to cities and towns pursuant to the formula for determining
5 the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than
6 the fiscal year 2015 distribution.

7 256 Department of Health and Human Services; Transfer Among Accounts. Notwithstanding
8 the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval
9 of the fiscal committee of the general court and governor and council, for the biennium ending
10 June 30, 2017, the commissioner of the department of health and human services is hereby
11 authorized to transfer funds within and among all accounting units within the department, as the
12 commissioner deems necessary and appropriate to address present or projected budget deficits, or to
13 respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the
14 efficient management of the department. If the department intends to transfer funds, which would
15 otherwise meet the transfer requirements as set forth in RSA 9:17-a, prior approval of the fiscal
16 committee shall be required for transfers of \$75,000 or more.

17 257 Department of Health and Human Services; Transfer Authority; Medicaid Managed Care
18 Program. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary
19 except RSA 9:17-c, the commissioner of the department of health and human services is hereby
20 authorized, by notification to the commissioner of the department of administrative services, to
21 transfer funds within and among all accounting units within the department, as the commissioner
22 deems necessary and appropriate to implement the Title XIX Medicaid managed care program. The
23 commissioner shall notify the fiscal committee of the general court and governor and council of such
24 transfers.

25 258 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
26 the biennium ending June 30, 2017, the department of health and human services shall not
27 authorize, without prior consultation with the house health and human services and elderly affairs
28 committee and the senate health and human services committee and the approval of the fiscal
29 committee of the general court and governor and council, any change to program eligibility standards
30 or benefit levels that might be expected to increase or decrease enrollment in the program or
31 increase expenditures from any source of funds; provided, however, that no such prior approval shall
32 be required if a change to a federal program in which the state is participating as of the effective
33 date of this section is required by federal law.

34 259 Department of Health and Human Services; Division of Community-Based Care Services,
35 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the
36 biennium ending June 30, 2017, the department of health and human services shall maintain a limit
37 on benefits of \$2,000 per person per year for adults with low service utilization of community mental

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1 health services, as identified in He-M 401.07; provided, that the department shall also establish, by
2 rule under RSA 541-A, a procedure for such persons or community health providers to request a
3 waiver of the \$2,000 limit based on legitimate treatment considerations. Upon request by the
4 commissioner of the department of health and human services, the fiscal committee of the general
5 court may authorize a higher per person per year limit.

6 260 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule.
7 Notwithstanding any provision of law or rule to the contrary, He-W 553 relative to the home health
8 services rate setting shall be suspended for the biennium ending June 30, 2017. Payments for home
9 health services shall be limited to appropriations for home health services as may be restricted or
10 reduced by action of the fiscal committee of the general court or by legislative action.

11 261 Department of Health and Human Services; Foster Grandparent Program. The
12 reimbursements to the foster grandparent program through the senior volunteer grant program,
13 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2017.

14 262 Department of Health and Human Services; Bureau of Adult and Elderly Services;
15 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
16 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
17 biennium ending June 30, 2017.

18 263 Department of Health and Human Services; Division for Children, Youth and Families.

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

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

32 264 Department of Health and Human Services; Suspension of Direct Graduate Medical
33 Education. The commissioner of the department of health and human services shall submit a Title
34 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
35 suspend the provision of direct graduate medical education payments to hospitals as provided in 42
36 U.S.C. section 1396a(a)(30)(A) effective July 1, 2015. Upon approval of the state plan amendment,
37 and as of the effective date of the state plan amendment, any obligations for payment of direct

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1 graduate medical education shall be suspended for the biennium ending June 30, 2017.

2 265 Department of Health and Human Services; Suspension of Indirect Graduate Medical
3 Education. The commissioner of the department of health and human services shall submit a Title
4 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
5 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,
6 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan
7 amendment, any obligations for payment of indirect graduate medical education shall be suspended
8 for the biennium ending June 30, 2017.

9 266 Department of Health and Human Services; Public Safety and Welfare; Medicaid
10 Enhancement for Children and Pregnant Women. If the New Hampshire health protection program
11 established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2016 or earlier, the
12 commissioner of the department of health and human services shall reinstate Medicaid coverage and
13 open enrollment for children and pregnant women under RSA 167:68. The commissioner of the
14 department of health and human services shall adopt rules pursuant to RSA 541-A to establish the
15 eligibility levels for Medicaid coverage under RSA 167:68 identical to the eligibility levels which were
16 in effect prior to the effective date of the New Hampshire health protection program.

17 267 Department of Health and Human Services; Bureau of Adult and Elderly Services; County
18 Payment of Funds for Persons Eligible to Receive Nursing Home Services: Limitation on County
19 Payments; Credit. Amend RSA 167:18-a, II(a) to read as follows:

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

22 (1) State fiscal year [~~2014, \$109,000,000~~] **2016, \$111,717,685.**

23 (2) State fiscal year [~~2015, \$112,500,000~~] **2017, \$112,407,632.**

24 268 Public Health; Vaccine Association. Amend RSA 126-Q:1, III to read as follows:

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

29 269 Public Health; Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, I to
30 read as follows:

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

37 270 New Section; Homeland Security and Emergency Management; Assessment Fund. Amend

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1 RSA 21-P by inserting after section 46-a the following new section:

2 21-P:46-b Division of Homeland Security and Emergency Management; Assessment Fund.
3 There is established the homeland security and emergency management assessment fund which
4 shall be nonlapsing and continually appropriated to the department of safety, division of homeland
5 security and emergency management from which the state treasurer shall pay expenses incurred in
6 the administration of the division of homeland security and emergency management, under RSA 21-
7 P:36.

8 271 New Subparagraph; Dedicated Account. Amend RSA 6:12, I(b) by inserting after
9 subparagraph (326) the following new subparagraph:

10 (327) Moneys deposited in the assessment fund under RSA 21-P:46-b.

11 272 New Section; Division of Homeland Security and Emergency Management. Amend
12 RSA 400-A by inserting after section 39-d the following new section:

13 400-A:39-e Funding for the Division of Homeland Security and Emergency Management;
14 Emergency Management Fund Established.

15 I. There is hereby established in the state treasury an emergency management fund for the
16 sole purpose of funding an interagency transfer from the insurance department to the division of
17 homeland security and emergency management within the department of safety. The amount of the
18 interagency transfer shall equal 50 percent of the total budget approved by the general court for the
19 division of homeland security and emergency management. The fund shall be administered by the
20 commissioner. The state treasurer shall be the custodian of the fund and all moneys and securities
21 in the fund shall be held in trust by the state treasurer and shall not constitute money or property of
22 the state.

23 II. For the purposes of this section, "affiliate" shall be as defined in RSA 401-B:1, I.

24 III. The state treasurer is authorized to disburse moneys from the fund upon written order of
25 both the commissioner and commissioner of administrative services in accordance with a budget
26 approved by the general court. The state treasurer shall be required to give bond in an amount to be
27 fixed and with securities approved by the insurance commissioner conditioned upon the faithful
28 performance of his or her duty as custodian of the fund.

29 IV. Each insurer licensed to do property and casualty insurance business in this state
30 pursuant to RSA 401:1, I, II, V, VI, VII or VIII shall make payments to the fund each year of its pro
31 rata share of the department's interagency transfer costs to the division of homeland security and
32 emergency management to be appropriated out of the fund. Such share is to be computed in
33 accordance with paragraphs V and VI.

34 V. For each year, the total amount of such payments made to the fund by all such insurers
35 shall be an amount that, when combined with any available fund balance, is not less than the
36 department's expenses for interagency transfer to the division of homeland security and emergency
37 management for the fiscal year commencing on the July 1 in which the payments are due.

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1 VI. The amount payable each year by each such insurer shall be computed by the
2 commissioner as follows:

3 (a) Based on the annual statement filed in such year by each insurer under RSA 400-
4 A:31, the commissioner shall ascertain each insurer's amount of gross direct premiums written for
5 property and casualty insurance, including policy, membership and other fees, service charges, policy
6 dividends applied in payment for insurance, and all other considerations for insurance originating
7 from policies covering property, subjects, or risks located, resident or to be performed in
8 New Hampshire after deducting return premiums and dividends actually returned or credited to
9 policyholders. If any such insurer does not otherwise timely provide the commissioner with the
10 information necessary for such ascertainment, it shall do so on or before May 1 of each year.

11 (b) The commissioner shall total the amounts ascertained for all such insurers under
12 subparagraph (a) so that the commissioner has a total for each nonaffiliated individual insurer and
13 for each group of affiliated insurers.

14 VII. At the close of each fiscal year, the commissioner shall review the department's actual
15 expenditures for the interagency transfer against funds collected to determine what part of the fund
16 balance can be treated as an offset to the commissioner's assessment for the subsequent year. To the
17 extent that it is reasonably practicable, the commissioner shall apportion available offsets to insurers
18 based on the insurers' relative contributions to the fund overage. The commissioner shall not be
19 required to return previously collected assessments. Offsets shall only be used to reduce future
20 assessment liabilities.

21 VIII. The commissioner shall perform the calculations required by this section and notify
22 each insurer of the insurer's assessment payable under this section as soon as practicable after July
23 1 of each year.

24 IX. The commissioner shall be charged with the conservation of the assets of the fund. In
25 furtherance of this purpose, the attorney general shall appoint a member of his or her staff to
26 represent the fund in all proceedings brought to enforce payment of assessments as provided in
27 paragraph VI.

28 X. This section shall not apply to fraternal benefit societies or town mutual insurance
29 companies.

30 XI. Any insurer that does not pay amounts due under this section within 45 days of the
31 billing date shall incur a late payment penalty equal to 10 percent of the amount assessed. In
32 addition, the sum total of the assessment and penalty shall accrue with interest, from the 45th day
33 until the date of payment, at a rate of 0.050 percent per day compounded daily.

34 XII. The commissioner shall restrict the authority of any insurer, who does not pay amounts
35 due under this section within 90 days of the billing date, to servicing existing in-force business only.

36 XIII. For any insurer, who does not pay amounts due under this section within 180 days of
37 the billing date, the commissioner may suspend or revoke, after notice and hearing, the certificate of

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1 authority to transact insurance in this state.

2 XIV. The commissioner may adopt rules that provide for the administration of this section in
3 accordance with state agency accounting principles and practices.

4 273 New Subparagraph; Dedicated Account. Amend RSA 6:12, I(b) by inserting after
5 subparagraph (326) the following new subparagraph:

6 (327) Moneys deposited in the emergency management fund under RSA 400-A:39-e.

7 274 Department of Resources and Economic Development; Travel and Tourism Development
8 Fund. Amend RSA 12-A:43-a, II to read as follows:

9 II. The commissioner of resources and economic development shall prepare an annual report
10 to be presented [~~no later than December 1 of each year~~] to the ***governor and council, the fiscal***
11 ***committee of the general court, the*** president of the senate, ***and*** the speaker of the house of
12 representatives[~~, and the governor and council, and filed with the state library~~]. The report shall
13 detail the specific activities supported by, and expenditures from, the fund during the past year ***and***
14 ***will additionally detail the activities of the travel and tourism revolving fund established***
15 ***in RSA 12-A:15-a.***

16 275 Driver Training Fund. Amend RSA 263:52, II to read as follows:

17 II. The [~~\$40~~] ***\$43*** vanity plate service fee and the fee for renewal of vanity number plates
18 shall automatically be credited to the driver training fund until all fees in such fund equal the
19 amount of money estimated by the general court as available for expenditure for course materials,
20 licensing of schools, and certification services in connection with driver training from that fund for
21 that fiscal year. Once the driver training course materials, licensing of schools, and certification
22 services have been funded in accordance with the legislative estimates for the current fiscal year, the
23 next [~~1.5~~] ***2*** million dollars shall be transferred to the department of safety as restricted revenue,
24 thereafter the balance of all such fees shall be transferred to the general fund and shall be available
25 as unrestricted revenue.

26 276 Penalty Assessments. Amend RSA 188-F:31, I to read as follows:

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

33 277 Transfer of State Highway Safety Agency. The functions and responsibilities of the state
34 highway safety agency are hereby transferred to the department of safety. The transfer shall not
35 affect the validity of actions taken by the state highway safety agency prior to the effective date of
36 the transfer.

37 278 New Paragraph; Duties of Commissioner of Safety. Amend RSA 21-P:4 by inserting after

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1 paragraph XV the following new paragraph:

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

4 279 New Subdivisions; State Highway Safety Program; Traffic Safety Commission. Amend
5 RSA 21-P by inserting after section 54 the following new subdivisions:

6 State Highway Safety Program

7 21-P:55 Policy. It is hereby declared to be the policy of this state and in the public interest to
8 have a highway safety program designed to reduce traffic accidents and deaths, injuries and
9 property damage resulting therefrom. Such program shall include, but not be limited to,
10 improvement of driver performance, improvement of pedestrian performance, an accident record
11 system, accident investigations, vehicle registration, operation, and inspection, highway design and
12 maintenance, traffic control, vehicle codes and laws, surveillance of traffic and emergency services.

13 21-P:56 Provisions Accepted. The provisions of the federal Highway Safety Act of 1966,
14 approved September 9, 1966, entitled "An Act to provide for a coordinated national highway safety
15 program through financial assistance to the states to accelerate highway traffic safety programs, and
16 for other purposes," and all acts amendatory thereof and supplementary thereto, are assented to,
17 and the governor shall be the official of this state having the ultimate responsibility for dealing with
18 the federal government with respect to programs and activities pursuant to carrying out the
19 provisions of said acts.

20 21-P:57 Faith and Credit Pledged. The faith and credit of the state are pledged to make
21 adequate provision, from time to time, by appropriation or otherwise, to meet all the obligations of
22 the state incident to the acceptance of federal aid under the provisions of said act.

23 21-P:58 Expenditures. To meet such obligations the governor with the consent of the council is
24 authorized to accept and expend any federal funds for the highway safety program.

25 21-P:59 Governor's Authority. The governor in addition to other duties and responsibilities
26 conferred upon him or her by the constitution and laws of this state is hereby empowered to contract
27 and to do all other things necessary in behalf of this state to secure the full benefits available to this
28 state under the federal Highway Safety Act of 1966 and all acts amendatory and supplemental
29 thereto, and in so doing, to cooperate with federal and state agencies, agencies private and public,
30 interested organizations, and individuals, to effectuate the purposes of that enactment, and any and
31 all subsequent amendments thereto. The governor shall coordinate the activities of any and all
32 departments and agencies of this state and its subdivisions, relating thereto.

33 21-P:60 Local Highway Safety Programs.

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

36 II. A school district providing comprehensive driver training programs in accordance with
37 the federal statutory provisions assented to in and under RSA 21-P:56 shall be eligible for

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1 reimbursement of federal funds apportioned to this state for such programs. A school district shall
2 mean a town school district, a special school district, an incorporated school district operating within
3 a city, a city operating a dependent school department, a cooperative school district, and an
4 authorized regional enrollment (AREA) school.

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

8 21-P:61 Highway Safety Unit; Governor's Representative. There is hereby created the state
9 highway safety unit as a unit within the department of safety which shall be the agency responsible
10 under the executive direction of the governor to develop and implement the state's highway safety
11 program. The commissioner shall be the governor's representative with the national highway traffic
12 safety administration and he will aid the governor in the coordination of interdepartmental activities
13 and those of the various political subdivisions.

14 21-P:62 Staff. Subject to state personnel regulations and within budgetary appropriations, the
15 commissioner shall appoint such field representatives and secretarial and clerical assistants as may
16 be needed to carry out the purpose of this chapter.

17 21-P:63 Gifts and Grants. The governor is authorized to receive gifts and grants from any
18 source, public or private, in the name of the state, and to expend these monies for the state highway
19 safety program. Any monies accepted by the governor shall be deemed to be an appropriation of the
20 same amount for the purposes hereof.

21 Traffic Safety Commission

22 21-P:64 Establishment. There is hereby established a traffic safety commission consisting of 15
23 members appointed by the governor and council for a term of 5 years and until their successors are
24 appointed and qualified. Initial appointments by the governor and council shall be as follows: 5
25 members for 3 years; 5 members for 4 years; 5 members for 5 years. Vacancies shall be filled for the
26 unexpired term in the same manner as the original appointment. The commission shall have a
27 chairman who shall be designated by the governor from among its membership. The term of
28 chairman shall be for one year. The commission shall meet not less frequently than quarterly and at
29 such other times as it may be convened by the call of the chairman, and upon petition of 5 members,
30 it shall be the duty of the chairman to convene the commission forthwith. Members of the
31 commission shall receive no compensation but shall be entitled to expenses, including mileage, when
32 in the performance of duties required hereunder.

33 21-P:65 Powers and Duties. The traffic safety commission is authorized to act in an advisory
34 capacity to the commissioner.

35 280 Traffic Safety Commission; Continuation of Terms. Members on the effective date of this
36 section of the traffic safety commission established by RSA 238:10 shall continue as members of the
37 traffic safety commission under 21-P:64 until the scheduled expiration of their terms.

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1 295 Insurance Department; Compensation. Amend RSA 400-A:8, I-II to read as follows:

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

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

9 296 Insurance Department; Deputy Commissioner and Other Department Positions. Amend
10 RSA 400-A:6, VII to read as follows:

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

20 297 Salary of Financial Examinations Supervisor. Amend 2013, 205:2 to read as follows:

21 205:2 Salary of ~~[Financial Examinations Supervisor]~~ **Insurance Department Position**. ~~[The~~
22 ~~salary of the financial examinations supervisor established in section 1 of this act shall be~~
23 ~~determined after assessment and review of the appropriate temporary letter grade allocation in~~
24 ~~RSA 94:1 a, I(b) for the position which shall be conducted pursuant to RSA 94:1 d and RSA 14:14 e.~~
25 ~~Upon completion of this action and appointment of the financial examinations supervisor,]~~ Position
26 41776 shall be abolished to allow for the transition of this classified position with its available
27 appropriations into the unclassified position of ~~[financial examinations supervisor]~~ **chief financial**
28 **examiner**. Funding shall be transferred into expenditure class ~~[014]~~ **011**, within accounting unit 02-
29 24-24-240010-2520.

30 298 Financial Examinations Supervisor Position; Effective Date Amended. Amend 2013, 205:4
31 to read as follows:

32 205:4 Effective Date.

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

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

35 299 Repeal. The following are repealed:

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

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

3 300 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as
4 follows:

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

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

25 IV. All state departments, boards, institutions, commissions, agencies, and political
26 subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the
27 legislative budget assistant any information, including confidential **and privileged** information, he
28 or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-
29 a, and RSA 14:31-b, **including online access to such information in the state's integrated,**
30 **multi-module, information technology system, and any related subsystems**, except that access
31 to records, files, returns, or information deemed confidential information maintained by the
32 department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If
33 the legislative budget assistant requires access to confidential **or privileged** information, the state
34 entity shall furnish the information~~[, except for work papers as described in RSA 91 A:4, V].~~ In such
35 situations, the legislative budget assistant shall be subject to the same restrictions and penalties
36 regarding disclosure of the information as the original custodian of the information. The work
37 product of the legislative budget assistant shall also be confidential to the extent required to

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1 preserve confidentiality required by law. Disclosure of confidential information to the legislative
2 budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits
3 as are required **or permitted** by law. The legislative budget assistant shall notify the head of any
4 state department, board, institution, commission, agency, or political subdivision, or other entity
5 authorized to expend state funds, before requiring the state entity to furnish any confidential **or**
6 **privileged** information which was obtained by the entity through an exchange of information
7 agreement with another state or the federal government. This paragraph shall not be construed to
8 authorize disclosure to any member of the legislature or to any expert consultants, including
9 certified public accountants and data processing experts, hired by the legislative budget assistant to
10 assist him or her in the carrying out of the duties, except such summaries and results which do not
11 disclose any identity required by law to be confidential **or privileged, including the attorney-**
12 **client privilege**. If any entity objects to providing confidential **or privileged** information under the
13 provisions of this paragraph, the state entity may apply to the ~~[attorney general]~~ **fiscal committee**
14 **of the general court** for disapproval of the request. ~~[The attorney general may examine any~~
15 ~~confidential information to which the legislative budget assistant has requested access to determine~~
16 ~~whether or not it is necessary for the legislative budget assistant to examine the information to carry~~
17 ~~out his or her duties as required by law. If the attorney general finds that such examination is not~~
18 ~~necessary, he or she shall disapprove the request, and the agency shall not be required to provide~~
19 ~~such information. If the entity agrees to provide the requested information, or if the attorney~~
20 ~~general determines that it is necessary for the legislative budget assistant to examine the requested~~
21 ~~information, such information shall be provided to the legislative budget assistant in a mutually~~
22 ~~agreeable and compatible format.]~~

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

37 VI. In addition to any other reports required by statute or by the fiscal committee to be

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

8 301 Department of Administrative Services; Additional Purchasing Authority. Amend RSA 21-
9 I:17-a, I to read as follows:

10 I. The director of procurement and support services may, upon written application of the
11 governing board of any agency, authorize such governing board, or one or more individuals
12 designated by such board, to purchase supplies for the agency directly from vendors by the use of
13 field purchase orders, or by the use of procurement cards issued for that purpose; provided, however,
14 that no such field purchase order or procurement card shall be used where a total expenditure of
15 more than \$500 is involved *unless such use is otherwise allowed by law*. The form and use of
16 such field purchase orders or procurement cards shall be prescribed by rules adopted by the
17 commissioner of administrative services pursuant to RSA 541-A in consultation with the state
18 treasurer, or in the department's manual of procedures described in RSA 21-I:14, I. Rules or
19 procedures adopted by the commissioner relative to procurement cards shall include processes for
20 monitoring the use of such cards. Procurement cards shall be used only for [~~the~~] state purposes
21 [~~permitted under this paragraph~~]. Unauthorized use of a procurement card may result in
22 disciplinary action up to and including termination of employment. Any person who knowingly uses
23 a procurement card in violation of this section shall be guilty of a misdemeanor. *Agencies' use of*
24 *procurement cards shall be subject to the limitations of the amounts appropriated by the*
25 *legislature*.

26 302 New Section; Use of Procurement Cards for Purchase of Commodities or Services. Amend
27 RSA 21-I by inserting after section 17-c the following new section:

28 21-I:17-d Use of Procurement Cards for Purchase of Commodities or Services.

29 I. The director of procurement and support services may, upon written application of an
30 agency, authorize the agency, or one or more individuals designated by the agency, to purchase
31 commodities or services secured by or through the division using procurement cards issued for that
32 purpose; provided, however, that no such card shall be used for an expenditure which is greater than
33 the amount allowed by the division for purchases under the applicable contract, or the price allowed
34 by the division for the commodity or service, and provided further that use of such cards shall be in
35 accordance with paragraphs II and III.

36 II. Use of a procurement card under paragraph I shall not alter any other purchasing
37 requirements which may apply to the agency or to the type of purchase at issue, including but not

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1 limited to any restrictions or limitations contained in contracts entered into by the division of
2 procurement and support services and any processes, rules, or manual of procedures provisions
3 adopted by the department of administrative services which are applicable to the purchase.
4 Agencies' use of procurement cards shall be subject to the limitations of the amounts appropriated by
5 the legislature.

6 III. The form and use of credit cards to conduct or pay for purchases under paragraph I shall
7 be prescribed by rules adopted by the commissioner of administrative services pursuant to RSA 541-
8 A in consultation with the state treasurer, or in the department's manual of procedures described in
9 RSA 21-1:14, I. Rules or procedures adopted by the commissioner shall include processes for
10 monitoring the use of cards. Cards shall be used only for state purposes. Unauthorized use of a card
11 may result in disciplinary action up to and including termination of employment. Any person who
12 knowingly uses a card in violation of this section shall be guilty of a misdemeanor.

13 303 New Subparagraph; Medical and Surgical Benefits: Retiree Plan. Amend RSA 21-I:30, V by
14 inserting after subparagraph (b) the following new subparagraph:

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

18 304 Department of State. For the biennium ending June 30, 2017, and notwithstanding any
19 other law to the contrary, the secretary of state shall have the authority to administer all elections-
20 related responsibilities assigned to the department of state under RSA 5 and RSA 652 through 671,
21 and pursuant to the New Hampshire constitution. This authority shall include the authority to hire
22 staff as necessary to administer such responsibilities.

23 305 Obtaining a Ballot; Proof of Identity; Photograph. Amend RSA 659:13, I(c)(2) to read as
24 follows:

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

34 306 New Paragraph; Commissioner of Revenue Administration; Authorization to Contract for
35 Audit Services. Amend RSA 21-J:3 by inserting after paragraph XXX the following new paragraph:

36 XXXI. Have the authority, subject to appropriation, to contract with the Multistate Tax
37 Commission for participation in audits performed by the Multistate Tax Commission on behalf of

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1 member states. While under contract with the state, the Multistate Tax Commission shall be an
2 authorized agent of the commissioner for the purposes RSA 21-J:14-e.

3 307 New Subparagraph; Confidentiality; Disclosure to Multistate Tax Commission. Amend
4 RSA 21-J:14, V by inserting after subparagraph (g) the following new subparagraph:

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

8 308 Department of Revenue Administration; Appropriation. The sum of \$163,285 from the
9 \$658,000 settlement agreement dated December 5, 2014 under the Merrimack River Valley flood
10 control compact is hereby appropriated to the department of revenue administration. The governor
11 is authorized to draw a warrant for the purpose of reimbursing towns for the Massachusetts share of
12 the Merrimack River flood control compact and the Connecticut River flood control compact for state
13 fiscal year 2013. The department shall distribute the moneys in the manner prescribed in
14 RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The
15 remainder of the settlement moneys shall lapse to the general fund.

16 309 Flood Control; Reimbursement of Cities and Towns. Amend RSA 122:4, I to read as follows:

17 I. On a date not later than 30 days following the establishment and approval of tax rates for
18 each city and town affected by and subject to the provisions of this chapter, the state treasurer shall
19 pay to each town and city in which any taxable real estate or interest therein has been acquired
20 under this chapter by the United States and thus become tax exempt for such year, ***excluding***
21 ***property acquired under the interstate flood compacts contained in RSA 484:1 and RSA***
22 ***484:7***, a sum equal to the taxes which would have been assessed against the real estate or interest
23 therein in such town or city if the same had been included in the list of taxable property as proposed
24 by the commissioner of revenue administration in RSA 122:6. For land acquired by the United
25 States under this chapter, reimbursement shall be made upon a valuation determined as provided
26 herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate
27 on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be
28 land hereunder. For all artificial improvements on land acquired by the United States under this
29 chapter, including buildings, structures and other artificial real estate fixtures of any kind,
30 reimbursement shall be made upon a valuation determined initially as provided herein and
31 thereafter annually reduced by 2- 1/2 percent so that at the end of 40 years reimbursement therefor
32 shall have terminated. On land and improvements thereon acquired by the United States under this
33 chapter the initial assessed valuation of the land and improvements for purposes of reimbursement
34 shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the
35 assessors and the commissioner of revenue administration acting as a joint board, so as to make such
36 valuation proportional to the value of all other property in such town or city subject to taxation. For
37 purposes of this section the joint board may subdivide such assessment equitably between land and

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1 improvements thereon or between real estate acquired and that not acquired, if the official
2 assessment was not thus subdivided. The valuations of improvements thus determined shall
3 thereafter be annually reduced over a 40-year period as above provided. On land, and artificial
4 improvements, the valuations initially established as above provided in a town or city shall be
5 reviewed by the commissioner at least once in every 5 years and more frequently if reasonably
6 necessary and be changed as necessary to make them proportional with the assessed value of all
7 other taxable property in such town or city. The amount of the reimbursement due to each town and
8 city hereunder shall be determined by the commissioner and certified by it to the state treasurer not
9 later than 30 days following the establishment and approval of the tax rates of each town and city
10 under this chapter. The commissioner shall reduce the amount of reimbursement thus determined
11 by any amount paid or due that town or city for that year by or from the United States, another
12 state, [~~an interstate flood control agency~~] or other source, because of such loss of taxable valuation.
13 [~~The governor is authorized to draw a warrant for the payment of such reimbursements out of any~~
14 ~~money in the treasury not otherwise appropriated.~~] Provided, however, that reimbursement
15 payments for loss of taxes on account of the acquisition of railroad or public utility property shall be
16 reduced to the extent that such railroad or public utility property is relocated and reconstructed in
17 the same town or city as a result of such acquisition, and thereby is included to that extent in the list
18 of taxable property in said town or city as relocated.

19 310 New Paragraphs; Flood Control; Reimbursement to Cities and Towns. Amend RSA 122:4 by
20 inserting after paragraph II the following new paragraphs:

21 III. The commissioner of the department of revenue administration shall determine the
22 amount owed to cities and towns under the Connecticut River Valley flood control compact under
23 RSA 484:1 and the Merrimack River Valley flood control compact under RSA 484:7. The department
24 shall pay to cities and towns affected by the compacts the New Hampshire share of payments owed
25 under the compacts, which shall be equal to 10 percent of the total amount owed to cities and towns
26 under the Connecticut River Valley flood control compact and 30 percent of the total amount owed to
27 cities and towns under the Merrimack River Valley flood control compact. The governor is
28 authorized to draw a warrant for sums sufficient to make such payments out of any money in the
29 treasury not otherwise appropriated. The department shall not pay to cities and towns the share of
30 payments owed by Massachusetts or Connecticut unless payment is received from those states, in
31 which case the department shall distribute payment to cities and towns in accordance with
32 paragraph IV.

33 IV. The department of revenue administration shall distribute to cities and towns affected
34 by the Merrimack River Valley and Connecticut River Valley flood control compacts any money
35 received from the Commonwealth of Massachusetts and the state of Connecticut under the compacts.
36 The department shall distribute such money to cities and towns on a pro rata basis, based on the
37 amounts owed to cities and towns as determined by the department in accordance with paragraph

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1 III. The department shall make such payments within 30 days of receipt of any money received.

2 311 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
3 provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the
4 department of resources and economic development, division of travel and tourism development, are
5 hereby suspended for the biennium ending June 30, 2017.

6 312 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year
7 ending June 30, 2017, the state shall reimburse the sheriff's office for court security at the rates
8 provided in the collective bargaining agreement applicable to per diem court security officers
9 employed by the judicial branch to attend any official business, for any person employed as a bailiff
10 by the sheriff's office, provided the sheriff shall have entered a memorandum of understanding with
11 the judicial branch addressing the sheriff's responsibilities, bailiffs' duties and training and
12 certification requirements, staffing requirements and emergency plans for each courthouse, security
13 incident reporting, and equipment responsibilities.

14 313 Entry Fees; Pro Hac Vice. Amend RSA 490:24,I to read as follows:

15 I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved
16 case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other
17 document supplementary to the entered case, and for any service rendered by the clerk, such fees as
18 shall from time to time be established by the court. The clerk shall set aside 6 percent of each entry
19 fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and
20 30 percent of each entry fee paid into the court for deposit into the judicial branch information
21 technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court
22 pro hac vice shall be paid ***with 50 percent deposited*** into the law library revolving fund established
23 in RSA 490:25, III ***and 50 percent deposited into the general fund.***

24 314 Judicial Branch Family Division Clerks; Fees. Amend RSA 490-D:12, II to read as follows:

25 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of
26 the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set
27 aside 6 percent of each entry fee paid into the court for deposit into a special escrow account
28 established under RSA 490:26-c and 30 percent of each entry fee paid into the court for deposit into
29 the judicial branch information technology fund established under RSA 490:26-h. The proceeds of
30 fees for motions to appear in court pro hac vice shall be paid ***with 50 percent deposited*** into the
31 law library revolving fund established in RSA 490:25, III ***and 50 percent deposited into the***
32 ***general fund.***

33 315 Superior Court Fees. Amend RSA 499:18 to read as follows:

34 II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of
35 the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set
36 aside 6 percent of each entry fee paid into the court for deposit into a special escrow account
37 established under RSA 490:26-c and 30 percent of each entry fee paid into the court for deposit into

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1 the judicial branch information technology fund established under RSA 490:26-h. The proceeds of
2 fees for motions to appear in court pro hac vice shall be paid *with 50 percent deposited* into the
3 law library revolving fund established in RSA 490:25, III *and 50 percent deposited into the*
4 *general fund.*

5 316 District Court Fees. Amend RSA 502-A:28, II to read as follows:

6 II. The clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a
7 special escrow account established under RSA 490:26-c and 30 percent of each entry fee paid into the
8 court for deposit into the judicial branch information technology fund established under RSA 490:26-
9 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid *with 50 percent*
10 *deposited* into the law library revolving fund established in RSA 490:25, III *and 50 percent*
11 *deposited into the general fund.*

12 317 Probate Court Entry Fees. Amend RSA 547:27-c, II to read as follows:

13 II. The clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a
14 special escrow account established under RSA 490:26-c and 30 percent of each entry fee paid into the
15 court for deposit into the judicial branch information technology fund established under RSA 490:26-
16 h. The proceeds of fees for motions to appear in court pro hac vice shall be paid *with 50 percent*
17 *deposited* into the law library revolving fund established in RSA 490:25, III *and 50 percent*
18 *deposited into the general fund.*

19 318 Statement of Purpose. The general court hereby establishes a project whereby felony
20 complaints and misdemeanors and violation level charges directly related to those felonies shall be
21 filed exclusively with the superior court. This project shall be referred to as the felonies first project.
22 The purpose of this project is to more effectively manage the flow of felony cases and related
23 misdemeanors and violation level charges from case initiation through disposition. The general
24 court finds that this will result in significant time savings for the court, lawyers, and litigants,
25 leading to more effective justice earlier in the court process.

26 319 New Chapter; Criminal Procedure in Superior Court. Amend RSA by inserting after
27 chapter 592-A the following new chapter:

28 CHAPTER 592-B

29 CRIMINAL PROCEDURE IN SUPERIOR COURT

30 592-B:1 Jurisdiction. The superior court shall have exclusive jurisdiction over felony complaints and
31 misdemeanors and violation level charges that are directly related to those felonies. The superior court
32 shall also have jurisdiction over de novo appeals of class A misdemeanors pursuant to RSA 599:1.

33 592-B:2 Implementation Plan.

34 I. Beginning January 1, 2016, the felonies first project shall become effective in the Cheshire
35 county and Strafford county superior courts.

36 II. This chapter shall take effect in the remaining superior courts as of the date set forth in
37 an order issued by the supreme court. The remaining superior courts shall be added to the project in

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1 approximately the following order:

2 (a) Merrimack county superior court.

3 (b) Carroll county superior court and Belknap county superior court.

4 (c) Hillsborough county superior court-northern district and Hillsborough county superior
5 court-southern district. The municipalities included in each district shall be as listed in RSA 496:1.

6 (d) Grafton county superior court and Coos county superior court.

7 (e) Rockingham county superior court and Sullivan county superior court.

8 III. All felony and any directly related misdemeanors or violation level offenses alleged to have
9 occurred on or after the effective date of this chapter in the county in which the offense allegedly
10 occurred shall be filed in the superior court. All felony and any directly related misdemeanors or
11 violation level offenses alleged to have occurred prior to the effective date of this chapter in the
12 applicable county shall be filed under the law as it existed at the time of the alleged offense.

13 IV. The supreme court shall adopt rules and issue orders to effectuate the purposes of the
14 felonies first project.

15 V. During the implementation of the felonies first project, this chapter shall supersede any
16 statutory references to the filing of felony charges in circuit court district division or other statutes
17 that are inconsistent with this chapter.

18 VI. Prior to the implementation of this chapter in counties other than Cheshire county and
19 Strafford county, the supreme court shall issue a report on the implementation of this chapter to the
20 senate president, the speaker of the house of representatives, and the chairpersons of the senate and
21 house judiciary committees. Beginning January 1, 2017 and ending in January, 2020, the supreme
22 court shall issue an annual report on the implementation of this chapter to the senate president, the
23 speaker of the house, and the chairpersons of the senate and house judiciary committees

24 592-B:3 Commencement of Criminal Proceeding.

25 I. Criminal proceedings in superior court shall be commenced by the filing of a complaint by
26 the attorney general, county attorney or the county attorney's designee, or by indictment by the
27 grand jury. If a complaint is filed, the accused shall subsequently be indicted by a grand jury or
28 waive grand jury indictment pursuant to RSA 601:2 for the case to proceed.

29 II. The complaint shall be addressed to the court and shall set forth by name or
30 description the party accused and the offense charged. The description of an accused may
31 include an identifiable ridge skin impression or a DNA profile. A complaint that contains only
32 an identifiable ridge skin impression or DNA profile, and that alleges one or more of the
33 following offenses shall, upon its filing, toll the applicable statute of limitations under RSA 625:8
34 for:

35 (a) Capital murder under RSA 630:1.

36 (b) First degree murder under RSA 630:1-a.

37 (c) Second degree murder under RSA 630:1-b.

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- 1 (d) Manslaughter under RSA 630:2.
- 2 (e) Negligent homicide under RSA 630:3.
- 3 (f) First degree assault under RSA 631:1.
- 4 (g) Second degree assault under RSA 631:2.
- 5 (h) Aggravated felonious sexual assault under RSA 632-A:2.
- 6 (i) Felonious sexual assault under RSA 632-A:3.
- 7 (j) Kidnapping under RSA 633:1.
- 8 (k) Arson under RSA 634:1, I-III.
- 9 (l) Robbery under RSA 636:1.

10 592-B:4 Warrants. A justice of the peace or justice of the superior or circuit court, upon such
11 complaint or indictment, may issue a warrant for the arrest of the person so charged with an offense
12 committed or triable in the county, directed to the sheriff of any county or his deputy or to any
13 constable or police officer of any town in the county.

14 592-B:5 When Warrants Returnable to Superior Court. If such warrant is issued, it shall be
15 made returnable before the superior court having jurisdiction over the case and not elsewhere.

16 592-B:6 Discovery.

17 I. Prior to indictment, the accused shall have the same rights to discovery and deposition as
18 the accused has subsequent to indictment, provided that all judicial proceedings with respect thereto
19 shall be within the jurisdiction of the superior court, and notice of petition and hearing shall be given
20 to the county attorney, or to the attorney general if the attorney general shall have entered the case.

21 II. For incarcerated defendants, the state shall provide or make available to defense counsel
22 copies of all discovery in its possession, no more than 10 calendar days after the arraignment of the
23 defendant, unless otherwise ordered by the court. For non-incarcerated defendants, the state shall
24 provide or make available to defense counsel copies of all discovery in its possession, no more than 20
25 calendar days after the arraignment of the defendant, unless otherwise ordered by the court. The
26 state may request an extension of the discovery deadlines for complex case types.

27 III. The state shall have a continuing obligation to provide discovery to defendants as it
28 becomes available.

29 592-B:7 Probable Cause.

30 I. A defendant may challenge probable cause during the period from arrest to indictment by
31 motion requesting a probable cause hearing under the following conditions:

- 32 (a) A complaint has been filed in superior court;
- 33 (b) The defendant has not been indicted by the grand jury; and
- 34 (c) The defendant asserts a claim that a material element of the charge is without
35 factual basis or that the charge is legally insufficient to constitute a felony offense.

36 II. Upon review of the motion, the court shall determine whether a hearing is necessary to
37 assist the court in its determination of probable cause. If a hearing is scheduled, it shall be held as

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1 soon as the court docket permits, but in any event within 10 days of the filing of the motion if the
2 defendant is incarcerated and within 20 days of the filing of the motion if the defendant is not
3 incarcerated.

4 III. If an arrest is supported by an affidavit that was filed under seal, and the affidavit
5 remains under seal at the time of the request for a probable cause hearing, a hearing shall be
6 scheduled.

7 IV. If a hearing is held, the state shall bear the burden of proving there is probable cause to
8 believe that a felony has been committed and that the person charged has committed it. At the
9 hearing, the defendant may cross-examine witnesses and present evidence.

10 320 Competency; Commitment for Evaluation. Amend RSA 135:17, I(a)-(b) to read as follows:

11 I.(a) When a person is charged or indicted for any offense, or is ~~[bound over by any district or~~
12 ~~superior court to await]~~ **awaiting** the action of the grand jury **on any felony**, the ~~[district]~~ **circuit** or
13 superior court before which he or she is to be tried, if a plea of insanity is made in court, or said court is
14 notified by either party that there is a question as to the competency or sanity of the person, may make
15 such order for a pre-trial examination of such person by a qualified psychiatrist or psychologist on the
16 staff of any public institution or by a private qualified psychiatrist or psychologist as the circumstances
17 of the case may require, which order may include, though without limitation, examination at the
18 secure psychiatric unit on an out-patient basis, the utilization of local mental health clinics on an in- or
19 out-patient basis, or the examination of such person, should he or she be incarcerated for any reason,
20 at his or her place of detention by qualified psychiatrists or psychologists assigned to a state or local
21 mental health facility. Such pre-trial examination shall be completed within 45 days in the case of a
22 person being held at a county correctional facility, otherwise 90 days after the date of the order for such
23 examination, unless either party requests an extension of this period. For the purposes of this
24 paragraph and RSA 135:17-a, III, "qualified" means board-eligible or board-certified in forensic
25 psychiatry or psychology, or demonstrated competence and experience in completing court-ordered
26 forensic criminal evaluations. A licensed out-of-state psychiatrist or psychologist who meets the
27 definition of qualified may also conduct evaluations under this paragraph and RSA 135:17-a, III.

28 (b) In cases where the person is being held at a county correctional facility **or the New**
29 **Hampshire state prison**, the facility may request a pre-trial examination of such person for the
30 purpose of determining if the person is competent to stand trial. Such request shall be reviewed, and
31 a decision rendered by the district or superior court before which he or she is to be tried.

32 321 Competency; Commitment for Evaluation. Amend the introductory paragraph of RSA
33 135:17, II to read as follows:

34 II. The ~~[district]~~ **circuit** or superior court may allow the parties to obtain separate
35 competency evaluations if such request is made and the circumstances require it. The competency
36 evaluations shall address:

37 322 Study, Treatment and Care of Inebriants; Acceptance and Admissions. Amend RSA 172:13,

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1 II to read as follows:

2 II. When a person is indicted for any felony~~[, is bound over by any district or municipal court~~
3 ~~to await]~~ **or is awaiting** the action of the grand jury on any felony, or is charged with a
4 misdemeanor, and question as to the drug or alcohol dependency of the person is raised by either
5 party, any justice of the superior~~[, district] or [municipal]~~ **circuit** court **having jurisdiction over**
6 **the matter** may, after hearing, order such person to be examined in accordance with the
7 instructions of the commissioner to determine whether said person is drug or alcohol dependent.
8 The commissioner shall report the results of the examination and his findings to the court in writing.

9 323 Jurisdiction and Procedure Generally; Superior Court. Amend RSA 592-A:1 to read as
10 follows:

11 592-A:1 Superior Court. The superior court has jurisdiction of all criminal cases and
12 proceedings; but it may dismiss a prosecution originally begun therein which is within the
13 jurisdiction of a ~~[district or municipal]~~ **circuit** court.

14 324 Search Warrants; Requisites of Warrant. Amend RSA 595-A:2 to read as follows:

15 595-A:2 Requisites of Warrant. Search warrants shall designate or describe the person,
16 building, vessel, or vehicle to be searched and shall particularly describe the property or articles to
17 be searched for. They shall be substantially in the form prescribed in RSA 595-A:3 and shall be
18 directed to a sheriff or his deputy or to a constable or police officer, commanding him to search in the
19 daytime, or if the warrant so directs, in the nighttime, the person, building, vessel, or vehicle where
20 the property or articles for which he is required to search are believed to be concealed, and to bring
21 such property or articles when found, and the persons in whose possession they are found, before any
22 ~~[district]~~ **circuit** or ~~[municipal]~~ **superior** court named therein.

23 325 Preliminary Examinations; Adjournments. Amend RSA 596-A:1 to read as follows:

24 596-A:1 Adjournments. When an accused person is brought before a ~~[district or municipal]~~
25 **circuit** court, upon a warrant or complaint, for trial ~~[or preliminary examination]~~, the proceedings
26 may be adjourned for cause, from time to time, as shall be adjudged reasonable, and the accused may
27 be detained in custody, or required to recognize, with or without sureties, for ~~[his]~~ **the accused's**
28 appearance, as the nature of the case may require.

29 326 Bail and Recognizances; Probationees and Parolees. Amend RSA 597:1-d, I to read as
30 follows:

31 I. If there is a judicial finding of probable cause to believe that a person has committed a
32 violation of RSA 630, RSA 631, RSA 632-A:2-4 or RSA 633:1-3 from an arrest warrant affidavit ~~[or an~~
33 ~~affidavit issued pursuant to district court administrative order number 91-03 or any other district~~
34 ~~court administrative order which supersedes it]~~ and the person is on probation or parole for a
35 conviction of a violent crime listed in RSA 651:4-a or a substantially similar crime in any state or
36 federal court in this or any other state, the District of Columbia, the Commonwealth of Puerto Rico, or
37 any territory or possession of the United States, it is presumed that release on bail and imposition of

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1 any condition or set of conditions listed in RSA 597:2 will not reasonably assure the appearance of the
2 person as required and will endanger the safety of the person or of any other person or the community.

3 327 Bail and Recognizances; When Requirable. Amend RSA 597:5 to read as follows:

4 597:5 When Requirable. Every court and justice may, when a person is accused of an offense in
5 which said court or justice is authorized to receive bail, release said person on personal recognizance
6 or require ~~[him]~~ **said person** to recognize, with sureties, to appear at a future time before ~~[himself]~~
7 **said court or justice** or any other competent tribunal. ***Bail in felony cases is returnable only to***
8 ***the superior court.***

9 328 Chapter Heading. Amend the chapter heading of RSA 599 to read as follows:

10 CHAPTER 599

11 APPEALS FROM CONVICTIONS IN ~~[MUNICIPAL OR DISTRICT]~~ **CIRCUIT** COURT

12 329 Appeals From Convictions in Circuit Court. Amend RSA 599:1 to read as follows:

13 599:1 Appeals. A person convicted by a ~~[district]~~ **circuit** court of a class A misdemeanor, at the
14 time the sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior
15 court, which shall hear the appeal. The appeal shall be entered by the defendant at the next return
16 day unless for good cause shown the time is extended by the superior court. If, after a jury trial in
17 the superior court, the defendant is found guilty, the superior court shall sentence the defendant,
18 and the defendant may appeal questions of law arising therefrom to the supreme court. In the event
19 the defendant waives the right to jury trial after the case has been appealed, the superior court shall
20 forthwith remand the case to the ~~[district]~~ **circuit** court for imposition of the sentence originally
21 imposed by the ~~[district]~~ **circuit** court, and the defendant may appeal questions of law arising
22 therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court ~~[or~~
23 ~~in which defendants are bound over]~~, it shall be the duty of the superior court to transmit to the
24 justice of the ~~[district]~~ **circuit** court, within 10 days after the case is finally disposed of, a certificate
25 showing the final disposition of the case.

26 330 Indictments, Informations, and Complaints; Waiving Indictment. Amend RSA 601:2 to read
27 as follows:

28 601:2 Waiving Indictment. Any person who has been ~~[bound over or]~~ committed by a justice ~~[or~~
29 ~~district or municipal court under the provisions of RSA 592 A:4 or 6]~~ for trial in the superior court
30 upon a complaint charging a crime not punishable by death, and who desires to waive indictment,
31 ~~[may apply in writing to the superior court for prompt arraignment upon such complaint]~~ **shall**
32 **notify the court.** Upon ~~[the filing of such an application,]~~ **such notification, the attorney**
33 **general or** the county attorney may, with the approval of the court, proceed against the defendant
34 by complaint, and in such case ~~[he]~~ **the defendant** shall be held to answer and the court shall have
35 as full jurisdiction of the complaint as if an indictment had been found. The arraignment of the
36 defendant shall be at such time as the court may designate. Every person when so committed ~~[or~~
37 ~~bound over]~~ upon such a complaint shall be notified by the court of his right to apply for waiver of

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1 indictment and prompt arraignment as aforesaid.

2 331 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a to read as
3 follows:

4 594:20-a Place and Time of Detention.

5 I. When a person is arrested with or without a warrant he or she may be committed to a
6 county correctional facility, to a police station or other place provided for the detention of offenders,
7 or otherwise detained in custody; provided, however, that he or she shall be taken before a [~~district~~]
8 ***circuit*** court, ***or a superior court in the case of felony complaints and misdemeanors and***
9 ***violation level charges that are directly related to those felonies***, without unreasonable delay,
10 but not exceeding 24 hours, Saturdays, Sundays, and holidays excepted, to answer for the offense.

11 II. Notwithstanding the provisions of paragraph I, defendants detained under RSA 173-B
12 shall have timely access to a bail hearing by telephonic means or otherwise as determined by the
13 [~~district~~] ***circuit*** court ***or the superior court in the case of felony complaints and***
14 ***misdemeanors and violation level charges that are directly related to those felonies***.

15 332 Indictments, Informations, and Complaints; Additional Charges. Amend RSA 601:3 to read
16 as follows:

17 601:3 Additional Charges. If the ***attorney general or the*** county attorney desires to charge a
18 defendant making application under RSA 601:2 with a crime or crimes not punishable by death
19 other than a crime charged in the complaint upon which the defendant has been committed [~~or~~
20 ~~bound over~~], the ***attorney general or the*** county attorney may, before consenting to such
21 application, prepare a complaint or complaints charging such other crime or crimes and serve the
22 same upon the defendant in order that he may have an opportunity to waive indictment upon such
23 other charges. [~~If an application for waiver of indictment as to any such other charge is~~
24 ~~subsequently filed, the court shall, before approving such application, require an affidavit of service~~
25 ~~upon the defendant as part of the record of the case.] The superior court shall by rule establish
26 forms for application to waive indictment under this chapter and may by rule make such other
27 regulations of procedure under this chapter as justice may require.~~

28 333 Repeal. The following are repealed:

29 I. RSA 502-A:13, relative to binding over by district court.

30 II. RSA 592-A:4, relative to binding over by justice.

31 III. RSA 596-A:2, relative to the record in preliminary examinations.

32 IV. RSA 596-A:3, relative to caution to accused in preliminary examinations.

33 V. RSA 596-A:4, relative to procedure in preliminary examinations.

34 VI. RSA 596-A:5, relative to testimony of the accused in preliminary examinations.

35 VII. RSA 596-A:6, relative to excluding witnesses in preliminary examinations.

36 VIII. RSA 596-A:7 relative to commitment and bail in preliminary examinations.

37 IX. RSA 597:6 relative to appearance at superior court.

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1 X. RSA 597:11 relative to copies and binding over.

2 XI. RSA 604:1-a relative to discovery in criminal matters.

3 334 Application; Contingency. Sections 318-333 of this act shall take effect on January 1, 2016
4 in Cheshire county and Strafford county. This act shall take effect in the remaining counties as of
5 the date set forth in an order of the supreme court as provided for in RSA 592-B:2, II, which order
6 shall be issued at least 90 days prior to the effective date of the act in a particular county. The
7 repeals in section 15 of this act shall take effect on the date on which this act is effective for all
8 counties. In addition to such other notice as the supreme court deems necessary, the court shall
9 send copies of its orders implementing this act in counties other than Cheshire and Strafford to the
10 secretary of state and the director of legislative services.

11 335 Pistols and Revolvers; Armed Career Criminals. Amend RSA 159:3-a, II-III to read as
12 follows:

13 II. Any person who violates paragraph I shall be guilty of a felony and, notwithstanding
14 RSA 651:2, II, shall be sentenced to a ~~[minimum mandatory term of 10 years imprisonment and a]~~
15 maximum term of imprisonment of not more than 40 years and shall be fined not more than \$25,000.

16 III. Notwithstanding any other provision of law, neither the whole, nor any part of the
17 ~~[minimum mandatory]~~ sentence provided under paragraph II shall be served concurrently with any
18 other term, nor shall the whole or any part of such additional term of imprisonment be suspended or
19 deferred. No action brought to enforce sentencing under this section shall be continued for
20 sentencing, nor shall the provisions of RSA 651:20 relative to suspensions or RSA 651-A relative to
21 parole apply to any sentence of imprisonment imposed.

22 336 Habitual Offenders; Penalty. Amend RSA 262:23 to read as follows:

23 262:23 Penalty.

24 I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state
25 while an order of the director or the court prohibiting such driving remains in effect. If any person
26 found to be an habitual offender under the provisions of this chapter is convicted of driving a motor
27 vehicle on the ways of this state while an order of the director or the court prohibiting such operation
28 is in effect, he or she shall be guilty of a felony and sentenced, notwithstanding the provisions of
29 RSA title LXII, to imprisonment for not ~~[less than one year nor]~~ more than 5 years. No ~~[portion of~~
30 ~~the minimum mandatory sentence shall be suspended, and no]~~ case brought to enforce this chapter
31 shall be continued for sentencing; provided, however, that any sentence or part thereof imposed
32 pursuant to this section may be suspended in cases in which the driving of a motor vehicle was
33 necessitated by situations of apparent extreme emergency which required such operation to save life
34 or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a
35 county correctional facility. The sentencing court may order that any such offender may serve his or
36 her sentence under home confinement pursuant to RSA 651:19 based on the rules and regulations of
37 the county correctional facility where the sentence is to be served ~~[for the minimum mandatory term]~~

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1 ~~or any portion thereof~~, provided the offender first serves 14 consecutive days of imprisonment prior
2 to eligibility for home confinement. Habitual offenders shall only be eligible for the home
3 confinement program once per lifetime. Any sentence of more than one year imposed pursuant to
4 this paragraph shall be served in the state prison.

5 II. For the purpose of enforcing this section, in any case in which the accused is charged with
6 driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked, or is
7 charged with driving without a license, the court before hearing such charge shall determine
8 whether such person has been held an habitual offender and by reason of such holding is barred from
9 driving a motor vehicle on the ways of this state. For the purposes of this section, in determining
10 whether the person has been held an habitual offender and by reason of such holding is barred from
11 driving a motor vehicle on the ways of this state, a certified copy of the individual's motor vehicle
12 record on file with the division shall be as competent evidence in any court within this state as the
13 original record would be if produced by the director as legal custodian thereof.

14 III. ~~[Notwithstanding paragraph I, any person who qualifies under RSA 259:39 shall not be~~
15 ~~subject to the minimum mandatory provisions of paragraph I if, and only if, that person's~~
16 ~~certification was not based on any conviction under RSA 265-A:2, I or any misdemeanor or felony~~
17 ~~motor vehicle conviction pursuant to RSA title XXI, and that person has not been convicted of any~~
18 ~~such offense, or any reasonably similar offense in any jurisdiction within the United States and~~
19 ~~Canada, since the date of the certification; provided, however, that any such person shall be guilty of~~
20 ~~a class A misdemeanor and may be sentenced to one year or less.]~~ Any person incarcerated upon the
21 effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39,
22 who does not have a conviction under RSA 265-A:2, I involving a vehicle or any misdemeanor or
23 felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior
24 court for sentence review and reduction.

25 337 License Suspension and Revocation; Driving After Revocation or Suspension. Amend
26 RSA 263:64, IV to read as follows:

27 IV. Any person who violates this section by driving or attempting to drive a motor vehicle or
28 by operating or attempting to operate an OHRV or snowmobile in this state during the period of
29 suspension or revocation of his or her license or driving privilege for a violation of RSA 265:79 or an
30 equivalent offense in another jurisdiction shall be guilty of a misdemeanor. Any person who violates
31 this section by driving or attempting to drive a motor vehicle or by operating or attempting to
32 operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or
33 her license or driving privilege for a violation of RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II,
34 RSA 265:82, or RSA 265:82-a or an equivalent offense in another jurisdiction shall be guilty of a
35 misdemeanor and shall be sentenced to imprisonment for a period not ~~[less]~~ **more** than 7 consecutive
36 24-hour periods to be served within 6 months of the conviction, shall be fined not more than \$1,000,
37 and shall have his or her license or privilege revoked for an additional year. ~~[No portion of the~~

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1 ~~minimum mandatory sentence of imprisonment shall be suspended by the court.] No case brought to~~
2 ~~enforce this paragraph shall be continued for sentencing for longer than 35 days. [No person serving~~
3 ~~the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority~~
4 ~~granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any~~
5 ~~manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum~~
6 ~~mandatory sentence under any authority granted by title LXII or any other provision of law.]~~

7 338 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18,
8 I(c)(3) to read as follows:

9 (3) Sentenced to [~~a mandatory sentence of not less~~] **not more** than 35 consecutive
10 days in the county correctional facility, of which 21 shall be suspended. The court shall refer the
11 person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the
12 suspension shall be that upon release from serving the 14 days in the county correctional facility, the
13 person shall schedule a substance use disorder evaluation within 30 days of release, complete the
14 required substance use disorder evaluation within 60 days of release, and comply with the service
15 plan developed. The IDCMP shall administer the substance use disorder evaluation and shall
16 develop the service plan from that substance use disorder evaluation. Any portion of the suspended
17 sentence to the county correctional facility may be imposed if the defendant does not comply with all
18 of the requirements of this subparagraph or becomes noncompliant with the service plan during the
19 suspension period;

20 339 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18,
21 IV(a)-(b) to read as follows:

22 (a) For a second offense:

23 (1) The person shall be guilty of a class A misdemeanor;

24 (2) The person shall be fined not less than \$750;

25 (3)(A) If the complaint alleges that the prior conviction occurred within 2 years
26 preceding the date of the second offense, the person shall be sentenced to [~~a mandatory sentence of~~
27 ~~not less~~] **not more** than 60 consecutive days in the county correctional facility, of which 30 days
28 shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use
29 disorder evaluation. A condition of the suspension shall be that upon release from serving the 30
30 days in the county correctional facility, the person shall schedule a substance use disorder evaluation
31 within 30 days of release, complete the required substance use disorder evaluation within 60 days of
32 release, and comply with the service plan developed. The IDCMP shall administer the substance use
33 disorder evaluation and shall develop the service plan from that substance use disorder evaluation.
34 Any portion of the suspended sentence to the county correctional facility may be imposed if the
35 defendant does not comply with all of the requirements of this subparagraph or becomes
36 noncompliant with the service plan during the suspension period;

37 (B) If the complaint alleges that the prior conviction occurred more than 2 but

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1 not more than 10 years preceding the date of the second offense, the person shall be sentenced to [~~a~~
2 ~~mandatory sentence of not less~~] **not more** than 17 consecutive days in the county correctional
3 facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to
4 schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon
5 release from serving the 5 days in the county correctional facility, the person shall schedule a
6 substance use disorder evaluation within 30 days of release, complete the required substance use
7 disorder evaluation within 60 days of release, and comply with the service plan developed. The
8 IDCMP shall administer the substance use disorder evaluation and shall develop the service plan
9 from that substance use disorder evaluation. Any portion of the suspended sentence to the county
10 correctional facility may be imposed if the defendant does not comply with all of the requirements of
11 this subparagraph or becomes noncompliant with the service plan during the suspension period; and

12 (4) The person's driver's license or privilege to drive shall be revoked for not less
13 than 3 years. The person's driver's license or privilege to drive shall not be restored by the
14 department until the person shall have completed the service plan developed by the IDCMP, and
15 paid all relevant fees.

16 (b) For a third offense, any person convicted under this paragraph shall be subject to all
17 the penalties of subparagraph (a) except that:

18 (1) The person's driver's license or privilege to drive shall be revoked indefinitely and
19 shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the
20 person may petition the court for eligibility to reapply for a driver's license and the court, for good
21 cause shown, may grant such eligibility subject to such terms and conditions as the court may
22 prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If
23 such petition is granted and the person is otherwise eligible for license restoration, the person may
24 then apply to the director for restoration of driver's license, but the license shall not be restored until
25 all requirements under law are met. The person's driver's license or privilege to drive shall not be
26 restored by the department until the person shall have completed the service plan developed by the
27 IDCMP, and paid all relevant fees.

28 (2) The person shall be sentenced to [~~a mandatory sentence of not less~~] **not more**
29 than 180 consecutive days of which 150 shall be suspended. The court shall refer the person to an
30 IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be
31 that upon release from serving the 30 days in the county correctional facility, the person shall
32 schedule a substance use disorder evaluation within 30 days of release, complete the required
33 substance use disorder evaluation within 60 days of release, and comply with the service plan
34 developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the
35 service plan from that substance use disorder evaluation. Any portion of the suspended sentence to
36 the county correctional facility may be imposed if the defendant does not comply with all of the
37 requirements of this subparagraph or becomes noncompliant with the service plan during the

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1 suspension period. The remainder of the sentence may be deferred for a period of up to 2 years. The
2 court may, at the satisfactory completion of any required treatment, suspend any remaining deferred
3 sentence.

4 340 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, VII
5 to read as follows:

6 VII. ~~[No portion of the minimum mandatory sentence of imprisonment and no portion of the~~
7 ~~mandatory sentence of the period of revocation and no portion of any fine imposed under this section~~
8 ~~shall be suspended or reduced by the court.]~~ No case brought to enforce this section shall be
9 continued for sentencing for longer than 35 days. ~~[No person serving the minimum mandatory~~
10 ~~sentence under this section shall be discharged pursuant to authority granted under RSA 651:18,~~
11 ~~released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in~~
12 ~~RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any~~
13 ~~authority granted by RSA title LXII or any other provision of law.]~~

14 341 Controlled Drug Act; Penalties. Amend RSA 318-B:26, V-VI to read as follows:

15 V. Any person who violates this chapter by manufacturing, selling, prescribing,
16 administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled
17 drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private
18 elementary, secondary, or secondary vocational-technical school, may be sentenced to a term of
19 imprisonment or fine, or both, up to twice that otherwise authorized by this section. ~~[Except to the~~
20 ~~extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under~~
21 ~~this paragraph shall include a mandatory minimum term of imprisonment of not less than one year.~~
22 ~~Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph~~
23 ~~shall be suspended or reduced.]~~

24 VI. Except as otherwise provided in this paragraph, a person convicted under RSA 318-B:2,
25 XII as a drug enterprise leader ~~[shall be sentenced to a mandatory minimum term of not less than 25~~
26 ~~years and]~~ may be sentenced to a maximum term of not more than life imprisonment. The court may
27 also impose a fine not to exceed \$500,000 or 5 times the street value of the controlled drug or
28 controlled drug analog involved, whichever is greater. ~~[Upon conviction, the court shall impose the~~
29 ~~mandatory sentence unless the defendant has pleaded guilty pursuant to a negotiated agreement or,~~
30 ~~in cases resulting in trial, the defendant and the state have entered into a post conviction agreement~~
31 ~~which provides for a lesser sentence. The negotiated plea or post conviction agreement may provide~~
32 ~~for a specified term of imprisonment within the range of ordinary or extended sentences authorized~~
33 ~~by law, a specified fine, or other disposition. In that event, the court at sentencing shall not impose a~~
34 ~~lesser term of imprisonment or fine than that expressly provided for under the terms of the plea or~~
35 ~~post conviction agreement.]~~

36 342 Methamphetamine-Related Offenses; Manufacture of Methamphetamine. Amend RSA 318-
37 D:2, II to read as follows:

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1 II. Notwithstanding the provisions of RSA 318-B:26, I, a person convicted under this section
2 may be sentenced to imprisonment for not more than 30 years, a fine of not more than \$500,000, or
3 both. A person convicted under this section who has one or more prior offenses as defined in
4 RSA 318-B:27, [~~shall~~] **may** be sentenced **up** to [~~imprisonment for not less than 5 years and not more~~
5 ~~than~~] life imprisonment, **and** a fine of not more than \$500,000, or both.

6 343 Discretionary Sentences; Release for Purpose of Gainful Employment, Rehabilitation, or
7 Home Confinement. Amend RSA 651:19, I to read as follows:

8 I.(a) A sentencing court may recommend at the time of sentencing, or the superintendent of
9 the county correctional facility may, at any time during the sentence, allow any person who has been
10 committed to a correctional institution other than state prison under a criminal sentence to be
11 released therefrom for the purpose of obtaining and working at gainful employment, for the
12 performance of uncompensated public service as provided in RSA 651:68-70, under the terms of a
13 day reporting program, provided the correctional facility has a day reporting program, or to serve the
14 sentence under home confinement, provided the correctional facility has a home confinement
15 program.

16 (b) *A sentencing court shall include the use of home confinement in the*
17 *sentencing orders for any person convicted of a nonviolent offense with no minimum*
18 *sentence, subject to the provisions of paragraphs II-IV. In this subparagraph, "nonviolent*
19 *offense" shall have the same meaning as in RSA 651-A:2, VI.*

20 344 Reference Change. Amend RSA 176:16, IV to read as follows:

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

26 345 Transfer of funds; Liquor Commission. RSA 176:16, V is repealed and reenacted to read as
27 follows:

28 V. The commissioner is authorized to transfer funds within and among all accounting units
29 within the commission's operating budget and to create accounting units and expenditure classes as
30 required and as the commissioner deems necessary and appropriate to address present or projected
31 budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as
32 necessary for the efficient management of the department. Any transfer of \$75,000 or more shall
33 require prior approval of the fiscal committee of the general court and governor and council. The
34 provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

35 346 Site Evaluation Committee Fund. Amend RSA 162-H:21, II to read as follows:

36 II. The site evaluation committee fund shall be funded upon request of the committee by a
37 one-time grant, not to exceed \$500,000, which may be received in installments, from the renewable

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1 energy fund established in RSA 362-F:10. The initial transfer to the fund shall occur following
2 approval by the fiscal committee of the general court of a proposed budget plan for fiscal year 2015
3 as provided in paragraph III. Any subsequent transfer requests of the one-time grant from the
4 renewable energy fund shall require prior approval of the fiscal committee. *Any unused portions*
5 *of the \$500,000 shall not lapse and may be budgeted and expended by the site evaluation*
6 *committee for the biennium ending June 30, 2017.*

7 347 New Section; Employee Health Insurance. Amend RSA 21-I by inserting after section 26
8 the following new section:

9 21-I:26-a Excise Tax; Patient Protection and Affordable Care Act. The state, or any political
10 subdivision of the state, shall not provide any health insurance plan to its employees subject to the
11 excise tax on high cost employer-sponsored health coverage under the Patient Protection and
12 Affordable Care act of 2009, Public Law 111-148, as amended, unless the expenses associated with
13 such tax is borne by the plan participants. The expenses arising from the excise tax shall not be
14 transferred to the public.

15 348 Applicability. Section 347 of this act shall not apply to any health insurance plan in effect
16 on the effective date of this act.

17 349 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium
18 ending June 30, 2017, any state agency or department is authorized, with the prior written approval
19 of the department of administrative services, to enter into agreements to rent, lease, or lease-
20 purchase vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment
21 from any other state agency or department. Any lease-purchase agreements entered into under this
22 provision are exempt from approval by governor, with the advice of council, under RSA 4:15.

23 350 Fees Increased. Amend RSA 261:141, III(cc) to read as follows:

24 (cc) For each vanity number plate set—~~[\$40]~~ **\$43**.

25 351 Allocation of Unrestricted Highway Fund Appropriations. RSA 9:9-b is repealed and
26 reenacted to read as follows:

27 9:9-b Allocation of Unrestricted Highway Fund Appropriations. In each biennium, highway
28 fund appropriations, including costs of collections of the department of safety, shall be subject to the
29 following limitations:

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

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

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

36 352 Highway Fund; Construction and Reconstruction Aid; Apportionment. Amend RSA 235:23,
37 I to read as follows:

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

11 353 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

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

16 354 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

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

27 355 Lottery Commission; Authority to Purchase Real Property Granted. The lottery
28 commission, in consultation with the department of administrative services, is hereby authorized to
29 purchase, in the name of the state, land and buildings to serve as the lottery commission's
30 headquarters. Such purchase shall be completed during the biennium ending June 30, 2017 and
31 shall require approval of the fiscal committee of the general court and the governor and council.

32 356 Repeal. RSA 284:21-u, relative to the prohibition on future employment of certain
33 employees of the lottery commission, is repealed.

34 357 Lottery Commission; Executive Director. Amend RSA 284:21-b to read as follows:

35 284:21-b Organization.

36 **I.** The commissioners shall select one from their number to be chairperson and another to be
37 secretary of the commission. Two of the members of the commission shall constitute a quorum to do

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1 business. It shall be the duty of the secretary to keep a record of all proceedings of the commission
2 and to preserve all books, documents, papers and records addressed to
3 its care.

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

10 358 New Paragraph; Building Code Review Board; Travel Reimbursement. Amend RSA 155-
11 A:10 by inserting after paragraph VI the following new paragraph:

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

15 359 Department of Safety; Transfer Among Accounts. Notwithstanding any provision of law to
16 the contrary, except RSA 9:17-c and RSA 99:4, for the biennium ending June 30, 2017, the
17 commissioner of the department of safety is hereby authorized to transfer funds between and among
18 all class lines and accounting units within the department as the commissioner deems necessary and
19 appropriate to address present or projected budget deficits, or to respond to changes in federal law,
20 regulations, or programs, and otherwise as necessary for the efficient management of the
21 department; provided that any transfer over \$75,000 shall require prior approval of the fiscal
22 committee of the general court.

23 360 Health and Human Services; Nursing Home Appropriations. Amend 2013, 143:1,
24 accounting unit 05-95-48-481510-5942 by replacing the organizational notes immediately following
25 such accounting unit with the following:

26 ORGANIZATION NOTES

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

34 361 Health and Human Services; Nursing Home Appropriations. Pursuant to the organization
35 note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 1 of this
36 act, for any balance that remained at the end of fiscal year 2014, the department of health and
37 human services shall pay the entire amount immediately upon passage of this act in a special rate

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1 adjustment. Upon payment of a special rate adjustment made pursuant to this act, the department
2 shall report the total amount of surplus, by source of funds, the total amount paid, and the date
3 payment was made to the fiscal committee of the general court.

4 362 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
5 commissioner of the department of health and human services shall submit a Title XIX Medicaid
6 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
7 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2017.

8 363 Certificate of Need; Repeal. Upon repeal of the certificate of need law on June 30, 2016,
9 pursuant to 2013, 144:84, the unexpended balance of any fees collected pursuant to 151-C:15 shall be
10 distributed on a prorated basis to the facilities that have paid an annual administrative fee.

11 364 New Paragraph; Health Facility Licensure; License or Registration Required. Amend RSA
12 151:2 by inserting after paragraph V the following new paragraph:

13 VI. No license shall be granted for any new bed in a nursing home, skilled nursing facility,
14 intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities
15 offering comprehensive rehabilitation services. However, a license shall be issued for replacement or
16 renovation of existing beds as necessary to meet life safety code requirements or to remedy
17 deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification
18 process pursuant to Titles XVIII and XIX of the Social Security Act. In addition, a license may be
19 issued for construction or renovation as necessary to repair or refurbish an existing facility, or to
20 accommodate additional beds obtained by transfer to an existing facility.

21 365 Contingency. The provisions of section 364 of this act shall only take effect upon the repeal
22 of RSA 151-C pursuant to 2013, 144:84.

23 366 Health and Human Services; Bureau of Developmental Services; Allocation of
24 Appropriation. The department may, consistent with any applicable federal waiver and regulations,
25 allocate the total appropriation for waiver and non-waiver services made to the bureau of
26 developmental services for fiscal years 2016 and 2017 in a manner the department determines to be
27 the most efficient and effective in serving the eligible population that receives such services and
28 consistent with the goal of maximizing the eligible person's potential for self-sufficiency,
29 independence, and achievement of life goals.

30 367 Department of Health and Human Services, Sununu Youth Services Center; Reduction in
31 Appropriation. The department of health and human services is hereby directed to reduce state
32 general fund appropriations to the Sununu Youth Services Center by \$3,443,721 for the fiscal year
33 ending June 30, 2016 and by \$3,496,746 for the fiscal year ending June 30, 2017. The department
34 shall operate the Sununu Youth Services Center within the allotted budget, or may enter into
35 contracts for operation of the Sununu Youth Services Center, including establishing necessary class
36 lines, as long as total operating costs do not exceed \$9,800,000 for the fiscal year ending June 30,
37 2016, and \$10,100,000 for the fiscal year ending June 30, 2017.

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1 368 Effective Date for Repeals Amended. Amend 2014, 3:13, I to read as follows:

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

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

4 369 Reference to HIPP Program Deleted. Amend RSA 126-A:5, XXIV(a) to read as follows:

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

17 370 Reference to HIPP Program Deleted. Amend RSA 126-A:5, XXV(a) to read as follows:

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

33 371 Health and Human Services. Care Management Program. Determination of Provider Rates
34 for Step I and Step II Care Management Services. For the fiscal years 2016 and 2017, the rates paid
35 to providers for home and community-based services under the choices for independence program
36 that are to be incorporated into the department's care management program beginning on
37 January 1, 2016 and the rates paid to providers of nursing services that are to be incorporated into

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1 the care management program on July 1, 2016 shall not be established by the department by
2 contract with the managed care organizations or otherwise dictated by the department. The rates
3 paid to providers for home and community-based services, nursing services, all other acute care
4 medical services provided under Step I of the care management program, and any additional waiver
5 services incorporated into the care management program for any portion of the fiscal years 2016 and
6 2017 shall be determined through negotiation between the managed care organizations and the
7 providers of such services within the capitated payment for managed care services as approved by
8 the governor and council and the Centers for Medicare and Medicaid Services.

9 372 Health and Human Services; Generic Drugs Authorization. Amend RSA 126-A:3, V to read
10 as follows:

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

20 373 Department of Corrections; Generic Drugs Authorization. Amend RSA 623-C:2, III to read
21 as follows:

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

32 374 New Subparagraph; Medicaid Managed Care Program; Commissioner's Duties. Amend
33 RSA 126-A:5, XIX by inserting after subparagraph (d) the following new subparagraph:

34 (e) The commissioner shall seek all necessary federal approvals, including, but not
35 limited to, Medicaid state plan amendments and Medicaid care management contract approval, to
36 allow the Medicaid managed care organizations to use their own drug formulary in providing
37 pharmacy benefits and contracting with pharmacy providers.

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1 375 Quality Assessment Expenditures; State Expenditures for Long-Term Care Services. For
2 the biennium ending June 30, 2017, notwithstanding the provisions of RSA 151-E:14 and RSA 151-
3 E:15-a, 25 percent of the receipts from the nursing facility quality assessment under RSA 84-C:3 and
4 the ICF quality assessment under RSA 84-D:3 shall be deposited as restricted revenue in accounts of
5 the department of health and human services and shall be used in support of long-term care services
6 and not for any other purpose.

7 376 Department of Health and Human Services; New Hampshire Hospital 10-Bed Psychiatric
8 Crisis Unit. Amend 2014; 315:2 to read as follows:

9 315:2 Department of Health and Human Services; New Hampshire Hospital 10-Bed
10 Psychiatric Crisis Unit. The department shall open the 10-bed psychiatric crisis unit established by
11 2013, 195:1, VII, H no ~~later than July 1, 2015. The department shall use existing appropriations to~~
12 ~~support any necessary operating costs for the fiscal year ending June 30, 2015]~~ **sooner than July 1,**
13 **2016.**

14 377 Department of Health and Human Services; Consolidation of District Offices. For the
15 biennium ending June 30, 2017, the commissioner of the department of health and human services
16 shall consolidate department of health and human services district offices to achieve a reduction of
17 \$1,000,000 in general fund appropriations for the fiscal year ending June 30, 2016, and \$1,000,000
18 for the fiscal year ending June 30, 2017. The commissioner shall provide regular notice of these
19 consolidation efforts to the fiscal committee of the general court.

20 378 Reference Deleted; Photography Equipment and Supplies. Amend RSA 5:6-d, III to read as
21 follows:

22 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
23 this paragraph, expend monies in the election fund received from any party for the purposes of
24 conducting elections, voter and election official education, the purchase or lease of equipment that
25 complies with the Help America Vote Act of 2002, Public Law 107-252, ~~[or with RSA 659:13, V,]~~
26 reimbursing the department of safety for the actual cost of voter identification cards, election law
27 enforcement, and improvements to related information technology, including acquisition and
28 operation of an automated election management system. The secretary of state shall not expend any
29 monies in the election fund unless the balance in the fund following such expenditures shall be at
30 least 12 times the estimated annual cost of maintaining the programs established to comply with the
31 Help America Vote Act of 2002, Public Law 107-252.

32 379 Repeal. RSA 659:13, V(a), relative to photography equipment and supplies provided by
33 secretary of state, is repealed.

34 380 Effective Date.

35 I. Sections 285-286, 306-307, 360-362, and 371 of this act shall take effect upon its passage.

36 II. Sections 287-292, 294-299, and 347-348 of this act shall take effect 60 days after its
37 passage.

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- 1 III. Sections 283 and 308 of this act shall take effect June 30, 2015.
- 2 IV. Section 305 and 378-379 of this act shall take effect September 1, 2015 at 12:03 a.m.
- 3 V. Sections 227-228, 253, 312, and 354 of this act shall take effect July 1, 2016.
- 4 VI. Section 334 of this act shall take effect January 1, 2016.
- 5 VII. The remainder of this act shall take effect July 1, 2015
- 6

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2015-1117h

AMENDED ANALYSIS

This bill:

1. Authorizes the department of administrative services to consolidate state agency human resources, payroll, and business processing functions.
2. Permits the department of administrative services to transfer funds among accounting units and class codes within the department.
3. Establishes a hiring preference for laid off classified employees.
4. Clarifies that information in a state employee's health risk appraisal is protected health information.
5. Provides for application of the state employees health plan to unrepresented active state employees.
6. Permits executive councilors to participate at their own expense in the state group health and dental insurance arrangement during their tenure in office.
7. Revises components of the state energy performance contracting program.
8. Requires retired employees to provide proof of enrollment in Medicare Parts A and B to remain eligible to participate in the state retiree benefit plan and the judicial retirement plan, and allows the commissioner of administrative services to determine the premium contribution percentages for retirees.
9. Authorizes the lottery commission to establish an employee recognition and incentive program.
10. Requires the liquor commission to reimburse the state for certain legal services provided by the department of justice.
11. Permits the department of justice, bureau of civil law to hire an attorney to review contracts.
12. Clarifies the procedures for the transfer of attorneys from other state agencies to the department of justice.
13. Clarifies disclosure of records in accordance with the Nonparticipating Manufacturer Adjustment Settlement Agreement.
14. Limits the number of judicial appointments for the biennium ending June 30, 2017.
15. Authorizes the judicial branch to transfer funds within accounting units.
16. Requires the community college system to remit retiree health care payments to the state.
17. Establishes the authority of the fish and game department to set the fees under RSA 541-A for licenses and permit issued by the department.
18. Establishes the fish and game department environmental review fee.
19. Modifies revenue for the forest management and protection fund.

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20. Eliminates the continual appropriation of the state-owned ski area account to the commissioner of the department of resources and economic development and eliminates the requirement for prior approval by the governor and council and the fiscal committee of the general court of expenditures from the state park account.

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

22. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the Cannon Mountain capital improvement fund until June 30, 2017.

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

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

25. Authorizes the commissioner of the department of environmental services to adopt rules establishing fees to cover the cost of the salt applicator certification program and requires all fees collected to be deposited in the general fund.

26. Modifies veterans' home reporting requirements.

27. Requires the department of information technology to establish statewide standards for information technology, networks, and cyber security.

28. Clarifies the department of information technology's purchasing policy for state agencies.

29. Appropriates sums received from the federal government by the department of transportation for reimbursement for costs of emergency response to the department.

30. Continues an appropriation in 2011, 223:1 regarding emergency management for the biennium ending June 30, 2017.

31. Abolishes a position to allow for the transition to an unclassified position within the department of safety for a second assistant commissioner.

32. Establishes the office of substance use disorder and behavioral health within the governor's office.

33. Authorizes state agency heads to accept credit cards or debit cards for payment of taxes, penalties, interest, or fees.

34. Requires fees for pesticide product registration to be adopted by administrative rule and increases the percentage of such fees to be deposited into the integrated pest management fund.

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

36. Repeals 1899, 42 which requires an annual fee to be paid to the University of New Hampshire

37. Deposits the administrative and enforcement fee for original notices of intent to excavate into the general fund.

38. Establishes a temporary tax amnesty program for taxes administered and collected by the department of revenue administration.

39. Transfers certain duties and responsibilities of the office of energy and planning.

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40. Permits the executive director of the fish and game department to monitor conservation easements.
41. Transfers duties regarding data on population figures for purposes of the tax on meals and rooms from the office of energy and planning to the department of employment security.
42. Repeals the comprehensive state development plan.
43. Deletes a requirement to file certain planning and zoning documents with the office of energy and planning.
44. Removes the director of the office of energy and planning from the membership on the wetlands council and the water council.
45. Removes the director of the office of energy and planning from membership on the rivers management advisory committee and the lakes management advisory committee.
46. Transfers the land conservation investment program to the fish and game commission.
47. Transfers all functions of the state data center to the department of employment security.
48. Requires the commissioner of the department of employment security to gather and maintain certain demographic statistics for statewide planning purposes.
49. Establishes the office of professional licensure and certification and consolidates the duties and authority of the joint board for licensure and certification, the office of professional licensing in the department of health and human services, and the executive director of the real estate commission, and incorporates the administrative, clerical, and business processing functions of various boards, commissions, and councils into the office of professional licensure and certification under an unclassified executive director.
50. Provides for a consolidated reporting process for departments and divisions of departments.
51. Establishes the position of assistant state veterinarian within the department of agriculture, markets, and food.
52. Requires the pesticide control board to adopt rules relative to late fees for registration certificates for the commercial application of pesticides and pesticide product registration.
53. Requires the commissioner of the department of agriculture, markets, and food to adopt rules relative to the imposition of late fees.
54. Permits all agencies to provide documents by electronic mail in lieu of mail.
55. Permits agencies to use funds in class 60 budgets to pay penalties imposed under the employer shared responsibility for health coverage under the Internal Revenue Code.
56. Requires the commissioner of the department of administrative services to offer for sale the former Laconia state school land and buildings and the former Laconia state school and training center land and buildings.
57. Permits the transfer of the appropriation for the administration of the client assistance program that is received by the governor's commission on disability for fiscal years 2016 and 2017 to another qualified agency.

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58. Repeals the limitation of guarantee of construction bonds for sewage disposal facilities.
59. Permits certain cash payments made by municipalities toward eligible costs resulting from the acquisition and construction of sewage disposal facilities to also be eligible for state contributions.
60. Places a moratorium on new infrastructure projects that would have been eligible for state aid grants under RSA 486, RSA 486-A, and RSA 149-M.
61. Establishes the office of chief operating officer and a government innovation fund within the department of administrative services.
62. Consolidates the racing and charitable gaming commission and the lottery commission, transferring authority over racing and charitable gaming to the lottery commission.
63. Suspends the payment of liquor revenues to the alcohol abuse prevention and treatment.
64. Determines the formula for education grants to municipalities.
65. Suspends school building aid for the biennium.
66. Funds the distribution of revenue from the meals and rooms tax to cities and towns at no more than the fiscal year 2015 distribution.
67. Allows the commissioner of the department of health and human services to transfer funds within accounting units of the department.
68. Requires that for the biennium ending June 30, 2017, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.
69. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law.
70. Suspends He-W533 relative to home health rate setting.
71. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.
72. Suspends congregate housing and congregate services.
73. Clarifies the rate of reimbursement for services and programs for a Medicaid-eligible child.
74. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2017.
75. Requires the commissioner of the department of health and human services to reinstate Medicaid coverage and open enrollment for children and pregnant women if the New Hampshire health protection program is repealed effective December 31, 2016 or earlier.
76. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2017.
77. Modifies the definition of "assessable" lives for the purpose of the vaccine association.

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78. Establishes a homeland security and emergency management assessment fund.
79. Establishes an emergency management fund for the purpose of funding an interagency transfer from the insurance department to the division of homeland security and emergency management within the department of safety.
80. Revises the reporting requirements for travel and tourism revolving fund and the travel and tourism development fund in the department of resources and economic development.
81. Clarifies that penalty assessments are to be an amount additional to the fines or penalties on which the penalty assessments are levied.
82. Makes the state highway safety agency a unit of the department of safety.
83. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2017.
84. Repeals an appropriation for state matching funds for disaster assistance grants.
85. Requires the housing finance authority to prioritize housing for veterans.
86. Makes a reduction in the state self-insured health plan reserve.
87. Transfers funds between department of safety restricted funds.
88. Codifies the salaries of certain unclassified positions.
89. Amends the title of a position in the department of administrative services.
90. Amends 2013, 205 to repeal references to the financial examinations supervisor position in the insurance department.
91. Clarifies state agency communications with the office of the legislative budget assistant.
92. Limits the use of procurement cards for purchase of commodities or services by the department of administrative services.
93. Prohibits enrollment in the retiree medical and surgical benefits plan by retired or active employees enrolled in another employee benefit plan sponsored by the state.
94. Addresses the authority of the department of state to administer state elections laws.
95. Eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.
96. Authorizes the commissioner of revenue administration to contract with the Multistate Tax Commission to participate in audits.
97. Makes an appropriation to the department of revenue administration for the purpose of reimbursing towns for the Massachusetts share of the Merrimack River flood control compact and the Connecticut River flood control compact for state fiscal year 2013.
98. Requires the department of revenue administration to pay cities and towns affected by the Merrimack River Valley and Connecticut River Valley flood control compacts the New Hampshire share of payments owed and to distribute to such towns money received from Massachusetts and Connecticut under the compacts.

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99. Suspends the credit of meals and rooms tax revenue to the division of travel and tourism.
100. Provides that for the 2017 fiscal year, the state shall reimburse a sheriff providing court security at the same rate applicable to per diem court security officers.
101. Directs half of certain fees collected by the courts to the general fund.
102. Makes changes in criminal procedure laws to require felonies to be filed first in the superior court.
103. Eliminates mandatory minimum sentences for certain criminal, motor vehicle, and drug offenses.
104. Requires a sentencing court to include the use of home confinement in the sentencing orders for any nonviolent offender with no minimum sentence.
105. Corrects a reference and requires approval of the fiscal committee of the general court and governor and council for any departmental transfer of \$75,000 or more.
106. Permits the site evaluation committee to expend unused portions of a one-time grant from the renewable energy fund for the biennium ending June 30, 2017.
107. Declares that the state, or any political subdivision of the state, shall not offer its employees any health care plan subject to the excise tax under the Patient Protection and Affordable Care Act unless the extra expense arising from such tax is borne by the plan participants.
108. Authorizes department's to enter agreements to lease-purchase vehicles and equipment.
109. Increases fees for vanity number plates.
110. Clarifies the allocation of unrestricted highway fund appropriations.
111. Adjusts the additional grants for chartered public school pupils based on the Consumer Price Index and adds \$1,000 per pupil to the grant beginning July 1, 2016 for chartered public schools other than the Virtual Learning Academy Charter School.
112. Authorizes the lottery commission to purchase land and buildings to serve as its headquarters.
113. Repeals the prohibition on future employment of certain employees of the lottery commission
114. Allows the lottery commission to appoint an executive director for a term of 4 years.
115. Allows members of the building code review board to receive reimbursement for travel to and from board meetings.
116. Allows the commissioner of the department of safety to transfer funds within accounting units of the department.
117. Clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.
118. Suspends catastrophic aid payments to hospitals for the biennium ending June 30, 2017.

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119. Requires that upon the repeal of the certificate of need law on June 30, 2016, the unexpended balance of any fees collected pursuant to 151-C:15 shall be distributed on a prorated basis to the facilities that have paid an annual administrative fee.

120. Prohibits licenses to be granted for certain new health care facilities under RSA 151, provided that licenses may be issued for replacement or renovation of existing beds to meet life safety code requirements or for construction or renovation as necessary to repair or refurbish an existing facility.

121. Authorizes the department of health and human services to allocate appropriations for the 2016 and 2017 fiscal years in the manner most effective for serving the persons receiving developmental services.

122. Reduces the appropriation to the Sununu Youth Services Center.

123. Repeals the health insurance premium payment (HIPP) program on July 1, 2015.

124. Clarifies the procedure to determine rate payments for providers of home and community-based services and nursing services under the care management program, department of health and human services.

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

126. Requires the commissioner of health and human services to seek federal approval to allow the Medicaid managed care organizations to use their own drug formulary in providing pharmacy benefits and contracting with pharmacy providers.

127. Establishes that for the biennium ending June 30, 2017, 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.

128. Provides that the 10-bed psychiatric unit at the New Hampshire Hospital shall open no sooner than July 1, 2016.

129. Requires that the commissioner of the department of health and human services consolidate department of health and human services district offices to achieve reductions in general fund appropriations for the 2016 and 2017 fiscal years.

130. Eliminates the requirement that the secretary of state provide to each city and town the photography and printing supplies necessary for voters without identification.