

**HB 2-FN-A-LOCAL - VERSION ADOPTED BY BOTH BODIES**

1Apr2015... 1163h  
1Apr2015... 1224h  
1Apr2015... 1162h  
1Apr2015... 1196h  
06/04/2015 1986s  
06/04/2015 2005s  
06/04/2015 2076s  
24June2015... 2318CofC  
24June2015... 2332EBA

2015 SESSION

15-1032  
09/01

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

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

SPONSORS:                Rep. Kurk, Hills 2

COMMITTEE:               Finance

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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.

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

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and authority of the joint board for licensure and certification, the office of professional licensing in the department of health and human services, and the executive director of the real estate commission, and incorporates the administrative, clerical, and business processing functions of various boards, commissions, and councils into the office of professional licensure and certification under an unclassified executive director.

34. Establishes the position of assistant state veterinarian within the department of agriculture, markets, and food.

35. Permits all agencies to provide documents by electronic mail in lieu of mail.

36. Permits agencies to use funds in class 60 budgets to pay penalties imposed under the employer shared responsibility for health coverage under the Internal Revenue Code.

37. Requires the commissioner of the department of administrative services to offer for sale the former Laconia state school land and buildings and the former Laconia state school and training center land and buildings.

38. Permits the transfer of the appropriation for the administration of the client assistance program that is received by the governor's commission on disability for fiscal years 2016 and 2017 to another qualified agency.

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

40. Permits certain cash payments made by municipalities toward eligible costs resulting from the acquisition and construction of sewage disposal facilities to also be eligible for state contributions.

41. Places a moratorium on new infrastructure projects that would have been eligible for state aid grants under RSA 486, RSA 486-A, and RSA 149-M.

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

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

44. Determines the formula for education grants to municipalities.

45. Suspends school building aid for the biennium.

46. Funds the distribution of revenue from the meals and rooms tax to cities and towns at no more than the fiscal year 2015 distribution for fiscal year 2016.

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

48. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law.

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

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

51. Suspends congregate housing and congregate services.

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52. Clarifies the rate of reimbursement for services and programs for a Medicaid-eligible child.
53. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2017.
54. Requires the commissioner of the department of health and human services to reinstate Medicaid coverage and open enrollment for children and pregnant women if the New Hampshire health protection program is repealed effective December 31, 2016 or earlier.
55. Clarifies the eligibility level for Medicaid coverage regarding resources for a family size equal to the size of the family including a woman, infant, or child.
56. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2017.
57. Modifies the definition of “assessable lives” for the purpose of the vaccine association.
58. Clarifies that penalty assessments are to be an amount additional to the fines or penalties on which the penalty assessments are levied.
59. Makes the state highway safety agency a unit of the department of safety.
60. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2017.
61. Repeals an appropriation for state matching funds for disaster assistance grants.
62. Makes a reduction in the state self-insured health plan reserve.
63. Increases the transfer from the driver training fund to the department of safety for the fiscal year ending June 30, 2015.
64. Codifies the salaries of certain unclassified positions and clarifies treatment of sick leave, longevity pay, and annual pay of certain classified employees transferred to unclassified positions.
65. Amends the title of a position in the department of administrative services.
66. Amends 2013, 205 to repeal references to the financial examinations supervisor position in the insurance department.
67. Clarifies state agency communications with the office of the legislative budget assistant.
68. Prohibits enrollment in the retiree medical and surgical benefits plan by retired or active employees enrolled in another employee benefit plan sponsored by the state.
69. Eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.
70. Authorizes the commissioner of revenue administration to contract with the Multistate Tax Commission to participate in audits.
71. Makes an appropriation to the department of revenue administration for the purpose of reimbursing towns for the Massachusetts share of the Merrimack River flood control compact and the Connecticut River flood control compact for state fiscal year 2013.
72. Provides that for the 2017 fiscal year, the state shall reimburse a sheriff providing court

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security at the same rate applicable to per diem court security officers.

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

74. Declares that the state shall not offer state employees any health care plan subject to the excise tax under the Patient Protection and Affordable Care Act.

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

76. Clarifies the allocation of unrestricted highway fund appropriations.

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

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

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

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

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

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

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

84. Requires that upon the repeal of the certificate of need law on June 30, 2016, the unexpended balance of any fees collected pursuant to RSA 151-C:15 shall be deposited in the general fund.

85. Permits beds in nursing homes, skilled nursing facilities, intermediate care facilities, or rehabilitation facilities to be licensed, replaced, transferred, or relocated to the extent such action would have been permitted under laws in effect on June 30, 2015.

86. Reduces the appropriation to the Sununu Youth Services Center and requires the department of health and human services to develop and implement a cost savings plan for the center.

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

88. Requires the commissioner of health and human services to seek federal approval to allow the Medicaid managed care organizations to use their own drug formulary in providing pharmacy benefits and contracting with pharmacy providers.

89. Changes expenditures of road toll revenues.

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

91. Transfers funds collected for educational credentialing to the education trust fund.

92. Requires the legislative branch to transfer certain moneys to the general fund.

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93. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.
94. Transfers certain funds from the consumer protection escrow account within the department of justice to the general fund.
95. Requires that funds received by the attorney general from consumer protection judgments and settlements be deposited in a consumer protection escrow account.
96. Provides additional authority for the biennium to the liquor commission for purposes of supporting merchant card activity.
97. Establishes the position of unemployment insurance fraud prosecutor in the department of employment security.
98. Authorizes transfers of funds by the department of corrections.
99. Establishes a transitional housing unit maintenance fund in the department of corrections and authorizes the commissioner to make deposits into the fund.
100. Prohibits the public utilities commission from expending funds on implementation of an energy efficiency resource standard for the biennium ending June 30, 2017.
101. Transfers funds from the renewable energy fund to the division of homeland security and emergency management.
102. Appropriates federal funds to northeast multispecies commercial harvesters impacted by the 2012 federal fisheries disaster.
103. Transfers certain general fund revenues to the fish and game department.
104. Allows current statutory fees for fish and game licenses and permits to remain in effect until rules authorized by HB 212 are adopted under RSA 541-A and are effective.
105. Prioritizes the N.H. Route 106 improvements in the 10-year transportation improvement plan.
106. Authorizes the department of education to accept gifts to fund appropriations in accounting unit 06-56-56-562010-7534.
107. Makes an appropriation for an enhanced rate for complex patients served by the Crotched Mountain Foundation.
108. Requires the commissioner of the department of health and human services to submit a state plan amendment to provide substance use disorder services to Title XIX and Title XXI beneficiaries.
109. Raises income eligibility for the Social Services Block Grant program based on the cost of living increase in social security benefits.
110. Authorizes the commissioner of the department of education to transfer funds within and among all accounting units within the department.
111. Reduces the rate of the business profits tax.
112. Reduces the rate of the business enterprise tax.

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113. Increases the research and development tax credit against the business profits tax.
114. Establishes a temporary tax amnesty program for taxes administered and collected by the department of revenue administration.
115. Establishes a voluntary disclosure program for taxes in the department of revenue administration.
116. Limits the uses of highway fund surplus for the biennium ending June 30, 2015.
117. Changes the membership of the university system of New Hampshire board of trustees.
118. Requires approval of the fiscal committee of the general court and governor and council for any departmental transfer of \$75,000 or more.
119. Revises reporting requirements for the closing of state liquor stores.
120. Requires the liquor commission to reduce budgeted appropriations in the event of a shortfall in revenue transferred to the general fund in the prior fiscal year and requires a report of any such reductions.
121. Authorizes the executive director of the office of professional licensure and certification to transfer certain funds to address present or projected budget deficits.
122. Permits the adjutant general to accept and expend certain federal funds without further approval from the fiscal committee of the general court.
123. Extends the New Hampshire health care quality assurance commission until July 1, 2016.
124. Excludes the premium for Medicaid managed care coverage from certain insurer's assessable premiums.
125. Requires the commissioner of the department of education to distribute any unexpended education trust fund appropriations to municipalities subject to the limitation on adequate education grants.
126. Requires the commissioner of the department of education to submit a report to the fiscal committee of the general court on payments to chartered public schools.
127. Repeals the health insurance premium payment (HIPP) program on September 1, 2015.
128. Requires the governor's commission on disability to adopt certain rules regarding waivers.
129. Suspends catastrophic aid payments to hospitals for the biennium ending June 30, 2017.
130. Suspends distribution of meals and rooms tax revenue to the division of travel and tourism development.

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

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15-1032  
09/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

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

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

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

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

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

24            III. The commissioner of administrative services may locate personnel whose positions have



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1 been transferred in such work spaces as the commissioner determines will efficiently effectuate the  
2 consolidation of human resource and payroll functions. Such work spaces may include either space  
3 currently owned or rented by the state, or space which may be rented by the commissioner utilizing  
4 amounts which may be saved by the state as the result of the consolidation of human resources and  
5 payroll functions.

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

9 2 Department of Administrative Services; Consolidation of Business Processing Functions.

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

16 (a) Accounts receivable;

17 (b) Accounts payable;

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

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

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

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

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

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

9           3 Department of Administrative Services; Continuation of Appropriation. Any unspent balance  
10 remaining on the \$250,000 appropriation made by 2011, 224:86 to the department of administrative  
11 services for the biennium ending June 30, 2013, for the purpose of selecting and retaining an  
12 independent business processing consultant to evaluate and make recommendations relative to the  
13 consolidation of business processing functions within state government, shall not lapse until June  
14 30, 2017. The department of administrative services may use this balance to fund such projects,  
15 functions, or activities as the commissioner of administrative services may direct relating to the  
16 efficiency of state government, including, but not limited to, the selection and retention of an  
17 independent business processing consultant and/or other projects, functions, or activities relating to  
18 the consolidation of human resource, payroll, finance, business processing, and accounting functions.

19           4 Department of Administrative Services; Transfer Among Accounts and Classes.  
20 Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the approval  
21 of the fiscal committee of the general court and governor and council, for the biennium ending June  
22 30, 2017, the commissioner of the department of administrative services is hereby authorized to  
23 transfer funds within and among all accounting units and/or class codes within the department, with  
24 the exception of class 60 transfers, and is further authorized to create new class codes within the  
25 department into which funds may be transferred or placed, as the commissioner deems necessary  
26 and appropriate to address present or projected budget deficits, or to respond to changes in federal  
27 laws, regulations, or programs, and otherwise as necessary for the efficient management of the  
28 department; provided if a transfer does not include new class codes, only transfers over \$75,000 shall  
29 require prior approval of the fiscal committee of the general court and the governor and council.

30           5 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

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

35           II. It is the intent of the general court that any classified position which becomes available  
36 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state  
37 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of

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1 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does  
2 not receive a promotion as a result of the rehire.

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

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

12 7 State Employee Health Plan; Application. The cost sharing and plan design for unrepresented  
13 active state employees who participate in the health plans offered by the state shall be the same as  
14 those for individuals covered by the collective bargaining agreement between the state of  
15 New Hampshire and the State Employees' Association of New Hampshire, Inc. The fiscal committee  
16 of the general court may approve changes to the above plan design cost sharing provisions consistent  
17 with RSA 21-I:30, I. The cost sharing and plan designs for represented active state employees who  
18 participate in the health plans offered by the state shall be in accordance with the provisions of the  
19 collective bargaining agreements between the state and the employee organizations representing  
20 those employees.

21 8 New Paragraph; Executive Councilors. Amend RSA 94:1-a by inserting after paragraph IV the  
22 following new paragraph:

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

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

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

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

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1 amounts.

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

7 9 New Paragraph; Department of Administrative Services; State Facility Energy Cost  
8 Reduction; Definition of Renewable Energy Added. Amend RSA 21-I:19-b by inserting after  
9 paragraph VI the following new paragraph:

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

14 10 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-  
15 I:19-d, I to read as follows:

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

24 11 Department of Administrative Services; Energy Performance Contracting. Amend RSA 21-I:  
25 19-d, II(f) to read as follows:

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

32 12 New Paragraph; State Employees Group Insurance; Medical and Surgical Benefits. Amend  
33 RSA 21-I:30 by inserting after paragraph II the following new paragraph:

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

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1           13 Department of Administrative Services; State Employees Group Insurance; Medical and  
2 Surgical Benefits. RSA 21-I:30, III is repealed and reenacted to read as follows:

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

11           14 Department of Administrative Services; State Employees Group Insurance; Medical and  
12 Surgical Benefits. Amend RSA 21-I:30, XIII to read as follows:

13           XIII. The commissioner of administrative services shall invoice and collect from retired state  
14 employees [~~under the age of 65 years~~] ***and/or each applicable spouse who are not Medicare***  
15 ***eligible and*** receiving medical and surgical benefits provided under this section, who do not receive  
16 a retirement allowance as defined in RSA 100-A:1, XXII, [~~the~~] ***a*** premium contribution [~~amounts of~~  
17 ~~12.5 percent~~] ***amount based on a percentage*** of the total monthly premium [~~for each such retiree~~  
18 ~~and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge~~  
19 ~~to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants]~~  
20 ***attributable to the applicable retiree and/or spouse, as determined by the commissioner of***  
21 ***administrative services, with prior approval by the fiscal committee of the general court,***  
22 ***provided the percentage is not lower than 12.5 percent.*** The commissioner of administrative  
23 services is also authorized to invoice and collect from such other participants contribution amounts  
24 as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk  
25 management fund. Failure to remit payment of the contribution amount in full within 30 days of  
26 billing shall be grounds for terminating benefits, effective from the beginning of the billing period.  
27 Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts  
28 within 6 months of the termination date. If a participant fails to remit payment in full for  
29 participation within 30 days of billing, on the 30th day the participant shall be notified by certified  
30 mail, return receipt requested, that he or she shall remit payment to the department within 10  
31 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th  
32 business day after receipt of the letter and that reenrollment shall be dependent upon payment of  
33 any outstanding contribution or other amount within 6 months of the termination date.

34           15 Department of Administrative Services; New Hampshire Retirement System; Medical  
35 Benefits. Amend RSA 100-A:54, III to read as follows:

36           III. The retirement system shall deduct from the monthly retirement allowance of retired  
37 state employees [~~under the age of 65 years~~] ***and/or each applicable spouse who are not***

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

21 16 Department of Administrative Services; Judicial Retirement Plan. Amend RSA 100-C:11-a to  
22 read as follows:

23 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and  
24 **their applicable** spouses ~~[under the age of 65 years]~~ **who are not Medicare eligible and**  
25 receiving medical and surgical benefits shall be responsible for payment of a premium contribution  
26 amount ~~[of 12.5 percent of the]~~ **based on a percentage of the** total monthly premium ~~[for each such~~  
27 ~~retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the~~  
28 ~~charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan~~  
29 ~~participants]~~ **attributable to the applicable retiree and/or spouse, as determined by the**  
30 **commissioner of administrative services, with prior approval by the fiscal committee of the**  
31 **general court, provided the percentage is not lower than 12.5 percent.** The department of  
32 administrative services shall provide information as to the total monthly premium cost for each  
33 participant to the judicial retirement plan for purposes of calculating this deduction. The judicial  
34 retirement plan shall deduct the payment required under this section from the retiree's monthly  
35 retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts  
36 within 14 days along with a statement identifying from whom the deduction was made, and shall be  
37 used to pay for plan retiree and spouse health care expenses and any administrative costs related

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1 thereto.

2 17 New Paragraph; Lottery Commission; Incentive Program. Amend RSA 284:21-h by inserting  
3 after paragraph VI the following new paragraph:

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

10 18 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any  
11 provision of law to the contrary, for the biennium ending June 30, 2017, the liquor commission shall  
12 reimburse the cost for any legal services provided by the department of justice to the commission  
13 that would not normally be included as part of the statewide cost allocation paid by the commission.

14 19 New Paragraph; Department of Justice; Civil Bureau; Contract Attorney. Amend RSA 21-  
15 M:11 by inserting after paragraph II the following new paragraph:

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

22 20 Department of Justice; Agency Attorneys and Attorney Positions. RSA 7:13 is repealed and  
23 reenacted to read as follows:

24 7:13 Transfer of Attorneys From Other Departments.

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

36 II. The attorney general shall be notified whenever an attorney position in an agency  
37 becomes vacant. The attorney general, in consultation with the agency head, shall evaluate whether

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

15 21 Department of Justice; Compliance with Nonparticipating Manufacturer Adjustment  
16 Settlement Agreement. Amend RSA 21-J:14, XII to read as follows:

17 XII. Department records, files, or information obtained by the commissioner or other  
18 department employee under the provisions of RSA 78, RSA 541-C, or RSA 541-D may be disclosed to  
19 the attorney general, or designee, and other federal, state, or local agencies as provided under  
20 RSA 541-D:5, II. ***The attorney general or designee may further disclose such records, files,  
21 or information pursuant to an agreement with an entity designated to serve as a data  
22 clearinghouse in accordance with the terms of the Nonparticipating Manufacturer  
23 Adjustment Settlement Agreement. The Nonparticipating Manufacturer Adjustment  
24 Settlement Agreement means, for purposes of this paragraph, the settlement agreement  
25 between the state of New Hampshire and the participating manufacturers, as primarily set  
26 forth in the term sheet dated November 14, 2012 and approved by the general court in  
27 2013, 6.***

28 22 Judicial Appointments; Number Limited; Vacancies.

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

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

35 23 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and  
36 subject to approval of the fiscal committee of the general court, for the biennium ending June 30,  
37 2017, the supreme court is hereby authorized to transfer funds within and among all accounting



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1 units within the judicial branch as the supreme court deems necessary and appropriate to address  
2 budget reductions or to respond to changes in federal laws, regulations, or programs, and otherwise  
3 as necessary for the efficient management of the judicial branch. If the supreme court intends to  
4 transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d,  
5 prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

6 24 New Paragraph; Community College System; Retiree Health Care Payments. Amend  
7 RSA 188-F:7 by inserting after paragraph IV the following new paragraph:

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

14 25 Forest Management and Protection Fund. Amend RSA 227-G:5, I(b) to read as follows:

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

28 26 State Park Fund. RSA 216-A:3-i, II is repealed and reenacted to read as follows:

29 II. Any funds deposited into the state park account are hereby continually appropriated to  
30 and may be expended by the commissioner of the department of resources and economic development  
31 to cover budgeted appropriations provided the balance in the state park account does not go below  
32 \$1.5 million and any transfer is reported to the governor and council and fiscal committee of the  
33 general court within 60 days.

34 27 Department of Resources and Economic Development; Transfer of Funds Authorized. The  
35 commissioner of the department of resources and economic development may transfer funds between  
36 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-  
37 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike

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1 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2017. The  
2 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court  
3 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers  
4 made under this section.

5 28 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 29 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 and the governor and council.

18 30 New Paragraph; Department of Information Technology; Statewide Standards and Protocols.  
19 Amend RSA 21-R:4 by inserting after paragraph XVII the following new paragraph:

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

24 31 Department of Information Technology; Purchasing Policy. RSA 21-R:8-a is repealed and  
25 reenacted to read as follows:

26 21-R:8-a Purchasing Policy.

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

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

37 III. The department of information technology, in consultation with the information

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1 technology council, shall annually review and set dollar, or other, limits for purchases and contracts  
2 that require approval from the chief information officer before proceeding.

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

5 32 Repeal. RSA 21-I:11, I(a)(9), relative to approval by the chief information officer, is repealed.

6 33 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received  
7 in the fiscal years ending June 30, 2016 or June 30, 2017 from the Federal Emergency Management  
8 Agency or Federal Highway Administration's Emergency Relief Program or any other federal  
9 program providing emergency assistance to the department of transportation to reimburse costs  
10 incurred for emergency response, including but not limited to, equipment rental, snow plowing,  
11 sanding, salting, flood damage response, and personnel overtime during any emergency declared  
12 shall be collected by the appropriate agency and appropriated to the department of transportation.

13 34 Continuation of Appropriation Regarding Emergency Management. The sums appropriated  
14 pursuant to 2011, 223:1 as amended by 2013, 144:118 in accounting unit 02-23-23-236010-2740,  
15 class 244, state match public assistance, shall not lapse until June 30, 2017.

16 35 Department of Safety; Assistant Commissioners.

17 I. Upon the appointment of the second assistant commissioner under RSA 21-P:5, I, position  
18 9U539 shall be abolished to allow for the transition of this unclassified position with its available  
19 appropriations into the unclassified position of assistant commissioner. Funding shall be in  
20 expenditure class 013, within accounting unit 02-23-23-231015-2300. The incumbent in the  
21 abolished unclassified position shall be offered the opportunity to seek the commissioner's  
22 nomination for the unclassified position of assistant commissioner.

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

26 36 Department of Safety; Assistant Commissioners. Amend RSA 21-P:5, I and II, to read as  
27 follows:

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

33 II. ~~[The]~~ **Each** assistant commissioner shall perform such duties as are assigned by the  
34 commissioner. ~~[The assistant commissioner shall assume the duties of the commissioner]~~ In the  
35 event that the commissioner is unable for any reason to perform ~~[such]~~ **his or her** duties, **the**  
36 **assistant commissioner who has served in that capacity longer shall assume the duties of**  
37 **the commissioner, unless otherwise designated by the commissioner.** The assistant

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1 ~~[commissioner]~~ **commissioners** shall be responsible for the operations of the bureau of hearings,  
2 and shall, subject to the supervision of the commissioner, exercise authority as required to ensure  
3 that the divisions and their directors are implementing the organizational goals and managing the  
4 work of the department in an effective manner.

5 37 New Section; Departments; Electronic Credit Card Payments; Authorization to Administer.  
6 Amend RSA 21-G by inserting after section 6 the following new section:

7 21-G:6-a Electronic Credit Card Payments; Authorization to Administer. Notwithstanding any  
8 other provision of law to the contrary, the head of any state agency or department and any  
9 authorized employee or agent of the head, may accept credit cards or debit cards for the online  
10 payment of any of the taxes, penalties, interest, or fees administered by such commissioner or  
11 collected by the department. The amount of any service charge collected shall be disclosed in  
12 advance of the transaction to the individual paying the tax, penalty, or fee and shall be at a  
13 reasonable and customary rate approved in advance by the comptroller.

14 38 Filling Unfunded Positions; Authorization. Notwithstanding other provisions of law to the  
15 contrary, the head of any state agency or department may fill unfunded positions during the  
16 biennium ending June 30, 2017, provided that the total expenditure for such positions shall not  
17 exceed the amount appropriated for personal services.

18 39 Repeal. 1899, 42, relative to the payment of a fee to university system of New Hampshire, is  
19 repealed.

20 40 Department of Revenue Administration; Administration and Enforcement Fee. Amend  
21 RSA 72-B:16 to read as follows:

22 72-B:16 Administration and Enforcement Fee. There shall be an administration and  
23 enforcement fee of \$100 for each original notice of intent to excavate filed with the department. Such  
24 fee shall accompany the original intent to excavate and shall be deposited into ~~[a revolving fund~~  
25 ~~within the department to be used by the department for the administration and enforcement of this~~  
26 ~~chapter and for the education of municipal officials regarding the chapter. It also may be used to~~  
27 ~~educate state personnel responsible for the administration and enforcement of this chapter]~~ **the**  
28 **general fund.**

29 41 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I to read  
30 as follows:

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

32 42 Discrimination Prohibited; Eligibility for Services. Amend 2013, 140:2, V-a to read as  
33 follows:

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

35 43 Transfer to Revenue Stabilization Reserve Account. For the fiscal year ending June 30, 2015,  
36 \$49,000,000 of the surplus, as determined by the official audit performed pursuant to RSA 21-I:8,  
37 II(a), shall remain in the general fund and shall not be transferred to the revenue stabilization

1 reserve account in accordance with RSA 9:13-e.

2 44 Chapter Heading; Joint Board; Office of Professional Licensure and Certification. Amend the  
3 chapter heading of RSA 310-A to read as follows:

4 CHAPTER 310-A

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

6 45 Office of Professional Licensure and Certification. RSA 310-A:1 and 310-A:1-a are repealed  
7 and reenacted to read as follows:

8 310-A:1 Office of Professional Licensure and Certification; Purpose. The purpose of the office of  
9 professional licensure and certification is to promote efficiency and economy in the administration of  
10 the business processing, recordkeeping, and other administrative and clerical operations of  
11 professional licensing and certification boards, including both professional healthcare licensing and  
12 professional technical licensing. The individual licensing and certification boards that are organized  
13 under the office of professional licensure and certification have specialized knowledge and experience  
14 and are separate and distinct for the purpose of regulating their various professions.  
15 Notwithstanding the unique regulatory role of each board, the legislature finds that there are  
16 opportunities for improving efficiency and customer service by providing for the joint administration  
17 of the boards' administrative, clerical, business processing, and recordkeeping functions. Except as  
18 provided in this section, the licensing and certification boards and entities organized under the office  
19 of professional licensure and certification shall exercise the powers, duties, functions, and  
20 responsibilities granted by statute.

21 310-A:1-a Office of Professional Licensure and Certification; Division of Technical Professions  
22 and Division of Health Professions Established. There shall be an office of professional licensure and  
23 certification that shall consist of the division of technical professions and the division of health  
24 professions.

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

- 27 (a) Professional engineers under RSA 310-A:3.  
28 (b) Architects under RSA 310-A:29.  
29 (c) Land surveyors under RSA 310-A:55.  
30 (d) Natural scientists under RSA 310-A:81.  
31 (e) Foresters under RSA 310-A:100.  
32 (f) Professional geologists under RSA 310-A:120.  
33 (g) Landscape architects under RSA 310-A:142.  
34 (h) Court reporters under RSA 310-A:163.  
35 (i) Home inspectors under RSA 310-A:186.  
36 (j) Accountants under RSA 309-B:4.  
37 (k) Manufactured housing installers under RSA 205-D:2.

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- 1 (l) Real estate appraisers under RSA 310-B:4.
- 2 (m) Electricians under RSA 319-C:4.
- 3 (n) Board of manufactured housing under RSA 205-A:25.
- 4 (o) Guardians ad litem under RSA 490-C:1.
- 5 (p) Family mediators under RSA 328-C:4.
- 6 (q) Real estate commission under RSA 331-A:5.

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

- 9 (a) Hearing care providers under RSA 137-F:3.
- 10 (b) Examiners of nursing home administrators under RSA 151-A:3.
- 11 (c) Podiatry under RSA 315:1.
- 12 (d) Chiropractic examiners under RSA 316-A:2.
- 13 (e) Dental examiners under RSA 317-A:2.
- 14 (f) Registration of funeral directors and embalmers under RSA 325:2.
- 15 (g) Midwifery council under RSA 326-D:3.
- 16 (h) Licensed dietitians under RSA 326-H:7.
- 17 (i) Optometry under RSA 327:2.
- 18 (j) Naturopathic board of examiners under RSA 328-E:7.
- 19 (k) Licensed allied health professionals under RSA 328-F:3.
- 20 (l) Acupuncture licensing under RSA 328-G:3.
- 21 (m) Psychologists under RSA 329-B:3.
- 22 (n) Mental health practice under RSA 330-A:3.
- 23 (o) Licensing for alcohol and other drug use professionals under RSA 330-C:3.
- 24 (p) Electrologists under RSA 314:2-a.
- 25 (q) Body art practitioners under RSA 314-A.
- 26 (r) Ophthalmic dispensers under RSA 327-A:2.
- 27 (s) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-  
28 H:6.
- 29 (t) Massage therapists under RSA 328-B:5.
- 30 (u) Medicine under RSA 329:2.
- 31 (v) Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-B:26.
- 32 (w) Pharmacy under RSA 318:2 .
- 33 (x) Barbering, cosmetology, and esthetics under RSA 313-A:2.
- 34 (y) Medical technicians under RSA 328-I:2.

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

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1           46 New Sections; Executive Director; Administration; Investigations. Amend RSA 310-A by  
2 inserting after section 1-a the following new sections:

3           310-A:1-b Executive Director of the Office of Professional Licensure and Certification.

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

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

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

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

21           310-A:1-c Division Directors; Positions Transferred.

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

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

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

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

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1 compensation of the classified position at the office of professional licensure and certification.

2 310-A:1-d Administration of the Office of Professional Licensure and Certification.

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

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

10 (a) Supervision of the division directors;

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

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

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

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

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

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

22 310-A:1-e Fees.

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

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

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

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

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

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

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

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

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



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- 1                   (9) The naturopathic board of examiners under RSA 328-E.
- 2                   (10) The board of acupuncture licensing under RSA 328-G.
- 3                   (11) The board of psychologists under RSA 329-B.
- 4                   (12) The board of licensing for alcohol and other drug use professionals under
- 5 RSA 330-C.
- 6                   (13) Electrologists under RSA 314.
- 7                   (14) Body art practitioners under RSA 314-A.
- 8                   (15) Ophthalmic dispensers under RSA 327-A.
- 9                   (16) Reflexology, structural integrators, and Asian bodywork therapists under
- 10 RSA 328-H.
- 11                  (17) Massage therapists under RSA 328-B.

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

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

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

24                  47 Positions Transferred; Department of Information Technology; Health and Human Services.

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

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

37                  48 Board of Manufactured Housing; Administrative and Processing Functions. RSA 205-A:29-a

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1 is repealed and reenacted to read as follows:

2       205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and  
3 business processing functions of the board shall be transferred to the office of professional licensure  
4 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

5       49 Manufactured Housing Installation Standards Board; Administrative and Processing  
6 Functions. RSA 205-D:3-a is repealed and reenacted to read as follows:

7       205-D:3-a Administrative and Business Processing Functions. All administrative, clerical, and  
8 business processing functions of the board shall be transferred to the office of professional licensure  
9 and certification established in RSA 310-A:1 through RSA 310-A:1-e.

10       50 Board of Accountancy. Amend RSA 309-B:4, III-X to read as follows:

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

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

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

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

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

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

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

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

17                 (b) Rules of procedure governing the conduct of investigations and hearings by the  
18 board.

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

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

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

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

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

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

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

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

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

37           IX. In accordance with RSA 541-A, the board shall publish notice of such proposed action

1 and shall, in addition, notify all licensees.

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

5 51 Board of Professional Engineers. Amend RSA 310-A:8 to read as follows:

6 310-A:8 Receipts and Disbursements. The board may employ such investigators, ~~[clerical, and  
7 other assistants as are necessary for the proper performance of its work]~~ **retained through the**  
8 **office of professional licensure and certification**, and may make expenditures for ~~[any purpose  
9 which is reasonably necessary for the proper performance of its duties under this subdivision,  
10 including]~~ the reasonable expenses of the board's delegate to meetings of, and membership dues to,  
11 the National Council of Examiners for Engineering and Surveying (NCEES). The board may, with  
12 the approval of the attorney general, hire counsel and investigators **through the office of**  
13 **professional licensure and certification** and pay the reasonable expenses of such counsel and  
14 investigators for the investigation and prosecution of any violation of this subdivision.

15 52 Board of Professional Engineers. Amend RSA 310-A:25, II to read as follows:

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

24 53 Rulemaking; Professional Engineers. Amend RSA 310-A:32, II to read as follows:

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

28 54 Professional Geologists. Amend RSA 310-A:123 to read as follows:

29 310-A:123 Receipts and Disbursements. The board may employ such investigators~~[, clerical  
30 assistants, and other assistants]~~ as are necessary for the proper performance of its work **retained by**  
31 **the office of professional licensure and certification** and may make expenditures **through the**  
32 **office of professional licensure and certification** for any purpose which is reasonably necessary  
33 for the proper performance of its duties under this subdivision, including the reasonable expenses of  
34 the board's delegate to meetings and membership dues. The board may, with the approval of the  
35 attorney general, hire counsel and **through the office of professional licensure and**  
36 **certification** and pay the reasonable expenses of such counsel and investigators for the  
37 investigation and prosecution of any violation of this subdivision.

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1           55 Board of Professional Geologists; Hearings; Appeals. Amend RSA 310-A:135, II to read as  
2 follows:

3           II. The attorney general, or a designee, shall act as legal advisor to the board if the board so  
4 requests, and render such legal assistance as deemed necessary by the board in carrying out the  
5 provisions of this subdivision. With the approval of the attorney general, the board may employ  
6 counsel and necessary assistance ***retained by 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          56 Real Estate Appraiser Board. RSA 310-B:4, X is repealed and reenacted to read as follows:

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

14          57 Electrician's Board. RSA 319-C:4, IV is repealed and reenacted to read as follows:

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

18          58 Board of Family Mediator Certification. RSA 328-C:13 is repealed and reenacted to read as  
19 follows:

20          328-C:13 Board of Family Mediator Certification Administrative Functions. All administrative,  
21 clerical, and business processing functions of the board shall be transferred to the office of  
22 professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

23          59 Real Estate Commission. Amend RSA 331-A:5, IX to read as follows:

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

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

31          60 Real Estate Commission; Qualifications for Licensure. Amend the introductory paragraph of  
32 RSA 331-A:10, I to read as follows:

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

35          61 Real Estate Commission; Qualifications for Licensure. Amend the introductory paragraph of  
36 RSA 331-A:10, II and subparagraphs II(a) and (b) to read as follows:

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

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1 applicant who:

2 (a) Has attained the age of 18;

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

8 62 Guardian ad Litem Board. RSA 490-C:7 is repealed and reenacted to read as follows:

9 490-C:7 Administrative Functions. All administrative, clerical, and business processing  
10 functions of the board shall be transferred to the office of professional licensure and certification  
11 established in RSA 310-A:1 through RSA 310-A:1-e.

12 63 Board of Medicine; Medical Review Subcommittee. Amend RSA 329:17, V-a to read as  
13 follows:

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

34 64 Board of Medicine; Investigations. Amend RSA 329:18, II to read as follows:

35 II. The board **through the office of professional licensure and certification** may retain  
36 expert witnesses or other qualified persons to assist with any investigation or adjudicatory  
37 proceeding. Members of the board are not eligible for retainment. The board may also retain special

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1 legal counsel in instances when recommended by the attorney general. To the extent the board's  
2 existing appropriation does not include funds covering such expenditures, the board **through the**  
3 **office of professional licensure and certification** may request the governor and council to  
4 expend funds not otherwise appropriated on the condition that such funds be recovered in the  
5 board's next budget at the rate of 125 percent.

6 65 Board of Medicine; Accounts. Amend RSA 329:19 to read as follows:

7 329:19 Accounts. The ~~board~~ **office of professional licensure and certification** shall keep a  
8 full and true record of all fees received and all sums actually paid for expenses, and at the end of  
9 each year shall account to the governor and council.

10 66 Office of Licensed Allied Health Professionals; Governing Boards. Amend RSA 328-F:3 to  
11 read as follows:

12 328-F:3 Governing Boards Established; Board of Directors; Office of Licensed Allied Health  
13 Professionals.

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

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

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

29 67 Office of Allied Health Professionals; Responsibilities of the Board of Directors. Amend  
30 RSA 328-F:12 to read as follows:

31 328-F:12 Responsibilities of the Board of Directors.

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

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

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

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

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

6           68 Office of Allied Health Professionals; Investigations and Disciplinary Proceedings. Amend  
7 RSA 328-F:24, IV(a) and (b) to read as follows:

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

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

12           69 Board of Nursing. Amend RSA 326-B:3, IX-XII to read as follows:

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

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

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

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

25           70 Board of Nursing; Expenditures. Amend RSA 326-B:6 to read as follows:

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

30           71 Board of Nursing; Investigations. Amend RSA 326-B:38, II to read as follows:

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

34           72 Board of Pharmacy; Reports. Amend RSA 318:11 to read as follows:

35           318:11 Reports. The ~~[board]~~ **office of professional licensure and certification** shall file with  
36 the governor and council, on or before December 1 biennially, a report upon the condition of  
37 pharmacy in the state and containing a record of their acts and proceedings.



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1           73 Board of Pharmacy; Investigatory Powers. Amend RSA 318:30, II to read as follows:

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

5           74 Board of Barbering, Cosmetology, and Esthetics; Receipts. Amend RSA 313-A:5 to read as  
6 follows:

7           313-A:5 Receipts and Their Disposition. All moneys received [~~by the board~~] under this chapter  
8 shall be [~~paid to the secretary of the board, who shall give a receipt therefor and shall at the end of~~  
9 ~~each month report to the commissioner of administrative services the total amount of money~~  
10 ~~received and thereupon and~~] ***accounted for by the office of professional licensure and***  
11 ***certification, and shall be*** deposited the same with the state treasurer.

12           75 Board of Barbering, Cosmetology, and Esthetics; Duties. Amend RSA 313-A:7, I to read as  
13 follows:

14           I. The board shall:

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

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

19           76 Board of Barbering, Cosmetology, and Esthetics; Inspectors. Amend RSA 313-A:21, I and II  
20 to read as follows:

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

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

30           77 Dental Board; Investigatory Powers. Amend RSA 317-A:4, I(d) to read as follows:

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

35           78 Dental Board; Receipts. RSA 317-A:5 is repealed and reenacted to read as follows:

36           317-A:5 Report; Receipts. The office of professional licensure and certification shall make a  
37 biennial report of the board's proceedings to the governor and council in October, and all fees and

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1 fines received shall be accounted for by the office of professional licensure and certification, and shall  
2 be deposited in the state treasury.

3 79 Dental Board; Investigations. Amend RSA 317-A:18, II to read as follows:

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

7 80 Dental Board; Disposal of Fines. Amend RSA 317-A:35 to read as follows:

8 317-A:35 Disposal of Fines. All fines imposed and collected under this chapter shall be paid by  
9 the court or justice to the [~~executive director of the board~~] ***office of professional licensure and***  
10 ***certification***.

11 81 Dental Board; Office Amend RSA 317-A:36 to read as follows:

12 317-A:36 Location of Office. The office of the New Hampshire state board of dental examiners  
13 shall be located in the [~~bureau of dental public health, department of health and human services~~]  
14 ***office of professional licensure and certification***.

15 82 Board of Mental Health Practice; Receipts and Disbursements. RSA 330-A:11 is repealed  
16 and reenacted to read as follows:

17 330-A:11 Receipts and Disbursements. All monies derived from the provisions of this chapter  
18 shall be received and accounted for by the office of professional licensure and certification and shall  
19 be deposited in the state treasury.

20 83 Board of Mental Health Practice; Records and Reports. Amend RSA 330-A:13, II, to read as  
21 follows:

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

25 84 Board of Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28, II to  
26 read as follows:

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

31 85 Board of Podiatry; Investigations and Preliminary Hearings. Amend RSA 315:10, II to read  
32 as follows:

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

36 86 Board of Nursing Home Administrators. Amend RSA 151-A:14 to read as follows:

37 151-A:14 Authorization. In order to provide necessary funds for training courses for nursing

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1 home administrators, the state treasurer is authorized to establish a revolving fund within the  
2 [~~department of health and human services~~] **office of professional licensure and certification** in  
3 sums sufficient to carry out this provision, such funds to be reimbursed in full by federal matching  
4 funds and by tuition charges to the nursing home administrators taking such training courses.

5 87 Board of Chiropractic Examiners; Income. RSA 316-A:8 is repealed and reenacted to read as  
6 follows:

7 316-A:8 Income. All moneys collected by the board from fees authorized under this chapter shall  
8 be received and accounted for by the office of professional licensure and certification, and shall be  
9 deposited in the state treasury.

10 88 Board of Chiropractic Examiners; Report. Amend RSA 316-A:10 to read as follows:

11 316-A:10 Report. The secretary-treasurer shall file with the governor and council biennially and  
12 in such form as the governor and council may prescribe, such information as is necessary to maintain  
13 in the [~~department of health and human services~~] **office of professional licensure and**  
14 **certification** a current record of rules of the board of chiropractic examiners affecting the issuance  
15 of licenses.

16 89 New Paragraph; Electrologists; Definitions. Amend RSA 314:1 by inserting after paragraph  
17 IV the following new paragraph:

18 IV-a. "Executive director" means the executive director of the office of professional licensure  
19 and certification.

20 90 References Changed; Electrologists; Executive Director. Amend the following RSA provisions  
21 by replacing "commissioner" with "executive director": 314:2, 314:2-a, 314:3, 314:5, 314:6, 314:7,  
22 314:8, 314:9, 314:10, I, 314:13.

23 91 Embalmers and Funeral Directors. Amend RSA 325:33, II(a) and (b) to read as follows

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

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

32 92 New Paragraph; Ophthalmic Dispensing; Definitions. Amend RSA 327-A:1 by inserting after  
33 paragraph VI the following new paragraph:

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

36 93 References Changed; Ophthalmic Dispensing; Executive Director. Amend the following RSA  
37 provisions by replacing "commissioner" with "executive director": the introductory paragraph of 327-

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1 A:5, 327-A:5, VI, 327-A:6, 327-A:7, 327-A:12, 327-A:15, 327-A:17.

2 94 Ophthalmic Dispensing; Duties of Executive Director. Amend RSA 327-A:5, VII to read as  
3 follows:

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

6 95 Ophthalmic Dispensing. Amend RSA 327-A:14 to read as follows:

7 327-A:14 Renewal of Registration; Continuing Education. Certificates of registration issued  
8 under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the  
9 manner prescribed by the commissioner. Certificates of registration for ophthalmic dispensing shall  
10 be renewed upon the payment of the renewal fee and the completion of 8 credits of continuing  
11 education during the previous 2-year period. Any national, regional, or state optical company, trade,  
12 or professional group is authorized to sponsor continuing education programs approved by the  
13 American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. The  
14 [~~commissioner or the deputy commissioner of the department of health and human services~~]  
15 **executive director** shall authorize continuing education programs which contribute to the  
16 advancement, extension, or enhancement of the professional skills and the technical knowledge of  
17 opticians.

18 96 Naturopathic Board; Powers. Amend RSA 328-E:8, I(d) to read as follows:

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

21 97 Naturopathic Board; Administration. Amend RSA 328-E:15 to read as follows:

22 328-E:15 Administration. The [~~commissioner of the department of health and human services~~]  
23 **executive director** shall provide administrative services to the board created under this chapter.  
24 All administrative services shall be a cost to the board and shall be reimbursed by fees collected by  
25 the board under RSA 328-E:8, I(a).

26 98 Board of Hearing Care Providers. Amend RSA 137-F:21, III to read as follows:

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

30 99 Board of Acupuncture. Amend RSA 328-G:8 to read as follows:

31 328-G:8 Disposition of Receipts. All moneys received by the board under this chapter shall be  
32 [~~paid to the administrator of the board, who shall give a receipt therefor and shall, at the end of each~~  
33 ~~month, report to the commissioner of the department of health and human services the total amount~~  
34 ~~of money received and deposit it~~] **deposited** with the state treasurer **through the office of**  
35 **professional licensure and certification**.

36 100 Board of Acupuncture; Duties. Amend RSA 328-G:11 I(c), to read as follows:

37 (c) Maintain an accurate account of all receipts, expenditures, and refunds granted

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1 under this chapter *through the office of licensure and certification*.

2 101 Board of Licensure for Alcohol and other Drug Use Professionals. Amend RSA 330-C:3, XII  
3 to read as follows:

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

12 102 Advisory Board of Massage Therapists. RSA 328-B:2, IV is repealed and reenacted to read  
13 as follows:

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

16 103 References Changed; Massage Therapists; Executive Director. Amend the following  
17 RSA provisions by replacing "commissioner" with "executive director": 328-B:4, 328-B:5.

18 104 Advisory Board of Massage Therapists. Amend RSA 328-B:11-a to read as follows:

19 328-B:11-a Administrative Fines. The ~~[commissioner of the department of health and human~~  
20 ~~services]~~ *executive director of the office of professional licensure and certification*, after  
21 notice and opportunity for hearing, pursuant to rules adopted under RSA 541-A, may impose an  
22 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision  
23 of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the  
24 ~~[commissioner]~~ *executive director* shall be in accordance with RSA 541. Any administrative fine  
25 imposed under this section shall not preclude the imposition of further penalties or administrative  
26 actions under this chapter. The ~~[commissioner]~~ *executive director* shall adopt rules in accordance  
27 with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and  
28 severity of the violation. The sums obtained from the levying of administrative fines under this  
29 chapter shall be forwarded to the state treasurer to be deposited into the general fund.

30 105 Board of Psychologists. Amend RSA 329-B:22, III to read as follows:

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

35 106 New Paragraph; Advisory Board of Reflexology, Structural Integration, and Asian  
36 Bodywork Therapy; Definitions. Amend RSA 328-H:2 by inserting after paragraph IV the following  
37 new paragraph:

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

3           107 References Changed; Advisory Board of Reflexology, Structural Integration, and Asian  
4 Bodywork Therapy; Executive Director. Amend the following RSA provisions by replacing  
5 “commissioner” and “department” with “executive director”: 328-H:2, I, 328-H:2, VII, 328-H:4, 328-  
6 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-  
7 H:17.

8           108 Repeals. The following are repealed:

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

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

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

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

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

15          VI. RSA 331-A:8, relative to powers of the executive director of the real estate commission.

16          VII. RSA 326-B:4, XI and XII, relative to staff and executive director of the board of nursing.

17          VIII. RSA 326-B:5, relative to administration by the executive director of the board of  
18 nursing.

19          IX. RSA 318:2-a, relative to administrative attachment of the pharmacy board.

20          X. RSA 318:9, relative to administrative duties of the pharmacy board.

21          XI. RSA 313-A:2, VI, relative to administrative attachment of the board of barbering,  
22 cosmetology and esthetics.

23          XII. RSA 317-A:2, IV, relative to administrative attachment of the dental board.

24          XIII. RSA 330-A:5, relative to administrative attachment of the board of mental health  
25 practice.

26          XIV. RSA 327:2, IV and V, relative to administrative attachment of the board of optometry.

27          XV. RSA 315:1-a, relative to administrative attachment of the board of podiatry.

28          XVI. RSA 151-A:3, IV, relative to administrative attachment of the board of nursing home  
29 administrators.

30          XVII. RSA 316-A:2, IV, relative to administrative attachment of the board of chiropractic  
31 examiners.

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

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

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

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

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

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

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

5           XXV. RSA 137-F:3, VIII, relative to administrative attachment of the board of hearing care  
6 providers.

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

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

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

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

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

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

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

17          XXXIII. RSA 326-H:7, VI, relative to administrative attachment of the board of licensed  
18 dieticians.

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

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

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

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

26          109 Department of Agriculture, Markets, and Food; Assistant State Veterinarian; Position  
27 Established. There is established within the department of agriculture, markets, and food the  
28 unclassified position of assistant state veterinarian. The assistant state veterinarian shall be  
29 qualified to hold that position by reason of education and experience, and shall be appointed by and  
30 serve at the pleasure of the commissioner of agriculture, markets, and food. The assistant state  
31 veterinarian shall assist the state veterinarian in carrying out the duties of the department of  
32 agriculture, markets, and food, division of animal industry. The salary of the assistant state  
33 veterinarian shall be determined after assessment and review of the appropriate temporary letter  
34 grade allocation in RSA 94:1-a, I for the position which shall be conducted pursuant to RSA 94:1-d  
35 and RSA 14:14-c. Funding shall be transferred into a new expenditure class 011, within accounting  
36 unit 02-18-18-182010-2700.

37          110 New Sections; Agriculture, Horticulture, and Animal Husbandry; Assistant State

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1 Veterinarian; Powers; Salary and Expenses. Amend RSA 436 by inserting after section 9 the  
2 following new sections:

3 436:9-a Appointment. The commissioner of agriculture, markets, and food shall appoint a  
4 graduate of a veterinary college of recognized standing, who shall have had at least 5 years'  
5 experience in the practice of veterinary medicine, including large animal practice, and who shall be  
6 known as the assistant state veterinarian.

7 436:9-b Powers. The assistant state veterinarian, under the direction of the commissioner and  
8 state veterinarian, shall assist the state veterinarian with the enforcement of this chapter and any  
9 other law over which the division has regulatory authority. The state veterinarian may direct the  
10 assistant state veterinarian to act for him or her in an official capacity whenever he or she may be  
11 absent from his or her duties.

12 436:9-c Salary and Expenses. The assistant state veterinarian shall receive the annual salary  
13 prescribed by RSA 94:1 through RSA 94:4, and shall be allowed his or her expenses when away from  
14 the office of the department on official business.

15 111 All Agencies; Administrative Services. Unless restricted by law or administrative rule,  
16 upon request of an intended recipient, an agency may provide documents by electronic mailing in  
17 lieu of mail.

18 112 Administrative Services; Health Coverage Shared Responsibility. Agencies may use funds  
19 in existing class 60 budgets to pay any penalties imposed under the employer shared responsibility  
20 for health coverage under section 4980H of the Internal Revenue Code.

21 113 Sale of Property; Laconia State School. Notwithstanding RSA 10 and RSA 227-C:9, the  
22 commissioner of the department of administrative services shall offer for sale the former Laconia  
23 state school land and buildings and the former Laconia state school and training center land and  
24 buildings, except those portions of the land and buildings required for state use. The commissioner  
25 of the department of administrative services shall submit quarterly reports on the progress of the  
26 sale to the fiscal committee of the general court. Any sale of such land and buildings shall be subject  
27 to the requirements of RSA 4:40, except that review and approval of the sale of the land and  
28 buildings by the council on resources and development and the long range capital planning and  
29 utilization committee shall not be required. All proceeds from the sale shall be deposited into the  
30 general fund.

31 114 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of  
32 Appropriation. The appropriation for the administration of the client assistance program that is  
33 received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years  
34 2016 and 2017 may be transferred to another qualified agency or agencies upon certification by the  
35 governor to the commissioner of administrative services that the program has been redesignated. If  
36 the redesignation occurs and the governor's certification is made after July 1, 2015, the unexpended  
37 portion of the appropriation shall be transferred.



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1           115 Repeal. RSA 486:4, relative to limitation of guarantee of construction bonds for sewage  
2 disposal facilities, is repealed.

3           116 Department of Environmental Services; Aid to Municipalities for Water Pollution Control.  
4 Amend RSA 486:1, I(a) to read as follows:

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

25           117 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, or  
26 any other law to the contrary, for the biennium ending June 30, 2017, a moratorium shall be in place  
27 on state aid grants for any new infrastructure projects that would have otherwise been eligible for  
28 state aid grants under RSA 486, RSA 486-A, or RSA 149-M, with the exception that infrastructure  
29 projects that had local authorization by December 31, 2008 to construct, but were not listed in 2013,  
30 144:101, continue to be eligible for state aid grants subject to availability of funding. Nothing in this  
31 section shall affect the provision of the future water supply land protection grants under RSA 486-A  
32 if funding is available for such purposes.

33           118 Terms of Appointment. Amend RSA 21:33-a, III(a) to read as follows:

34           (a) That any commissioner or agency head of a department, as defined in RSA 21-G:5,  
35 VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the  
36 appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond  
37 the appointed term or unexpired portion thereof with the written authorization of the governor,

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1 provided that such service shall not extend beyond 6 months. This subparagraph shall also apply to  
2 the adjutant general and the attorney general, and to appointees to the liquor commission, the  
3 lottery commission, [~~the racing and charitable gaming commission,~~] and the public utilities  
4 commission.

5 119 State Employees; Terms Defined. Amend RSA 98-A:1, III to read as follows:

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

10 120 Racing and Charitable Gaming; Subdivision Heading Changed. Amend the subdivision  
11 heading preceding RSA 284:6 to read as follows:

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

13 121 Racing and Charitable Gaming Commission; Lottery Commission Authorization. Amend  
14 RSA 284:6-a to read as follows:

15 284:6-a Racing and Charitable Gaming; **Lottery** Commission.

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

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

30 III. The [~~racing and charitable gaming~~] **lottery** commission shall have all the powers, duties,  
31 and rights conferred upon state commissions under the United States Interstate Horseracing Act of  
32 1978 as it currently exists and as it may be amended from time to time.

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

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

37 VI. The [~~racing and charitable gaming~~] **lottery** commission shall not authorize the use of

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

16 122 Supervision and Hearings. Amend RSA 284:13 to read as follows:

17 284:13 Supervision and Hearings.

18 ***I.*** The ***lottery*** commission shall have the power to conduct hearings at which all matters  
19 pertaining to the administration of the affairs of the commission and all activities conducted under  
20 its jurisdiction may be investigated and determined and, under the hand of its chairperson, to issue  
21 subpoenas for the attendance of witnesses at such hearings. The ***lottery*** commission on its own  
22 motion or at the request of any party may cause a complete record to be made of such hearings by a  
23 competent reporter or by electronic recording which shall be transcribed at the request and expense  
24 of any party desiring the same, and a copy of such transcription shall be furnished to any other party  
25 upon the written request and at the expense of such other party. If the record is not transcribed, the  
26 ***lottery*** commission shall prepare a summary record of the proceedings and evidence. Any member  
27 of the ***lottery*** commission, ***or the commission's designee***, may administer oaths and affirmations  
28 [~~and may~~] examine witnesses, ***and receive testimony and shall forward findings to the full***  
29 ***commission as part of the hearing***. Disobedience of such subpoenas or false swearing before the  
30 ***lottery*** commission shall be attended with the same penalties as if such disobedience or false  
31 swearing occurred in an action in the superior court. The ***lottery*** commission shall have the power  
32 and authority to regulate, supervise and check the making of pari-mutuel pools and the distributions  
33 therefrom. It shall have the further power and authority to investigate as to the direct and indirect  
34 ownership and control of any licensee, and any expense incurred by the ***lottery*** commission in so  
35 doing shall be at the expense of such licensee or of the applicant for a license. Any party aggrieved  
36 by any final decision entered in proceedings before the ***lottery*** commission may, within 10 days after  
37 such decision is entered, appeal to the superior court by petition specifying the grounds upon which

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1 the decision is claimed to be unreasonable or unlawful. Findings and decisions by the **lottery**  
2 commission shall be deemed to be prima facie lawful and reasonable, and shall not be set aside on  
3 appeal unless found to be arbitrary, capricious, unreasonable, or unlawful.

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

10 123 Licensees; Restriction on Gambling. Amend RSA 284:17-c to read as follows:

11 284:17-c Restriction on Gambling. Notwithstanding any other provision of law, except as  
12 provided in RSA 284:22-a and in the introductory paragraph of RSA 284:22, no licensee who holds  
13 running horse races shall at the same facility hold any other kinds of races or permit any other type  
14 of gambling except harness horse races and activities licensed by the lottery commission [~~or the~~  
15 ~~racing and charitable gaming commission~~].

16 124 Stewards. Amend RSA 284:20 to read as follows:

17 284:20 Stewards. There shall be at least 3 stewards to supervise each running or harness horse  
18 race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold.  
19 One of such stewards shall be the official steward of the [~~state racing~~] **lottery** commission, and the  
20 remaining stewards shall be appointed by the person, association, corporation, or any other type of  
21 entity conducting the race or meet, subject to the approval of the commission. Said stewards shall be  
22 authorized to assess fines and suspend licenses and shall exercise such other powers and perform  
23 such duties at each race meet as may be prescribed by the rules and regulations of the **lottery**  
24 commission. Any person who has been assessed a fine or whose license has been suspended may  
25 appeal any fine or suspension imposed by the stewards under this section to the **lottery** commission.

26 125 Rights Protected; Liability Limited. Amend RSA 284:20-a to read as follows:

27 284:20-a Rights Protected. No licensee conducting a race or meet under this chapter, no  
28 member of the [~~state racing~~] **lottery** commission, no steward, judge, or assistant official appointed to  
29 act as such pursuant to the provisions of this chapter, shall be liable for damages to any person,  
30 association or corporation for any cause whatsoever arising out of or from the performance by such  
31 licensee, commissioner, steward, judge or assistant official of such person's duties and exercise of  
32 discretion with respect to such duties, so long as such person acted in good faith, without malice or  
33 improper motive.

34 126 Lottery Commission Revenues. Amend RSA 284:21-j, I to read as follows:

35 I. The state treasurer shall credit all moneys received from the lottery commission [~~and all~~  
36 ~~moneys received from the racing and charitable gaming commission~~] under RSA 284, RSA 287-D,  
37 and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer

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1 shall pay all expenses of the commission incident to the administration of this subdivision and all  
2 administration and enforcement expenses of ~~the~~ racing and charitable gaming ~~commission~~ under  
3 RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid  
4 shall be deposited in the education trust fund established under RSA 198:39.

5 127 Change from Racing and Charitable Gaming to Lottery. Amend the following  
6 RSA provisions by replacing “racing and charitable gaming commission” or “commission” with  
7 “lottery commission”: 21-I:18, I(n); the introductory paragraph of 21-P:4, VI; 175:1, LVI; 273-C:2, VI;  
8 284:8; the introductory paragraph of 284:12; 284:12-a; 284:13-a; 284:14; 284:15; 284:15-a; 284:15-b;  
9 284:16; 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;  
10 284:20-f; 284:20-g; 284:21; 284:22; 284:23; 284:31; 284:32-a; 284:32-b; 284:38-a; 287-A:8, III; 287-D:1,  
11 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;  
12 287-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,  
13 V(a).

14 128 Bingo and Lucky 7; Penalties. Amend RSA 287-E:25 to read as follows:

15 287-E:25 ***Suspension***; Revocation. The commission shall ~~immediately~~ ***suspend or*** revoke the  
16 license of any licensee ***and/or impose an administrative fine upon the licensee upon a finding***  
17 ***that the licensee has violated*** ~~who violates~~ any provision of this subdivision. Any licensee whose  
18 license is revoked shall not be eligible for licensure for a period of up to one year from the date of  
19 revocation.

20 129 Bingo and Lucky-7; Process. Amend RSA 287-E:3, IV to read as follows:

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

23 130 New Paragraph; Bingo and Lucky-7; Process. Amend RSA 287-E:3 by inserting after  
24 paragraph XIV the following new paragraph:

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

26 131 Administrative Orders; Subpoenas. RSA 287-E:14 is repealed and reenacted to read as  
27 follows:

28 287-E:14 Administrative Orders and Fines.

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

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

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

37 132 New Section; Subpoenas. Amend RSA 287-E by inserting after section 14 the following new

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1 section:

2 287-E:14-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may  
3 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings  
4 held by the commission.

5 133 New Paragraphs; Bingo and Lucky 7. Amend RSA 287-E:18 by inserting after paragraph VI  
6 the following new paragraphs:

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

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

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

11 134 New Section; Administrative Orders and Fines. Amend RSA 287-E by inserting after  
12 section 25 the following new section:

13 287-E:25-a Administrative Orders and Fines.

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

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

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

22 135 New Section; Bingo and Lucky 7; Subpoenas. Amend RSA 287-E by inserting after section  
23 26 the following new section:

24 287-E:26-a Subpoenas. The lottery commission or, when applicable, the hearings officer, may  
25 issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings  
26 held by the commission.

27 136 Repeal. The following are repealed:

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

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

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

31 137 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

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

36 II. All existing rules, statutory responsibilities, regulations, and procedures in effect, in  
37 operation, or adopted in or by the racing and charitable gaming commission are transferred to the

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1 lottery commission, and are declared in effect and shall continue in effect until rescinded, revised, or  
2 amended in accordance with applicable law.

3 138 Liquor Commission; Funds; Alcohol Abuse Prevention and Treatment Fund. Amend  
4 RSA 176:16, III to read as follows:

5 III. ~~[Fifty percent of the amount by which the current year gross profits exceed fiscal year~~  
6 ~~2001 actual gross profit, but not more than 5]~~ **1.7** percent of the [current] ***previous fiscal*** year gross  
7 profits derived by the commission from the sale of liquor ~~[and other revenues,]~~ shall be deposited into  
8 the alcohol abuse prevention and treatment fund established by RSA 176-A:1. ***For the purpose of***  
9 ***this section, gross profit shall be defined as total operating revenue minus the cost of sales***  
10 ***and services as presented in the state of New Hampshire comprehensive annual financial***  
11 ***report, statement of revenues, expenses, and changes in net position for proprietary funds.***

12 139 School Money; Determination of Grants. Amend RSA 198:41, III-IV to read as follows:

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

16 (b) ~~[Beginning]~~ ***For each fiscal year from*** July 1, 2013~~[and each fiscal year~~  
17 ~~thereafter]~~ ***through June 30, 2016,*** the department of education shall not distribute a total  
18 education grant on behalf of all pupils who reside in a municipality that exceeds 108 percent of the  
19 total education grant distributed to such municipality in the previous fiscal year. ***Beginning***  
20 ***July 1, 2016, the department of education shall not distribute a total education grant on***  
21 ***behalf of all pupils who reside in a municipality that exceeds 160 percent of the total***  
22 ***education grant distributed to such municipality in the previous fiscal year.***

23 IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in  
24 which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education  
25 grant. The department shall distribute a stabilization grant to each of those municipalities equal to  
26 100 percent of the decrease.

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

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

36 (d) ***For fiscal year 2017 and each fiscal year thereafter, the department of***  
37 ***education shall distribute a total education grant to each municipality in an amount***

1 *equal to the total education grant for the fiscal year in which the grant is calculated plus*  
2 *a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to*  
3 *the municipality; the percentage shall be 96 percent for fiscal year 2017, and shall be*  
4 *reduced by 4 percent of the amount of the 2012 education grant for each fiscal year*  
5 *thereafter.*

6 140 Repeal. RSA 198:41, III(b), relative to the cap on the total education grant to a  
7 municipality, is repealed.

8 141 School Building Aid; Alternative School Building Aid.

9 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through  
10 RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or  
11 alternative school building aid for any project approved on or after June 30, 2015 through June 30,  
12 2017.

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

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

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

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

25 142 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other  
26 provision of law, for the fiscal year ending June 30, 2016, the state treasurer shall fund the  
27 distribution of revenue to cities and towns pursuant to the formula for determining the amount of  
28 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year  
29 2015 distribution.

30 143 Department of Health and Human Services; Transfer Among Accounts. Notwithstanding  
31 any other provision of law to the contrary and subject to the approval of the fiscal committee of the  
32 general court and governor and council, for the biennium ending June 30, 2017, the commissioner of  
33 the department of health and human services is hereby authorized to transfer funds within and  
34 among all accounting units within the department, as the commissioner deems necessary and  
35 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,  
36 regulations, or programs, and otherwise as necessary for the efficient management of the  
37 department. If the department intends to transfer funds, which would otherwise meet the transfer



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1 requirements as set forth in RSA 9:17-a, prior approval of the fiscal committee and governor and  
2 council shall be required for transfers of \$75,000 or more.

3 144 Department of Health and Human Services; Program Eligibility; Additional Revenues. For  
4 the biennium ending June 30, 2017, the department of health and human services shall not  
5 authorize, without prior consultation with the house health and human services and elderly affairs  
6 committee and the senate health and human services committee and the approval of the fiscal  
7 committee of the general court and governor and council, any change to program eligibility standards  
8 or benefit levels that might be expected to increase or decrease enrollment in the program or  
9 increase expenditures from any source of funds; provided, however, that no such prior approval shall  
10 be required if a change to a federal program in which the state is participating as of the effective  
11 date of this section is required by federal law.

12 145 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule.  
13 Notwithstanding any provision of law or rule to the contrary, He-W 553 relative to the home health  
14 services rate setting shall be suspended for the biennium ending June 30, 2017. Payments for home  
15 health services shall be limited to appropriations for home health services as may be restricted or  
16 reduced by action of the fiscal committee of the general court or by legislative action.

17 146 Department of Health and Human Services; Foster Grandparent Program. The  
18 reimbursements to the foster grandparent program through the senior volunteer grant program,  
19 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2017.

20 147 Department of Health and Human Services; Bureau of Adult and Elderly Services;  
21 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver  
22 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the  
23 biennium ending June 30, 2017.

24 148 Department of Health and Human Services; Division for Children, Youth and Families.

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

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

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1           149 Department of Health and Human Services; Suspension of Direct Graduate Medical  
2 Education. The commissioner of the department of health and human services shall submit a Title  
3 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
4 suspend the provision of direct graduate medical education payments to hospitals as provided in 42  
5 U.S.C. section 1396a(a)(30)(A) effective July 1, 2015. Upon approval of the state plan amendment,  
6 and as of the effective date of the state plan amendment, any obligations for payment of direct  
7 graduate medical education shall be suspended for the biennium ending June 30, 2017.

8           150 Department of Health and Human Services; Suspension of Indirect Graduate Medical  
9 Education. The commissioner of the department of health and human services shall submit a Title  
10 XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to  
11 suspend the provision of indirect graduate medical education payments to hospitals effective July 1,  
12 2015. Upon approval of the state plan amendment, and as of the effective date of the state plan  
13 amendment, any obligations for payment of indirect graduate medical education shall be suspended  
14 for the biennium ending June 30, 2017.

15           151 Department of Health and Human Services; Public Safety and Welfare; Medicaid  
16 Enhancement for Children and Pregnant Women. If the New Hampshire health protection program  
17 established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2016 or earlier, the  
18 commissioner of the department of health and human services shall reinstate Medicaid coverage and  
19 open enrollment for children and pregnant women under RSA 167:68. The commissioner of the  
20 department of health and human services shall adopt rules pursuant to RSA 541-A to establish the  
21 eligibility levels for Medicaid coverage under RSA 167:68 identical to the eligibility levels which were  
22 in effect prior to the effective date of the New Hampshire health protection program.

23           152 Department of Health and Human Services; Public Safety and Welfare; Medicaid  
24 Enhancement for Children and Pregnant Women. Amend the introductory paragraph of  
25 RSA 167:68, I to read as follows:

26           I. Establish by July 1, 1999, categorically needy coverage groups under RSA 167:6, VII and  
27 Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI) and  
28 1902(a)(10)(i)(VII) and establish less restrictive income and resource methodologies under section  
29 1902(r)(2) of Title XIX of the Social Security Act as necessary to increase the eligibility level for  
30 medicaid coverage to a minimum of [~~170~~] **185** percent of the federal poverty level disregarding  
31 resources for a family size equal to the size of the family including the woman, infant or child. This  
32 includes:

33           153 Department of Health and Human Services; Bureau of Adult and Elderly Services; County  
34 Payment of Funds for Persons Eligible to Receive Nursing Home Services: Limitation on County  
35 Payments; Credit. Amend RSA 167:18-a, II(a) to read as follows:

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

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

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

3           154 Public Health; Vaccine Association. Amend RSA 126-Q:1, III to read as follows:

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

8           155 Public Health; Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, I to  
9 read as follows:

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

16           156 Penalty Assessments. Amend RSA 188-F:31, I to read as follows:

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

23           157 Transfer of State Highway Safety Agency. The functions and responsibilities of the state  
24 highway safety agency are hereby transferred to the department of safety. The transfer shall not  
25 affect the validity of actions taken by the state highway safety agency prior to the effective date of  
26 the transfer.

27           158 New Paragraph; Duties of Commissioner of Safety. Amend RSA 21-P:4 by inserting after  
28 paragraph XV the following new paragraph:

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

31           159 New Subdivisions; State Highway Safety Program; Traffic Safety Commission. Amend  
32 RSA 21-P by inserting after section 54 the following new subdivisions:

State Highway Safety Program

33  
34           21-P:55 Policy. It is hereby declared to be the policy of this state and in the public interest to  
35 have a highway safety program designed to reduce traffic accidents and deaths, injuries and  
36 property damage resulting therefrom. Such program shall include, but not be limited to,  
37 improvement of driver performance, improvement of pedestrian performance, an accident record

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1 system, accident investigations, vehicle registration, operation, and inspection, highway design and  
2 maintenance, traffic control, vehicle codes and laws, surveillance of traffic and emergency services.

3 21-P:56 Provisions Accepted. The provisions of the federal Highway Safety Act of 1966,  
4 approved September 9, 1966, entitled "An Act to provide for a coordinated national highway safety  
5 program through financial assistance to the states to accelerate highway traffic safety programs, and  
6 for other purposes," and all acts amendatory thereof and supplementary thereto, are assented to, and  
7 the governor shall be the official of this state having the ultimate responsibility for dealing with the  
8 federal government with respect to programs and activities pursuant to carrying out the provisions  
9 of said acts.

10 21-P:57 Faith and Credit Pledged. The faith and credit of the state are pledged to make  
11 adequate provision, from time to time, by appropriation or otherwise, to meet all the obligations of  
12 the state incident to the acceptance of federal aid under the provisions of said act.

13 21-P:58 Expenditures. To meet such obligations the governor with the consent of the council is  
14 authorized to accept and expend any federal funds for the highway safety program.

15 21-P:59 Governor's Authority. The governor in addition to other duties and responsibilities  
16 conferred upon him or her by the constitution and laws of this state is hereby empowered to contract  
17 and to do all other things necessary in behalf of this state to secure the full benefits available to this  
18 state under the federal Highway Safety Act of 1966 and all acts amendatory and supplemental  
19 thereto, and in so doing, to cooperate with federal and state agencies, agencies private and public,  
20 interested organizations, and individuals, to effectuate the purposes of that enactment, and any and  
21 all subsequent amendments thereto. The governor shall coordinate the activities of any and all  
22 departments and agencies of this state and its subdivisions, relating thereto.

23 21-P:60 Local Highway Safety Programs.

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

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

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

35 21-P:61 Highway Safety Unit; Governor's Representative. There is hereby created the state  
36 highway safety unit as a unit within the department of safety which shall be the agency responsible  
37 under the executive direction of the governor to develop and implement the state's highway safety

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1 program. The commissioner shall be the governor's representative with the national highway traffic  
2 safety administration and will aid the governor in the coordination of interdepartmental activities  
3 and those of the various political subdivisions.

4 21-P:62 Staff. Subject to state personnel regulations and within budgetary appropriations, the  
5 commissioner shall appoint such field representatives and secretarial and clerical assistants as may  
6 be needed to carry out the purpose of this chapter.

7 21-P:63 Gifts and Grants. The governor is authorized to receive gifts and grants from any  
8 source, public or private, in the name of the state, and to expend these monies for the state highway  
9 safety program. Any monies accepted by the governor shall be deemed to be an appropriation of the  
10 same amount for the purposes hereof.

11 Traffic Safety Commission

12 21-P:64 Establishment. There is hereby established a traffic safety commission consisting of 15  
13 members appointed by the governor and council for a term of 5 years and until their successors are  
14 appointed and qualified. Initial appointments by the governor and council shall be as follows: 5  
15 members for 3 years; 5 members for 4 years; 5 members for 5 years. Vacancies shall be filled for the  
16 unexpired term in the same manner as the original appointment. The commission shall have a  
17 chairman who shall be designated by the governor from among its membership. The term of  
18 chairman shall be for one year. The commission shall meet not less frequently than quarterly and at  
19 such other times as it may be convened by the call of the chairman, and upon petition of 5 members,  
20 it shall be the duty of the chairman to convene the commission forthwith. Members of the  
21 commission shall receive no compensation but shall be entitled to expenses, including mileage, when  
22 in the performance of duties required hereunder.

23 21-P:65 Powers and Duties. The traffic safety commission is authorized to act in an advisory  
24 capacity to the commissioner.

25 160 Traffic Safety Commission; Continuation of Terms. Members on the effective date of this  
26 section of the traffic safety commission established by RSA 238:10 shall continue as members of the  
27 traffic safety commission under 21-P:64 until the scheduled expiration of their terms.

28 161 Repeal. RSA 238:1 through RSA 238:11, relative to highway safety program and traffic  
29 safety commission, is repealed.

30 162 Suspension; Revenue Sharing. Notwithstanding any provision of the law to the contrary,  
31 RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium  
32 ending June 30, 2017.

33 163 Repeal. 2014, 229:1, relative to appropriation for state matching funds for disaster  
34 assistance grants, is repealed.

35 164 Reduction in State Self-insured Health Plan Reserve. Amend RSA 21-I:30-b, I(a) to read as  
36 follows:

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

3 165 Driver Training Fund; Transfer to Department of Safety. For the fiscal year ending June  
4 30, 2015, the amount transferred from the driver training fund to the department of safety as  
5 restricted revenue pursuant to RSA 263:52, II shall be increased from \$1,500,000 to up to  
6 \$3,250,000.

7 166 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade EE by  
8 inserting the following position:

9 EE Insurance department health reform coordinator

10 167 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade FF by  
11 deleting the following position:

12 FF Department of corrections warden, New Hampshire state  
13 prison-women

14 168 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by  
15 inserting the following positions:

16 GG Department of information technology director of technical support  
17 services

18 GG Department of information technology director of web support

19 GG Insurance department chief financial examiner

20 GG Department of corrections warden, New Hampshire  
21 correctional facility for women

22 169 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by  
23 deleting the following positions:

24 GG Insurance department director

25 GG Department of safety director of administration

26 170 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade HH by  
27 inserting the following positions:

28 HH Department of information technology director of operations

29 HH Department of administrative services manager of risks and benefits

30 HH Department of employment security deputy commissioner

31 HH Department of revenue administration director, division of municipal  
32 and property

33 HH Insurance department director of financial regulation

34 HH Department of safety director of administration

35 171 Compensation of Certain State Officials; Department of Administrative Services; Title of  
36 Position Amended. Amend the following position in RSA 94:1-a, I(b), salary grade HH, to read as  
37 follows:

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1 HH Department of administrative services director of ~~plant and property-~~  
2 ~~management]~~ **procurement**  
3 **and support services**

4 172 Transfer of Positions.

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

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

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

14 173 Classified Employees Transferred to Unclassified Positions; Treatment of Sick Leave,  
15 Longevity Pay, and Annual Pay. Classified employees in the department of information technology  
16 currently occupying position 11408, position 16614, or position 16515 who are appointed to an  
17 unclassified position pursuant to this act shall retain all sick leave and longevity pay already  
18 accumulated in the classified system. Such sick leave and longevity pay shall not be used until the  
19 employee's cessation of employment or until the employee transfers to the classified service.  
20 Classified employees in the department of information technology currently occupying position  
21 11408, position 16614, or position 16515 who are appointed to an unclassified position at a lower  
22 level shall be paid at the same level as such employee was paid prior to the appointment until the  
23 pay in the appointed position exceeds the pay the employee was receiving at the time of the  
24 appointment.

25 174 Insurance Department; Deputy Commissioner and Other Department Positions. Amend  
26 RSA 400-A:6, III-b to read as follows:

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

32 175 Insurance Department; Compensation. Amend RSA 400-A:8, I-II to read as follows:

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

36 II. Expenses. The commissioner, deputy commissioner, director of operations, director of  
37 ~~[examinations]~~ **financial regulation**, actuary, life, accident and health actuary, and the assistants

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1 to the commissioner shall be allowed their traveling expenses while engaged in the performance of  
2 their duties.

3 176 Insurance Department; Deputy Commissioner and Other Department Positions. Amend  
4 RSA 400-A:6, VII to read as follows:

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

14 177 Salary of Financial Examinations Supervisor. Amend 2013, 205:2 to read as follows:

15 205:2 Salary of [~~Financial Examinations Supervisor~~] **Insurance Department Position**. [~~The~~  
16 ~~salary of the financial examinations supervisor established in section 1 of this act shall be~~  
17 ~~determined after assessment and review of the appropriate temporary letter grade allocation in~~  
18 ~~RSA 94:1 a, I(b) for the position which shall be conducted pursuant to RSA 94:1 d and RSA 14:14 e.~~  
19 ~~Upon completion of this action and appointment of the financial examinations supervisor,]~~ Position  
20 41776 shall be abolished to allow for the transition of this classified position with its available  
21 appropriations into the unclassified position of [~~financial examinations supervisor~~] **chief financial**  
22 **examiner**. Funding shall be transferred into expenditure class [014] **011**, within accounting unit 02-  
23 24-24-240010-2520.

24 178 Financial Examinations Supervisor Position; Effective Date Amended. Amend 2013, 205:4  
25 to read as follows:

26 205:4 Effective Date.

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

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

29 179 Repeal. The following are repealed:

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

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

34 180 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as  
35 follows:

36 III. Both the audit division and the budget division shall conduct such investigations,  
37 analyses, or research into the financial activities and condition or the financial management



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

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

19 IV. All state departments, boards, institutions, commissions, agencies, and political  
20 subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the  
21 legislative budget assistant any information, including confidential **and privileged** information, he  
22 or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-  
23 a, and RSA 14:31-b, **including online access to such information in the state's integrated,**  
24 **multi-module, information technology system, and any related subsystems**, except that access  
25 to records, files, returns, or information deemed confidential information maintained by the  
26 department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If  
27 the legislative budget assistant requires access to confidential **or privileged** information, the state  
28 entity shall furnish the information~~[-except for work papers as described in RSA 91-A:4, V].~~ In such  
29 situations, the legislative budget assistant shall be subject to the same restrictions and penalties  
30 regarding disclosure of the information as the original custodian of the information. The work  
31 product of the legislative budget assistant shall also be confidential to the extent required to  
32 preserve confidentiality required by law. Disclosure of confidential information to the legislative  
33 budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits  
34 as are required **or permitted** by law. The legislative budget assistant shall notify the head of any  
35 state department, board, institution, commission, agency, or political subdivision, or other entity  
36 authorized to expend state funds, before requiring the state entity to furnish any confidential **or**  
37 **privileged** information which was obtained by the entity through an exchange of information

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1 agreement with another state or the federal government. This paragraph shall not be construed to  
2 authorize disclosure to any member of the legislature or to any expert consultants, including  
3 certified public accountants and data processing experts, hired by the legislative budget assistant to  
4 assist him or her in the carrying out of the duties, except such summaries and results which do not  
5 disclose any identity required by law to be confidential **or privileged, including the attorney-**  
6 **client privilege.** If any entity objects to providing confidential **or privileged** information under the  
7 provisions of this paragraph, the state entity may apply to the ~~[attorney general]~~ **fiscal committee**  
8 **of the general court** for disapproval of the request. ~~[The attorney general may examine any~~  
9 ~~confidential information to which the legislative budget assistant has requested access to determine~~  
10 ~~whether or not it is necessary for the legislative budget assistant to examine the information to carry~~  
11 ~~out his or her duties as required by law. If the attorney general finds that such examination is not~~  
12 ~~necessary, he or she shall disapprove the request, and the agency shall not be required to provide~~  
13 ~~such information. If the entity agrees to provide the requested information, or if the attorney~~  
14 ~~general determines that it is necessary for the legislative budget assistant to examine the requested~~  
15 ~~information, such information shall be provided to the legislative budget assistant in a mutually~~  
16 ~~agreeable and compatible format.]~~

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

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

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1 each regular legislative session.

2 181 New Subparagraph; Medical and Surgical Benefits: Retiree Plan. Amend RSA 21-I:30, V by  
3 inserting after subparagraph (b) the following new subparagraph:

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

7 182 Obtaining a Ballot; Proof of Identity; Photograph. Amend RSA 659:13, I(c)(2) to read as  
8 follows:

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

18 183 New Paragraph; Commissioner of Revenue Administration; Authorization to Contract for  
19 Audit Services. Amend RSA 21-J:3 by inserting after paragraph XXX the following new paragraph:

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

24 184 New Subparagraph; Confidentiality; Disclosure to Multistate Tax Commission. Amend  
25 RSA 21-J:14, V by inserting after subparagraph (g) the following new subparagraph:

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

29 185 Department of Revenue Administration; Appropriation. The sum of \$163,285 from the  
30 \$658,000 settlement agreement dated December 5, 2014 under the Merrimack River Valley flood  
31 control compact is hereby appropriated to the department of revenue administration. The governor  
32 is authorized to draw a warrant for the purpose of reimbursing towns for the Massachusetts share of  
33 the Merrimack River flood control compact and the Connecticut River flood control compact for state  
34 fiscal year 2013. The department shall distribute the moneys in the manner prescribed in  
35 RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The  
36 remainder of the settlement moneys shall lapse to the general fund.

37 186 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the fiscal year

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1 ending June 30, 2017, the state shall reimburse the sheriff's office for court security at the rates  
2 provided in the collective bargaining agreement applicable to per diem court security officers  
3 employed by the judicial branch to attend any official business, for any person employed as a bailiff  
4 by the sheriff's office.

5 187 Site Evaluation Committee; Funding; Transfers. The remainder of the \$500,000 referred to  
6 in RSA 162-H:21, II, as enacted by 2014, 217:23, that was not transferred from the renewable energy  
7 fund to the site evaluation committee fund during fiscal year 2015 is hereby transferred. This newly  
8 transferred money plus the money that was transferred during fiscal year 2015 but not expended by  
9 the site evaluation committee may be budgeted and expended by the committee for any operating  
10 cost of the committee, notwithstanding the allowed uses of the fund in RSA 162-H:21, I.

11 188 New Section; State Employees Health Insurance. Amend RSA 21-I by inserting after  
12 section 26 the following new section:

13 21-I:26-a Excise Tax; Patient Protection and Affordable Care Act. The state shall not provide  
14 any health insurance plan to state employees subject to the excise tax on high cost employer-  
15 sponsored health coverage under the Patient Protection and Affordable Care Act of 2009, Public Law  
16 111-148, as amended.

17 189 Applicability. RSA 21-I:26-a, as inserted by section 188 of this act, shall not apply to any  
18 state employees health insurance plan in effect on the effective date of section 188 of this act.

19 190 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium  
20 ending June 30, 2017, any state agency or department is authorized, with the prior written approval  
21 of the department of administrative services, to enter into agreements to rent, lease, or lease-  
22 purchase vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment  
23 from any other state agency or department.

24 191 Allocation of Highway Fund Appropriations. RSA 9:9-b is repealed and reenacted to read as  
25 follows:

26 9:9-b Allocation of Highway Fund Appropriations. In each biennium, highway fund  
27 appropriations, including costs of collections of the department of safety, shall be subject to the  
28 following limitations:

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

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

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

35 192 Highway Fund; Construction and Reconstruction Aid; Apportionment. Amend RSA 235:23,  
36 I to read as follows:

37 I. Apportionment A. In each fiscal year, the commissioner shall allocate an amount not less

1 than 12[~~%~~] **percent** of the [~~total~~] **gross** road toll revenue and motor vehicle fees collected in the  
2 preceding fiscal year to a local highway aid fund. This fund shall be distributed to each city, town,  
3 and unincorporated place on a formula in which 1/2 of the amount is based on the proportion which  
4 the mileage of regularly maintained class IV and class V highways in each municipality, as of  
5 January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount  
6 is based on the proportion which the office of energy and planning population estimate of each  
7 municipality bears to the latest estimate of the total population of the state as of July 1 of the year of  
8 the estimate. The aid to be distributed under this paragraph shall be in addition to all other state  
9 and federal aid specifically authorized by statute.

10 193 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

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

15 194 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

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

26 195 Lottery Commission; Authority to Purchase Real Property Granted. The lottery  
27 commission, in consultation with the department of administrative services, is hereby authorized to  
28 purchase, in the name of the state, land and buildings to serve as the lottery commission’s  
29 headquarters. Such purchase shall be completed during the biennium ending June 30, 2017 and  
30 shall require approval of the fiscal committee of the general court and the governor and council.

31 196 Lottery Commission; Executive Director. Amend RSA 284:21-b to read as follows:

32 284:21-b Organization.

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

37 ***II.*** ***The commissioners shall appoint an executive director who shall receive the***

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

6 197 New Paragraph; Building Code Review Board; Travel Reimbursement. Amend RSA 155-  
7 A:10 by inserting after paragraph VI the following new paragraph:

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

11 198 Department of Safety; Transfer Among Accounts. Notwithstanding any provision of law to  
12 the contrary, except RSA 9:17-c and RSA 99:4, for the biennium ending June 30, 2017, the  
13 commissioner of the department of safety is hereby authorized to transfer funds between and among  
14 all class lines and accounting units within the department as the commissioner deems necessary and  
15 appropriate to address present or projected budget deficits, or to respond to changes in federal law,  
16 regulations, or programs, and otherwise as necessary for the efficient management of the  
17 department; provided that any transfer over \$75,000 shall require prior approval of the fiscal  
18 committee of the general court and the governor and council.

19 199 Health and Human Services; Nursing Home Appropriations. Amend 2013, 143:1,  
20 accounting unit 05-95-48-481510-5942 by replacing the organizational notes immediately following  
21 such accounting unit with the following:

22 ORGANIZATION NOTES

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

30 200 Health and Human Services; Nursing Home Appropriations. Pursuant to the organization  
31 note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 199 of  
32 this act, for any balance in class 504 nursing home payments that remained at the end of fiscal year  
33 2014, the department of health and human services shall pay the entire amount immediately upon  
34 the effective date of this section in a lump sum distribution of surplus funds paid proportionately to  
35 providers based on Medicaid payments made to each provider during the fiscal year ending on June  
36 30, 2014. Upon payment of the distribution of surplus funds made pursuant to this section, the  
37 department shall report the total amount of surplus, by source of funds, the total amount paid, and

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1 the date payment was made to the fiscal committee of the general court.

2 201 Health and Human Services; Choices for Independence Appropriations. Notwithstanding  
3 the organization note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended  
4 in section 199 of this act, from any general fund balance remaining in classes 505, mid-level care  
5 expenses, 506, home support waiver services, and 529, home health care waiver services, at the end  
6 of fiscal year 2015, \$900,000 shall be used by the department of health and human services to make  
7 a one-time supplemental payment to the providers of home health aide services, home nursing  
8 services, and home maker services who are paid from class 529. Such payment shall be matched  
9 with additional federal Medicaid funds. After such payment is made, any remaining general fund  
10 balance in classes 505, 506, and 529 shall lapse to the general fund for the fiscal year ending June  
11 30, 2015.

12 202 Certificate of Need; Repeal. Upon repeal of the certificate of need law on June 30, 2016,  
13 pursuant to 2013, 144:84, the unexpended balance of any fees collected pursuant to 151-C:15 shall be  
14 deposited in the general fund.

15 203 New Paragraph; Health Facility Licensure; License or Registration Required. Amend  
16 RSA 151:2 by inserting after paragraph V the following new paragraph:

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

22 204 Contingency. The provisions of section 203 of this act shall only take effect upon the repeal  
23 of RSA 151-C pursuant to 2013, 144:84.

24 205 Department of Health and Human Services, Sununu Youth Services Center; Reduction in  
25 Appropriation. The department of health and human services is hereby directed to reduce state  
26 general fund appropriations to the Sununu Youth Services Center by \$1,721,861 for the fiscal year  
27 ending June 30, 2016, and by \$3,496,746 for the fiscal year ending June 30, 2017. The department  
28 shall operate the Sununu Youth Services Center within the allotted budget, or may enter into  
29 contracts for operation of the Sununu Youth Services Center, including establishing necessary class  
30 lines, as long as total operating costs do not exceed \$10,100,000 for the fiscal year ending June 30,  
31 2017.

32 206 Department of Health and Human Services; Sununu Youth Services Center; Cost Savings  
33 Plan. The department of health and human services shall develop a plan to reduce the cost of  
34 providing existing services at the Sununu Youth Services Center. The plan shall include  
35 privatization of services, offering additional and compatible services, and consider the most  
36 appropriate, cost effective, long and short-term uses of the center as described in the January 1, 2014  
37 report issued pursuant to 2013, 249. The department shall submit the plan to the fiscal committee

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1 of the general court for approval on or before November 1, 2015, and begin implementation of the  
2 plan by January 1, 2016.

3 207 Health and Human Services; Generic Drugs Authorization. Amend RSA 126-A:3, V to read  
4 as follows:

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

14 208 Department of Corrections; Generic Drugs Authorization. Amend RSA 623-C:2, III to read  
15 as follows:

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

26 209 New Subparagraph; Medicaid Managed Care Program; Commissioner's Duties. Amend  
27 RSA 126-A:5, XIX by inserting after subparagraph (d) the following new subparagraph:

28 (e) The commissioner shall seek all necessary federal approvals, including, but not  
29 limited to, Medicaid state plan amendments and Medicaid care management contract approval, to  
30 allow the Medicaid managed care organizations to use their own drug formulary in providing  
31 pharmacy benefits and contracting with pharmacy providers. A managed care organization as  
32 defined in subparagraph (c)(3) that implements its own drug formulary shall comply with the  
33 provisions of the Federal Medicaid statute, 42 U.S.C. section 1396r-8, and RSA 420-J:7-b, II, II-a,  
34 and III.

35 210 Expenditure of Certain Road Toll Revenue. Amend RSA 260:32-b to read as follows:

36 260:32-b Expenditure of Certain Road Toll Revenue.

37 I. For the fiscal year ending June 30, 2015, expenditure of revenues collected from



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1 adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment  
2 A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in  
3 the following order of priority:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 IV. ***For the fiscal year ending June 30, 2018 and each fiscal year thereafter,***  
37 ***expenditure of revenues collected from adjustments under RSA 260:32-a for rates that***

1 *exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I*  
2 *on said revenues, shall be made for the following purposes in the following order of*  
3 *priority:*

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

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

7 *(c) All remaining funds deposited into the highway and bridge betterment*  
8 *account under RSA 235:23-a.*

9 211 State Treasurer and State Accounts; Authority to Borrow; Certain Transportation Projects.  
10 Amend RSA 6:13-d, I to read as follows:

11 I. The state treasurer, as may be requested from time to time by the commissioner of the  
12 department of transportation, is hereby authorized to borrow upon the credit of the state not  
13 exceeding the sum of \$200,000,000 and shall issue general obligation *or revenue* bonds, *or both*, in  
14 the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A,  
15 to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester,  
16 New Hampshire. *In addition, authorization is hereby granted to enter into the federal*  
17 *credit program known as the Transportation Infrastructure Finance and Innovation Act*  
18 *(TIFIA), 23 U.S.C. sections 601-609, including appropriate covenants and conditions*  
19 *necessary to secure favorable credit terms, including, without limitation, a pledge of*  
20 *revenue collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per*  
21 *gallon, less required "Apportionment A" distributions under RSA 235:23, I, on said*  
22 *revenues and to be used for the purposes set forth in RSA 260:32-b, II(a), III(a), and IV(a).*

23 212 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other  
24 law to the contrary, for the fiscal year ending June 30, 2016, the department of administrative  
25 services shall transfer \$2,500,000 from the funds collected for educational credentialing pursuant to  
26 RSA 186:11, X to the education trust fund established under RSA 198:39.

27 213 Operating Budget; Transfer to General Fund; Legislative Branch. 2013, 143:12 is repealed  
28 and reenacted to read as follows:

29 143:12 Operating Budget; Transfer to General Fund; Legislative Branch. The legislative branch  
30 shall transfer \$1,000,000 for the fiscal year ending June 30, 2014 and \$1,628,307 for the fiscal year  
31 ending June 30, 2015 to the general fund.

32 214 Legislative Branch; Special Account. Amend 2011, 224:217, II as amended by 2013, 144:102  
33 to read as follows:

34 II.(a) The legislative accountant shall allocate the original \$3,000,000 special legislative  
35 account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the  
36 senate, the house of representatives, the joint offices, and the office of legislative budget assistant.  
37 Beginning in fiscal year 2013 and [~~each year thereafter~~] *for fiscal year 2014*, any unexpended and

1 unencumbered appropriations shall be transferred to the appropriate subaccount, provided that no  
2 subaccount balance shall exceed \$750,000. All unexpended and unencumbered appropriations  
3 remaining at the close of the fiscal year shall lapse to the general fund.

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

8 215 Department of Administrative Services; Transfer from Consumer Protection Escrow  
9 Account. The commissioner of administrative services shall transfer \$1,168,831 from the consumer  
10 protection escrow account within the department of justice (02-20-20-200510-2611 revenue class 003)  
11 to the general fund on July 1, 2015. The purpose of the transfer is to reimburse the general fund for  
12 general fund expenditures within the consumer protection accounting unit from prior fiscal years.

13 216 New Section; Attorney General; Disposition of Consumer Protection Settlement Funds.  
14 Amend RSA 7 by inserting after section 6-e the following new section:

15 7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney  
16 general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim,  
17 suit, petition, or other action under RSA 358-A or related consumer protection statutes shall be  
18 deposited in a consumer protection escrow account. The consumer protection escrow account shall at  
19 no time exceed \$5 million, with any amount in excess of \$5 million deposited into the general fund.  
20 The attorney general shall not include language in any consumer protection settlement that restricts  
21 any payments to the state for attorneys' fees, investigation and litigation costs, consumer education,  
22 or consumer protection enforcement to the consumer protection escrow account or any other account  
23 or fund.

24 217 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,  
25 2017, the liquor commission is hereby authorized to do the following for purposes of supporting  
26 merchant card activity:

27 I. Implement necessary business strategies in the event of a disaster or loss of services to  
28 insure the continuity of the commission's business operations, including the processing of merchant  
29 cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in  
30 consultation with the commissioner of the department of information technology. The commission  
31 shall report to the fiscal committee of the general court within 30 days any instances where it would  
32 need to implement such business strategies, including any costs and loss of revenue associated with  
33 the disaster or loss of services and the implementation of such business strategies.

34 II. Enter into contracts for technical and hosting services to support retail operations and  
35 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered  
36 into to support retail operations and merchant card processing.

37 III. Hire information technology technical support personnel to support its merchant card

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1 activity and related technical support operations in retail stores. The commission, through the  
2 department of administrative services, division of personnel, shall temporarily reclassify no more  
3 than 2 existing liquor commission positions that will be responsible for providing the necessary  
4 dedicated information technology technical support required by the commission to support its  
5 merchant card activity and related technical support operations in retail stores.

6 218 Department of Employment Security; Unemployment Insurance Fraud Prosecutor; Position  
7 Established.

8 I. There is established within the department of employment security the unclassified  
9 position of unemployment insurance fraud prosecutor appointed by the commissioner subject to  
10 approval by the attorney general. The fraud prosecutor shall be licensed to practice law in  
11 New Hampshire and shall be qualified to hold that position by reason of education and experience.  
12 The fraud prosecutor shall work with the department of employment security in the prosecution of  
13 unemployment insurance fraud under the guidance and supervision of the department of justice,  
14 criminal justice bureau. The fraud prosecutor shall hold office for a term of 5 years and may be  
15 removed only as provided under RSA 4:1.

16 II. The salary of the fraud prosecutor shall be determined after assessment and review of the  
17 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be  
18 conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and  
19 appointment of the fraud prosecutor, position 11026 shall be abolished to allow for the transition of  
20 this classified position with its available appropriations into the unclassified position of fraud  
21 prosecutor. Funding shall be transferred into expenditure class 011, within accounting unit  
22 02-27-27-270010-8040. The incumbent in the abolished classified position shall be offered the  
23 unclassified position.

24 219 Department of Corrections; Transfers. Notwithstanding any provision of law to the  
25 contrary, for the biennium ending June 30, 2017, the commissioner of the department of corrections  
26 is authorized to transfer funds within and among all accounting units within the department and to  
27 create accounting units and expenditure classes as required and as the commissioner deems  
28 necessary and appropriate to address present or projected budget deficits, or to respond to changes in  
29 federal law, regulations, or programs, and otherwise as necessary for the efficient management of  
30 the department; provided if a transfer does not include new accounting units or expenditure classes,  
31 only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court  
32 and governor and council.

33 220 New Section; Transitional Housing Unit Maintenance Fund Established. Amend RSA 21-H  
34 by inserting after section 14-c the following new section:

35 21-H:14-d Transitional Housing Unit Maintenance Fund Established. There is established in  
36 the office of the commissioner a fund to be known as the transitional housing unit maintenance fund.  
37 This fund shall be nonlapsing and continually appropriated to the commissioner for the purpose of

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1 the general care, maintenance, repair, and proper upkeep of transitional housing units. The  
2 commissioner shall collect funds as specified in RSA 651:25, V for deposit into the fund and may  
3 expend such funds as set forth in this section. The commissioner may also accept gifts, grants, and  
4 donations from any state or federal source for deposit into the fund.

5 221 New Subparagraph; Application of Receipts; Transitional Housing Unit Maintenance Fund.  
6 Amend RSA 6:12, I(b) by inserting after subparagraph (326) the following new subparagraph:

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

9 222 Sentences; Release From State Prison. Amend RSA 651:25, V to read as follows:

10 V. A prisoner authorized to work at paid employment in the community under this section  
11 may be required to pay, and the commissioner of corrections is authorized to collect, such cost  
12 incident to the prisoner's confinement as the commissioner deems appropriate and reasonable.  
13 [~~Such~~] ***The first \$325,000 of such*** collections shall be deposited ***in each fiscal year*** with the state  
14 treasurer as a part of the general revenue of the state. ***The commissioner shall deposit any***  
15 ***amount in excess of \$325,000 into the transitional housing unit maintenance fund***  
16 ***established in RSA 21-H:14-d.***

17 223 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For  
18 the biennium ending June 30, 2017, the public utilities commission shall not expend any funding on  
19 the implementation of an energy efficiency resource standard without prior approval of the fiscal  
20 committee of the general court.

21 224 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to  
22 read as follows:

23 I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall  
24 be continually appropriated to the commission to be expended in accordance with this section. The  
25 state treasurer shall invest the moneys deposited therein as provided by law. Income received on  
26 investments made by the state treasurer shall also be credited to the fund. All payments to be made  
27 under this section shall be deposited in the fund. [~~The~~] ***Of the moneys paid into the fund, the***  
28 ***amount of \$720,000 for fiscal year 2016 and the amount of \$1,500,000 for fiscal year 2017***  
29 ***and each fiscal year thereafter shall be transferred to the division of homeland security***  
30 ***and emergency management for the purpose of disaster and emergency response***  
31 ***preparedness and coordination to help minimize utility and other disruptions resulting***  
32 ***from natural or manmade disasters. Any remaining*** moneys paid into the fund under  
33 paragraph II of this section, excluding class II moneys, shall be used by the commission to support  
34 thermal and electrical renewable energy initiatives. Class II moneys shall primarily be used to  
35 support solar energy technologies in New Hampshire. All initiatives supported out of these funds  
36 shall be subject to audit by the commission as deemed necessary. All fund moneys including those  
37 from class II may be used to administer this chapter, but all new employee positions shall be

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1 approved by the fiscal committee of the general court. No new employees shall be hired by the  
2 commission due to the inclusion of useful thermal energy in class I production.

3 225 Federal Fisheries Disaster Relief Funds. For the fiscal year ending June 30, 2015, the sum  
4 of \$1,136,400 of federal funds from the United States Department of Commerce National Oceanic  
5 and Atmospheric Administration is hereby appropriated to the fish and game department for the  
6 purpose of distributing federal fisheries disaster relief funds to northeast multispecies commercial  
7 harvesters impacted by the federal fisheries disaster declared by the secretary of commerce in 2012.  
8 Said appropriation shall not lapse until June 30, 2017.

9 226 General Fund; Transfer to Fish and Game Fund.

10 I. The state treasurer shall transfer unrestricted general fund revenue to the fish and game  
11 department in the amounts of \$600,000 for the fiscal year ending June 30, 2016 and \$600,000 for the  
12 fiscal year ending June 30, 2017. Said transfers shall occur no later than August 1 of each fiscal  
13 year.

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

16 227 Fish and Game Department; Rulemaking; Fees. If the provisions of HB 212 of the 2015  
17 regular legislative session which grant rulemaking authority to the executive director of fish and  
18 game to establish fees for licenses and permits issued under title XVIII become law, the statutory  
19 fees for any such license or permit in effect on June 30, 2015 shall remain in effect until the effective  
20 date of a rule adopted by executive director under RSA 541-A establishing or replacing such fee.

21 228 Department of Transportation; Ten-Year Transportation Improvement Plan. The N.H.  
22 Route 106 improvements are of high state economic importance and shall be prioritized, in whole or  
23 in part, in the 10-year transportation improvement planning process to begin as soon as possible  
24 within fiscal constraint.

25 229 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2017, the  
26 department of education is authorized, subject to the approval of the governor and council, to accept  
27 gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations,  
28 and other organizations or institutions for the purpose of funding appropriations made in accounting  
29 unit 06-56-56-562010-7534 (NH Scholars Program).

30 230 Appropriation; Crotched Mountain Foundation. In addition to any other funds appropriated  
31 to the department of health and human services, the sum of \$250,000 for the fiscal year ending  
32 June 30, 2016 and \$250,000 for the fiscal year ending June 30, 2017 are hereby appropriated to the  
33 department of health and human services for the purpose of providing a supplemental enhanced rate  
34 for complex patients served by the Crotched Mountain Foundation in accounting unit 05-95-481510-  
35 6173-101 (Medical Payments to Providers). The governor is authorized to draw a warrant for said  
36 sums out of any money in the treasury not otherwise appropriated. Payment of this enhanced rate  
37 for complex patients served by the Crotched Mountain Foundation shall be subject to approval by the

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1 Centers for Medicare and Medicaid Services, and subject to rate setting approval by the department  
2 of health and human services. The approved supplemental rate shall be paid in addition to existing  
3 rates in effect as of June 30, 2015 and shall be paid until the additional general fund appropriation  
4 of \$250,000 is exhausted, at which time the department shall review the impact of these levels of  
5 care and may, in its sole discretion, return to the rates in effect as of June 30, 2015. The Crooked  
6 Mountain Foundation shall report monthly to the department on utilization of beds that are subject  
7 to the supplemental enhanced rate.

8 231 New Paragraph; Commissioner of the Department of Health and Human Services;  
9 Substance Use Disorder Services. Amend RSA 126-A:5 by inserting after paragraph XXVIII the  
10 following new paragraph:

11 XXIX. The commissioner shall submit a state plan amendment to the Center for Medicare  
12 and Medicaid Services to provide substance use disorder services to Title XIX and Title XXI  
13 beneficiaries. The commissioner shall design the benefit consistent with Substance Abuse and  
14 Mental Health Service Administration (SAMHSA) treatment guidelines. The commissioner shall  
15 also determine the process and timeline for implementing services and, if necessary, phase in the  
16 benefit.

17 232 Department of Health and Human Services; Social Services Block Grant Cost of Living  
18 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending  
19 June 30, 2017, the department of health and human services shall raise the income eligibility for  
20 elderly and adult clients under the Social Services Block Grant program each January, by the  
21 percentage amount of the cost of living increase in social security benefits on a yearly basis.

22 233 Department of Education: Transfer Among Accounts. Notwithstanding any provision of  
23 law to the contrary, for the biennium ending June 30, 2017, the commissioner of the department of  
24 education is hereby authorized to transfer funds within and among all accounting units within the  
25 department, as the commissioner deems necessary and appropriate to address present or projected  
26 budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as  
27 necessary for the efficient management of the department, with the exception of class 60 transfers;  
28 provided, that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of  
29 the general court and the governor and council. The authority granted in this section shall not apply  
30 to accounting units 06-56-56-561010-6019 (Other State Aid), 06-56-56-560010-7550 (Adequacy  
31 Grants), and 06-56-56-561510-4101 (Court Ordered Placements).

32 234 Business Profits Tax; Imposition of Tax; 2016. Amend RSA 77-A:2 to read as follows:

33 77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.5]~~ **8.3** percent upon the taxable  
34 business profits of every business organization.

35 235 Business Profits Tax; Imposition of Tax; 2017. Amend RSA 77-A:2 to read as follows:

36 77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.3]~~ **8.1** percent upon the taxable  
37 business profits of every business organization.

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1       236 Business Profits Tax; Imposition of Tax; 2019. Amend RSA 77-A:2 to read as follows:

2       77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.1]~~ **7.9** percent upon the taxable  
3 business profits of every business organization.

4       237 Business Enterprise Tax; Imposition of Tax; 2016. Amend RSA 77-E:2 to read as follows:

5       77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[3/4 of one]~~ **.725** percent upon the  
6 taxable enterprise value tax base of every business enterprise.

7       238 Business Enterprise Tax; Imposition of Tax; 2017. Amend RSA 77-E:2 to read as follows:

8       77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[-.725]~~ **.7** percent upon the taxable  
9 enterprise value tax base of every business enterprise.

10       239 Business Enterprise Tax; Imposition of Tax; 2019. Amend RSA 77-E:2 to read as follows:

11       77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[-.7]~~ **.675** percent upon the taxable  
12 enterprise value tax base of every business enterprise.

13       240 Applicability.

14       I. Sections 234 and 237 of this act shall apply to taxable periods ending on or after December  
15 31, 2016.

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

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

20       241 Business Profits Tax; Research and Development Tax Credit. Amend RSA 77-A:5, XIII(a)(1)  
21 to read as follows:

22               (1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming  
23 the credit shall not exceed ~~[\$2,000,000]~~ **\$7,000,000** for any fiscal year.

24       242 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes  
25 administered and collected by the department of revenue administration, an amnesty from the  
26 assessment or payment of all penalties and interest in excess of 50 percent of the applicable interest  
27 rate for the tax period shall apply with respect to unpaid taxes reported and paid in full during the  
28 period from December 1, 2015 through and including February 15, 2016, regardless of whether  
29 previously assessed. This amnesty shall only apply to taxes due but unpaid on or before February  
30 15, 2016.

31       243 Mandatory Penalties. On or after March 1, 2016, notwithstanding the provisions of any  
32 other law, the department or any administrative tribunal or court with jurisdiction, either in law or  
33 equity, shall have no discretion to waive, abate, reduce, or remit, for good cause or any other reason,  
34 any penalties assessed with respect to taxes administered by the department, which taxes were due  
35 before December 1, 2015.

36       244 Appropriation. The sum of \$50,000 is hereby appropriated to the department of revenue  
37 administration for the fiscal year ending June 30, 2016 to the following account for the purposes of



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1 outreach and other administration necessary for the implementation of the tax amnesty program:  
2 01-84-84-840010-7884-102 contracts for program services. The governor is authorized to draw a  
3 warrant for said sum out of any money in the treasury not otherwise appropriated.

4 245 New Paragraph; Department of Revenue Administration; Duties of the Commissioner;  
5 Voluntary Disclosure Program. Amend RSA 21-J:3 by inserting after paragraph XXXI the following  
6 new paragraph:

7 XXXII. Establish a voluntary disclosure program for taxes administered by the department  
8 where a person or entity voluntarily self-discloses a tax liability to the department and the  
9 department waives applicable penalties and settles and compromises the taxes and interest due  
10 through a voluntary disclosure agreement. A person or entity shall not be eligible to participate in  
11 the voluntary disclosure program if the department has contacted or informed the person or entity,  
12 an affiliate of the entity, or a member of a unitary business, of which the entity is a member, that the  
13 department is inquiring into the person, entity, or unitary business' liability for tax or whether the  
14 person, entity, or unitary business is subject to tax or tax collection responsibilities in this state. A  
15 person or entity shall not be eligible to participate in the voluntary disclosure program regarding a  
16 specific tax administered by the department if the person, entity, or unitary business, of which the  
17 person or entity is a member, has filed a return in a previous taxable period for the specific tax,  
18 except for good cause shown. A provider, operator, or retailer who collected, but failed to remit, the  
19 tax to the state shall not be eligible for the voluntary disclosure program.

20 246 New Paragraph; Rulemaking; Commissioner of Revenue Administration. Amend RSA 21-  
21 J:13 by inserting after paragraph XIII the following new paragraph:

22 XIV. The implementation and administration of a voluntary disclosure program established  
23 under RSA 21-J:3, XXXII.

24 247 Highway Fund. The department of transportation and department of safety shall not  
25 expend or request to expend any funds from the highway surplus account for the biennium ending  
26 June 30, 2015. Any highway fund budget surplus at the close of the fiscal biennium ending June 30,  
27 2015 shall remain in the highway fund, and shall be used for the purposes of supporting  
28 appropriations from the highway fund for the biennium ending June 30, 2017.

29 248 State College and University System; Trustees of the University System. Amend  
30 RSA 187-A:13 to read as follows:

31 187-A:13 Trustees of University System. The general government of the university system and  
32 its constituent divisions and institutions shall be vested in a single board of [27] trustees composed  
33 as follows and in accordance with the following conditions:

34 I. Eight ex-officio members: the governor of the state, the chancellor of the university  
35 system, the commissioner of agriculture, markets, and food, the commissioner of education, the  
36 president of the university of New Hampshire, the president of Plymouth state university, the  
37 president of Keene state college, the president of the Granite state college[;].

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1           II. [~~Eleven~~] **Ten** members appointed by the governor with the advice and consent of the  
2 council[;].

3           III.(a) Two members shall be students enrolled at Keene state college, Plymouth state  
4 university, Granite state college, or the university of New Hampshire who shall serve as student  
5 trustees, for the term indicated in this paragraph, on a rotating basis in the order listed below:

6                   (1) One student each from the university of New Hampshire and Plymouth state  
7 university.

8                   (2) One student each from Plymouth state university and Granite state college.

9                   (3) One student each from Granite state college and Keene state college.

10                  (4) One student each from Keene state college and the university of New Hampshire.

11           (b) The student trustees shall be elected by the student body at the school responsible for  
12 providing the student trustees. The term of the student trustees shall be for one year commencing  
13 July 1 of the year for which the student was elected and ending June 30 of the next year. Student  
14 trustees shall be expected to serve the full duration of their elected term. In the event that a student  
15 trustee ceases for any reason to attend the school from which the student was elected, the chancellor  
16 of the university system shall declare a vacancy in that student trustee position, and the school  
17 causing the vacancy shall elect a replacement student trustee who shall serve for the remainder of  
18 the predecessor's term. Graduation of a student trustee shall not constitute a vacancy under this  
19 paragraph.

20           IV. Four members elected by the alumni of the university of New Hampshire[;].

21           V. One member elected by the alumni of Keene state college[;].

22           VI. One member elected by the alumni of Plymouth state university.

23           **VII. One member elected by the alumni of Granite state college.**

24           At all times, 2 members of the board shall be farmers and both major political parties shall be  
25 represented on the board.

26           249 New Paragraphs; State College and University System; Trustees of the University System.  
27 Amend RSA 187-A:13 by inserting after paragraph VII the following new paragraphs:

28           VIII. The senate president or designee from the senate leadership, who shall be a nonvoting  
29 member.

30           IX. The speaker of the house of representatives or designee from the house leadership, who  
31 shall be a nonvoting member.

32           250 Repeal. RSA 187-A:13, VIII and IX, relative to house of representatives and senate  
33 membership on the university system board of trustees, are repealed.

34           251 Transfer of funds; Liquor Commission. RSA 176:16, V is repealed and reenacted to read as  
35 follows:

36           V. The commissioner is authorized to transfer funds within and among all accounting units  
37 within the commission's operating budget and to create accounting units and expenditure classes as

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1 required and as the commissioner deems necessary and appropriate to address present or projected  
2 budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as  
3 necessary for the efficient management of the liquor commission. Any transfer of \$75,000 or more  
4 shall require prior approval of the fiscal committee of the general court and governor and council.  
5 The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

6 252 State Liquor Stores; Closing of State Stores. Amend RSA 177:2 to read as follows:  
7 177:2 Closing of State Stores.

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

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

24 253 New Section; Liquor Commission; Revenue Shortfall; Reports. Amend RSA 176 by inserting  
25 after section 16 the following new section:

26 176:16-a Revenue Shortfalls; Reports. Beginning July 1, 2015 and for each fiscal year  
27 thereafter, if the transfer of revenue from the liquor commission to the general fund under RSA  
28 176:16 falls short of the revenue plan for a completed fiscal year, the commission shall reduce the  
29 commission's budgeted appropriations for the subsequent fiscal year by an amount equal to the  
30 shortfall up to 5 percent of the budgeted appropriations and shall provide a report by September 30  
31 each year of any such reductions to the comptroller, the commissioner of the department of  
32 administrative services, and the fiscal committee of the general court.

33 254 Office of Professional Licensure and Certification; Transfer Among Accounts and Classes.  
34 Notwithstanding any provisions of law to the contrary, except RSA 9:17-c, and subject to the  
35 approval of the fiscal committee of the general court and the governor and council, for the biennium  
36 ending June 30, 2017, the executive director of the office of professional licensure and certification is  
37 hereby authorized to transfer funds within and among all accounting units and/or class codes within

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1 the office, with the exception of class 60 transfers, as the executive director deems necessary and  
2 appropriate to address present or projected budget deficits, and as otherwise necessary for the  
3 efficient management of the office; provided if a transfer does not include new class codes, only  
4 transfers over \$75,000 shall require prior approval of the fiscal committee of the general court and  
5 the governor and council.

6 255 Adjutant General; Acceptance and Expenditure of Federal Funds. Notwithstanding any  
7 other provision of law, for the biennium ending June 30, 2017, in addition to the amount budgeted in  
8 accounting unit 02-12-12-120010-2245 (army guard facilities 100% federal), the adjutant general,  
9 with approval of the governor and council, may accept and expend up to \$3,000,000 of federal funds  
10 for the purpose of this account without further approval from the fiscal committee of the general  
11 court.

12 256 New Hampshire Health Care Quality Assurance Commission; Date Extended. Amend 2005,  
13 157:4, I, as amended by 2010, 98:3 to read as follows:

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

15 257 Medicaid Premium; Insurer's Assessable Premiums. Amend RSA 400-A:39, VI(a) to read as  
16 follows:

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

31 258 Education Trust Fund; Distribution of Unexpended Appropriations. For each fiscal year of  
32 the biennium ending June 30, 2017, the commissioner of the department of education shall  
33 distribute any unexpended appropriations from accounting unit 06-56-56-560010-7550-079, adequate  
34 education aid-state, to any municipality in which the total education grant was reduced pursuant to  
35 RSA 198:41, III(b) in any fiscal year of the biennium ending June 30, 2017. The commissioner shall  
36 distribute such amount based on the proportion of a municipality's average daily membership in  
37 attendance in relation to the average daily membership in attendance of all such municipalities, but

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1 not to exceed a municipality's uncapped amount. In this section, "uncapped amount" means the  
2 amount determined pursuant to RSA 198:41, I and II.

3 259 New Subparagraph; Chartered Public Schools; Funding. Amend RSA 194-B:11, I by  
4 inserting after subparagraph (d) the following new subparagraph:

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

11 260 Effective Date for Repeals Amended. Amend 2014, 3:13, I to read as follows:

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

13 **I-a.** Section 12, paragraphs [4] **II-VII** of this act shall take effect December 31, 2016.

14 261 Reference to HIPP Program Deleted. Amend RSA 126-A:5, XXIV(a) to read as follows:

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

27 262 Reference to HIPP Program Deleted. Amend RSA 126-A:5, XXV(a) to read as follows:

28 XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the  
29 marketplace premium assistance program. This will be a premium assistance program for newly  
30 eligible adults and their eligible spouse and dependents, if applicable, ~~[who are ineligible for the~~  
31 ~~HIPP program established in RSA 126 A:5, XXIII]~~ until December 31, 2016 and shall be  
32 administered by the department of health and human services. In order to receive medical  
33 assistance from the program, newly eligible adults who are ineligible for the HIPP program shall  
34 choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost  
35 effective; provided, however, that any newly eligible adult who had coverage under an alternative  
36 benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the  
37 voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV

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1 shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that  
2 same MCO if one is available, unless such newly eligible adult subsequently chooses a different QHP  
3 during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO  
4 then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall  
5 be in an amount which shall be no less than before the effective date of this paragraph.

6 263 Reference Change. Amend RSA 176:16, IV to read as follows:

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

12 264 New Paragraph; Governor's Commission on Disability; Committee on Architectural Barrier-  
13 Free Design; Waivers. Amend RSA 275-C:15 by inserting after paragraph V the following new  
14 paragraph:

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

21 265 New Paragraph; Governor's Commission on Disability; Rulemaking. Amend RSA 275-C:6  
22 by inserting after paragraph VII the following new paragraph:

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

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

28 266 Governor's Commission on Disability; Application for Waiver Process. Amend RSA 275-  
29 C:15, IV to read as follows:

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

35 267 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The  
36 commissioner of the department of health and human services shall submit a Title XIX Medicaid

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1 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all  
2 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2017.

3 268 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The  
4 provisions of RSA 78-A:26, I(b), crediting a portion of meals and rooms tax revenue to the  
5 department of resources and economic development, division of travel and tourism development, are  
6 hereby suspended for the biennium ending June 30, 2017.

7 269 Contingent Renumbering. If HB 564-FN of the 2015 regular legislative session becomes  
8 law, RSA 126-A:5, XIX(e), as inserted by section 209 of this act, shall be renumbered as RSA 126-A:5,  
9 XIX(f).

10 270 Legislative Budget Assistant; General Duties. RSA 14:31, V is repealed and reenacted to  
11 read as follows:

12 V. The commissioner of administrative services shall deliver to the legislative budget  
13 assistant the official financial information under the control of the commissioner as required by this  
14 section in a form unaltered from that which is finally reported in the state's integrated multi-  
15 module, information technology system, including any related subsystems. The approval of the  
16 governor, the speaker of the house of representatives, and the senate president shall be required for  
17 delivery of any other information, other than the official financial information required by this  
18 section. The right of access to information under this section shall not arise until after each  
19 transaction or event subject to RSA 91-A has taken place. Such information shall be provided to the  
20 legislative budget assistant in a mutually agreeable and compatible format at the end of each  
21 business day. The legislative budget assistant shall be subject to the provisions of RSA 21-I:13-a, II  
22 and RSA 21-G:37, I-III. This paragraph shall not be construed as granting the legislative budget  
23 assistant access to any information or any information system relative to the internal functions of  
24 the office of the governor or any executive agency, department, board, commission, or institution.

25 271 Contingency. If SB 86 of the 2015 regular legislative session becomes law, section 270 of  
26 this act shall take effect at 12:01 a.m. on January 1, 2016. If SB 86 of the 2015 regular legislative  
27 session does not become law, section 270 of this act shall not take effect.

28 272 Effective Date.

29 I. Sections 183-184, 228, 248-249, and 256 shall take effect upon its passage.

30 II. Sections 166-171, 174-179, and 188-189 of this act shall take effect 60 days after its  
31 passage.

32 III. Sections 3, 34, 43, 163, 165, 185, 199-201, 213, 214, 225, and 247 of this act shall take  
33 effect June 30, 2015.

34 IV. Section 182 of this act shall take effect September 1, 2015 at 12:03 a.m.

35 V. Sections 186, 194, and 234-240 of this act shall take effect July 1, 2016.

36 VI. Sections 140 and 241 of this act shall take effect July 1, 2017.

37 VII. Section 250 of this act shall take effect December 1, 2018.

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- 1 VIII. Section 270 of this act shall take effect as provided in section 271 of this act.
- 2 IX. Section 203 of this act shall take effect as provided in section 204 of this act.
- 3 X. The remainder of this act shall take effect July 1, 2015.



LBAO  
15-1032  
02/25/15

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

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

**FISCAL IMPACT:**

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