

CHAPTER 227  
SB 54 – FINAL VERSION

03/07/13 0354s  
24Apr2013... 1256h  
06/12/13 2033EBA

2013 SESSION

13-0849  
05/09

SENATE BILL **54**

AN ACT relative to appeals from the department of administrative services bureau of public works design and construction.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill provides that a person aggrieved by a decision of the bureau of public works design and construction regarding a public works design and construction project may request an informal review by the director of the division of plant and property management followed by an appeal to the commissioner of the department of administrative services.

This bill is a request of the department of administrative services.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to appeals from the department of administrative services bureau of public works design and construction.

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

1           227:1 Division of Plant and Property Management. Amend RSA 21-I:11, XIII to read as follows:

2           XIII. ~~[Hearing and deciding]~~ **Reviewing** disputes arising from the activities of the bureau of  
3 public works design and construction prior to the appeal of disputes to the commissioner under  
4 RSA 21-I:86.

5           227:2 Public Works Appeals. RSA 21-I:86 is repealed and reenacted to read as follows:

6           21-I:86 Public Works Appeals.

7           I. Any person aggrieved by a decision of the administrator of the bureau of public works  
8 design and construction relative to public works design and construction shall petition for informal  
9 review by the director of the division of plant and property management, or the director's designee,  
10 within 15 days of the decision. Such petition for informal review shall be a prerequisite to an appeal  
11 to the commissioner under paragraph II.

12           II. Any person aggrieved by the determination of the director of the division of plant and  
13 property management, or the director's designee, under paragraph I shall appeal to the  
14 commissioner, or the commissioner's designee, within 30 days of the director's determination.

15           227:3 Department of Transportation; Powers and Duties of the Appeals Board. Amend RSA 21-  
16 L:15, I to read as follows:

17           I. The board shall hear and decide appeals from decisions of the commissioner relative to  
18 contract interpretation or other decisions affecting persons not employed by the department,  
19 municipalities, or private property, except condemnations of property for public uses, and the  
20 assessment of damages therefor. Decisions of division directors shall be appealed to the  
21 commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions  
22 relative to aeronautical matters, which may be appealed to the aviation users advisory board  
23 established under RSA 21-L:8, and decisions relative to common carriers by rail, which may be  
24 appealed to the railroad appeals board established under RSA 21-L:16. ~~[The board shall also hear  
25 appeals from the department of administrative services relating to such matters involving public  
26 works design and construction as have been delegated to the department of administrative services  
27 or as were administered prior to July 1, 2005 by the division of public works, department of~~

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1 ~~transportation.]~~

2       227:4 Applicability. The amendments to RSA 21-I:86 and RSA 21-L:15, I made by sections 2 and  
3 3 of this act shall not apply to matters pending before the transportation appeals board, the division  
4 of plant and property management, or the commissioner of administrative services on the effective  
5 date of this act.

6       227:5 Effective Date. This act shall take effect 60 days after its passage.

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8 Approved: July 15, 2013

9 Effective Date: September 13, 2013