

CHAPTER 254
SB 192-FN – FINAL VERSION

03/05/2015 0314s
3June2015... 1703h
06/24/2015 2323EBA

2015 SESSION

15-0498
09/04

SENATE BILL ***192-FN***

AN ACT permitting the department of revenue administration to conduct employee candidate background checks, establishing the position of tax policy analyst within the department, and establishing the salary grade for the director of the division of municipal and property within the department.

SPONSORS: Sen. Carson, Dist 14; Sen. Cataldo, Dist 6; Sen. Reagan, Dist 17; Rep. M. Griffin, Rock 7; Rep. Danielson, Hills 7

COMMITTEE: Finance

ANALYSIS

This bill permits the department of revenue administration to conduct employee candidate background checks and establishes the position of tax policy analyst within the department. The bill also establishes the salary grade for the director of the division of municipal and property in the department of revenue administration.

This bill was requested by the department of revenue administration.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT permitting the department of revenue administration to conduct employee candidate background checks, establishing the position of tax policy analyst within the department, and establishing the salary grade for the director of the division of municipal and property within the department.

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

1 254:1 Duties of Commissioner of the Department of Revenue Administration. Amend RSA 21-
2 J:3, XVII to read as follows:

3 XVII. Appoint a chief of field audits [~~and~~], field **audit** team leaders, **and multi-entity tax**
4 **auditors**, who shall be unclassified employees and who shall serve at the pleasure of the
5 commissioner.

6 254:2 New Section; Department of Revenue Administration; Employee Candidate Background
7 Checks. Amend RSA 21-J by inserting after section 3 the following new section:

8 21-J:3-a Employee Candidate Background Checks.

9 I. The commissioner of the department of revenue administration may require a background
10 investigation and a criminal history records check on any candidate for employment in a position in
11 the department prior to a final offer of employment. The commissioner may request only a state
12 records check or both a federal and state records check, to be conducted through the division of state
13 police. The commissioner may extend a conditional offer of employment to a candidate, with a final
14 offer of employment subject to a successfully completed criminal history records check.

15 II. A candidate for employment in a position in the department shall submit to the
16 commissioner a notarized criminal history records release form, as provided by the division of state
17 police, which authorizes the release of the person's criminal records, if any. The candidate shall
18 submit with the release form a complete set of fingerprints taken by a law enforcement agency as
19 directed by the commissioner. In the event that the first set of fingerprints is invalid due to
20 insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal
21 history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts,
22 a set of fingerprints is invalid due to insufficient pattern, the commissioner may, in lieu of the
23 criminal history records check, accept police clearances from every city, town, or county where a
24 candidate has lived during the past 5 years.

25 III. To obtain a state records check only, the commissioner or his or her designee shall
26 submit a state criminal history records release form to the division of state police. To obtain both the

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1 federal and the state records check, the commissioner or his or her designee shall submit the
2 criminal history records release form and applicant finger print card to the division of state police,
3 which shall conduct a criminal history records check through its records and through the Federal
4 Bureau of Investigation. Upon completion of the background investigation, the division of state
5 police shall report any criminal conviction information to the commissioner or his or her designee.
6 The commissioner or his or her designee may submit fingerprint information electronically, in
7 accordance with procedures established by the division of state police. The department shall
8 maintain the confidentiality and security of all criminal history records information received
9 pursuant to this paragraph.

10 IV. The commissioner may require the candidate to pay the actual costs of the background
11 investigation and the criminal history records check.

12 254:3 New Section; Tax Policy Analyst. Amend RSA 21-J by inserting after section 6-c the
13 following new section:

14 21-J:6-d Tax Policy Analyst.

15 I. There is established within the department the unclassified position of tax policy analyst
16 who shall be responsible for:

17 (a) Advising the commissioner and assistant commissioner of recommended changes in
18 state statutes, rules, and administrative policies and procedures;

19 (b) Coordinating all matters of legislative and tax policy assigned to the department; and

20 (c) Representing the department before the general court.

21 II. The commissioner shall appoint the unclassified position of tax policy analyst who shall
22 serve at the pleasure of the commissioner.

23 III. The salary of the tax policy analyst shall be as specified in RSA 94:1-a.

24 254:4 Department of Revenue Administration; Tax Policy Analyst; Position Established.

25 I. There is established within the department of revenue administration the unclassified
26 position of tax policy analyst. The salary for the position shall be as set forth in RSA 94:1-a.

27 II. The salary of the tax policy analyst shall be determined after assessment and review of
28 the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be
29 conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and
30 appointment of the tax policy analyst, position 9U431 shall be abolished to allow for the transition of
31 this unclassified position with its available appropriations into the unclassified position of tax policy
32 analyst.

33 III. The incumbent in the abolished unclassified position audit team leader shall be offered
34 the opportunity to seek the commissioner's nomination for the unclassified position of tax policy
35 analyst.

36 254:5 State Salaries. Amend RSA 94:1-a, I(b), grade HH by inserting the following:

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1 HH Department of revenue administration director, division of municipal and
2 property

3 254:6 Effective Date. This act shall take effect 60 days after its passage.

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5 Approved: July 13, 2015

6 Effective Date: September 11, 2015