

Amendment to SB 104-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT adopting omnibus legislation relative to the classification of state employee positions,  
4 reverse auctions, and the organization of the department of administrative services.

5

6 Amend section 1 of the bill, Sponsorship, by inserting after Part II the following new Part:

7

8 Part III, relative to the organization of the department of administrative services.

9

10 Amend Part I of the bill by replacing sections 1 and 2 with the following:

11

12 1 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in  
13 RSA 94:1-a, I(b) by deleting:

14	BB	department of health and human services	program manager
15	EE	department of health and human services	director of communications
16	FF	department of health and human services	director, project management
17	FF	department of health and human services	substance abuse senior policy analyst
18	FF	department of health and human services	LEAN Coordinator
19	FF	department of corrections	director, professional standards
20	FF	department of health and human services	information security officer
21	GG	department of health and human services	substance abuse manager

22 2 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in  
23 RSA 94:1-a, I(b) by inserting:

24	DD	department of justice	victim/witness specialist
25	EE	department of health and human services	process improvement manager
26	EE	department of health and human services	substance use disorder planning and
27			evaluation manager
28	FF	department of health and human services	director of communications
29	FF	department of health and human services	senior project manager
30	FF	department of justice	director of communications
31	GG	department of administrative services	deputy director, risk and benefits
32	GG	department of corrections	director, professional standards

**Amendment to SB 104-FN**  
**- Page 2 -**

1	GG	department of health and human services	information security officer
2	GG	department of health and human services	deputy director, division of economic and
3			housing stability
4	GG	department of safety	deputy director, division of administration
5	HH	department of health and human services	director, intergovernmental affairs
6	HH	department of administrative services	director (administrator), division of plant and
7			property management
8	HH	department of health and human services	director, employee assistance program
9	KK	department of corrections	pharmacist
10	NN	department of corrections	chief pharmacist

11  
12 Amend Part I of the bill by inserting after section 2 the following and renumbering the original  
13 sections 3-5 to read as sections 4-6, respectively:  
14

15       3 New Subparagraph; Salary Adjustment for Recruitment or Retention; Department of  
16 Corrections; Director of Nursing. Amend RSA 94:3-b, II by inserting after subparagraph (e) the  
17 following new subparagraph:

18               (f) Director of nursing, department of corrections, \$110,000 - \$155,000  
19

20 Amend RSA 21-I:11-e as inserted by section 1 of Part II of the bill by inserting after paragraph III  
21 the following new paragraphs:  
22

23       IV. Notwithstanding RSA 91-A:4 and RSA 21-G:37, no information shall be available to the  
24 public or to the members of the general court or its staff concerning specific reverse auction RFB  
25 from the release of the reverse auction RFB until the contract is approved by the governor and  
26 executive council, or, if the contract does not require approval from the governor and executive  
27 council, until the contract has been actually awarded as determined by the issuing agency, except:

28               (a) In the case of an RFB that requires approval from the governor and executive  
29 council, the issuing agency shall, at least 5 business days prior to submitting the contract to the  
30 department of administrative services, post the vendors' names and respective final prices for each  
31 qualified bidder on its website.

32               (b) In the case of an RFB that does not require approval from the governor and executive  
33 council, the issuing agency shall, at minimum, post the vendors' names and respective final prices  
34 for each qualified bidder on its website at the time that the RFB is awarded.

35       V. Notwithstanding paragraph IV, the department of administrative services shall share  
36 such pricing information as is necessary to conduct the reverse auction. During the reverse auction,  
37 such pricing information shall be shared only with the bidders and other parties participating in the

**Amendment to SB 104-FN**  
**- Page 3 -**

reverse auction as specified in subparagraph III(c). Such information shall include only prices proposed and not names of bidders.

VI. Reverse auction RFBs shall be subject to RSA 21-G:37, IV-VI.

Amend the bill by inserting after Part II the following:

Part III

Relative to the organization of the department of administrative services.

1 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2 to read as follows:

21-I:2 Commissioner; Directors.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years.

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each unclassified division director, the assistant commissioner, **and** the deputy commissioner~~[- the internal auditor, the director of financial data management, the director of risk and benefits, and the senior operational analyst. The unclassified division directors, the assistant commissioner, the deputy commissioner, the internal auditor, the director of financial data management, the director of risk and benefits, and the senior operational analyst shall each serve for a term of 4 years].~~

***III. The commissioner shall appoint each unclassified deputy division director, a state budget officer, a chief financial officer, a deputy state comptroller, the internal auditor, the senior operational analyst, 2 superintendents of buildings and grounds, a superintendent of court facilities, an education and training officer, and the manager of employee relations, each of whom shall serve at the pleasure of the commissioner.***

***IV. The commissioner may appoint such other unclassified deputy division directors as he or she determines are necessary to carry out the functions of the divisions of the department. Deputy directors shall serve at the pleasure of the commissioner.***

2 New Paragraph; Duties of Commissioner; Authority to Establish Divisions, Units, and Officers. Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

XVIII. Establish within the department such divisions, units, and officers, not expressly provided for or prohibited by law, as the commissioner deems advisable for the discharge of his or her duties. The commissioner may appoint such deputy division directors and other officers as he or she believes are necessary to carry out the functions of the divisions of the department.

3 Department of Administrative Services; State Budget Office. Amend the introductory paragraph of RSA 21-I:6 to read as follows:

**Amendment to SB 104-FN**  
**- Page 4 -**

1       21-I:6 Budget [~~Unit~~] **Office**. There is hereby established within the office of the commissioner of  
2 administrative services a state budget [~~unit~~] **office** under the supervision of an unclassified budget  
3 director who shall:

4       4 Assistant Commissioner. Amend RSA 21-I:3-a, II to read as follows:

5           II. The assistant commissioner shall [~~serve as budget director~~] **oversee the state budget**  
6 **office** and shall perform such duties as are assigned by the commissioner. The assistant  
7 commissioner shall assume the duties of the commissioner in the event that the commissioner is  
8 unable for any reason to perform such duties.

9       5 Manager of Employee Relations. Amend the introductory paragraph o f RSA 21-I:44, II to  
10 read as follows:

11           II. There is established within the division a bureau of employee relations, under the  
12 direction of an unclassified manager of employee relations[~~, who shall serve a 4-year term~~]. The  
13 bureau of employee relations shall be responsible for the following functions, in accordance with  
14 applicable laws:

15       6 Manager of Employee Relations and Education and Training Officer. Amend RSA 21-I:44, IV  
16 to read as follows:

17           IV. The commissioner, after consultation with the director of personnel, shall [~~nominate~~]  
18 **appoint** the manager of employee relations and the education and training officer [~~who shall be~~  
19 ~~appointed by the governor, with the consent of the council~~]. The manager of employee relations and  
20 the education and training officer shall be qualified by reason of education and experience [~~and shall~~  
21 ~~each serve a 4-year term~~]. The salary of the manager of employee relations and the education and  
22 training officer shall be as specified in RSA 94:1-a.

23       7 Director of the Division of Public Works Design and Construction. Amend RSA 21-I:11, I(b) to  
24 read as follows:

25           (b) The division of public works design and construction[~~, which shall be under the~~  
26 ~~supervision of a classified public works manager VII, who~~] shall be responsible for the functions [~~of~~  
27 ~~the division under~~] **set forth in** RSA 21-I:12, III.

28       8 Internal Audit. Amend RSA 21-I:7, I to read as follows:

29           I. Assist the commissioner by supplying analytical reports of examinations conducted of the  
30 department's various divisions, bureaus, units, programs and functions. Examinations will be  
31 conducted and reports prepared in accordance with standards of governmental auditing and program  
32 evaluation specified by authoritative national standard setting bodies. Reports shall contain  
33 analyses, appraisals, comments and recommendations relating to the accuracy and competence of  
34 accounting, financial, and management procedures in use. Organizational and operational practices  
35 may also be reviewed by the [~~budget director~~] **state budget officer**.

36       9 Reference Change. Department of Information Technology. Amend RSA 21-R:4, XI to read as  
37 follows:

**Amendment to SB 104-FN**  
**- Page 5 -**

1 XI. Developing, in concert with the commissioner of administrative services and the ~~[budget~~  
2 ~~director as defined in RSA 21-I:1-a]~~ **state budget office established in RSA 21-I:6**, the capital and  
3 operating budget requests for implementing each agency's information technology plan, including,  
4 but not limited to, appropriate standards for the uniform presentation of the general budget  
5 requests.

6 10 Division of Plant and Property. Amend RSA 21-I:11, I(c)(4)-(6) to read as follows:

7 (4) Supervising the ~~[activities and functions of the bureau of]~~ planning and  
8 management **functions of the department** under RSA 21-I:12, II(a).

9 (5) Supervising the ~~[activities and functions of the bureau of]~~ general services  
10 **functions of the department** under RSA 21-I:12, II(b).

11 (6) Supervising the ~~[activities and functions of the bureau of]~~ **functions of the**  
12 **department related to** court facilities under RSA 21-I:12, II(c).

13 11 Division of Plant and Property. Amend RSA 21-I:12, II to read as follows:

14 II. The division of plant and property shall ~~[include the following internal organizational~~  
15 ~~units and functions]~~:

16 (a) ~~[A bureau of planning and management under the supervision of a classified~~  
17 ~~administrator of planning and management who shall]~~ be responsible for the following functions  
18 **relative to planning and management**, in accordance with applicable laws:

19 (1) Recommending assignment of office and office-related space, including rented  
20 space, or space under consideration for rental, to the director, who shall report such  
21 recommendations to the commissioner.

22 (2) Preparing and maintaining an inventory of all physical space in real property  
23 rented or leased for use by the state. This inventory shall be made available to the comptroller in  
24 order to assist the comptroller to comply with accounting principles.

25 (3) Planning for any additional office space needs of the state in consultation with  
26 the division of public works design and construction.

27 (4) Planning for any major renovation to state office buildings in consultation with  
28 the division of public works design and construction.

29 (5) Centrally managing all space rented by, or all proposed rentals of space by, state  
30 agencies, and providing central administration and management of the processes by which space is  
31 rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law,  
32 agencies seeking to rent space shall do so only in consultation with the ~~[bureau of planning and~~  
33 ~~management]~~ **division of plant and property**. The central management and administration  
34 provided by the ~~[bureau]~~ **division** shall include assisting agencies in their selection of property, in  
35 the formulation of rental documents, in the preparation of notices, in agencies' solicitation of bids or  
36 proposals and selection of lessors, in space planning, in office layout, and in such other matters as

**Amendment to SB 104-FN**  
**- Page 6 -**

are necessary for effective central planning and management relative to rented space but shall not include the power to enter into rental agreements on behalf of an agency.

(b) ~~[A bureau of general services under the supervision of a classified administrator of general services who shall]~~ Be responsible for the following **general service** functions, in accordance with applicable laws:

(1) Providing support services, including but not limited to, mailing and messenger services to state government.

(2) Providing for the general maintenance of state-owned buildings and grounds, except as otherwise provided by law.

(c) ~~[A bureau of court facilities under the supervision of a classified administrator who shall]~~ Be responsible for the following **court facility** functions, in accordance with applicable laws:

(1) Providing suitable court facilities for the conduct of all court sessions held within each judicial district and county, subject to the availability of appropriated funds, in accordance with RSA 490-B.

(2) Providing for the general maintenance of state-owned court buildings and grounds, except as otherwise provided by law.

(d) **Be responsible for** the department's functions relating to energy management, managed by such personnel as may be assigned by the commissioner.

(e) **Be responsible for** the department's support of facilities of the department of health and human services managed by such personnel as may be assigned by the commissioner.

12 Positions and Transfers.

I. The salaries of the state budget officer, the chief financial officer, the deputy state comptroller, the deputy director of financial data management, the deputy director of plant and property management, the deputy director of personnel, the deputy director of procurement and support services, the director of public works design and construction, the deputy director of public works design and construction, the internal auditor, the 2 superintendents of buildings and grounds, and the superintendent of court facilities shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position, which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

II. Upon completion of the actions described in paragraph I, and the appointment of each unclassified position there noted, the applicable classified position shall be abolished and its available funding shall be utilized to create an unclassified expenditure class within the applicable accounting unit.

III. For any unclassified position converting from a term of appointment to an appointment at the pleasure of the commissioner, the commissioner shall make such appointment when the term expires or when the position becomes vacant, whichever is earlier. For each such position, the

**Amendment to SB 104-FN**  
**- Page 7 -**

1 commissioner shall certify to the secretary of state and the director of legislative services that the  
2 term has expired and the position is subject to the commissioner's appointment.

3 IV. The incumbent in any classified or unclassified position converted to a position subject to  
4 appointment by the commissioner pursuant to this act, shall be offered the opportunity to seek such  
5 appointment.

6 13 Repeal. The following are repealed:

7 I. RSA 21-I:7-d, relative to the position of deputy director of risk and benefits.

8 II. RSA 21-I:1-a, I-a, relative to the definition of budget director.

9 14 Effective Date. Part III of this act shall take effect July 1, 2021.

**Amendment to SB 104-FN**  
**- Page 8 -**

2021-1514h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The classification of certain state employee positions, as requested by the joint committee on employee classification, established in RSA 14:14-c.

II. Reverse auctions, as requested by the department of administrative services.

III. The organization of the department of administrative services and the transition of certain classified positions within the department to unclassified positions subject to appointment by the commissioner.