Bill as Introduced

HB 1534-FN – AS INTRODUCED

2012 SESSION

12-2071
05/01

HOUSE BILL ***1534-FN***

AN ACT repealing the self-funding of the department of labor.

SPONSORS: Rep. Laware, Sull 5; Rep. Mirski, Graf 10; Rep. Twombly, Hills 25; Rep. Daniels, Hills 6; Rep. D. McGuire, Merr 8; Rep. Giuda, Merr 7; Rep. Flanagan, Hills 5; Rep. Osgood, Sull 4; Sen. Sanborn, Dist 7; Sen. Luther, Dist 12; Sen. White, Dist 9; Sen. Lambert, Dist 13

COMMITTEE: Finance

ANALYSIS

This bill repeals the restricted fund established to fund operations of the department of labor from fees, licenses, certificates, and civil penalties collected by the department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

12-2071
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT repealing the self-funding of the department of labor.

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

1 Reference Changes. Amend the following RSA provisions by replacing the words "department of labor restricted fund established in RSA 273:1-b" with "general fund": RSA 157-A:10-a, I; 157-B:13-a, I; 273:11-a, I; 275-F:9, I; 277-B:12, II; 277-B:13; 281-A:4-a, I; 281-A:7, I(a)(2); 281-A:43, I(d); 281-A:43, I (e); 281-A:59, IV; 281-A:60, I(r); 281-A:70.

2 Reference Changed. Amend RSA 277-B:12, III to read as follows:

III. Any client company which does business with an unlicensed employee leasing company may be fined by the commissioner up to $1,000 per employee for each day the violation continues. Any funds collected under this section shall be deposited in the [~~department of labor restricted fund established in RSA 273:1-b~~] ***general fund as unrestricted revenue***.

3 Reference Changed. Amend RSA 277-B:15-a, I to read as follows:

I. Employee leasing firms shall maintain a list of current and past clients which shall be available for inspection by the department of labor without notice. The list shall be submitted to the labor department on a quarterly basis. Failure to maintain an updated client list shall subject the licensee to a $1,000 fine, and a $2,500 fine and loss of license for a second or subsequent offense if deemed appropriate by the commissioner. Funds generated from fines shall be deposited in the [~~department of labor restricted fund established in RSA 273:1-b~~] ***general fund as unrestricted revenue***.

4 Reference Changed. Amend RSA 281-A:5-d, III to read as follows:

III. Any client company which knowingly does business with an unlicensed third party administrator may, after written notification, be fined up to $1,000 per day for each day the violation continues. Any funds collected under this section shall be deposited in the [~~department of labor restricted fund established in RSA 273:1-b~~] ***general fund as unrestricted revenue***.

5 Reference Changed. Amend RSA 281-A:43, II to read as follows:

II. A decision of the commissioner, the commissioner's authorized representative, or the board shall take effect and shall become final, in the absence of an appeal from it, 30 days from the date of the decision. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner or the board, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the decision or of a final court determination. If the commissioner determines that the employer or carrier has failed to comply with any order, then the commissioner may assess a penalty not to exceed $100 for each day of noncompliance, beginning

on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit [~~into the department of labor restricted fund established in RSA 273:1-b~~] ***with the state treasurer*** any penalty collected under this section.

6 Reference Changed. Amend RSA 281-A:53, I to read as follows:

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of up to $2,500. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them [~~into the department of labor restricted fund established in RSA 273:1-b~~] ***with the state treasurer***.

7 Reference Deleted. Amend RSA 275:57, IV to read as follows:

IV. An employer who willfully violates the provisions of this section may be assessed interest and a civil penalty of up to $1,000 per violation[~~, which shall be deposited into the department of labor restricted fund established in RSA 273:1-b~~].

8 Reference Deleted. Amend RSA 276-A:7-a to read as follows:

276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed $2,500 for each violation of any provision of this chapter or rule adopted pursuant to this chapter[~~, which shall be deposited into the department of labor restricted fund established in RSA 273:1-b~~]. In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations, and the employer's good faith.

9 Reference Changed. Amend RSA 281-A:42, III to read as follows:

III. Upon failure of any insurance carrier or self-insurer to comply with either an order for payment of compensation or an assessment of a civil penalty, the commissioner shall recover either or both in a civil action in the superior court of the county of jurisdiction. Anyone owing a civil penalty under this section shall pay it to the commissioner, who shall deposit it [~~into the department of labor restricted fund established in RSA 273:1-b~~] ***with the state treasurer***.

10 Reference Deleted. Amend RSA 281-A:23-a, VI(b) to read as follows:

(b) If the commissioner determines that a managed care program has failed to comply with the provisions of this section or the rules adopted to implement such section, but that such failure does not warrant withdrawal of approval of the program, the commissioner may, after notice to the managed care program and hearing, assess a civil penalty of not more than $100 for each such failure[~~, which shall be deposited into the department of labor restricted fund established in RSA 273:1-b~~]. If a managed care program fails to pay such penalty, the commissioner shall recover the penalty in a civil action in the superior court of the county of jurisdiction.

11 Reference Deleted. Amend RSA 281-A:30, VII to read as follows:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of $100 for each day that the payment is overdue[~~, which shall be deposited into the department of labor restricted fund established in RSA 273:1-b~~].

12 Reference Deleted. Amend RSA 281-A:55, V to read as follows:

V. An insurance carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of $100 for each day that the payment is overdue[~~, which shall be deposited into the department of labor restricted fund established in RSA 273:1-b~~].

13 Department of Labor Restricted Fund; Lapse. Any funds remaining in the department of labor restricted fund, established in RSA 273:1-b, shall lapse to the general fund on the effective date of this act.

14 Repeal. The following are repealed:

I. RSA 273:1-a and 273:1-b, relative to department of labor restricted fund.

II. RSA 6:12, I(b)(305), relative to the department of labor restricted fund.

15 Effective Date. This act shall take effect July 1, 2013.

LBAO
12-2071
11/07/11

HB 1534-FN - FISCAL NOTE

AN ACT repealing the self-funding of the department of labor.

FISCAL IMPACT:

The Department of Labor states this bill will increase state general fund revenue and expenditures, and decrease state restricted revenue and expenditures by $1,400,000 in FY 2014 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

METHODOLOGY:

The Department of Labor states this bill repeals the self-funding of the Department. The Department assumes its revenue and expenditures for FY 2014 through FY 2016 will be similar to FY 2013 for purposes of the fiscal note. The Department states restricted revenue and expenditures will decrease, and state general fund revenue and expenditures will increase by approximately $1,400,000 in FY 2014 through FY 2016.

Amendments

Rep. Belvin, Hills. 6
January 24, 2012
2012-0328h
03/05

Amendment to HB 1534-FN

Amend paragraph II of section 14 of the bill by replacing it with the following:

II. RSA 6:12, I(b)(306), relative to the department of labor restricted fund.

House Finance
January 24, 2012
2012-0359h
03/05

Amendment to HB 1534-FN

Amend paragraph II of section 14 of the bill by replacing it with the following:

II. RSA 6:12, I(b)(306), relative to the department of labor restricted fund.

House Finance
January 24, 2012
2012-0359h
03/05

Amendment to HB 1534-FN

Amend paragraph II of section 14 of the bill by replacing it with the following:

II. RSA 6:12, I(b)(306), relative to the department of labor restricted fund.

Committee Minutes

HOUSE FINANCE COMMITTEE
Legislative Office Building, Rooms 210-211
Concord, NH
Tuesday, January 10, 2012

HOUSE BILL 1534-FN, AN ACT repealing the self-funding of the Department of Labor.

TESTIMONY OF:

Rep. Tom Laware. . . . . Pg. 1
Rep. Brandon Giuda . . . . . Pg. 6
Rep. Paul Mirski.. . . . . Pg. 13
Rep. Timothy Twombly . . . . . Pg. 14
Rep. Gary Daniels. . . . . Pg. 15
Rep. Dan McGuire . . . . . Pg. 17
Sen. Raymond White . . . . . Pg. 21
Rep. Jack Flanagan . . . . . Pg. 24
Bob Clegg. . . . . Pg. 26
George Copadis . . . . . Pg. 29

CHAIRMAN WEYLER: Ladies and Gentlemen, I call the Finance Committee to order and we are gathered here today for a hearing on House Bill 1534, repealing the self-funding of the Department of Labor. I'll call upon the prime sponsor, Representative Laware.

TOM LAWARE, State Representative, Sullivan County, District #5: Thank you, Mr. Chairman. My name is Representative Tom Laware of Charlestown. I represent Sullivan District 5, Charlestown, Actworth, and Langdon. I'm here to talk on HB 1534. This is a simple bill that all it really does is it repeals three RSAs, 273:1-a, 273:1-b and 6:12, I(b)(306). And I might add that in the handout it's listed as 6:12, I(b)(305). That's a clerical error. It's supposed to be (306).

What these statutes do is they establish a restricted fund for the Labor Department and it's not a dedicated

fund, like we have others, there are many dedicated funds. This is the only restricted fund that we have. It was set up for the Labor Department alone. No other Department has a restricted fund. And the reason for filing this bill was last year when HB2 was being debated, certain provisions in that bill were farmed out to the respective committees and the Labor Committee received the part about the restricted fund for the Labor Department. And I -- as I recall, it was either unanimous or maybe one dissenting vote to reject the establishment of a restricted fund for the Labor Department. But as it turned out, when HB2 finally came to the floor, it had not been removed. So that was the -- that's what necessitated filing this bill is to have this taken out of HB2. But beyond that, all it really does is it just simply removes the statutes that establish the restricted fund for the Labor Department.

And just a couple of reasons why the Labor Department -- Labor Committee, rather, rejected this was there was a fear that it would make the Labor Department maybe a little bit too autonomous and there were accountability issues. With that, I'll just take questions.

CHAIRMAN WEYLER: Any questions from the Committee? Representative Baroody.

REP. BAROODY: Thank you, Mr. Chairman. Thank you, Representative. What is the restricted fund used for?

REP. LAWARE: Strictly to fund the Labor Department.

REP. BAROODY: The operations of the Labor Department?

REP. LAWARE: Yes. And to add to that, it's -- the Labor Department and the Commissioner write their own budget, administer their own budget, and fund their own budget and it will be funded through fines, fees, penalties, and licenses. That's where the revenue will come from.

CHAIRMAN WEYLER: Further question.

REP. BAROODY: Yes, thank you, Mr. Chairman. So they're self-funded. They're not a 125 agency. They just have a restricted fund that they do their opening budget through. We do, Mr. Chairman, we do in Division I, we do the Labor Department budget. And I haven't seen a problem with it yet, but that will be a discussion for later.

CHAIRMAN WEYLER: Just a comment. I sent out sections to all the Chairmen of the Committees that were affected on HB2. And when I got the report back from the Department of Labor, we had already got our final meeting. So it was too late to make the change. So I had had discussions with the Commissioner of Labor and understood that by him bringing in more fine money doesn't mean he can spend more money. He is still prescribed by whatever is approved in the budget. He can't spend more than that, no matter how much he brings in. Plus, every year that money would go into the general fund at June 30th. So it didn't appear when we were making the budget that there was a problem in that Department by the money they raise. And I believe -- and we'll hear from the Commissioner later -- the majority of the funds are the workers' comp funds, as you would know from being on Labor, rather than the fines and fees. That's not the major portion of the Department of Labor. The biggest piece is the one I mentioned, workers' comp. Representative Belvin.

REP. BELVIN: Thank you, Mr. Chairman. Welcome, Representative.

REP. LAWARE: Thank you.

REP. BELVIN: Is there such an idea, given the explanation we just heard, of a surplus in any particular Fiscal Year. And if so, does it remain within the restricted fund or is it in some fashion returned to the general fund?

REP. LAWARE: No. Thank you for that question. At the

end of the Fiscal Year, June 30th, it would be turned over to the general fund if there were excess.

REP. BELVIN: Thank you.

CHAIRMAN WEYLER: Anybody else? Representative Baroody again.

REP. BAROODY: Thank you, Mr. Chairman. So if this is just -- if there's no more restricted fund and the Department of Labor says all of a sudden they start running in the red, then they'll start drawing from the general fund; isn't that right?

REP. LAWARE: I believe that's not true. I think what would happen is just -- the perception would be that they might possibly have to go out and generate more revenue, maybe with more inspections and more inspectors possibly. And that brings up the issue it's perceived as possibly opening it up to just that kind of thing where they would have to generate more revenue to fund the budget. And it would be -- may become intrusive and be perceived as anti-business to go out and, you know, spread out with more inspectors to get more small businesses to collect more fines, fees, and licenses and so on.

CHAIRMAN WEYLER: Follow-up.

REP. BAROODY: Wouldn't that just be the reverse? You don't want them going out collecting more fines and fees. You want -- the Department of Labor is set up for like safety, safety in the workplace. They're not out to punish businesses. They're not out looking to fine people. They're just looking, from what I've seen, they're looking to check for safety issues so workers are safe so you don't have workers' comp claims and everybody's happy. They are not out trying to hurt business from what I see right now.

REP. LAWARE: Hum -- that's possible. But I guess the perception is that if they need more money that they would

go out and generate more revenue by hitting the small businesses. If they came to the Legislature once a year and had to be accountable for the budget yearly, then they would be forced to live within that budget. But if they were able to go out and make the budget larger than it would normally have been through the general fund, then they would have the incentive to generate more revenue for their own Department.

(Cell phone rings.)

REP. BAROODY: Guilty.

REP. OBER: Twenty bucks. That's coffee.

REP. BAROODY: They're telling me to shut up.

REP. KEANE: It's me calling you. We needed the money.

REP. OBER: We needed to pay for that coffee. Thank you, Ben.

CHAIRMAN WEYLER: When we vote for an appropriations bill it is permission to spend. It doesn't matter if a division or a part of the government is funded fully by Federal funds. They can't spend the Federal funds without an appropriation, without an approval by the Legislature, both the House and Senate and the Governor signs off on it. So if someone wants to spend more money, going out and raising more money doesn't permit them to spend more. It only brings in more. And in the instance of the Department of Labor, it would still lapse on June 30th. And no Department comes back every year for approval. It's only once every two years when we do the budget. If, in the meantime, they move money around within their budget, they have to come to Fiscal for approval and that's five House Members and five Senate Members. So there is quite a bit of accountability and oversight of all spending within the State. And it's not a matter of I need to spend more or

I'll go out and raise more. So there might be some misunderstandings on what's going on here.

REP. LAWARE: Okay. I guess the answer to that would be that they wouldn't be going through the normal budgetary process as all the other Department go through every two years, because they would be writing their own budget.

CHAIRMAN WEYLER: No, they would come through as well. They would come through and they would have to make their presentation. We would look at the previous year. We would compare it with what was going on. What are the activities, how have they changed? As you've seen perhaps in the news, the Department of Employment Security is fully funded 100% by Federal funds. They had to lay people off because they had a cut in their Federal funds. They might have wanted to spend more, but their funds were curtailed, so.

Are there any further questions? Representative Barry.

REP. BARRY: Thank you, Mr. Chair. You indicated that there's a perception that this could happen and any studies or any documentation that says it has happened?

REP. LAWARE: No. It's only been in effect since July 1st of this year and there's been no studies so far.

CHAIRMAN WEYLER: Okay. If there are no further questions, thank you, Representative Laware.

REP. LAWARE: Thank you.

CHAIRMAN WEYLER: The next co-sponsor I have a card for Mirski is not here. He will probably return. Representative Giuda has an urgency to just speak and then leave. So I'll call on Representative Giuda next.

BRANDON J. GIUDA, State Representative, Merrimack County, District #7: Thank you, Mr. Chairman, Members of

the Committee. I just want to clarify. I wasn't going to speak but I want to clarify the perception that was put forth by the previous Speaker; and, in fact, I don't believe it's a perception. And what I want to bring in and discuss with the different Members of the Committee outside of this Committee is an example of a Department that is almost self-funded and that is Department of Environmental Services.

It is a fact that the Finance Committee, because it has so much on its plate, when a Department comes to you with a $230 -- $230 million budget and they are only asking for 27 million out of the general fund, it is a fact that you don't look at the rest of the budget in the dedicated fund areas. It doesn't get as much review as the general fund areas do. In fact, if they are self-supporting. And what we've seen in that Department itself is fees and costs raised to support employees. In fact, that's one Department and when a Department becomes almost self-funded, there were no employees laid off in the last five or six years in that Department. And that is why the theory is and it seems to be holding true, that is, when you become entirely self-funded, you become almost immune to the budgetary process. That can be a good thing and that can be a bad thing. And I would suggest that in the cases of some, it is a bad thing.

As an employer, I don't necessarily ascribe to the fact that the Department of Labor is friendly to employers. And I don't necessarily ascribe the fact that Department of Environmental Services is friendly to homeowners. I think there are excesses and these excesses are generated when they are self-funded, because to self-fund, for instance, the Wetlands Department of Environmental Services, they need to create revenue and what happens is that then they become adversaries to the same people that they are supposed to serve. So that's the concern policy-wise with self-funding. And I would just say to the Committee that, you know, considering especially that the Labor Committee thought that it was a bad idea, that it's probably a bad

idea to continue to self-fund or to increase self-funding for any -- for any agency. Because this Committee's busy and you just don't have the time to go in and analyze, as I have done and some other people have done, these dedicated funds to see where the money is going. And is it, for instance, is this certain fund because the legislation previously was poorly written. I mean, it gives wide latitude as to where the money can go. So I would say that considering the Labor Committee's vote and considering that this was just a note in the budget that you would uphold that vote and that we need to start moving away from these dedicated funds so you have a better opportunity to truly examine what's happening. And I'd be glad to answer any questions.

CHAIRMAN WEYLER: Just a comment. In 1984, the Court System was self-funded. They brought in 17 million in fines and fees. 1984 they became generally funded. Twenty years later, fines and fees amounted to 21 million. Their budget amounted to 60 million. So some of us thought we should have left them self-funded. Anyway.

REP. GIUDA: I don't think the analogy is relevant because it's 20 years later and if you take inflation or whatever. So the issue is if you look at the dedicated funds, and I looked at all 400, I can't say that I studied the details of all 400, but I looked through all 400, where they've been, and on several of them I studied what has happened over the years. You will see that essentially whatever you don't fund is funded or increased through fines and fees.

CHAIRMAN WEYLER: Thank you. I didn't mean to get into a discussion. Representative Ober.

REP. OBER: Thank you. Representative Giuda, thank you for coming to speak to us today. And I would agree that when Division I looks at a section that is 100% federally funded, we do not pay as much attention to that. But were you aware that in 2009 House Finance supported by a full

vote of the House on the floor cut 15 people out of DES that were then added back in the Senate. So we have been making some cuts.

Also, can you tell me because I'm not positive, but can you tell me if DES has to bring fee increases to the House for a vote?

REP. GIUDA: They do.

REP. OBER: We do. The whole House has to vote on them, right?

CHAIRMAN WEYLER: Comes through Ways and Means Committee.

REP. OBER: Ways and Means. That's right. Thank you. Thank you, Representative Giuda.

CHAIRMAN WEYLER: All right.

REP. GIUDA: Right. And the only point I was making was this Committee, obviously, has a ton of work to do, is that you tend not to look as closely if it's totally self-funded.

REP. OBER: You are correct. You're absolutely correct. We do do some looking but you're correct.

CHAIRMAN WEYLER: Further questions? Representative Baroody.

REP. BAROODY: Thank you, Mr. Chairman. Representative, you studied a number of these funds. Did you study the Labor Department's dedicated fund and have you found anything wrong with it? Is there a problem with it?

REP. GIUDA: There is a problem. It's brand new so there's no studying to be done. But the fact is it is funded through fines on employers. And the incentive is if

you want to self-fund and there's not enough money in there that you go out and find the funding source and that makes, not theoretically, but that makes the Department adversarial to the same people it is supposed to serve.

CHAIRMAN WEYLER: Follow-up.

REP. BAROODY: Thank you. Were most of these funds due to workers' comp issues or other issues?

REP. GIUDA: This has -- this has --

REP. BAROODY: Most of the fines.

REP. GIUDA: This has nothing to do with workers' compensation. And I don't believe this dedicated fund does either.

REP. BAROODY: No, it doesn't.

CHAIRMAN WEYLER: The majority of the Department of Labor deals with workers' comp which is a stipend on the insurance companies.

REP. GIUDA: Absolutely. I understand the distinctions.

REP. OBER: They also do things like boilers.

CHAIRMAN WEYLER: They do inspections that are funded through elevator inspections, boiler inspections. Those have recently been moved over there from Department of Safety. Further questions? Representative Elliott.

REP. ELLIOTT: Thank you, Mr. Chairman. Representative, I only have one question. Is it your considered opinion that if we do repeal this amount of money, and I don't know what the amount is, what the fines were last session, my question though is how will this money be replaced in the Department of Labor? Will they still be able to function

without that money from fines?

REP. GIUDA: Well, you'll appropriate out of the general fund which will cause you to examine it more closely. And I'm not saying that the Department -- I'm sure there are some funds out there that there's no problem with and that the Agency's doing well in. But the problem is when you pit the funding source as to the employers, then you are creating -- you're creating a conflict. The Department of Labor, if they run short, and it may not happen in the first five or 10 years. But when you go into a budget crisis like we have had in the last couple of years, you see these things happen. And you say, well, where did the funding come from? You're right, it either came from Federal or certain some of these designated funds don't have -- it's not very clear how they can spend the money and suddenly you realize that 80% of it is being used to pay salaries and the other is not, you know. So the fact is if you're pitting -- if the fund is pitting the Department of Labor against employers by funding it with fines that can lead to problems and it leads to less oversight, also.

CHAIRMAN WEYLER: Follow-up.

REP. ELLIOTT: Mr. Chair, I don't think my question was quite answered. I asked the question will the Department of Labor continue to function with its present budget.

REP. GIUDA: Well, I think your question --

REP. ELLIOTT: In other words, say it's 100 million. I don't know the fee but say it's 100 million in fines. We take that away now, how is that money replaced back to the Department of Labor? That's gone forever, right? Will they be able to exist under their present budget or are they going to come to us in the future and say we need another hundred million for our budget?

REP. GIUDA: Well, the issue is where does the money

come from? It comes from --

REP. ELLIOTT: That's my question.

REP. GIUDA: That's correct. And I did answer it by saying it would come from the general fund. Rather than going to a dedicated fund for them, they would come to the general fund and when it comes to the general fund, you look at it with a closer eye.

CHAIRMAN WEYLER: Some of these questions will be answered when the Commissioner speaks.

REP. OBER: Mr. Chairman, will this bill go to Division I?

CHAIRMAN WEYLER: We'll have a discussion about that later with Division I Chair. Representative Smith.

REP. SMITH: Thank you, Mr. Chairman. Thank you for testifying, Representative. I wonder, do you have any data about the funding of the movement of this unrestricted income fund over the past five or six years? Has that been --

REP. OBER: HB 2.

REP. SMITH: So over the past five years.

CHAIRMAN WEYLER: Would be general funded.

REP. OBER: It's general funded.

REP. UMBERGER: That's not the question.

CHAIRMAN WEYLER: They've been turning over a million dollars a year for the last five years.

REP. SMITH: It's a million dollars and it's been relatively flat. That was my question. Thank you.

CHAIRMAN WEYLER: Further question. Representative Simard.

REP. SIMARD: Thank you, Mr. Chairman. Thank you, Representative. So what you're telling us right now is the adversarial position that the Labor Department would take with establishments, businesses out in the field, comes from the fact that we incentivize the inspections of businesses and business records and the incentive is the more fines you levy, the less business friendly we are. Is that your -- is that what you're telling us?

REP. GIUDA: First of all, I didn't say they will. I said they may. They may be more adversarial to business if they need to create a gap or fill a gap in their general fund budget. Yes, it has happened in the Department of Environmental Services. I'm not saying they will. But I'm saying over time when you run into budget shortfalls, what happens is how do they fill the shortfall? Well, if we do more inspections. Now, and I'm not saying whether that's adversarial or, you know, whether that has a good or bad effect. All I'm saying is it creates the wrong incentive. Because the Department of Labor should be working with businesses, not looking to fine businesses.

REP. SIMARD: Thank you.

CHAIRMAN WEYLER: Further questions? Seeing none; thank you, Representative Giuda.

REP. GIUDA: Thank you.

CHAIRMAN WEYLER: All right. I guess Representative Mirski is the next co-sponsor that's on the list. Representative Mirski, welcome to Finance.

PAUL MIRSKI, State Representative, Grafton County, District #10: Thank you, Mr. Chairman, and Members of the Committee. For the record, my name is Paul Mirski. I

represent Grafton 10 which are the towns of Enfield and Canaan, Grafton, Orange and Dorchester. Gee, I just -- playing musical chairs. I keep saying the same people in same rooms here this morning. I'm a sponsor of this bill, co-sponsor of this bill, for the simple reason that I don't believe any agency of government should be induced to fund itself through fines and fees. I think that -- and that would include, by the way, collecting speeding tickets and sending them to the training academy as well. I think that fines and fees ought to go to the general fund. The reason being that -- well, I think we want out of our departments is that they focus on the underlying principle and -- the reasons and principles for having certain laws on the books and as they attempt to administer those laws as impartially as they can without any additional inducement to perhaps overreach just simply because they could enhance their ability to -- enhance their ability to grow their own Department. And that's really the bottom line. I don't -- I don't see any real reason why fines and fees they go to the general fund, although they can be reallocated to satisfy the Department's needs if the Department shows it has a need. So it's an accounting matter rather than anything else.

For me, it's a matter of principle. Government is supposed to serve people impartially and it doesn't -- and no agency needs the incentive that the more that they act aggressively in the interest of creating a revenue source for themselves, no agency needs to be encouraged to do that. That's straightforward. So that's why I'd ask you to simply support this bill.

CHAIRMAN WEYLER: Thank you. Questions from the Committee? Thank you, Representative Mirski. Next call on Representative Twombly.

TIMOTHY TWOMBLY, State Representative, Hillsborough County, District #25: Thank you. I'm Representative Timothy Twombly from Nashua, Hillsborough, District 25. And I'm here to testify on -- about this bill because I know

that as a legislator I was sent here by my constituents to wisely allocate State funds and to provide for the operation of our Agencies. And even though it may not be, as we've heard, it may only be perceived, but it's perceived that restricted funds reduce our ability to do this. Money that's received in fines for the Department or -- and I will enlarge that's all departments -- I believe should not remain within the Agencies, even for the year and then rollover into the general funds. I think it should all be deposited in the Treasury as general funds so that we, in the Legislature and Finance, then make the decision on a yearly basis and actually review all the funds that are used to operate the Agencies.

Uh -- by doing -- by having restricted funds or dedicated funds it's, again, perception in the eyes of small businesses that we are anti-business. And with that, I'm open for any questions that I may be able to answer.

CHAIRMAN WEYLER: Questions for Representative Twombly. Seeing none, thank you very much.

REP. TWOMBLY: Thank you.

REP. OBER: Now, Tim, well, tell us we were easy on you because you're a member of the Committee.

REP. TWOMBLY: Thank you. I hope not.

CHAIRMAN WEYLER: Next call on Representative Gary Daniels, Chairman of the Labor Committee.

GARY DANIELS, State Representative, Hillsborough County, District #6: Thank you, Mr. Chairman, Members of the Committee. For the record, my name is Gary Daniels. Represent the towns of Amherst and Milford in Hillsborough, District 6. I'm also the Chair of the House Labor Committee.

I come in support of the bill today. As a brief

history, if you will recall the -- when the budget came in last year from the Governor, language had been changed to change from the funding coming from -- for the Labor Department coming from the special -- from the general fund to this restricted fund. And as you remember, Mr. Chair, you asked me as Chair to bring a section of that bill over to the Labor Committee to have it vetted by the Labor Committee and return it to you with recommendations.

I did get my Committee together. We went through the bill. And the one part that we -- and I believe it was unanimously agreed upon -- was that if we were to go forward having the funds go into a restricted fund, it lent the perception that the Labor Department could go out and fine companies to fund their budget. That is not to say that that is happening. The Labor Committee has worked very hard with the Labor Department to create a perception that the Labor Department is there to help businesses, not hurt them. We saw this introduction or this change of funds going into a restricted fund as being counter to the goal that we were trying to achieve.

So the bill that is coming in today is simply asking to put in place the things that you asked us to recommend to you that I think when it was presented back in this Committee you were, you know, in a time crunch, you had a lot going on, and I believe that there was feedback that the complexity of the issue was something that you felt you really didn't have time to take up. Hence, it did not get put into the budget bill. So I'm asking today that you respectfully listen to the recommendations of the Labor Committee and simply implement what you asked us to recommend.

CHAIRMAN WEYLER: Thank you. Any questions for Chairman Daniels? Seeing none, thank you very much.

REP. DANIELS: Thank you.

CHAIRMAN WEYLER: Representative McGuire.

DAN MCGUIRE, State Representative, Merrimack County, District #8: Thank you, Mr. Chairman and colleagues. For the record, my name is Dan McGuire. I represent Merrimack County, District 8, the Towns of Allenstown, Epsom, and Pittsfield. I'd like to make sort of two different points here. One is based on my experience as part of Division II and also on the Fiscal Committee with another State Department that has a dedicated source of funds and the problems that we've seen dealing with them that I think is directly related to that source. All right. To the fact that they have such a dedicated fund and that is the Police Standards and Training Council. Anyone on Division II knows that during the budget process they were the most difficult Agency to deal with of all the ones that we had. And whenever we asked them for details about their budget, the answer was always, well, we have a dedicated fund. You know, you don't have to do anything with us because there's our money, you know. And it was just like pulling teeth to get anything out of them. And I believe, if I remember right, at the end we ended up we had to give them a little bit of a cut. I think we did it as a back-of-the-budget item just 'cause we couldn't get enough details out of them.

Now, on the Fiscal Committee, the same Agency came up not too long ago because they were audited. They had a financial audit. And what I've handed out here is one of the pages, two pages from the financial audit. And what the auditors discovered was that the Agency's revenues and what -- what the revenues are, by the way, is they get a fraction of money from tickets. So speeding tickets and other kind of tickets, 50% or something like that goes into the dedicated fund and that's what they're paid out of. But in any case, the revenue was lower than expected, all right. And the -- by the operation of the budget that means that such an Agency whose revenue is lower than expected they're supposed to cut their budget appropriately to meet the incoming revenue. Well, what they were actually doing, and over a period that you can see here of these four

years, they were actually spending down the balance of the dedicated fund which according to the auditors is contrary to the law of how the budget works. All right. And -- and so, you know, in effect, I think they -- they were not following the law in some sense. And I think they were able to do that because they thought of this money as theirs.

Now, I later spoke to the Attorney General's Office asking them what happens in a case like this where an Agency seems to be not following the law? And they told me that it really wasn't their job to force them to follow the law. It was their job to represent the Agency. And that if I wanted to force them to follow the law, I needed to talk to our attorney to do so. And so I went to talk to Ed Mosca who's the House attorney and he said that if you want to stop them from doing this kind of thing, get rid of their dedicated funds, Because that gets rid of their piggy bank. They won't be able to overspend it and so on. So I think this bad behavior that we experienced here is a danger that could, you know, it's nothing special to them, but that same attitude could come with the Labor Department. All right. That was my first point.

My second one is that I have yet to hear of any advantage in having the restricted fund just for the Labor Department. It seems to me that if money -- funding the Department is coming from the general fund, the general fund has a much more level set kind of an income than the income from fines. Right. The general fund is an aggregate of funds from lots of different sources. So as such, it has got a very smooth level of income. Whereas suppose what happens is all the businesses out there happen to clean-up their act, right, from the labor point of view. Let's say they start following the law perfectly. There's no more fine money coming in. All of a sudden we are going to destroy the Labor Department because businesses are doing well or do we still want to continue with inspections, we still want to continue with audits and that sort of thing. So it seems to me that the fine revenue, just because it's a single narrow source of revenue, is likely to be kind of

a yo-yo. And is that the right way to fund a Department where you want a certain number of inspectors and a certain number of audits and that sort of thing to be done on an annual basis. So I guess I'm -- it's unclear to me that there's any advantage to having this fund the way it is in law now. Thank you.

CHAIRMAN WEYLER: Questions for Representative McGuire? Representative Ober.

REP. OBER: Thank you, Mr. Chairman. Representative McGuire, you're in your wrong seat, too, but I am going to ask you a question now.

REP. MCGUIRE: Absolutely.

REP. OBER: You gave us a page from the audit on Police Standards and Training Council so I find it interesting that the testimony was that they may have been breaking the law. But isn't the difference between a dedicated fund such as this one and the unrestricted fund that the unrestricted fund will return any excess to the general fund on June 30th, whereas a dedicated fund as you so ably pointed out, in this case Police Standards, does not?

REP. MCGUIRE: Yes.

REP. OBER: Isn't that a difference?

REP. MCGUIRE: Yes, I think you're right. Exactly. That there won't -- they won't -- I'm not saying the Labor Department will have exactly the same problem, but I think that what I was talking about was the attitude kind of the Department that, you know, we're a hands-off group as compared to, you know, the way we deal with other generally funded agencies where we look line by line.

REP. OBER: I certainly understand that attitude. Division I has a number of those Agencies ourselves. So I

can --

REP. MCGUIRE: But you're right about that, that detail. Yes, absolutely.

REP. OBER: Thank you.

CHAIRMAN WEYLER: Representative Belvin.

REP. BELVIN: Thank you, Mr. Chairman. Representative McGuire, welcome.

REP. MCGUIRE: Thank you.

REP. BELVIN: I often disrespect people who ask would you believe questions but now I'm going to do it.

REP. OBER: You want us to start with our disrespect now?

REP. BELVIN: When it gets really bad then go like this. Is it not the case, Representative McGuire, that a significant cost to the State are personnel costs and that from time to time each Agency may have filled or unfilled positions but that the funds allocated for unfilled positions are regularly swept on a monthly basis to Administrative Services who then uses this pool for the benefit of any payouts that are required by unexpected retirements, et cetera, and those funds do not remain within the Agency from which they were swept. Is that not the case, and if so, doesn't that reduce the incentive to go beyond appropriations, money's already automatically taken away?

REP. MCGUIRE: In general you're right, in the sense that Agencies are required not to spend their full budgets, right. They're required to leave a certain number of positions empty and that sort of thing. I believe it's in the order of 4% or something like that. And so that does help when, you know, you're short in one place and, you

know, you're long in the other place and that sort of thing. But I don't think it's a large effect. I think it's more of a small effect.

REP. BELVIN: Thank you, Mr. Chairman. Thank you.

CHAIRMAN WEYLER: Further questions for Representative McGuire? Seeing none; thank you very much.

REP. MCGUIRE: Thank you.

CHAIRMAN WEYLER: We have a few more people to testify. I hoped that we wouldn't visit the sins of other Departments upon the Department of Labor which is what I'm hearing so far. No one has really had any comments, anything bad to say about the Department of Labor. I'd like to recognize that. That they don't seem to be criticized for the way they run their operation. I understand a lot of you feel this needs for accountability and I've heard that three or four times. So hopefully, if we have something new to say we'll say it. Otherwise, we'll say I support what's been said. Next I'll call on Senator White.

RAYMOND WHITE, State Senator, Senate District #9: Thank you, Mr. Chairman, and Members of the Committee. I understand in the interest of time you want me to say I will support what was said so I will say that, but I did want to add a couple of things.

First of all, that's a good perception you had that this is not about the Department of Labor and Commissioner Copadis and his fine crew over there. I was excited as a Senator to be asked to co-sponsor this bill because I was excited to have a conversation with, really, any Department that is perceived as being self-funded generating its own revenue, however you want to characterize that. Because like has been said, as a freshman Senator, I felt that there was definitely a dichotomy between Agencies that had to fight for their budget with really no funding source short of the general fund and Agencies that generated some

revenue, all of their revenue, or perhaps even returned a lot of revenue to the general fund, and it seemed like there was two sets of standards. So I was excited to have this conversation because like has been expressed, I don't feel any Agency of State Government should be generating its own revenue source from fines, fees, et cetera.

Now, having said that, I think that we've talked a lot about maybe casting aspersions on this Agency or that Agency. I'm not looking to do that. But what I do want to talk about is even just what does the public think when the public is subject to a fine from any Department. And we can pick on Labor. We could pick on DES. We could pick on Insurance and Securities, which is my business, et cetera, et cetera. But if the public thinks that this Agency that is regulating me is going to derive part or all of their budget from these fines created, I don't see how a reasonable person cannot think that that in the public's mind creates some sort of an appearance or conflict. And that's really why I got on this bill. It's not about my feelings about the Labor Department. It's my feelings about all of the budgets that are submitted to you in Finance from Agencies that derive their revenue from fines and so forth. I think it's a problem and that's been well-expressed.

I just want you to think about the tension that we are creating within the relationship of that Agency to the public and the tension that we are creating even internally in that Agency. I'm in business for myself. I sell insurance and securities. Every person in my office is expected to be a profit center, is expected to carry the load, is expected to bring in their nut, whatever -- whatever terminology you want to use. Billable hours, whatever it is. If we use fines, fees, and so forth and that Agency knows these are, in a sense, my fines and fees, what are we communicating to them, and I think we are setting them up for attention that they don't need.

Chairman Weyler, as you know, you and I spent hours

upon hours in the FRM Study Committee, and I think this Legislature needs to have a conversation about the role of fines, in particular. Why are fines out there, and in a sense, who do they belong to? What about the victims that caused those fines to be collected? Not so much a labor issue but certainly an issue in Securities and Insurance as we heard over and over in Banking and so forth.

So I'm going to leave it there. I'm not going to get into the specifics because much of what I wanted to say has been capably communicated by the many reps. And I am in full agreement with what they said. But I just want you to think about really the big picture on this bill as representative of a conversation, I believe, this legislation needs to have with Agency upon Agency that generates its own revenue. And I think it's a very, very important conversation. Quite candidly, one of the most important conversations that I feel as a freshman that needed to be had up here. So with that, I'll end.

CHAIRMAN WEYLER: Thank you, Senator White. Representative Baroody for a question.

REP. BARODY: Thank you, Mr. Chairman. Thank you, Senator White. The reason why you wanted on this bill is to look at the big picture or the whole picture. I mentioned the 125 Agencies that are expected to make 125% of their budget. Would you recommend that we do away with them as well and have them draw off the general fund and whatever revenue they produce just goes back to the general fund?

SEN. WHITE: Generally, I'd answer that with a yes. Thank you for the question, Representative Baroody. I understand Representative Weyler earlier made a comment about how fines sort of leveled off with the Judicial System when they came off line, so to speak, and I get that. I get there's always a budget tension around here, too. I get all of that. But I think that like everything else that we have to weigh up here, we have to weigh the pros and the cons of every approach. And we could make an

argument for those 125 agencies as you're doing. We could make an argument for pursuing the courts that we're discussing here with the Department of Labor. But I also think we're making a pretty forceful argument in the other direction. And even though I understand your need to want to incentivize agents to, hey, do your job, bring that revenue in and so forth, I want you to think about all the people we represent as well that are businesses in particular, consumers perhaps, and again, that tension we create when we do that. I know it's a balancing act, but I feel that it argues toward the direction I'm espousing as opposed to what your question seems to espouse.

CHAIRMAN WEYLER: Further question? Any other questions for Senator White? Seeing none, thank you, Senator White. Next call on Representative Flanagan.

JACK FLANAGAN, State Representative, Hillsborough County, District #5: Thank you, Mr. Chairman. For the record, I represent Hillsborough, District 5, which would be Hollis, Brookline, and Mason, and I rise to support almost everything that's been said here about this. I think the perception is a bad one. I also feel that possibly five years from now someone's going to look back at this statute and say that we've done restricted funds before and we can do them again.

The other thing that I think we are missing here is the discussion as it relates to a dedicated versus unrestricted versus restricted funds. And if I can refer you to RSA 273:1-a and 273:1-b, and if you already know this, I apologize, but this statute 1-a states that the Department of Labor shall budget and account for its operations through restricted funds rather than through the general fund. Said restrictive funds to be funded through all fees, licenses, certificates, and civil penalties of the Department of Labor, as well as existing assessment procedure. I suppose it would be a 125 Agency at this point in time based on that law.

And then it goes on to 273:1-b, it says restricted fund. There is hereby established in the State Treasury a Department of Labor restricted fund for the purpose of paying costs of operating the Department of Labor other than workers' compensation. I believe the Chairman represented the fact that these fees would go in the workers' comp fund. Workers' comp has its own fund. All monies in the restricted fund shall be continually appropriated to the Department of Labor. So if there's any question about where this money is going, this law that was enacted in July tells us where that money is going. It's going to the Department of Labor. The Commissioner shall administer the fund and the State Treasurer shall be the custodian of the fund. All monies in the fund in excess of the amount used by the Department of authorized personnel expenses, administrative costs, and other related costs for the operations of the Department shall be transferred on June 30th of each year to the general fund. So there should be no question about this bill and this law and what its intent is. The intent of this bill is to change it so the money goes from the fines and penalties into the general fund and that we budget for the Department of Labor. And based on these laws, there could be not only the perception and, again, I know the Commissioner. I know he's a solid man. But, you know, there could be an interest in generating more revenue based on the way these laws have been passed as of July. And with that, I'll open myself up for any questions. But I think they're prima facie in their own right.

CHAIRMAN WEYLER: Any questions for Representative Flanagan? Seeing none, thank you.

REP. FLANAGAN: Thank you.

CHAIRMAN WEYLER: Have a card from the Representative Bettencourt from the Majority Office showing support of the bill and saying that he does not wish to speak.

The last card I have is from the Honorable Bob Clegg.

BOB CLEGG, Hudson, NH: Thank you, Mr. Chairman and Members of the Committee. I'm going to be brief, too, and I'll say that I agree with everything everybody said, but I'm here to tell you that it is, in fact, a perception of new business coming into the state that they have to be very careful. They have to look twice whether they should be in New Hampshire or Massachusetts, because of this new idea of funding by the Department of Labor which only comes from fines and fees. So there's a perception that the Department of Labor doesn't operate unless they fine you and that's bad for our side. We own a number of industrial buildings and our business is to steal from Massachusetts and from Maine and from anyplace else we can, and it's become more difficult under that.

Now, I will say the Department of Labor has been very good working with a lot of the companies that we brought in. They have been very willing to help them along. And if I had to say anything bad about them it would only be that their ties are horrendous; but other than that they are excellent.

GEORGE COPADIS, Commissioner, Department of Labor: Can't win them all.

MR. CLEGG: I think they get them from Senator Gatsas. But the idea and the reason I'm here supporting the bill is it makes it difficult. We're not a bad state. We're a good state. But any perception at all that coming to this state is going to cost me money means I'm not coming and that's the perception they have. No matter how many times I say to them I can introduce you to the Commissioner, he's not a bad guy, I'm not taking the chance is what I get back. That's why I'm here today to support bill.

CHAIRMAN WEYLER: Thank you. Any questions for Mr. Clegg? Seeing none --

REP. SMITH: Mr. Chairman.

CHAIRMAN WEYLER: We do have. Representative Smith.

REP. SMITH: Thank you, Mr. Chairman. A quick question. Do you have, again, data on the flow of businesses in the states that support their departments with fines versus not? Or is this a -- is this something you're hearing from people you talk to or might be? Could you say a little bit more about the amount of data behind what you stated.

MR. CLEGG: I don't know what other states do. I do know that when we tried to get companies to move into the State of New Hampshire that one of the things that they do look at is that Department of Labor. And I can tell you that I have tenants that are moving to the State of Massachusetts and one of the reasons they give me is that the State has gone too far in its tax system. And when we decided to fund the Department of Labor through fines and fees, they said, that's it. Nothing you can say is going to keep me here.

Now, it's not just that but it was the thing that kicked it. And no matter how many times I say to them it's really the same funding, that's not what they see. They see that I'm -- the only way they stay in business is to fine me.

REP. SMITH: Thank you.

CHAIRMAN WEYLER: Any further questions for Mr. Clegg? Seeing none, thank you very much.

MR. CLEGG: Thank you.

CHAIRMAN WEYLER: I'll now call upon Commissioner Copadis and issue an apology to him for when he and I and his assistant, Mr. Wihby, Assistant Commissioner Wihby, when Mr. Copadis and -- Commissioner Copadis and I were having discussions some months ago and whether or not he

should be generally funded or not. He said do what you want. I don't care.

Now, it's a small agency. We were -- all the generally funded Agencies were targets. That's where we used to make the biggest cuts. So it didn't look like there was much there to cut. He was giving us money every year to the tune of over a million dollars. And so I said, I don't see any reason why we need to worry about you being generally funded.

Now, there are another reason for the incentive on my part for making him non-generally funded. It reduces the general fund and that was the target. So here was an Agency that was safely funded, always had a surplus. It was not a big amount, but it reduced the general fund. And that was one of the things that I had to do by bringing this small Agency, and it was a matter of what, Commissioner, half a million?

MR. COPADIS: Million six, million four.

CHAIRMAN WEYLER: The amount that you actually appropriate to run that part of your Agency.

MR. COPADIS: A million four.

CHAIRMAN WEYLER: Was a million four. So that reduced the general fund which saved me from having to make cuts somewhere else in general funds. It was a process rather than a lack of accountability. He still had accountability. He still had to come to us every two years to express why he needed to have the funds. So now I'm going to ask him a few questions. You will see that this is not an enormity.

Commissioner, workers' comp is approximately what portion of the size of your Department?

MR. COPADIS: The workers' comp budget is about $7 million.

CHAIRMAN WEYLER: So it's like 90, 89% of your --

MR. COPADIS: Correct.

CHAIRMAN WEYLER: It's most of your employees. It's most of your work.

MR. COPADIS: Correct.

CHAIRMAN WEYLER: The fines and fees you're giving back almost twice what you collect.

MR. COPADIS: Yes, Mr. Chairman. I want to address that a little bit based upon some of the --

CHAIRMAN WEYLER: You also from your conversation with me, you just don't go in and whack somebody with a fine. You have sit-downs and discussions. Quite often you negotiate, quite often you waive the fine. It's just a matter of those who persist they get hit.

MR. COPADIS: Correct. And I would like to just add something.

CHAIRMAN WEYLER: Now I'll open it up for you. I just want to make those points clear that --

MR. COPADIS: Sure.

CHAIRMAN WEYLER: -- I'm as much responsible for this misunderstanding that many of my colleagues have as you are. This is not something you requested. It was something as much as anyone I'm responsible for.

MR. COPADIS: If you want, Mr. Chairman, too, if I could flip my tie over so you don't have to look at the tie. I'll do that as well, if it will help at all. But there were a couple things that I wanted to make mention of. I mean, one of the things is the fact that, you know,

any type of perception that the Department is out looking to create, looking to generate revenue and doing random inspections with business, that just is not happening at this point in time. I mean, right now we have three inspectors that are on the phones five days a week. They're answering calls. They're answering complaints from employees. They are answering calls from employers. They're looking for clarification on the law. We do 23 labor law seminars throughout the state, in addition to trying to assist businesses and educate businesses on what the labor laws are. We also do associations where we do labor laws seminars for associations. So we're not looking to create some sort of speed trap. And we do it for the auto dealers, the hospitals, HR Association, the North Country HR, New England Payroll, Ski New Hampshire, and I have got a slew of businesses that we do those types of services for.

In addition to that, I've worked with Labor Chairman Daniels because of the Secretary of State's Office, they have a Corporate Division that hands out for any new businesses that are coming into the state, they give them a packet. And we had nothing in the packet. I'm going to leave -- I don't have enough copies for everybody -- but I'm going to leave you a copy of what we left -- what we left over at the Secretary of State's Corporate Division. We check over there to make sure they've got enough copies of this. And it's in addition to when we go out to do these seminars we have created these CDs that we give to businesses. So they get updated so they have all the information regarding labor laws on here.

In addition to that, they also have all the mandatory posters on there. So rather than when you get this letter in the mail that says if don't buy this poster, you're going to get fined by the Labor Department $17,000, you know, all you've got to do is buy this laminated poster for $75 to avoid the $17,000 in fines that you're going to absorb from the Labor Department, and those posters are all on this CD as well. So, I mean, I think one of the things that I just really wanted to emphasize is the fact that we

work with businesses everyday. We try to do the very best we can for businesses. I mean, as you are all well aware, the warn notice went into effect and, you know, the warn notice avoids some of the penalties and fines that were in place prior to for the paper type violations. So what we're concentrating on and what we have there, and I've got numerous records here of businesses, where we're in businesses and the majority of reasons we're in businesses are there's a lack of workers' comp. There's businesses that are not paying their employees on pay day. There's payroll checks that are bouncing. And those are the types of issues that we are in there on complaints. And we're not out there doing random inspections at all. I mean, we are out there because we have gotten a complaint from an employee. But like I said, at the same time the thing that we try to address is when employers call they need clarification. We're there to provide the clarification for them. I just received a call from a business last week that was trying to get something done in Massachusetts where they had left numerous calls for Labor down in Massachusetts, had not gotten a return phone call. We called for them. We haven't gotten a return phone call and I had contacts down there. I used the contact that I had down there. We got the answer for this company, you know, the very next day. So, I mean, that's the type of thing that we do on a daily basis. We try to do these as fair and impartial as we can.

When we do bring a business in that has been fined by us, the first thing we are looking for is has that business, if there were paychecks that have bounced or paychecks that are owed, you know, is the business owner able to provide us with documentation to show the paychecks have been paid and the amounts have been paid back to the workers that were owed to those workers. And once they have done that, we work with them on the fine.

The initial letter they get from us on the fine is according to statute and then we work with them on the fine basis provided they have made full restitution to any and

all of the workers of the monies that they're owed. So those are -- those are some of the things that I want to indicate.

The other thing I wanted to indicate is that a majority of the monies that are collected from -- an overwhelming majority of the monies that are collected are not collected for fines. They're collected for boiler certificates, elevator certificates, leasing license fees, air tanks certificates, mechanics license fees, and blueprints for elevators and boilers. That's where a majority of the money comes from. The majority of the money does not come from fines.

We are well aware of the economic climate out there, and we do outreach all the time to businesses. I've been part of the Governor's Job Cabinet. In addition to that, we have gone out as commissioners into the field and spoken with businesses. And we do everything within our power because I see the Department as two things. Number one, first and foremost, is to educate the business community to make sure that they're in compliance with the labor laws of the state. And the second thing, obviously, if we are having difficulty with businesses and they're not able to pay their workers, or they haven't paid their workers, I mean, obviously, in that type of situation the Department has to appropriate fines in order to get those workers paid accordingly according to statute.

CHAIRMAN WEYLER: Anything else, Commissioner? Representative Ober for a question.

REP. OBER: Thank you, Mr. Chairman. So to go back to your opening remarks and your conversations with the Commissioner. At the time that we did this the Commissioner -- your understanding was the Commissioner was do it or don't do it. I don't care. So Commissioner, can I ask, you still feel that same way? If we pass this law or left it, are you in the same situation, I don't care, do what you need to do?

MR. COPADIS: Representative, just do what you need to do. It's not, from our standpoint, no, we have a budget in place. Whether we are self-funded or general funded, the budget amount is the same. We have lived within our budget as long as I've been there. And Deputy Commissioner Wihby can answer as far as any of the previous commissioners. But I have been there now seven years, I believe. Seven or eight years. And we have lived within our budget. Everything above and beyond the budget has returned to the general fund. So, you know, whatever you have to do, Representative, you do. I just wanted to come and just to provide clarification that the Department is not out there attempting to fine businesses or doing random inspections in order to generate money.

REP. OBER: We appreciate that. And I can also tell you Finance perspective we all appreciate that you live within your budget. So thank you for that answer.

MR. COPADIS: Thank you, Representative.

CHAIRMAN WEYLER: Representative Kurk.

REP. KURK: Thank you, Mr. Chairman. Good afternoon, gentlemen.

MR. COPADIS: Good afternoon.

REP. KURK: Would you agree with the general sentiment of the testimony before that the perception of this budget restricted fund situation is not desirable from the point of view of new businesses or existing businesses in New Hampshire?

MR. COPADIS: Well, I mean, I can't -- I can't say as far as the perception. I mean, all I can tell you is what we, as a Department, are doing. And if that's the perception out there, you know -- I mean, any -- any business owner that deals with us knows that they are going

to be treated in a fair and impartial way. If they're a new business coming into the state and called, I would go out and reach out to meet with them, you know, in order to, you know, in order to see them with their understanding of what the Department does.

REP. KURK: Further question, Mr. Chair?

CHAIRMAN WEYLER: Further question.

REP. KURK: You say that 80% of your budget is funded through unemployment compensation contributions.

DAVID WIHBY, Assistant Commissioner, Department of Labor: Workers' compensation.

MR. COPADIS: Workers' compensation.

REP. KURK: And that goes -- that goes into a restricted fund?

MR. WIHBY: Yes.

MR. COPADIS: Correct, yes.

REP. KURK: What if that money were also put into the general fund and that portion of your budget were also funded from the general fund?

MR. WIHBY: The workers' comp money that pays for the workers' comp division is funded by carriers. So the carriers' money goes into a restricted fund. That can only be used for workers' comp purposes. And any money left over is balanced for the following year. So it would deduct from the following year. So it never carries over. So it's always been separate. That's never changed.

REP. KURK: Follow-,up Mr. Chairman?

CHAIRMAN WEYLER: It would be more like the Banking or

Insurance. Follow-up.

REP. KURK: I'm suggesting -- I'm asking for your opinion of changing that so that the funding mechanism is the same but the money goes to the general fund, not the restricted fund. You still have your budget. So there's no change in that regard.

MR. WIHBY: I don't know if the carriers would like that because we always turn back some money and they'd be losing out the balance, whatever we didn't spend would go back to them.

CHAIRMAN WEYLER: I wouldn't like it either now, just increased the general fund budget by $7 million.

REP. KURK: We'll talk about this in executive session, Mr. Chairman.

MR. WIHBY: I mean, there's always a balance that's carrying over. Sometimes it's a million dollars. And if we did it that way we would set our budget beginning of the year. We'd spend whatever it was and whatever was left over would actually go to the general fund. So the general fund would make the money. I don't know if the carriers would like that because they'd be paying it and the money that we did spend would be going into the general fund.

REP. KURK: You sharpen your pencils for the next year and get those numbers more accurate for your assessment.

CHAIRMAN WEYLER: Follow-up?

REP. KURK: No, thank you, Mr. Chairman.

CHAIRMAN WEYLER: Representative Cebrowski.

REP. CEBROWSKI: Thank you, Mr. Chairman. Thank you, Commissioner. Will this bill affect the execution of the mission of the Department of Labor in any way, pro or con?

MR. COPADIS: No. As I indicated we have a budget we have to live by, and the budget that we are living by right now would be the same budget whether it be general funded or self-funded.

REP. CEBROWSKI: Thank you.

CHAIRMAN WEYLER: Representative Elliott.

REP. ELLIOTT: Thank you for being here, Commissioner.

MR. COPADIS: Sure.

REP. ELLIOTT: My question was these businessmen that you work with, how much did you penalize them last year and the year before exactly?

MR. WIHBY: For what? I mean, there's different areas.

REP. ELLIOTT: For fines.

MR. WIHBY: There's 30 different categories that were put into this account just for the reason so that we wouldn't or for the perception that we weren't just taking five accounts and having to raise revenues to do that. So we threw all the accounts that we raise money in from tapes that we copy and everything else so that we made sure that that amount was going to be our budget, not half of what we really bring in for revenue. So we threw it in the perception wouldn't be there. That's what we thought rather than just picking four or five and then having to say, well, we have to raise revenues. So the number that we raise in revenues was going to be almost double what we bring in so there wouldn't be a perception on there. And that's why we set it up to have all those different accounts in it. But there's like 35. They go from tapes to workers' comp coverage, to illegal aliens. I mean, there's a whole bunch of different accounts that they be there for.

REP. ELLIOTT: So the answer --

CHAIRMAN WEYLER: Follow-up.

REP. ELLIOTT: The answer to my question you don't know how much charged in fines. It's not a separate category.

MR. WIHBY: We bring in whole around $3 million in fines, fees, licensing, tapes, different categories. Certificates, boiler, elevator. It's around $3 million.

REP. ELLIOTT: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Representative Baroody.

REP. BAROODY: I'm all set.

CHAIRMAN WEYLER: Representative Belvin.

REP. BELVIN: Thank you, Mr. Chairman. Commissioner, welcome.

MR. COPADIS: Thank you, Representative Belvin.

REP. BELVIN: Let me dig a little deeper on the small part of your revenue that comes from fines. Could you take me through an example where a boiler or elevator, there's an infraction. Is there a warning? Do you just get a fine? Is there an appeal process? Just briefly describe how you actually handle that business in your attempt to both have worker safety as well as encourage enterprise?

MR. COPADIS: Yeah. On that end, Representative, they would receive a warning. They would receive a warning that they needed to get into compliance because the elevator or boiler had issues.

REP. BELVIN: Follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. BELVIN: If the warning is ignored?

MR. WIHBY: Send a second warning.

MR. COPADIS: Then they get a second warning but, obviously, if it's ignored the first time there be a second warning, and then we'd have to go in.

REP. BELVIN: Mr. Chairman, may I follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. BELVIN: Thank you, Mr. Chairman. Could you briefly describe for me the relation you have with Federal labor enforcement, OSHA?

MR. COPADIS: Well, OSHA is a separate Department all together. I mean, they have their own Safety regulations. And the only other thing that I would mention on that end and I don't want to really get into it, I mean, we have -- I think we have -- the Department of Labor has much more flexibility than the Federal Department of Labor as far as fines that are assessed as such.

REP. BELVIN: Thank you.

CHAIRMAN WEYLER: Representative Smith.

REP. SMITH: Thank you, Mr. Chairman. If I understand your testimony and reading the current law, it sounds like the workmen's compensation part is a very separate division and it's not being used to fund your Department. It's going through as a flow-through business to take care of people who has to be paid out to and is excluded in the change here in the bill and has basically nothing to do with it. Would that be an accurate understanding?

MR. COPADIS: No, that would be accurate. The workers'

comp assessment, fees, funds the workers' comp division of the Department separate from this bill.

CHAIRMAN WEYLER: Follow-up.

REP. SMITH: So, therefore, the workers' compensation flow comes to some piece of it is taken off in order to administer the fund which is then paid out, and that's the only thing connected to your Department; is that correct? Is that what I understand?

MR. WIHBY: The way the workers' comp works is that the -- there's a budget that's okayed by Finance, for instance, $7 million for the staff. All that money comes from insurance carriers. They pay it to us on July 1st. And then we spend from that budget. We can't spend anymore than. What's left over is carried over. The money isn't for workers' comp injuries. I think that's where you're getting at. This is used for the staff and administration of hearings and carry on the workers' comp system. So it's the administration part, not for money that's paid out to the claims.

REP. SMITH: Thank you.

CHAIRMAN WEYLER: Representative Barry.

MR. WIHBY: Excuse me. It is separate. That's not part of this at all.

REP. BARRY: Thank you, Mr. Chairman. If I may, I'd like to follow-up on Representative Belvin's question and ask you about the appeal process. Once a fine has been levied, the appeal process on it.

MR. COPADIS: Once a fine has been levied, like I said, what we do we try to work with the businesses. They get an initial letter from us indicating what the fine is according to statute and then what they'll do, they will go through an informal hearing process. They have a choice

going through the informal hearing process or formal hearing process. The difference is in the informal hearing process what would happen they would bring in documentation to show how they have corrected the deficiencies they had as far as according to the statute and then we work with them on the penalty. Okay. If they are just going through the formal process, they would just go before a hearings officer and hearings officer would come to a decision on that particular case.

REP. BARRY: Thank you.

CHAIRMAN WEYLER: Anything further? I hope we are all more enlightened about the Department of Labor. And the decision I made, wasn't anyone else, to move them off of general fund, thereby saving a 1.4 million general fund cut that would have been coming out of the rest of the budget. So don't blame the Department of Labor. I felt that he was running a good, clean operation. I recently read an audit on them that showed a good operation. I thought, here's a guy I'm not worried in the least about abusing his ability to fund and ability to fine. And so if I do this, it appeared to me to be relatively harmless but saved the Finance Committee collectively from digging for another 1.4 million.

MR. COPADIS: Of course, Mr. Chairman, we wouldn't hold it against you if Representative Elliott indicated if we were getting 100 million you could move us back to the general fund. That wouldn't be a problem either.

REP. ELLIOTT: Just a figure of speech.

MR. COPADIS: I know.

REP. OBER: This is a case of no good deed goes unpunished.

CHAIRMAN WEYLER: There you go. We are working to a collective number. It was my little contribution in one

little area, and it appears to have backfired because I think we all agree we don't want someone coming in and saying all these other Agencies are bad so they must be. That is not the case. His is an Agency that I found outstanding and I thought there's no problem. Everyone knows they are outstanding but I guess there's a perception that that mechanism didn't work. So appreciate the input from all of you. Thank you very much.

MR. COPADIS: Thank you, Mr. Chairman. Thank you, Committee Members.

REP. BARODY: Mr. Chair, are we going to take this in Division I?

CHAIRMAN WEYLER: That's something we discuss after we close this hearing. We'll discuss what's going to happen with Division I. And I have other things for the full Committee. But if there's nothing further, anything else on House Bill 1534? Thank you for the participation of the Commissioner and Deputy Commissioner. Nothing else, I'll close the hearing on 1534.

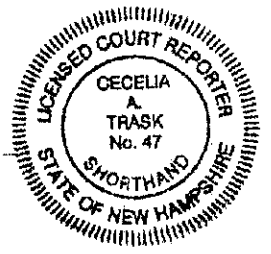
(Hearing concluded at 2:16 p.m.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask

Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire
License No. 47



HOUSE COMMITTEE ON FINANCE

DIVISION I WORK SESSION ON HB 1534-FN

BILL TITLE: repealing the self-funding of the department of labor.

DATE: January 24, 2012

LOB ROOM: 212 Time Work Session Called to Order: 10:00

Time Adjourned:

(please circle if present)

Committee Members: Reps. Belvin, L. Ober, Twombly, Barood, Benn, Vaillancourt, Garcia and Worsman

Bill Sponsors: Rep. Laware, Sull 5; Rep. Mirski, Graf 10; Rep. Twombly, Hills 25; Rep. Daniels, Hills 6; Rep. D. McGuire, Merr 8; Rep. Giuda, Merr 7; Rep. Flanagan, Hills 5; Rep. Osgood, Sull 4; Sen. Sanborn, Dist 7; Sen. Luther, Dist 12; Sen. White, Dist 9; Sen. Lambert, Dist 13

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Mr. Jeff Pattison,** Legislative Budget Assistant (LBA): Restricted funds – Department of Labor HB 1534 – some issues with dedicated fund. 30 of 34 times restricted funds hit on the new Department of Labor statute. Prior to this bill restricted funds was only used twice in statute. Dedicated funds are all listed in this RSA 6:12. Restricted funds usually refer to restricted revenue fees.

Pharmacy Rebates – treated as general fund unrestricted funds. $10 million was not added to general fund it went into restricted funds in HHS budget.

Rep. Twombly: Have these restricted/dedicated funds been created by prior legislators as a slight of hand to understate the size of budgets used to fund various state departments? $2.2 billion are restricted/dedicated funds composed of fees, fines, and federal funds.

Commissioner of Labor, **George Copadis**: We do not mind if it is general fund or restricted fund. We provide 23 labor seminars throughout this state and 3 inspectors who answer questions ranging from employees' lack of paychecks to employer questions. We work with companies moving into the state. We provide notices to companies whose paperwork is deficient, before fining them.

The motion of OTP made by **Rep. Worsman**, seconded by **Rep. Vaillancourt**. Vote (show of hands) 3-4
The motion of ITL was made by rep. Benn, seconded by Rep. L. Ober. Vote (show of hands) 4-3

Respectfully submitted,

Rep. Tim Twombly,
Division I Clerk

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Worsman

Seconded by Rep. Vaillancourt

Vote: 3-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Benn

Seconded by Rep. L. Ober

Vote: 4-3 (Please attach record of roll call vote.)

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HOUSE COMMITTEE ON FINANCE

DIVISION I WORK SESSION ON HB 1534-FN

BILL TITLE: repealing the self-funding of the department of labor.

DATE: January 24, 2012

LOB ROOM: 212 Time Work Session Called to Order: 10:00

Time Adjourned:

(please circle if present)

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TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

LBA Jeff Pattison: Restricted funds – Department of Labor HB 1534 – some issues with dedicated fund. 30 of 34 times R.F. hit on the new Department of Labor statute. Prior to this bill R.F. was only used twice in statute. Dedicated funds are all listed in this RSA 6:12. Restricted funds usually refer to restricted revenue fees.

Appropriation side.

Pharmacy Rebates – treated as general fund unrestricted funds. $10 million was not added to general fund it went into restricted funds in HHS budget.

Have these R/D funds been created by prior legislators as a slight of hand to understate the ~~sins~~ of budgets used to fund ~~department's~~ various state xxxx? 2.2 billion = fees, fines, federal funds and grants.

Commissioner of Labor, George Copadis: We do not mind if it is general fund or restricted fund. We provide 23 labor seminars throughout this state and 3 inspectors who answer questions from lack of pay ~~???~~ or employer questions, work with incoming companies, provide notices, ~~that~~ paperwork is deficient, as ~~warning~~ before fining companies.

The motion of OTP made by Rep. Worsman, seconded by Rep. Vaillancourt. Vote 3-4
The motion of ITL was made. Vote 4-3

HB 234. Commerce removed fiscal note; but new one coming. ~~Removed a dedicated fund.~~
~~HB 625~~

1/24/2012 DIV I workSession
Opened at 10:00
Attendees Marcela Garcia, Ben Baroody, Tim Twardzik, Bill Rehorn, Lynn Ober, Renee Bey, Colette Waxman

LBA Patteson Restricted Funds - Dept of Labor HB1534 - Summary with dedicated fund. 30 of 34 Comm's R.F. hit on the new Dept of Labor Statute
Prior to this bill RF was only used twice in Statute.
dedicated funds ~~are~~ 6112 are all listed in the KSA 6112,
Restricted funds usually refer to restricted revenue p/ss.

~~Appropriated~~ State

Pharmacy Rebates - Used as Gen Fund unrestricted funds. If not used as Gen Fund it went into restricted funds in HHS budget.

R/D
Have these funds been counted by gov in projections as a shift of funds to
United States ~~Treasury~~ Treasury bonds rest to fund dept various state depts
$2261 - Fed Surplus/Def funds composed of
Commissioner of Labor - Cap adj is we do not mind if it's general fund or restricted fund. We provide 23 Labor Seminars throughout the State & 3 inspectors who answer questions from labor, payroll or employee questions, work with Comm Companies provide notice that paperwork is deficient - or warning before fining Companies.

The motion OTP Worsham Seconded by VanNorcott 3V4
ITL 4V3

From LBA. File

NEW ISSUE – Book Entry Only

Ratings: **Fitch Ratings: AA+**
Moody's: Aa1
Standard & Poor's: AA
See *Ratings* herein

In the opinion of Edwards Wildman Palmer LLP, Bond Counsel, based upon an analysis of existing law and assuming, among other matters, compliance with certain covenants, interest on the Bonds is excluded from gross income for federal income tax purposes under the Internal Revenue Code of 1986. Interest on the Bonds is not a specific preference item for purposes of the federal individual or corporate alternative minimum taxes, however such interest is included in adjusted current earnings when calculating corporate alternative minimum taxable income. Under existing law, interest on the Bonds is exempt from the New Hampshire personal income tax on interest and dividends. Bond Counsel expresses no opinion regarding any other tax consequences related to the ownership or disposition of, or the accrual or receipt of interest on, the Bonds. See "TAX EXEMPTION" and Appendix A herein.

$100,000,000
STATE OF NEW HAMPSHIRE
GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS
2011 SERIES B

Dated: Date of Delivery

Due: as shown on the inside cover hereof

The Bonds will be issued as fully registered bonds, registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"). Purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of $5,000 or any integral multiple thereof. See *The Bonds--Book-Entry Only System* herein.

Interest on the Bonds will be payable semiannually on February 1 and August 1 of each year, commencing February 1, 2012 until maturity or redemption prior to maturity. The Bonds are subject to redemption prior to maturity as provided herein.

The Bonds are offered subject to the final approving opinion of Edwards Wildman Palmer LLP, Boston, Massachusetts, Bond Counsel, and to certain other conditions referred to in the Notice of Sale. Public Resources Advisory Group has acted as Financial Advisor to the State with respect to the Bonds. Delivery of the Bonds to DTC or its custodial agent is expected on or about October 27, 2011.

October 20, 2011

(1)

Governmental Funds

General Fund. The General Fund is the principal fund and includes all State activities and functions not allocated by law to other funds. By law, all revenues received by any department or agency of the State (other than revenues allocated by statute directly to specific agencies or other funds) are paid at least weekly into the State Treasury. All such revenues are credited to the General Fund, and expenditures for all State activities and functions not allocated by law to other funds are charged to the General Fund. Revenues that are dedicated to fund specific activities including federal grants are recorded as restricted revenue and are subtracted from total appropriations to arrive at appropriations net of estimated revenues as shown on the fund balance schedules.

Highway Fund. Under the State Constitution, all revenues in excess of the necessary cost of collection and administration accruing to the State from motor vehicle registration fees, operator's licenses, gasoline taxes or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels are appropriated and used exclusively for the construction, reconstruction, and maintenance of public highways within the State, including the supervision of traffic thereon, and for the payment of principal and interest on bonds issued for highway purposes. All such revenues, together with federal grants-in-aid received by the State for highway purposes, are credited to the Highway Fund. While the principal of and interest on State highway bonds are paid from the Highway Fund, the assets of the Fund are not pledged to such bonds.

Fish and Game Fund. The operations of the State Fish and Game Department, including the operation of fish hatcheries, inland and marine fisheries and wildlife areas and related law enforcement functions, land acquisition, and wildlife management and research, and the payment of principal and interest on bonds issued for fish and game purposes, are financed through the Fish and Game Fund. Principal revenues to this Fund include fees from fish and game licenses, the marine gas tax, a portion of off-highway vehicle registration fees, penalties and recoveries and federal grants-in-aid related to fish and game management, all of which are appropriated annually by the Legislature for the use of the Fish and Game Department.

Capital Projects Fund. The State credits to the Capital Projects Fund appropriations for certain capital improvements, primarily those that are funded by the issuance of State debt (other than debt for turnpike purposes), or by the application of certain federal matching grants.

Education Trust Fund. The Education Trust Fund is established in RSA 198:39. See "SCHOOL FUNDING." Adequate education grants to school districts are appropriated from this fund, as is kindergarten and charter school aid and low and moderate income homeowners property tax relief. Pursuant to RSA 198:39, certain revenues are dedicated to this fund including portions of the State's business, cigarette, real estate transfer, and rental car taxes. In addition, lottery revenues and up to $40 million in tobacco settlement revenues are dedicated to the Education Trust Fund as are utility property tax and excess statewide education tax revenues.

Proprietary (Enterprise) Funds

Liquor Commission. By statute, all liquor sold in New Hampshire must be sold through a sales and distribution system operated by the State Liquor Commission. The Commission is comprised of three members appointed by the Governor with the consent of the Council. The Commission is directed by statute to set liquor prices at levels sufficient to pay all costs of liquor purchased and operating expenses of the Commission and the State stores and to impose additional charges for overhead and a profit for the State.

Lottery Commission. The State conducts daily and weekly lotteries and instant games through tickets sold by or on behalf of the State Lottery Commission in State liquor stores, at horse and dog race tracks and at authorized retail outlets in the State. Monthly net profit from lotteries is transferred to the Education Trust Fund for distribution to school districts in the form of adequate education grants.

Turnpike System. The State constructs, maintains and operates transportation toll roads and bridges. The State has covenanted in the General Bond Resolution authorizing the issuance of Turnpike System revenue bonds that it will establish and collect tolls and charges for the use of the Turnpike System adequate at all times, with other available funds, to provide for the proper operation and maintenance of the System and for the timely payment of principal of and interest on Turnpike System revenue bonds and all other required payments in connection with the System. Under RSA 237-A any funds established in connection with the issuance of Turnpike System revenue bonds thereunder are kept separate from other funds of the State.



State of New Hampshire

Revised Statutes Online

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34 RSA's Matching the Query **"restricted fund""**

1. CHAPTER 281-A WORKERS' COMPENSATION **Hits :** 15

Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:1 281-A:1 Title. — This chapter shall be known as the "Workers' Compensation Law.Source. 1988, 194:2, eff. July 1, 1989.. Section 281-A:2 281-A:2 Definitions. — Any word or phrase defined in this section shall have the same meaning throughout RSA

2. CHAPTER 273 DEPARTMENT OF LABOR **Hits :** 4

Summary: TITLE XXIII LABOR CHAPTER 273 DEPARTMENT OF LABOR Labor Commissioner Section 273:1 273:1 Department; Commissioner. — There shall be a department of labor under the executive direction of a labor commissioner who shall be appointed by the governor, with the advice and consent of the council. Subject

3. SECTION 273:1-B RESTRICTED FUND. **Hits :** 4

Summary: TITLE XXIII LABOR CHAPTER 273 DEPARTMENT OF LABOR Labor Commissioner Section 273:1-b 273:1-b Restricted Fund. — There is hereby established in the state treasury a department of labor restricted fund for the sole purpose of paying costs of operating the department of labor other than workers' compen

4. CHAPTER 277-B EMPLOYEE LEASING COMPANIES **Hits :** 4

Summary: TITLE XXIII LABOR CHAPTER 277-B EMPLOYEE LEASING COMPANIES Section 277-B:1 277-B:1 Purpose. — The legislature recognizes that there is a public need for employee leasing and, therefore, deems it necessary in the interest of the public health, safety and welfare to establish standards for the operati

5. SECTION 281-A:43 HEARINGS AND AWARDS. **Hits :** 3

Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:43 281-A:43 Hearings and Awards. —   I. (a) In a controversy as to the responsibility of an employer or the employer's insurance carrier for the payment of compensation and other benefits under this chapter, any party

6. SECTION 277-B:12 PENALTIES. **Hits :** 2

Summary: TITLE XXIII LABOR CHAPTER 277-B EMPLOYEE LEASING COMPANIES Section 277-B:12 277-B:12 Penalties. —   I. No person shall engage in the business of employee leasing nor hold itself out to the public as an employee leasing company without first having secured a license under this chapter.

7. SECTION 281-A:60 RULEMAKING; POWERS OF THE COMMISSIONER. **Hits :** 2

Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:60 281-A:60 Rulemaking; Powers of the Commissioner. —   I. The commissioner shall have the power to adopt rules under RSA 541-A relative to the following:

4

       (a) Content and format of all fo

8. CHAPTER 275 PROTECTIVE LEGISLATION **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 275 PROTECTIVE LEGISLATION Procuring Employment; Imposition of Conditions Section 275:1 275:1 Union Membership. — No person shall coerce or compel, or attempt to coerce or compel, any person into an agreement, either written or verbal, not to join or become a member of any

9. SECTION 275:57 REIMBURSEMENT OF EMPLOYEE EXPENSES. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 275 PROTECTIVE LEGISLATION Reimbursement of Employee Expenses Section 275:57 275:57 Reimbursement of Employee Expenses. —   I. An employee who incurs expenses in connection with his or her employment and at the request of the employer, except those expenses no

10. SECTION 275-F:9 CIVIL PENALTY. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 275-F NEW HAMPSHIRE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT Section 275-F:9 275-F:9 Civil Penalty. —   I. An employer who fails to give notice as required by RSA 275-F:3, I(b) may be assessed a civil penalty of up to $2,500; in addition, such an empl

11. CHAPTER 275-F NEW HAMPSHIRE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 275-F NEW HAMPSHIRE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT Section 275-F:1 275-F:1 Statement of Purpose. — The purpose of this chapter is to protect workers of the state by requiring advance notification of significant employment losses and by providing a means f

12. SECTION 276-A:7-A CIVIL PENALTIES. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 276-A YOUTH EMPLOYMENT LAW Section 276-A:7-a 276-A:7-a Civil Penalties. — In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed $2,500 for each violation of any provision of this chap

13. CHAPTER 276-A YOUTH EMPLOYMENT LAW **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 276-A YOUTH EMPLOYMENT LAW Section 276-A:1 276-A:1 Statement of Policy. — The legislature of the state of New Hampshire declares that it is the policy of the state to foster the employment of young people while, at the same time, providing the necessary safeguards made necessary by their age.

14. SECTION 277-B:13 APPLICATION AND LICENSE FEES. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 277-B EMPLOYEE LEASING COMPANIES Section 277-B:13 277-B:13 Application and License Fees. — All application and license fees collected by the commissioner under this chapter shall be paid to the treasurer for deposit to the department of labor restricted fund established in RSA 273:1-b.

15. SECTION 277-B:15-A CLIENT LIST; CONFIDENTIALITY. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 277-B EMPLOYEE LEASING COMPANIES Section 277-B:15-a 277-B:15-a Client List; Confidentiality. —   I. Employee leasing firms shall maintain a list of current and past clients which shall be available for inspection by the department of labor without notice. The

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16. SECTION 281-A:7 LIABILITY OF EMPLOYER FAILING TO COMPLY. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:7 281-A:7 Liability of Employer Failing to Comply. —   I. (a)1) An employer subject to this chapter who fails to comply with the provisions of RSA 281-A:5 by not securing payment of compensation may be assessed a civil

17. SECTION 281-A:70 FEES. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Certification of Vocational Rehabilitation Providers Section 281-A:70 281-A:70 Fees. — Any fees collected under this subdivision shall be forwarded to the state treasurer for deposit into the department of labor restricted fund established in RSA 273:1-b.

18. SECTION 281-A:53 RESPONSIBILITY OF EMPLOYER TO PROVIDE VITAL INFORMATION. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:53 281-A:53 Responsibility of Employer to Provide Vital Information. —   I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury susta

19. SECTION 281-A:55 SPECIAL FUND FOR SECOND INJURIES. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:55 281-A:55 Special Fund for Second Injuries. —   I. A special fund is hereby established in the state treasury for the purpose of making payments in accordance with RSA 281-A:15, III, RSA 281-A:54 and this section. Th

20. SECTION 281-A:59 ADMINISTRATION FUND. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:59 281-A:59 Administration Fund. —   I. An administration fund is hereby established in the state treasury for the sole purpose of paying all costs of administering this chapter. The commissioner shall administer the f

21. SECTION 281-A:5-D REGULATION OF CERTAIN THIRD PARTY ADMINISTRATORS SERVING SELF-INSURED PROGRAMS. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:5-d 281-A:5-d Regulation of Certain Third Party Administrators Serving Self-Insured Programs. —   I. For purposes of this section, "third party administrator' means any person contracting with an employer or group of e

22. SECTION 281-A:42 FAILURE TO MAKE PAYMENT OF COMPENSATION. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:42 281-A:42 Failure to Make Payment of Compensation. —   I. The commissioner may assess a civil penalty of up to $2,500 on any insurance carrier or self-insurer who fails, without sufficient cause as determined by the

23. SECTION 281-A:30 SPECIAL FUND FOR ACTIVE CASES. **Hits :** 1
Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:30 281-A:30 Special Fund for Active Cases. — With regard to payments

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made pursuant to RSA 281-A:29 for compensable injuries occurring on or before June 30, 1975, the carrier or self-insured employer shall in the first instance make

24. SECTION 281-A:4-A WORKERS' COMPENSATION COMPLIANCE STATEMENT. **Hits :** 1

Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:4-a 281-A:4-a Workers' Compensation Compliance Statement. —   I. Within 30 days following a written request from the commissioner, any building or construction industry contractor, subcontractor, or independent contrac

25. SECTION 281-A:23-A MANAGED CARE PROGRAMS. **Hits :** 1

Summary: TITLE XXIII LABOR CHAPTER 281-A WORKERS' COMPENSATION Section 281-A:23-a 281-A:23-a Managed Care Programs. —   I. An employer, employer's insurance carrier or self-insurer that is subject to the provisions of this chapter may satisfy the requirements and provisions of RSA 281-A:23 and

26. CHAPTER 157-A BOILERS AND PRESSURE VESSELS **Hits :** 1

Summary: TITLE XII PUBLIC SAFETY AND WELFARE CHAPTER 157-A BOILERS AND PRESSURE VESSELS Section 157-A:1 157-A:1 Title. — This chapter shall be known and cited as the Boilers and Pressure Vessels Law and, except as otherwise provided in the chapter, shall apply to all boilers and pressure vessels.

27. SECTION 157-B:13-A CIVIL PENALTIES. **Hits :** 1

Summary: TITLE XII PUBLIC SAFETY AND WELFARE CHAPTER 157-B ELEVATORS AND ACCESSIBILITY LIFTS Section 157-B:13-a 157-B:13-a Civil Penalties. —   I. In addition to any criminal penalty provided under this chapter, the commissioner may, after a written warning and a hearing, impose a civil penalty

28. CHAPTER 157-B ELEVATORS AND ACCESSIBILITY LIFTS **Hits :** 1

Summary: TITLE XII PUBLIC SAFETY AND WELFARE CHAPTER 157-B ELEVATORS AND ACCESSIBILITY LIFTS Section 157-B:1 157-B:1 Title. — This chapter may be called the "Elevator and Accessibility Lift Law.Source. 1967, 310:1. 1997, 333:1, eff. Jan. 1, 1998.. Section 157-B:2 157-B:2 Definitions. — In this chapter: I.

29. SECTION 157-A:10-A CIVIL PENALTIES. **Hits :** 1

Summary: TITLE XII PUBLIC SAFETY AND WELFARE CHAPTER 157-A BOILERS AND PRESSURE VESSELS Section 157-A:10-a 157-A:10-a Civil Penalties. —   I. In addition to any criminal penalty provided under RSA 157-A:10, the commissioner may, after hearing, impose a civil penalty not to exceed $500, as deter

30. NEW HAMPSHIRE STATUTES - TABLE OF CONTENTS **Hits :** 1

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Summary: New Hampshire Statutes Table of Contents. CHAPTER 273: DEPARTMENT OF LABOR. Section 273:1 Department; Commissioner.. Section 273:1-a Budget and Accounting.. Section 273:1-b Restricted Fund.. Section 273:2 Term of Commissioner; Removal.. Section 273:3 Vacancy.. Section 273:4 Salary; Expenses..

31. SECTION 21-I:11 DIVISION OF PLANT AND PROPERTY MANAGEMENT. **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 21-I DEPARTMENT OF ADMINISTRATIVE SERVICES General Provisions Section 21-I:11 21-I:11 Division of Plant and Property Management. — There is hereby established the division of plant and property management under the supervision of an unclassified director

32. CHAPTER 21-I DEPARTMENT OF ADMINISTRATIVE SERVICES **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 21-I DEPARTMENT OF ADMINISTRATIVE SERVICES General Provisions Section 21-I:1 21-I:1 Establishment; General Functions. —   I. There is hereby established the department of administrative services, an agency of the state, under the executive d

33. CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS State Treasurer Section 6:1 6:1 Election; Transition. —   I. The state treasurer shall be chosen biennially in the manner directed in the constitution and in accordance with RSA 14:2-b and shall hold offi

34. SECTION 6:12 APPLICATION OF RECEIPTS. **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS State Treasurer Section 6:12 6:12 Application of Receipts. —   I. The requirement that the state treasurer shall establish and maintain an account or fund separately in the accounting records of the state

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TITLE XXIII
LABOR

CHAPTER 273
DEPARTMENT OF LABOR

Labor Commissioner

Section 273:1-b

273:1-b Restricted Fund. – There is hereby established in the state treasury a department of labor restricted fund for the sole purpose of paying costs of operating the department of labor other than workers' compensation. All moneys in the restricted fund shall be continually appropriated to the department of labor. The commissioner shall administer the fund, and the state treasurer shall be the custodian of the fund. All moneys in the fund in excess of amounts used by the department for authorized personnel expenses, administrative costs, and other related costs for the operation of the department, shall be transferred on June 30 of each year to the general fund. The existence and operation of this restricted fund shall not affect the continued existence and operation of the administration fund established by RSA 281-A:59.

Source. 2011, 224:51, eff. July 1, 2011.

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TITLE I
THE STATE AND ITS GOVERNMENT

CHAPTER 21-I
DEPARTMENT OF ADMINISTRATIVE SERVICES

General Provisions

Section 21-I:11

21-I:11 Division of Plant and Property Management. – There is hereby established the division of plant and property management under the supervision of an unclassified director of plant and property management who shall be responsible for the following functions, in accordance with applicable law:

I. With reference to the division of plant and property management and the rulemaking authority of the commissioner in this area, the following definitions shall apply:

(a) "Supplies" shall mean all materials, equipment, printing, furniture, furnishings, and books, of every name and nature, including computer hardware, software, related licenses, media, and documentation, and standard off-site support and maintenance generally offered to the public for such computer hardware or software.

(b) "Agency" shall mean any board, department, commission, hospital, sanitarium, home, library, school, college, prison or other institution conducted or operated by or for the state of New Hampshire.

(c) "Purchase" shall mean all contracts for the purchase of supplies or services, as well as the act of purchasing.

(d) "Emergency" shall mean any situation requiring the immediate purchase of supplies arising from any unavoidable casualty or disaster.

(e) "Governing board" shall mean the board, commission, board of trustees, department head or other administrative body responsible for the conduct of any agency.

(f) "Services" shall mean services provided for general agency use including, but not restricted to, the following: credit card agreements, elevator maintenance, hazardous waste testing and removal, janitorial services, laboratory services, rubbish removal, recycled materials pickup, security services, snow removal, soil testing, transportation, office machine maintenance, vehicle repair, vehicle rental and leasing, and warehousing. "Services" shall not mean services provided solely to one agency.

II. Purchasing all materials, equipment, supplies, and services for all departments and agencies of the state including contracting for the purchase or rental of data processing equipment and contracting for the purchase of electric power supply and services, except as otherwise provided by law. Insofar as practicable all such purchases shall be made in such quantities and manner as shall be most economical for the state.

(a) [Repealed.]

(b) [Repealed.]

II-a. Purchasing only heating oil that contains at least 5 percent biodiesel, as defined in RSA 362-A:1-a, I-b, except if such product is unavailable or is more costly than a 100 percent petroleum product, in which case such purchase shall be made at the discretion of the director. The director, when using such discretion, shall consider at a minimum any savings related to equipment maintenance and longevity that may result from biodiesel use.

II-b. Purchasing biodiesel fuel blends for the department of transportation in accordance with RSA 228:24-a, II.

III. Requiring competitive bidding before making any purchase for the state pursuant to the laws of

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the state applicable to the director of plant and property management, except:

(a) When the best interests of the state would be served thereby and the purchase involves a total expenditure of not more than $2,000 or is a purchase in an approved class;

(b) When after reasonable investigation, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the state from only one source;

(c) When, after reasonable investigation, it appears that any required service, unit or item of supply, or brand of such unit or item, has a fixed market price at all sources available to the state;

(d) When, in the opinion of the governor, an emergency exists of a nature which requires the immediate procurement of supplies, he may authorize the director of plant and property management to make a purchase without competitive bidding; and where the rates filed with and approved by the insurance commissioner are uniform, the purchase of state insurance and public state official and employee bonds are specifically excluded from competitive bidding as to price; provided, however, that nothing contained in this subparagraph shall preclude the director of plant and property management from inviting plans of insurance coverage from any resident licensed insurance agent.

III-a. [Repealed.]

IV. Except where competitive bidding has been employed, no purchase involving an expenditure of more than $2,000 or purchase in an approved class may be made by the director of plant and property management without the written approval of the commissioner. In requesting such approval, the director shall first state in writing his reasons for not employing competitive bidding.

V. Promptly furnishing to any agency and to the comptroller, a copy of any purchase order executed by him for supplies for the said agency.

VI. Having custody of all state owned or rented real property not specifically charged to some other department and all personal property not specifically charged to some other department.

VII. Maintaining a central inventory record of all state owned real property, physical plant and equipment, which record shall be made available to the comptroller to assist him in complying with accounting principles. In order to compile this record the director shall:

(a) Advise each state agency how to establish and maintain a perpetual inventory record system for real property, whether rented or owned, physical plant and equipment; and

(b) Require each state agency to report annually, in such form as prescribed by the director, an inventory of the real property, whether rented or owned, physical plant and equipment under its jurisdiction. The form of such report shall not be considered a rule subject to the provisions of RSA 541-A.

VIII. Recommend to the commissioner fair and equitable charges to be assessed according to rules adopted pursuant to RSA 21-I:14, XI, against any recipients receiving any donated surpluses from the surplus distribution section which shall:

(a) Be sufficiently high to defray all administrative, warehousing, processing, distribution and transportation costs incurred by the surplus distribution section, and to allow the accumulation of a working capital reserve equal to the cost of 6 months' operation of the surplus distribution section so that the operation of said section shall result in no expense to the state; and

(b) Be maintained by the treasurer as a separate, restricted fund.

IX. Provide the text of any rule adopted pursuant to RSA 21-I:14, XI, to each recipient of donated commodities or surpluses distributed by the surplus distribution section.

X. Subject to the direction and supervision of the commissioner of administrative services, act as custodian of the state house, legislative office building, state house annex, state library, and, with the exception of interior maintenance of the acute psychiatric services building, the Anna Philbrook center, the Tobey School building, and all transitional housing buildings including the Howard recreation building, all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a, as well as the grounds connected with each of the foregoing properties, and have charge of all matters relating to the care, maintenance and repair of said property.

XI. Requiring, prior to an agency's submission of a request for purchase of computer hardware, software, related licenses, media, documentation, and standard off-site support and maintenance

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generally offered to the public for such computer hardware or software exceeding $500 in total cost, that the agency obtain approval of the proposal by the chief information officer to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the chief information officer in support of requests for purchases of information technology equipment or software in excess of $500.

XIII. Hearing and deciding disputes arising from the activities of the bureau of public works design and construction prior to the appeal of disputes to the commissioner under RSA 21-I:86.

XIV. Coordinating with the department the activities of the division relative to the capital budget overview process and communicating with the legislature regarding that process as it relates to public works.

XV. Coordinating with the department long range capital planning relative to public works design and construction to meet the needs of the state.

XVI. Supervising the activities of the bureaus and functions within the division.

Source. 1983, 416:40; 469:130, 131. 1985, 4:4; 188:4; 399:16-18. 1986, 77:1-3. 1988, 227:18. 1990, 247:2. 1991, 346:6. 1995, 9:13, eff. June 11, 1995. 1996, 57:3, eff. June 23, 1996; 79:2, eff. July 12, 1996. 2003, 223:19, eff. July 1, 2003. 2005, 291:6, eff. July 25, 2005. 2007, 263:1. eff. July 1, 2007. 2008, 69:1, 2, eff. July 20, 2008; 85:1, eff. Jan. 1, 2009; 359:3, 9, II, eff. Sept. 9, 2008.



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13 RSA's Matching the Query "**"dedicated fund""**

1. CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS **Hits :** 3

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS State Treasurer Section 6:1 6:1 Election; Transition. —   I. The state treasurer shall be chosen biennially in the manner directed in the constitution and in accordance with RSA 14:2-b and shall hold offi

2. SECTION 6:12-F INCLUSION OF ALL DEDICATED FUNDS, ACCOUNTS, OR TRUSTS. **Hits :** 2

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS State Treasurer Section 6:12-f 6:12-f Inclusion of All Dedicated Funds, Accounts, or Trusts. —   I. The definitions in RSA 6:12 shall apply to this section. Any dedicated fund, account, or trust that is t

3. SECTION 125-J:13 NOX-EMITTING GENERATION SOURCE REQUIREMENTS. **Hits :** 1

Summary: TITLE X PUBLIC HEALTH CHAPTER 125-J EMISSIONS REDUCTION TRADING PROGRAMS Section 125-J:13 RSA 125-J:13 repealed by 2010, 59:2, II, effective January 1, 2014. 125-J:13 NOx-Emitting Generation Source Requirements. —   I. Each NOx-emitting generation source emitting more than 7 pounds of

4. CHAPTER 125-J EMISSIONS REDUCTION TRADING PROGRAMS **Hits :** 1

Summary: TITLE X PUBLIC HEALTH CHAPTER 125-J EMISSIONS REDUCTION TRADING PROGRAMS Section 125-J:1 125-J:1 Definitions. — In this chapter: I. "Actual emissions' means the rate, in tons per year, at which the device or source actually emitted a pollutant during calendar year 1990, or the averag

5. SECTION 106-H:6 POWERS AND DUTIES. **Hits :** 1

Summary: TITLE VII SHERIFFS, CONSTABLES, AND POLICE OFFICERS CHAPTER 106-H ENHANCED 911 SYSTEM Section 106-H:6 106-H:6 Powers and Duties. — The director of the division of emergency services and communications, subject to the approval of the commissioner, shall: I. Appoint such personnel as m

6. CHAPTER 106-H ENHANCED 911 SYSTEM **Hits :** 1

Summary: TITLE VII SHERIFFS, CONSTABLES, AND POLICE OFFICERS CHAPTER 106-H ENHANCED 911 SYSTEM Section 106-H:1 106-H:1 Statement of Purpose. — The general court of the state of New Hampshire declares that the interests of the state's citizens will be served by a coordinated statewide enhanced 911 system, uti

7. CHAPTER 490 SUPREME COURT **Hits :** 1

Summary: TITLE LI COURTS CHAPTER 490 SUPREME COURT Justices, Jurisdiction, Sessions,

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Etc. Section 490:1 490:1 Justices. — The supreme court shall consist of 5 justices appointed and commissioned as prescribed by the constitution. On the effective date of this section, the administrative position of chief jus

8. SECTION 490:26-H JUDICIAL BRANCH INFORMATION TECHNOLOGY FUND. **Hits :** 1

Summary: TITLE LI COURTS CHAPTER 490 SUPREME COURT Court Fees, Fines, Forms, and Personnel Section 490:26-h 490:26-h Judicial Branch Information Technology Fund. —   I. Except as provided in paragraph IV: (a) Fourteen percent of each entry fee collected in the jud

9. SECTION 430:31-B PESTICIDES TRAINING PROGRAM. **Hits :** 1

Summary: TITLE XL AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY CHAPTER 430 INSECT PESTS AND PLANT DISEASES Pesticides Controls Section 430:31-b 430:31-b Pesticides Training Program. —   I. The commissioner of the department of agriculture, markets, and food shall establish a pesticides traini

10. CHAPTER 430 INSECT PESTS AND PLANT DISEASES **Hits :** 1

Summary: TITLE XL AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY CHAPTER 430 INSECT PESTS AND PLANT DISEASES Suppression of Insects and Plant Diseases Section 430:1 430:1 State Entomologist. — The commissioner of agriculture, markets, and food shall, subject to the personnel laws of the state, employ an assi

11. SECTION 21-P:12-E FIRE STANDARDS AND TRAINING, EMERGENCY MEDICAL SERVICES, AND FIRE SAFETY REPORT AND BUDGET. **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 21-P DEPARTMENT OF SAFETY General Provisions Section 21-P:12-e 21-P:12-e Fire Standards and Training, Emergency Medical Services, and Fire Safety Report and Budget. —   I. The department of safety shall submit as part of the annual report re

12. CHAPTER 21-P DEPARTMENT OF SAFETY **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 21-P DEPARTMENT OF SAFETY General Provisions Section 21-P:1 21-P:1 Purpose. — The purpose of this chapter is to improve the administration of state government by consolidating and providing unified direction of procedures, programs, and related functions

13. SECTION 6:12 APPLICATION OF RECEIPTS. **Hits :** 1

Summary: TITLE I THE STATE AND ITS GOVERNMENT CHAPTER 6 STATE TREASURER AND STATE ACCOUNTS State Treasurer Section 6:12 6:12 Application of Receipts. —   I. The requirement that the state treasurer shall establish and maintain an account or fund separately in the accounting records of the state

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TITLE I
THE STATE AND ITS GOVERNMENT

CHAPTER 6
STATE TREASURER AND STATE ACCOUNTS

State Treasurer

Section 6:12

6:12 Application of Receipts. –

I. The requirement that the state treasurer shall establish and maintain an account or fund separately in the accounting records of the state shall be met by the department of administrative services in the following manner:

(a) The department of administrative services shall establish and maintain an account or fund in the accounting system of the state.

(b) Moneys received by the state treasurer, as provided in RSA 6:11, shall be accounted for in the state's accounting system as general revenue of the state, with the exception of the following dedicated funds or accounts:

(1) Moneys received by the state lottery commission, which shall be credited to the sweepstakes special fund.

(2) Moneys received by the fish and game department, which shall be credited to the fish and game fund.

(3) Fines received for violations of RSA 214:12 and any monetary damages recovered pursuant to RSA 211:74, which shall be credited to the fish and game fund.

(4) Fees collected by the department of safety under RSA 107-B, which shall be credited to the New Hampshire nuclear planning and response fund.

(5) All moneys received from the division of motor vehicles which are derived from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, or any other fee collected by the division of motor vehicles, but not including any revenue from fines and forfeitures assessed against any violator of any state law relative to the use and operation of motor vehicles, after deducting the amount allowed by the legislature for maintaining the division of motor vehicles, which shall be credited to the department of transportation for maintenance of highways.

(6) Moneys received by the police standards and training council, which shall be credited to the police standards and training council training fund.

(7) Costs charged back to the state or its agencies, counties, cities or towns which are incurred by the division of state police of the department of safety, which shall be credited to the department of transportation for the maintenance of highways.

(8) [Repealed.]

(9) Revenues from fees, rentals, and the sale of products from lands under the jurisdiction of the department of resources and economic development, which shall be credited as provided under RSA 227-G.

(10) [Repealed.]

(11) Fees collected by the public utilities commission of railroads and public utilities for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out.

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(12) Moneys received under RSA 457:29, which shall be credited to the special fund for domestic violence programs.

(13) The share of the normal yield tax going to the department of resources and economic development under RSA 79:14, which shall be credited to the unincorporated towns and unorganized places forest conservation fund.

(14) Moneys received for sending children to the special education program of the youth services center pursuant to RSA 186-C:20.

(15) Money received under RSA 143:11 and 184:85, which shall be credited to the public health services special fund.

(16) Moneys received under RSA 188-F, which shall be credited as provided in that chapter.

(17) Money received under RSA 481:32, which shall be credited to the dam maintenance fund established under RSA 482:55.

(18) Money received under RSA 434:36, which shall be credited to the apple marketing account.

(19) Money received under RSA 318-B:17-b, V, which shall be credited as specified in RSA 318-B:17-b, V to:

(A) The drug forfeiture fund;

(B) The state law enforcement agency account; or

(C) The department of health and human services office of alcohol and drug abuse prevention account.

(20) Moneys received under RSA 125-F:11, II and IV, which shall be credited to the radiation long-term care fund.

(21) The money received under RSA 78-A:26, I(a) and RSA 230:52, II, which shall be credited to the division of travel and tourism development, department of resources and economic development.

(22) Money received under RSA 400-A:29-a, II, which shall be credited to the insurance department's continuing education advisory council reimbursement fund.

(23) The assessments collected under RSA 188-F:31 and 651:63, V and the surcharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance fund which shall be credited to the victims' assistance fund until that fund exceeds $900,000, at which time moneys in excess of $900,000 shall be credited to the general fund.

(24) [Repealed.]

(25) The money received under RSA 125-F:8-a, which shall be credited to the New Hampshire low-level radioactive waste management fund.

(26) Additional fees received under RSA 263:34-i, which shall be credited to the motorcycle rider safety fund established in RSA 263:34-e.

(27) Money received under RSA 485-A:7-a and 7-c, which shall be deposited in the wastewater plant operator certification fund established in RSA 485-A:7-a, II.

(28) Moneys received by state agencies through recycling programs established pursuant to RSA 21-I:14-a, I which shall be credited to the recycling fund established under RSA 21-I:14-a, II.

(29) Moneys received from the levying of civil penalties or fees by the department of safety under RSA 21-P:16-24, which shall be credited to the revolving fund established in RSA 21-P:21.

(30) The money received under RSA 21-I:60, which shall be credited to the special recycling fund established under RSA 21-I:60.

(31) Moneys received as operational permit fees under RSA 485:41, VIII, which shall be credited to the operational permits account.

(32) The fees collected under RSA 310-B, which shall be credited, appropriated and disbursed as provided under RSA 310-B.

(33) Money received in accordance with RSA 216-A:3-i which shall be credited to the state park fund.

(34) Moneys received under RSA 125-C:12, IV-d and V which shall be credited to the air resources fund established in RSA 125-C:12, IV-d.

(35) Moneys received under RSA 147-A:4, RSA 147-A:6, RSA 147-A:16, RSA 147-A:17, RSA

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147-A:17-a, RSA 147-B:8, and RSA 147-B:11, which shall be credited to the hazardous waste cleanup fund established under RSA 147-B:3.

(36) Moneys received by the commissioner of the department of health and human services, for the purchase of vaccines, which shall be credited to the vaccine purchase fund established in RSA 141-C:17-a.

(37) Money received by the commissioner of safety under RSA 263:56-d, which shall be credited to the default bench warrant fund.

(38) Moneys received by the department of state under RSA 5-C:14, RSA 5-C:34, RSA 5-C:10, and RSA 5-C:11, which shall be credited to the vital records improvement fund established in RSA 5-C:15.

(39) Moneys received under RSA 126-A:5, X, which shall be credited to the commissioner, department of health and human services.

(40) Moneys received under RSA 106-H which shall be credited to the enhanced 911 system fund established in RSA 106-H:9.

(41) The fees collected by the secretary of state under RSA 660:1 which shall be credited to the recount administrative account established under RSA 660:31.

(42) Moneys received under RSA 233-A:13 and RSA 270-E: 5, II(d) which shall be credited to the statewide public boat access fund established in RSA 233-A:13.

(43) Moneys received by the department of agriculture, markets, and food under RSA 466:9 which shall be credited to the fund established in RSA 466:9, II.

(44) One-half the registration fees collected under RSA 435:20 and all fees collected under RSA 433-A:6, which shall be credited to the agricultural product and scale testing fund, established under RSA 435:20, IV.

(45) Money received under RSA 146-C:12, II which shall be credited to the leaking underground storage tank cost recovery fund established in RSA 146-C:12, II.

(46) Moneys received by the department of resources and economic development for the forest management and protection fund established under RSA 227-G:5.

(47) Moneys received under RSA 436:112, which shall be credited to the CEM fund.

(48) Moneys received from the fuel oil discharge cleanup fund established in RSA 146-E:3.

(49) Moneys received under RSA 126-H, which shall be credited to the healthy kids fund established in RSA 126-H:7.

(50) Moneys collected under RSA 281-A:64, VIII which shall be credited to the workers' compensation safety inspection fund established in RSA 281-A:64, IX.

(51) The moneys collected under RSA 130-A, which shall be credited to the lead poisoning prevention fund established in RSA 130-A:15.

(52) Money received under RSA 21-J:24-a, which shall be credited to the revolving fund established for municipal officers and employees education and training.

(53) Moneys received under RSA 421-B:26, I, II and III, which shall be credited to the investor education fund established in RSA 421-B:26, IV.

(54) Moneys received under RSA 4:9-b for the design, construction and maintenance of a law enforcement memorial, which shall be credited to the special account established in that section.

(55) Moneys received under RSA 146-F:3, which shall be credited to the motor oil discharge cleanup fund.

(56) Moneys deposited in the motor vehicle industry board fund established in RSA 357-C:12.

(57) Moneys received pursuant to RSA 651:63, V designated for the department of corrections shall be deposited into an account to fund the operating appropriation of the division of field services, department of corrections.

(58) Moneys deposited in the navigation safety fund established in RSA 270-E:6-a.

(59) Moneys received under RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

(60) The designated portion of moneys received under RSA 261:97-a, which shall be credited to

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the conservation number plate trust fund established in RSA 261:97-b.

(61) [Repealed.]

(62) Money received under RSA 485-A:4, XVI-c, which shall be deposited in the sampling and analysis of sludge or biosolids samples fund.

(63) Moneys collected pursuant to RSA 430:50, II which shall be deposited in the integrated pest management fund.

(64) Moneys deposited in the harbor dredging and pier maintenance fund established in RSA 12-G:46.

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

(66) Moneys received under RSA 433-B:2 and 433-B:3, which shall be deposited in the ginseng regulation fund established in RSA 433-B:4.

(67) [Repealed.]

(68) Moneys collected pursuant to RSA 227-C:28, which shall be deposited in the barn preservation fund.

[Paragraph I(b)(69) repealed by 2010, 59:2, IV, effective January 1, 2014.]

(69) Moneys received by the department of environmental services under RSA 125-J:13, II, which shall be credited to the nitrogen oxide emissions reduction fund.

(70) [Repealed.]

(71) Funds received pursuant to RSA 6:12-b, which shall be maintained pursuant to the provisions of RSA 6:12-b.

(72) Moneys deposited in the alcohol abuse prevention and treatment fund established in RSA 176-A:1.

(73) Moneys deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

(74) Moneys deposited in the training fund established by RSA 282-A:138-a.

(75) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

(76) Moneys collected pursuant to RSA 430:31-b, II which shall be deposited in the pesticides training program fund.

(77) Moneys deposited in the gasoline remediation and elimination of ethers fund established in RSA 146-G:4.

(78) Moneys deposited in the land conservation investment program trust fund under RSA 162-C:10.

(79) Moneys deposited in the publications revolving fund under RSA 4-C:9-a.

(80) Moneys deposited in the historical fund under RSA 177:8.

(81) [Repealed.]

(82) Moneys deposited in the court facilities escrow fund under RSA 490:26-c.

(83) [Repealed.]

(84) Moneys deposited in the judicial branch salary and benefit adjustment fund under RSA 491-A:2.

(85) Moneys deposited in the law library revolving fund under RSA 490:25.

(86) Moneys deposited in the supreme court publications and materials revolving fund under RSA 490:18-a.

(87) Moneys deposited in the New Hampshire national guard recruitment and retention scholarship fund under RSA 110-B:60.

(88) Moneys deposited in the Pease Development Authority Airport Fund under RSA 12-G:36.

(89) Moneys deposited in the audit set aside fund under RSA 124:18.

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(90) Moneys deposited in the salary adjustment fund under RSA 99:4.

(91) Moneys deposited in the state and municipal employee personnel education and training fund under RSA 21-I:42, XVII.

(92) Moneys deposited in the surplus distribution section administrative assessments fund under RSA 21-I:11, VIII.

(93) Moneys deposited in the eastern states exposition building fund under RSA 425:18.

(94) Moneys deposited in the pesticides control fund under RSA 430:34, V.

(95) Moneys deposited in the special account for agriculture development rights under RSA 432:30, I.

(96) Moneys deposited in the driver training fund under RSA 263:52.

(97) Moneys deposited in the insurance administration fund under RSA 400-A:39.

(98) Moneys deposited in the contingent fund under RSA 282-A:140.

(99) Moneys deposited in the unemployment compensation and employment service administration fund under RSA 282-A:138.

(100) Moneys deposited in the unemployment compensation fund under RSA 282-A:103.

(101) Moneys deposited in the automated information system account under RSA 201-A:19, II.

(102) Moneys deposited in the damaged and lost book account under RSA 201-A:19, I.

(103) Moneys deposited in the state art fund under RSA 19-A:9.

(104) Moneys deposited in the Cannon Mountain capital improvement fund under RSA 12-A:29-c.

(105) Moneys deposited in the Hampton Beach parking meter fund under RSA 216:3, II.

(106) Moneys deposited in the international trade promotion fund under RSA 12-A:31.

(107) Moneys deposited in the mining and reclamation fund under RSA 12-E:8, III.

(108) Moneys deposited in the Mount Washington fund under RSA 227-B:9.

(109) Moneys deposited in the New Hampshire economic development fund under RSA 12-A:2-e.

(110) Moneys deposited in the OHRV and snowmobile fund under RSA 215-A:3, VII and RSA 215-C:2, VIII.

(111) Moneys deposited in the travel and tourism revolving fund under RSA 12-A:15-a.

(112) [Repealed.]

(113) Moneys deposited in the firemen's relief fund under RSA 402:66.

(114) [Repealed.]

(115) Moneys deposited in the New Hampshire excellence in higher education endowment trust fund under RSA 6:38.

(116) Moneys deposited in the trust fund for the New Hampshire land and community heritage investment trust program under RSA 227-M:7.

(117) Moneys deposited in the nuclear decommissioning financing committee account under RSA 162-F:18.

(118) Moneys deposited in the nuclear decommissioning financing fund under RSA 162-F:19.

(119) Moneys deposited in the revenue stabilization reserve account under RSA 9:13-e, II.

(120) Moneys deposited in the children's benefit fund under RSA 621:30, I.

(121) Moneys deposited in the resident personal funds fund under RSA 621:30, II.

(122) Moneys deposited in the special projects fund under RSA 621:30, III.

(123) Moneys deposited in the certificate program fund under RSA 332-E:4, III.

(124) Moneys deposited in the environmental services education and training assistance fund under RSA 21-O:1-a.

(125) Moneys deposited in the lab equipment and replacement fund under RSA 131:3-a.

(126) Moneys deposited in the lake restoration and preservation fund under RSA 487:25.

(127) Moneys deposited in the oil discharge and disposal cleanup fund under RSA 146-D:3.

(128) Moneys deposited in the oil pollution control fund under RSA 146-A:11-a.

(129) Moneys deposited in the pollution prevention revolving fund under RSA 21-O:22.

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(130) Moneys deposited in the water pollution control and drinking water revolving loan fund under RSA 486:14.

(131) Moneys deposited in the wetlands and shorelands review fund under RSA 482-A:3, III.

(132) Moneys deposited in the water pollution control facilities' replacement fund under RSA 485-A:51.

(133) Moneys deposited in the long-term care assistance fund under RSA 167:94.

(134) Moneys deposited in the Benjamin Thompson trust fund under RSA 11:6.

(135) Moneys deposited in the university system of New Hampshire fund under RSA 187-A:7.

(136) Moneys deposited in the department of education printed materials revolving fund under RSA 186:13, XII.

(137) Moneys deposited in the sign language interpreter's certification revolving fund under RSA 200-C:20-a.

(138) Moneys deposited in the Nesmith Trust Fund under RSA 186-B:8.

(139) Moneys deposited in the special teacher competence fund under RSA 186:7-a.

(140) [Repealed.]

(141) Moneys deposited in the New Hampshire technical institute student activity center account under 1995, 52:1.

(142) Moneys deposited in the consumer credit administration license fund under RSA 399-A:5.

(143) Moneys deposited in the New Hampshire emergency response and recovery fund established by RSA 21-P:46.

(144) Moneys deposited in the asbestos management and control funds maintained by the department of environmental services under RSA 141-E:12.

(145) [Repealed.]

(146) Moneys deposited in the vital records user fee fund under RSA 126:30.

(147) Moneys deposited in the 7-day multiple DWI offender intervention program account under RSA 265-A:41.

(148) Moneys deposited in the aeronautics maintenance and operations fund under RSA 422:6.

(149) Moneys deposited in the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund under RSA 228:66-a.

(150) Moneys deposited in the rural airport capital revolving loan fund under RSA 423:11.

(151) Moneys deposited in the special railroad fund under RSA 228:68.

(152) Moneys deposited in the department of safety inventory fund under RSA 228:25.

(153) Moneys deposited in the Cheshire bridge toll account under 1988, 251:4-a, as inserted by 1991, 318:5 and amended by 2000, 69:2.

(154) Moneys deposited in the equipment inventory fund under RSA 228:24-b.

(155) Moneys deposited in the highway and bridge betterment account under RSA 235:23-a.

(156) [Repealed.]

(157) Moneys deposited in the motor fuel inventory fund under RSA 228:24-a.

(158) Moneys deposited in the turnpike system revenue and reserve accounts under the November 9, 1987 bond resolution.

(159) [Repealed.]

(160) Moneys deposited in the fish and game search and rescue fund under RSA 206:42.

(161) [Repealed.]

(162) Moneys deposited in the nongame species account under RSA 212-B:6.

(163) Moneys deposited in the prepaid fish and game license fund under RSA 214:9-c, IV and RSA 214:9-cc, IV.

(164) Moneys deposited in the publications, specialty items and fund raising revolving fund under RSA 206:22-a.

(165) [Repealed.]

(166) Moneys deposited in the member annuity savings fund and the state annuity accumulation fund under RSA 100-A:16.

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(167) Funds received pursuant to RSA 6:12-c, which shall be maintained under the terms of the referenced trust or agency fund.

(168) Funds received pursuant to RSA 6:12-d, which shall be maintained under the terms of the referenced custodial or escrow account.

(169) Moneys deposited in the municipal and regional training fund under RSA 4-C:9-a, II.

(170) Moneys deposited in the criminal records check account under RSA 106-B:7, II.

(171) Moneys deposited in the air resources fund under RSA 125-C:12, V.

(172) Moneys deposited in the McAuliffe-Shepard discovery center fund under RSA 12-L:10.

(173) Moneys deposited in the brownfields cleanup revolving loan fund under RSA 147-F:20.

(174) Moneys deposited in the dependent children support enforcement administrative expense account under RSA 161-C:25.

(175) Moneys deposited in the alcoholism and alcohol abuse account under RSA 265-A:39.

(176) [Repealed.]

(177) Moneys deposited in the bookstore account under RSA 188-F:19.

(178) Moneys deposited in the school building authority account under RSA 195-C:1.

(179) Moneys deposited in the state library donations and gifts fund under RSA 201-A:10, I.

(180) Moneys deposited in the pheasant stamp account under RSA 206:35-a.

(181) [Repealed.]

(182) Moneys deposited in the fish food sales revenue account under RSA 206:35-c.

(183) [Repealed.]

(184) Moneys deposited in the operation game thief account under RSA 207:62.

(185) [Repealed.]

(186) Moneys deposited in the wildlife habitat account under RSA 214:1-f, V.

(187) Moneys deposited in the fisheries habitat account under RSA 214:1-g, II.

(188), (189) [Repealed.]

(190) Moneys deposited in the supply depot inventory account under RSA 219:21.

(191) Moneys deposited in the disabled persons' employment fund under RSA 21-I:44-f.

(192) Moneys deposited in the land and community heritage investment program administrative fund under RSA 227-M:7-a.

(193) Moneys deposited in the highway surplus account under RSA 228:11.

(194) Moneys deposited in the public works and highway inventory fund under RSA 228:24.

(195) Moneys deposited in the municipal maintenance and repair special account under RSA 228:49, II.

(196) Moneys deposited in the eastern New Hampshire turnpike toll account under RSA 237:24.

(197) Moneys deposited in the central New Hampshire turnpike toll account under RSA 237:40.

(198) Moneys deposited in the turnpike renewal and replacement account under RSA 237:49-a.

(199) Moneys deposited in the turnpike system toll account under RSA 237:9.

(200) Moneys deposited in the tri-state lotto prize account under RSA 287-F:9.

(201) Moneys deposited in the electricians' board account under RSA 319-C:11.

(202) Moneys deposited in the plumbers board account under RSA 329-A:6.

(203), (204) [Repealed.]

(205) Moneys deposited in the default fund under RSA 597:38-a.

(206) Moneys deposited in the industries inventory account under RSA 622:28-a.

(207) Moneys deposited in the employee benefit adjustment account under RSA 9:17-c.

(208) Moneys deposited in the substance abuse treatment fund under RSA 172:14.

(209) Moneys received pursuant to RSA 5:48, which shall be credited to the New Hampshire local government records management improvement fund established in RSA 5:48.

(210) [Repealed.]

(211) Moneys deposited in the laboratory accreditation fund under RSA 485:46.

(212) [Repealed.]

(213) Moneys deposited in the education credentialing fund under RSA 186:11, X.

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(214) [Repealed.]

(215) Moneys deposited in the department of fish and game's stamp and permit fund under RSA 214:9-e, IV.

(216) [Repealed.]

(217) Moneys deposited in the radiation user and laboratory fees fund under RSA 125-F:8-b.

(218) Moneys deposited in the national guard's chargeable transient quarters (QTC) and billeting fund and the army national guard state training center program management fund under RSA 110-B:32-a.

(219) Moneys deposited in the Connecticut Lakes headwaters tract monitoring endowment fund under RSA 216:7.

(220) Moneys deposited in the Connecticut Lakes headwaters natural areas stewardship endowment account under RSA 216:9.

(221) Moneys deposited in the Connecticut Lakes headwaters tract road maintenance endowment fund under RSA 216:10.

(222) Moneys deposited in the department of cultural resources donations fund under RSA 21-K:4-a.

(223) Moneys received under RSA 216-J:4 which shall be credited to the Hampton Beach master plan fund.

(224) Moneys deposited in the state jobs grant fund under RSA 162-O:3.

(225) [Repealed.]

(226) Moneys deposited in the election fund under RSA 5:6-d.

(227) [Repealed.]

(228) Fees collected by the department of education, division of higher education pursuant to RSA 188-G:9.

(229) Moneys received by the postsecondary education commission under RSA 292:8-kk, II.

(230) Moneys deposited in the public interest payphone fund established in RSA 374:22-q.

(231) Moneys deposited in the fish and game department gifts and donations account under RSA 206:33-a.

(232) [Repealed.]

(233) Moneys deposited in the student tuition guaranty fund established in RSA 188-G:4.

(234) [Repealed.]

(235) Moneys received under RSA 228-A, which shall be deposited in the federal highway grant anticipation bond trust fund.

(236) Moneys deposited in the state house visitor's center revolving fund under RSA 17-E:7.

(237) Moneys deposited in the civil services legal fund established in RSA 525-A:2.

(238) [Repealed.]

(239) Moneys received pursuant to RSA 454-B:5 which shall be credited to the federal lien registration fund in RSA 454-B:5-a.

(240) Moneys deposited in the natural heritage bureau fund established in RSA 217-A:7-a.

(241) [Repealed.]

(242) Moneys received from fees charged for newborn screening tests under RSA 132:10-a, which shall be credited to the newborn screening fund.

(243) [Repealed.]

(244) [Repealed.]

(245) [Repealed.]

(246) Moneys used for scholarships to orphans of veterans program established in RSA 193:19.

(247) [Repealed.]

(248) Moneys deposited in the fish and game department wildlife legacy initiative account under RSA 206:33-d.

(249) [Repealed.]

(250) Moneys deposited in the legislative youth advisory council fund established in RSA 19-K:5.

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(251) Moneys received under RSA 487:37, II which shall be credited to the New Hampshire healthy tidal waters and shellfish protection fund established under RSA 487:37.

(252) Moneys deposited in the aquatic resource compensatory mitigation fund established by RSA 482-A:29.

(253) Moneys deposited in the renewable energy fund established under RSA 362-F:10.

(254) Moneys deposited in the game management account established in RSA 206:34-b.

(255) Moneys deposited in the homeless housing and access revolving loan fund, established in RSA 126-A:63.

(256) Moneys deposited in the terrain alteration fund, under RSA 485-A:17, II-a.

(257) All funds deposited in the employee and retiree benefit risk management fund established pursuant to RSA 21-I:30-e.

(258) Moneys deposited in the estate administration fund established under RSA 167:13, IV.

(259) Moneys deposited in the comprehensive cancer plan fund established under RSA 126-A:64.

(260) [Repealed.]

(261) Moneys deposited in the New Hampshire Rx advantage program fund pursuant to RSA 161-L:5.

(262) [Repealed.]

(263) Moneys deposited in the medico-legal investigation fund pursuant to RSA 611-B:28.

(264) Moneys deposited in the mediation and arbitration fund, established under RSA 490-E:4.

(265) Moneys deposited in the debt recovery fund by the treasurer under RSA 7:15-a, IV.

(266) All moneys deposited in the regional transportation coordination fund under RSA 239-B:5

(267) Moneys deposited in the workers' compensation fraud fund established by RSA 281-A:2, VI (c).

(268) Moneys deposited in the milk producers emergency relief fund established under RSA 184:107.

(269) Moneys deposited in the Portsmouth-Kittery Bridge fund under RSA 234:66.

(270) [Repealed.]

(271) Moneys deposited in the energy efficiency fund established in RSA 21-I:19-f.

(272) Moneys deposited in the greenhouse gas emissions reduction fund established in RSA 125-O:23.

(273) Moneys deposited in the ICF separate account established in RSA 84-D:5.

(274) Moneys deposited in the stormwater utility fund established under RSA 149-I:10-a.

(275) Moneys deposited in the Pease development authority ports and harbors fund established in RSA 12-G:37.

(276) Moneys deposited in the recycling fund established under RSA 9-C:6.

(277) Moneys deposited in the women, infants, and children program (WIC) fund, established under RSA 132:12-e.

(278) Moneys deposited in the room and board scholarship fund established under RSA 187-A:20-a, II.

(279) Moneys deposited in the public works employee memorial account established in RSA 4:9-j.

(280) Revenues deposited in the Skyhaven airport maintenance and operations fund established in RSA 422:39.

(281) Moneys deposited in the subsurface systems fund, under RSA 485-A:30, I-b.

(282) Funds deposited in the motor vehicle air pollution abatement fund established in RSA 125-S:3.

(283) Moneys deposited into the New Hampshire workforce opportunity fund established in RSA 12-A:61.

(284) Moneys deposited in the judicial branch information technology fund established under RSA 490:26-h.

(285) Moneys deposited in the liquor commission fund established in RSA 176:16.

(286) Moneys deposited into the Hampton Beach capital improvement fund established under RSA 216:3, IV(a).

(287) Moneys deposited in the rivers management and protection fund established in RSA 483:13.

(288) Moneys deposited in the CART provider and sign language interpreter net tuition repayment fund established in RSA 200-M:4.

(289) Moneys deposited in the probation and parole receipts fund established in RSA 504-A:13, IV(b).

(290) Moneys deposited in the state historic sites fund under RSA 12-A:10-f.

(291) Moneys deposited in the "adverse events" fund established under RSA 151:40, II.

(292) Moneys deposited in the septage management fund, under RSA 485-A:30, I-c.

(293) Moneys deposited into the mosquito control fund established under RSA 141-C:25.

(294) Moneys deposited in the southeast watershed alliance fund established in RSA 485-E:8.

(295) Moneys deposited into the dam maintenance revolving loan fund established under RSA 482:55-a.

(296) Moneys accruing to blind services through vending machine income under RSA 186-B:14.

(297) Moneys deposited into the chancellor's scholarship endowment trust fund established under RSA 187-A:20-a, III.

(298) Moneys deposited into the AIDS drug assistance program fund established under RSA 141-F:12.

(299) Moneys deposited for the sole purpose of constructing the September 11 memorial under RSA 4:9-f.

(300) The designated portion of fees collected under RSA 5:10 which shall be credited to the notary fee account established by RSA 5:10-b.

(301) Moneys deposited in the New Hampshire medal of honor fund, established in RSA 110-B:81-b.

[Paragraph I(b)(302) repealed by 2010, 224:3, I effective July 1, 2012.]

(302) Moneys deposited into the commission on health care cost containment fund, established in RSA 21-S:8.

(303) Moneys deposited in the natural heritage bureau fund established in RSA 217-A:7-a.

(304) Civil fines collected under RSA 151:16-b, which shall be deposited as provided in such section.

(305) Moneys deposited in the meat inspection program fund established under RSA 427:32-b.

(306) Moneys deposited in the department of labor restricted fund established in RSA 273:1-b.

(307) Moneys deposited in the state aeronautical fund pursuant to RSA 422:35.

II. The full amount allowed for the maintenance of each institution and department shall be appropriated by each legislature for the biennial period next following, and the money derived from the sale of farm and minor industrial products of institutions shall be credited to the appropriation for the institution from which derived.

III. In this section:

(a) "Account" means a formal record in the state's accounting system that represents, in words, money, or other unit of measurement, certain resources, claims to such resources, transactions, or other events that result in changes to those resources and claims.

(b) "Fund" means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equity or balances and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. A fund can also be

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a grouping of related funds that is used to maintain control over resources that have been segregated for specific activities or objectives.

(c) "Dedicated fund or account" means moneys collected by the state from a specific source in the form of taxes, fees, licenses, fines, donations, gifts, or other sources as designated by statute, a requirement of federal law, or other legal arrangements that must be spent for a specific program or purpose.

(d) "Revolving fund or account" means a fund or account that, when initially established, is intended for repeated expending and replenishment of resources for a specific program or purpose.

(e) "Escrow fund or account" means an arrangement whereby moneys or other property are placed into the temporary safekeeping of a neutral and uninterested third party and which may be released only upon the fulfillment of certain predetermined conditions or by agreement of the interested parties.

(f) "Trust" means an arrangement, usually with a formal written agreement, contract, or will of deceased person, whereby money or other property is placed under the legal ownership and control of a person, the trustee, who is responsible for administering it, with specific instructions about how the principal or corpus is to be managed, invested, and disposed, for the benefit of others, the beneficiary or beneficiaries.

(g) "Trustee" means a person named in a trust agreement, as a trusted third party, to nominally own, protect, and manage moneys or other assets for the benefit of a beneficiary in accordance with the terms of the agreement. A trustee is usually charged with investing prudently and productively on behalf of the beneficiary and may be allowed some compensation or recovery of costs incurred in the administration of a trust. Restrictions of a trust may include, but are not limited to, commingling other moneys or assets with that of the trust, entering into any transactions with the trust, and benefiting from the trust. Only when the intention or the purpose of the trust is fulfilled may a trustee be discharged of these duties.

(h) "Agency fund or account" means an arrangement whereby moneys or other assets are received by the state as an agent for other governmental units, other organizations, or individuals and are held in a custodial capacity. The state, as a holder of these assets, agrees to remit the assets, income from the assets, or both, to a specified beneficiary at a specified time.

(i) "Custodial fund or account" means moneys or other assets owned by a person or entity but which are entrusted to and controlled by another, the custodian. The role of the custodian includes, but is not limited to, holding such moneys or other assets in safekeeping, arranging for the settlement of any purchases or sales of such assets, collecting income from investments, and providing information to the owners of such moneys or other assets.

(j) "Endowment fund or account" means moneys or other assets usually donated with a stipulation that the principal or corpus be invested and held in perpetuity or for a defined period of time and that earnings from the investments be utilized for the benefit of others.

(k) "Lapsing fund or account" means moneys in funds or accounts which, if not spent at the end of the fiscal year or biennium, revert back to the general fund.

(l) "Nonlapsing fund or account" means moneys in funds or accounts at the end of the fiscal year or biennium that do not revert back to the general fund but remain in the fund or account to be used in the next fiscal year and that are allowed to accumulate for use in future years.

Source. 1913, 154:2. 1915, 39:1. 1917, 40:1. 1921, 162:2. 1925, 164:1. PL 15:11. 1927, 130:2. 1935, 140:2. 1937, 134:21; 151:9. RL 22:11. 1945, 95:1. 1950, 5, part 14:5. 1951, 199:5, par. 22c; 244:2. RSA 6:12. 1961, 166:3; 223:3. 1965, 239:14. 1967, 345:3. 1977, 523:2. 1979, 80:2. 1981, 223:3; 493:19; 500:2; 546:2; 549:3. 1982, 39:3; 42:7, 81. 1983, 23:2; 169:2; 234:2; 379:3; 383:2, 3; 421:14; 425:3; 449:28, 31. 1985, 327:6. 1986, 169:2, 3; 232:3. 1987, 209:10. 1988, 17:2; 105:2; 196:3; 286:2. 1989, 141:12; 331:2; 339:4; 398:16; 407:1; 408:80, 82, I, II; 417:1. 1990, 163:5; 167:2; 197:7; 200:5; 229:13, XIII; 247:3; 253:15; 261:11. 1991, 30:1; 40:5; 226:3; 280:2; 289:2; 355:21, 23, 98; 366:3; 379:4. 1992, 165:2; 263:5; 265:3; 267:3; 289:12, 13, 47. 1993, 156:2; 180:2; 230:5; 312:4; 325:3; 329:13; 337:2; 354:3; 357:10; 358:90; 388:29. 1994, 3:1; 337:2; 370:2; 388:29. 1995, 130:4; 282:5; 299:2, 3; 310:4, 5, 177, 181, 182. 1996, 233:7, I; 263:9; 269:4; 286:8, 9, 210:3. 1997, 141:2; 210:3; 332:6. 1998, 20:3;

89:20; 230:1; 288:8; 317:4; 323:2; 324:4; 355:1. 1999, 17:2; 22:2; 183:4; 193:1; 208:5; 261:1; 285:2; 317:7. 1999, 343:4. 2000, 94:1; 55:1; 316:8, I; 111:2; 56:4; 328:1. 2001, 91:2; 133:14; 138:1; 158:4; 167:2; 290:2; 293:11. 2002, 6:2; 145:4; 176:1; 198:1; 254:1, 2, 5, II, X-XII, 7; 272:12, eff. May 18, 2002. 2003, 11:1, eff. June 21, 2003; 60:5, I, II, eff. July 1, 2003; 174:1, eff. July 1, 2003; 176:2, eff. June 23, 2003; 177:4, eff. Aug. 22, 2003; 202:3, I, II, eff. July 1, 2003; 235:3, eff. Sept. 5, 2003; 242:18, eff. July 8, 2003; 266:2, eff. July 15, 2003; 308:2, eff. July 21, 2003; 319:47, 55, 145, II, eff. July 1, 2003. 2004, 38:1-3, eff. April 29, 2004; 97:2, eff. July 10, 2004; 105:2, eff. July 16, 2004; 132:1, eff. July 18, 2004; 149:4, eff. July 23, 2004; 185:1, eff. June 1, 2004; 185:4, eff. July 1, 2008; 190:5, eff. June 1, 2004; 263:2, eff. July 1, 2004. 2005, 58:2, eff. July 1, 2005; 118:8, eff. Jan. 1, 2006; 177:152, 155, eff. July 1, 2005; 193:1, eff. July 1, 2005; 210:2, eff. July 1, 2006; 219:9, eff. Jan. 1, 2006; 236:8, eff. Sept. 9, 2005; 242:1, eff. Sept. 12, 2005; 249:1, eff. Sept. 12, 2005; 268:2, eff. Jan. 1, 2006; 273:17, eff. Oct. 1, 2005; 285:3, eff. Sept. 20, 2005; 293:2, eff. July 1, 2005 at 12:01 a.m. 2006, 28:8, 9, eff. July 1, 2006; 50:2, eff. Jan. 1, 2007; 172:3, eff. July 23, 2006; 172:4, eff. Jan. 1, 2007; 244:2, eff. July 31, 2006; 244:3, II, eff. July 1, 2010; 260:2, 3, eff. Jan. 1, 2007; 270:2, eff. Aug. 8, 2006; 293:3, eff. July 1, 2006; 313:2, eff. Aug. 18, 2006. 2007, 26:3, eff. July 10, 2007; 134:5, I, II eff. July 1, 2007; 185:2, eff. July 1, 2007; 220:2, 7, I-IV, eff. July 1, 2007; 263:9, 31, 40, 56, 97, eff. July 1, 2007; 263:98, III, eff. June 30, 2011; 263:116, I, eff. June 30, 2007; 1, 2007; 269:4, eff. July 1, 2007; 296:4, eff. Aug. 12, 2007; 296:6, eff. July 1, 2011; 297:10, eff. Jan. 1, 2008; 323:5, eff. Sept. 14, 2007; 323:9, eff. July 1, 2011; 324:9, eff. Sept. 14, 2007; 344:7, 8, eff. July 1, 2007; 346:3, eff. July 1, 2007; 351:3, eff. July 1, 2007; 362:10, eff. Jan. 1, 2008; 381:3, eff. July 1, 2007. 2008, 3:4, eff. Feb. 22, 2008; 21:6, I, eff. July 11, 2008; 112:3, eff. June 3, 2008; 120:9, eff. Aug. 2, 2008; 166:1, eff. July 1, 2008; 182:8, eff. June 11, 2008; 253:10, eff. July 1, 2008; 253:12, eff. July 11, 2008; 295:16, eff. Aug. 26, 2008; 356:11, 12, V, eff. July 11, 2008; 359:5, eff. Sept. 9, 2008. 2009, 13:1, eff. April 17, 2009; 68:2, eff. Aug. 8, 2009; 76:2, eff. Aug. 8, 2009; 102:2, eff. June 15, 2009; 109:2, eff. Aug. 14, 2009; 113:6, eff. June 26, 2009; 144:7, eff. June 30, 2009; 144:29, 46, 47, 116, 119, eff. July 1, 2009; 144:92, eff. Oct. 1, 2009; 163:1-5, 10, I-IV, eff. Sept. 9, 2009; 201:16, eff. July 15, 2009; 207:3, eff. July 15, 2009; 220:2, eff. July 15, 2009; 221:2, eff. Sept. 13, 2009; 242:3, eff. July 16, 2009; 287:3, eff. Jan. 1, 2010. 2010, 59:2, IV, eff. Jan. 1, 2014; 180:5, 6, eff. June 21, 2010; 183:7, eff. June 21, 2010; 197:2, eff. June 30, 2010; 224:2, eff. June 28, 2010; 224:3, I, eff. July 1, 2012; 343:11, eff. Sept. 18, 2010; 368:28, X, eff. Dec. 31, 2010; Sp. Sess., 1:11, eff. July 1, 2010; Sp. Sess., 1:26, eff. June 10, 2010. 2011, 130:8, eff. Aug. 5, 2011; 224:12, II, eff. June 29, 2011; 224:52, 68, 125, I-VII, 151, 152, 226, 374, eff. July 1, 2011; 245:4, II, eff. July 1, 2011; 258:6, eff. July 1, 2011.

NH Constitution

Art. 6-a. [Use of Certain Revenues Restricted to Highways.]

All revenue in excess of the necessary cost of collection and administration accruing to the state from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be appropriated and used exclusively for the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon and payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever.

Art. 6-b. [Use of Lottery Revenues Restricted to Educational Purposes.]

All moneys received from a state-run lottery and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively for the school districts of the state. Such moneys shall be used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose.

106-H:9 Funding; Fund Established. –

I. The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. **Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes.** The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

228:11 Highway Surplus Account. –

I. At the close of each fiscal year, the following shall be transferred to the highway surplus account:

(a) All revenues in excess of budget estimates which are derived from registration fees, drivers' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, including any balance of funds received from motor vehicle road tolls not otherwise required for the payment of interest and principal on any bonds or notes previously issued or issued at some future time.

(b) All revenues from the highway garage and other sources which are in excess of budget estimates, but not including any revenues from motor vehicle fines.

(c) All unencumbered balances of all appropriation accounts in the department of transportation, except those for construction and reconstruction of highways.

II. No moneys shall be expended from the highway surplus account, except as provided in RSA 228:12.

21-P:23 Highway Fund Surplus. – Notwithstanding any other provision of law, in case the expenditure of additional funds over budget estimates is necessary for the proper functioning of the department of safety, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commissioner, may authorize the transfer of funds from the highway surplus account to the department of safety for such purpose.

228:12 Transfers from Highway Surplus Account. – If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the department of transportation, the department may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the highway surplus account for highway purposes.

9:18 Lapsed Appropriations. –
I. Except for capital appropriations under paragraph I-a or as otherwise specially provided, all unexpended portions of special appropriations shall lapse when the object for which the appropriation was made has been accomplished and, in any event, at the end of 2 years from the date when the act creating the appropriation first took effect, unless there are obligations incurred by contract thereunder, made within said period, in which case there shall be no lapse until the satisfaction or fulfillment of such contractual obligations.
I-a. All unexpended portions of appropriations made by the 6-year capital budget shall lapse when the project for which the appropriation was made has been accomplished and, in any event, at the end of 6 years from the date when the act creating the appropriation first took effect, unless there are obligations incurred by contract thereunder, made within said period, in which case there shall be no lapse until the satisfaction or fulfillment of such contractual obligations
II. Except as otherwise specially provided, all unexpended portions of general appropriations for which a legally enforceable obligation has not been incurred during the fiscal year for which they were appropriated shall lapse at the end of each fiscal year.

Source. 1913, 66:1. 1925, 169:1. PL 15:34. 1927, 9:1. 1929, 97:1. RL 22:29. RSA 9:18. 1967, 77:1. 1971, 424:1. 1973, 493:6. 1982, 38:12, eff. May 22, 1982. 2004, 138:3, 4, eff. May 24, 2004.

9:19 Exceeding Appropriations. – No state official, commissioner, trustee, or other person having control of public funds appropriated by the general court shall use any part of such funds for any other purpose than that for which they were appropriated, or expend any money or make any contract or bargain, or in any way bind the state in excess of the amount voted by the legislature.

Source. 1903, 71:1. PL 15:35. RL 22:30.

9:20 Personal Liability. – Any person who violates the provisions of RSA 9:19 individually or as a member of a board shall be personally liable for the amount of the excess expended, contracted, or bargained above the appropriation.

Source. 1903, 71:2. PL 15:36. RL 22:31.

9:21 Removal for. – Any commissioner, trustee or agent who shall violate said provisions shall be removed by the governor, and his successor shall be appointed in conformity to the law providing for filling vacancies in such positions.

Source. 1903, 71:3. PL 15:37. RL 22:32.

NEW HAMPSHIRE
RULEMAKING REGISTER

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VOLUME XXXII, Number 2, January 12, 2012

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REGULAR MEETING **Friday, January 20, 2012** 9:00 a.m.
Rooms 305/307, Legislative Office Building

CONTINUED MEETING: **Friday, February 3, 2012** 9:00 a.m.
Rooms 305/307, Legislative Office Building

a.	List of Final Proposals for Review	3

SPECIAL NOTICE

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL FOR ADMINISTRATIVE RULES

On January 6, 2012 the Joint Legislative Committee on Administrative Rules (JLCAR) approved an amended *New Hampshire Drafting and Procedure Manual for Administrative Rules* pursuant to RSA 541-A:8, to be effective February 20, 2012. A PDF copy of the approved *Manual* is available for download on the website of the Office of Legislative Services, Administrative Rules (OLS) at **http://www.gencourt.state.nh.us/rules/default.htm.** The *Manual* is annotated to show changes from both the existing *Manual* and the draft proposed for agency and public comment on September 15, 2011. A PDF copy of a memo to agencies summarizing the changes from the existing *Manual* is also available on the website.

A clean copy of the approved *Manual* is being prepared and will be made available prior to February 20, 2012. In the meantime, clean copies of all rulemaking forms in Appendix II are now available upon request from the OLS by contacting Patty Houde at ***patty.houde@leg.state.nh.us*** or calling 271-3680.

Notices of Proposed Rules

Notice Number	Rule Number	Agency and Short Title of Rule	Page No.
2012-1	Rev 303.01	Department of Revenue Administration Compensation Deduction for Actual Personal Services of Proprietor, Partner or Member.	1

JLCAR MEETING DATES AND RELATED FILING DEADLINES JANUARY-JUNE, 2012

The JLCAR has voted to hold its regularly scheduled meetings for January through June, 2012 on the third Friday of the month as listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings, including the regular meeting on Thursday, December 15, 2011.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
--	**December 15** (Thursday)	January 6
January 6	**January 20**	February 3
February 3	**February 17**	None
March 2	**March 16**	March 30
April 6	**April 20**	May 4
May 4	**May 18**	June 1
June 1	**June 15**	June 29

JLCAR MEETING DATES AND RELATED FILING DEADLINES JULY-DECEMBER, 2012

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2012 on the third Thursdays listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 5	**July 19**	August 2
August 2	**August 16**	September 6
September 6	**September 20**	October 4
October 4	**October 18**	November 1
November 1	**November 15**	December 6
December 6	**December 20**	None

Notice Number 2012-1 Rule Number Rev 303.01

1. Agency Name & Address:

New Hampshire Department of Revenue Administration
109 Pleasant Street, PO Box 457
Concord, NH 03302-0457

2. RSA Authority: RSA 21-J:13, I
3. Federal Authority:
4. Type of Action:
   - Adoption
   - Amendment
   - Repeal
   - Readoption
   - Readoption w/amendment **X**

5. Short Title: **Compensation Deduction for Actual Personal Services of Proprietor, Partner or Member**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Rev 303.01 is being amended to effectuate the amendment to RSA 77-A:4, III, passed in Senate Bill 125 (Chapter 207, Laws of 2011), regarding the reasonable compensation deduction available to partnerships, limited liability companies, and sole proprietorships filing as a partnership or proprietorship for the actual personal services of their proprietors, partners or members. The rule has been amended to address the statutory amendments, including the standards for reasonableness set forth in Internal Revenue Code 162(a)(1), as it may be amended from time to time, and the Treasury regulations, administrative rulings, and judicial cases issued thereunder, the "record-keeping safe harbor," and the burden shift to the Department to prove that the deduction claimed is "clearly unreasonable," as well as any other amendments in Senate Bill 125.

6. (b) Brief description of the groups affected:

The groups affected are any partnerships, limited liability companies and sole proprietorships filing as a partnership or proprietorship in New Hampshire.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rev 303.01	RSA 21-J:13, I; RSA 77-A:4, III

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Katherine M. de Oliveira**
Title: **Administrative Secretary**
Address: **109 Pleasant Street, PO Box 457**
Concord, NH 03302-0457
Phone #: **603.230.5027**
Fax#: **603.271.6121**
E-mail: **Katherine.deOliveira@rev.state.nh.us**
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2012-1 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:

Monday, February 6, 2012

☒Fax ☒E-mail ☒Other format (specify): Mail (USPS, Fedex, UPS, etc.)

9. Public hearing scheduled for:

Date and Time: **Friday, January 27, 2012 @ 9:00am**

Place: **New Hampshire Department of Revenue Administration**
Medical and Surgical Building
109 Pleasant Street, Training Room
Concord, NH 03302

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **11:189** , dated **12/29/2011**

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There are no costs attributable to either the proposed or existing rules, as any costs would be attributable to RSA 77-A:4.

2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**
Any cost or benefits associated with the proposed rules are attributable to RSA 77-A:4, as amended by Chapter 207, Laws of 2011.

A. To State general or State special funds:
None.

B. To State citizens and political subdivisions:
None.

C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule does not mandate fees, or additional local expenditures on a political subdivision of the state and therefore does not violate Part I, Article 28-a of the NH Constitution.

COPY

Report to the New Hampshire House of Representatives Finance Committee Representative Kenneth Weyler, Chairman November 30, 2011

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November 30, 2011

Report to the New Hampshire House of Representatives Finance Committee
Representative Kenneth Weyler, Chairman

On behalf of the New Hampshire Department of Cultural Resources, the New Hampshire State Library, a division of the Department, submits this report to fulfill the requirements of HB 2, 224:215:

Department of Cultural Resources, Federal Funding. It is the intent of the general court that the department of cultural resources review the federal program guidelines for which it receives federal dollars to support library programs and seek to amend its 5-year plan to use funding that had been designated to support 3 of the interlibrary vans for other purposes. Furthermore, the review shall include a determination of programs or services the department could offer using federal library program funds. The department shall file a report of its findings with the house finance committee on or before November 30, 2011.

Executive Summary

Using federal funding provided by the Institute of Museum and Library Services (IMLS) through the Library Services and Technology Act (LSTA), the New Hampshire State Library operates four vans that provide interlibrary loan service to libraries statewide, including the 234 public libraries as well as 75 school and academic libraries.

This sharing of materials allows library patrons across the state access to more than 2 million items, supporting their educational, professional and personal needs, while simultaneously allowing local libraries to allocate portions of their budgets to programs other than collection development.

Overview of Current System

In 2010, the interlibrary loan vans transported approximately 800,000 items. Items are picked up at the lending library, delivered to the State Library, sorted into bins and then sent to the borrowing library according to a carefully crafted schedule.

This volume of interlibrary loan items requested and delivered—dictated through requests by New Hampshire residents—necessitates the operation of 20 van routes per week, using all four of the vans.

Should the interlibrary loan service be reduced to one van, the volume of materials shared could not efficiently be managed. The system would collapse, for several reasons:

Calculating distance traveled and acceptable transportation weights for materials being delivered, each van currently makes deliveries, on average, to 15 libraries in one workday. At present, the State Library provides interlibrary loan delivery service for 309 libraries (public, academic and school libraries), some receiving service more frequently due to the high volume of requests. Should three of the vans be eliminated, the remaining van would only be able to deliver to each site approximately once every 13 business days—about every three weeks. Libraries in the North Country would receive service less frequently because of the greater distances required to reach their locations.

Depending on when a library received van pick up and delivery, it could take several weeks before requested materials reached the borrowing library. It could then be months before the item was returned to the lending library, factoring in the loan period of the item as well as time needed to transport the material back to the State Library and then to the lending library.

With other variables such as bad weather and van maintenance issues, which occasionally disrupt van delivery, the amount of time that it could potentially take to transport an interlibrary loan item could be exceedingly lengthy. As a result, many libraries would be unable or unwilling to lend their materials for such a long period of time, and patrons—some of whom had requested materials for schoolwork, to assist them in their job search or to help grow their business, for example—would be frustrated by the long waiting periods to receive requested interlibrary loan items.

Capacity issues are another factor. Vans have weight limits that dictate how much cargo can be safely transported. In addition, the State Library would find it impossible to store the volume of interlibrary loan items awaiting transport.

In short, one van cannot effectively meet the demands of the libraries and library patrons of New Hampshire.

Cost and Efficiency Comparisons

In collaboration with many of the public libraries that use the interlibrary loan service, the State Library has studied the cost and efficiency of the existing system compared with other ways of delivering materials to New Hampshire libraries. In short, the current system—four vans delivering interlibrary loan materials to libraries statewide—is the most cost-effective, efficient method of interlibrary loan.

Here is a breakdown of other delivery systems' costs and the New Hampshire State Library's current delivery system. Quotes for FedEx and United Parcel Service (UPS) are the lowest cost options offered to the State of New Hampshire by those vendors; those quotes and the one for the U.S. Postal Service (which does not have a Government Rate) are based on a one-pound package. Rates increase for heavier packages and, in some cases, for packages with special dimensions:

FedEx Ground	$3.27 per item, one way
United Parcel Service (UPS) Ground	$3.37 per item, one way
U.S. Postal Service Media Mail	$2.41 per item, one way
NH State Library Interlibrary Loan system	$.44 per item, one way*

**applies to all items; unlike other delivery services, weight and size do not affect costs through the State Library's interlibrary loan program*

The State Library continuously evaluates the efficiency of its interlibrary loan van delivery service. During the preparation of this report, State Library administration contacted courier services, seeking cost estimates to implement the current level of van delivery service to New Hampshire's libraries. The estimate from one courier service was approximately $95,000 more than it costs the State Library to run the program using LSTA funds; the estimate from a second courier was $125,000 more.

Individual New Hampshire libraries would not be able to absorb these increased costs in shipping interlibrary loan items. In addition, the current interlibrary loan system simply requires that library staff insert a slip of paper that includes their library's name as well as the "ship to" library's name into the item to be transported, and then use two rubber bands to secure the item. Packaging requirements for shipping by outside vendors would require staff time devoted to filling out shipping forms as well as the storage of specialized packing materials.

As reported by one library with a community of 3000 residents, using the U.S. Postal Service's media mail rate would cost $4,084.95 annually to mail the 1,695 interlibrary loan items it processes: $2,034.04 for the 844 items it lends and $2,050.91 for the 851 items that it borrows. Allocating these funds and staff time for self-run interlibrary loan delivery would reduce this library's ability to provide other vital programming to its community.

In New Hampshire, 75 percent of our 234 communities have populations of 7500 or less. This means that most of our communities have limited resources and must rely on an interlibrary lending system to provide patrons with what they need. New Hampshire libraries do not have the funding to purchase all of the materials that their patrons demand; storing and processing associated with purchasing new items would further tap their budgets. The current interlibrary loan delivery system allows each library in the state access to more than 2 million items in varied formats—books, DVDs, magazines etc.—with minimal impact on their budgets.

Alternative Uses of Library Services and Technology Act (LSTA) Funds

The State Library uses the funding it receives from the federal government through the LSTA *(see Appendix I: "New Hampshire State Library Federal Funding through the Library Service and Technology Act [LSTA]")* to cover those services that have the widest impact on the State of New Hampshire. Our goal is to reach every resident in the state. In addition to interlibrary loan van delivery, the State Library currently uses these federal funds to cover the cost of electronic full-text databases, ebooks, downloadable audio books and other statewide services. If the State Library had to re-allocate funds that currently support the interlibrary loan vans, it would put the money toward these electronic resources.

As required by the Institute of Museum and Library Services (IMLS), the State Library is currently evaluating our LSTA-funded programs. The five-year Evaluation Report is due in March 2012; it will incorporate extensive input from New Hampshire's library community, including feedback on which services and programs—such as interlibrary loan—will be most helpful to libraries and their patrons.

The State Library's next Five-Year Plan, covering 2012 – 2017, will be submitted in June 2012 and will be informed by the Evaluation Report.

Appendix II of this report *("New Hampshire State Library: Library Service and Technology Act [LSTA] Goals")* explains the State Library's current LSTA plan (2007 – 2012). The plan's first goal identifies interlibrary loan delivery as an important component of resource sharing among libraries.

Patron and Library Director Concerns about Reduced Interlibrary Loan

The New Hampshire Library Trustees Association (NHLTA) and New Hampshire Library Association (NHLA) have concerns about reducing the capacity of the interlibrary loan system as dictated by HB 2 224:215.

The NHLTA asked its colleagues in New Hampshire's library community to write letters explaining the interlibrary loan program's importance to their patrons and to send those letters to New Hampshire State Librarian Michael York. As an additional way of demonstrating support for the interlibrary loan program, the NHLTA also urged libraries to provide petition forms for patrons to sign; completed petitions were sent to Michael York. *(All letters and petitions prompted by NHLTA outreach are available for review; contact Michael York.)*

Michael York also received many letters, emails and phone calls from patrons describing how important the interlibrary loan program is to them. *(All letters and emails directed to Michael York regarding interlibrary loan van delivery service are available for review; contact Michael York.)*

Some patrons independently made the decision to directly contact their representatives to express support for the program.

In addition to patron feedback, 150 New Hampshire library directors responded to a survey conducted and distributed by the NHLA about the value of the interlibrary loan van delivery service. Each ranked it 5 ("very important") on a scale of 1 to 5. *(Survey results are available for review; contact Michael York.)*

Feedback from the professional library community as well as from patrons makes it clear that New Hampshire's interlibrary loan system remains the most valued service provided by the State Library.

Conclusion

It is the statutory responsibility of the State Library administration to spend the funds provided by the federal government wisely and in ways which will have the most positive impact on library services in New Hampshire. The State Library staff that manage the interlibrary loan service, the public library staff that partner with the State Library on the program, and the New Hampshire citizens who use interlibrary loan have made it clear that the federal funds spent on the interlibrary loan van service are very well spent. Reducing funds currently allocated to interlibrary loan to a level that would only support one delivery van (a 75 percent decrease) would render the program so ineffective that it would cease to exist.

Appendix I

New Hampshire State Library Federal Funding through the Library Service and Technology Act (LSTA)

For more than 50 years the U.S. government has supported the delivery of library services. The Library Services and Technology Act (LSTA) is part of the Museum and Library Services Act, which created the Institute of Museum and Library Services (IMLS) and established federal programs to help libraries and museums serve the public.

The LSTA sets out three overall purposes:

1. Promote improvements in library services in all types of libraries in order to better serve the people of the United States.
2. Facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and
3. Encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.

LSTA authorizes the IMLS to administer several grant programs, including: Grants to States, National Leadership Grants, Contracts and Cooperative Agreements, and Library Services for Native Americans and Native Hawaiians. All types of libraries are eligible for support except for-profit libraries.

The Grants to States program (which provides the funding to the New Hampshire State Library that directly affects interlibrary loan) adheres to the following six priorities:

1. Expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;
2. Developing library services that provide all users access to information through local, state, regional, national, and international electronic networks;
3. Providing electronic and other linkages among and between all types of libraries;
4. Developing public and private partnerships with other agencies and community-based organizations;
5. Targeting library services to individuals of diverse geographic, cultural and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and
6. Targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902[2] of title 42) applicable to a family of the size involved.

The Grants to States program provides funds using a population-based formula, described in the LSTA, to each state and the territories through State Library Administrative Agencies. The law requires that each state submit a five-year plan to IMLS at the beginning of a grant cycle. The plans must be based upon the priorities described in LSTA for use of funds under the Grants to States program and identify goals and outcomes that each state will achieve within the five-year cycle.

States tailor their plans to take into account state government rules and regulations and other contextual factors such as the characteristics and needs of the state's population, the state's library service infrastructure, the rapid pace of technological change, and the funding environment for related programs and services (see Figure 1). IMLS allotments are calculated and disbursed for each fiscal year based on congressional appropriations and the latest population figures.

Appendix II

New Hampshire State Library: Library Service and Technology Act (LSTA) Goals

Goal 1: Utilize appropriate technology for statewide programs to improve access to information and ensure delivery of that information to the citizens of New Hampshire.

1.6 Maintain and upgrade the New Hampshire Union - Public Access Catalog (NHU-PAC) and support a statewide delivery system for resource sharing and interlibrary loan

- State legislature will demonstrate a continued commitment to the New Hampshire Automated Information System (NHAIS) by providing funding for an upgraded NHU-PAC
- Librarians will have an enhanced resource sharing capacity among all types of libraries via a new interlibrary loan component through NHU-PAC
- Libraries will receive materials and information more efficiently and faster based on an accurate digital database
- All members of the New Hampshire Automated Information System (NHAIS) will contribute their records and holding data to the Union Catalog
- All NHAIS libraries will have access to regular (at least once a week) deliveries of interlibrary loans and other resources, either by direct deliveries or nearby library pick-ups
- A sufficient transport system to facilitate interlibrary loan and resource sharing will be offered.

Rep Belvin
no particular meeting of dedicated + restricted fund
Labor can only spend what is appropriated and surplus goes back to general fund
Bipartisan

Belvin Simard 2nd ITL

MS Sims opposed allows Divisions to take $ off the hall

Twombly - Dr should not abrogate responsibility by dedicated fund

Belvin - pg 3 line 24 technical correction required

Vall supports OTP Labor fines + fees going down - would provide more openness

Rep Benn - in effect for only 7 months may cast aspersions on Dept of Labor after time might change

Rep Wyler - he proposed change in budget
Rep Smith - Labor doesn't support
Barnedy - Labor doesn't support or oppose

Rep McGuire - change was included in gov. budget

Vaillancourt amend 2012-8359h

OTPA Rep Vail Snd Rep Sova

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1534 Date 4/10/12

Committee Finance

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Rep. Andrew J. Manuse	3 Hilda Ave. Derry, NH	703-8857	Rockingham 5	X	
Rep. D.J. Bettencourt	Salem		Majority Office	✓	
Sen. Jim Luther	Hollis		Dist. 12	✓	
Rep. Alec Ordway			Sullivan 4	X	
			District 4	X	
J. Brandon Giuda			Merr 7	X	

Hearing Minutes

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1534-FN

BILL TITLE: repealing the self-funding of the department of labor.

DATE: January 10, 2012

LOB ROOM: 210-211 Time Public Hearing Called to Order: 1:00

Time Adjourned: 2:15

(please circle if present)

Committee Members: Reps. Weyler, L. Ober, Kurk, Emerton, Rodeschin, Belvin, Elliott, Vaillancourt, Allen, Garcia, R. Barry, Cebrowski, Wm. Smith, Sova, Umberger, Keane, Simard, Twombly, Worsman, Foose, Nordgren, Baroody, Benn, Lerandeau and Rosenwald.

Bill Sponsors: Rep. Laware, Sull 5; Rep. Mirski, Graf 10; Rep. Twombly, Hills 25; Rep. Daniels, Hills 6; Rep. D. McGuire, Merr 8; Rep. Giuda, Merr 7; Rep. Flanagan, Hills 5; Rep. Osgood, Sull 4; Sen. Sanborn, Dist 7; Sen. Luther, Dist 12; Sen. White, Dist 9; Sen. Lambert, Dist 13

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Laware: Repeals 3 RSA's. Labor Department is only department that has restricted fund. Labor Committee was opposed to restricted fund. Problems – Labor to autonomous and problems with accountability.

Rep. Weyler: Commissioner of Labor is confined by what is in the budget – majority of funds from worker's comp.

Rep. Belvin: Are excess funds turned over to general fund?

Rep. Baroody: If Labor runs short what happens? Problem if they run short they would go out and impose additional funds.

Rep. Leware: Labor wouldn't have to come before Finance.

Rep. Weyler: This is not true. Labor still comes to Finance.

Rep. Guida: Concerned that Finance may not look carefully at self-funded agencies. Where are dedicated funds going? Since Labor Commissioner opposed perhaps Finance should reverse decision.

Rep. L. Ober: We have made significant changes to self/federally funded agencies.

Rep. Elliott: How will money be replaced?

Rep. Guida: Money will come from general funds – problem dedicated funds used to pay salaries.

Rep. W. Smith: How much has Labor turned in, in fines over last five years?

Rep. Weyler: Approximately 1 million per year.

Rep. Mirski: Doesn't believe any agency should be supported with fines and fees. Fines and fees should go to general fund; a matter of principle.

Rep. Twombly: All fines and fees should be deposited in general fund. Labor in eyes of small business is going after them.

Rep. Daniels: Labor Commissioner reviewed did not support change. Perception is that Labor is out to get money to fund department. Wants labor to be more business friendly.

Rep. D. McGuire: Problems associated with dedicated funds when agency comes to Finance Committee. Police Standards and Training used as an example: – audit showed agency was overspending. Provided 'Observation No. 7' from an audit. No advantage to having restricted fund.

Rep. L. Ober: Restricted fund returns to general fund, dedicated funds don't return.

Rep. Belvin: Significant cost is personnel – swept every month so no incentive.

Sen. White: Wanted to have conversation between agencies general funded vs. agencies generating their own funds. What does public think? Presents perception the Department is out to just get money setting up tension. Role of fines throughout state government need to have open and frank discussion about fines and fees.

Rep. Flanagan: Believe perception is bad. Discussed 273:1a & b, perception.

Bob Clegg: Perception that Department of Labor is only out to fine businesses therefore businesses don't necessarily want to be here.

Department of Labor **Commissioner Copadis** and **Assistant Commissioner Wihby**

Rep. Weyler explained – he requested the change. Worker's comp portion $7 million, fines and fees. Perception is not reality – Labor Department has helped employers through education, seminars, etc. Majority of money collected is not from fines but rather from licenses (i.e. boilers, elevators, etc.).

Rep. L. Ober: Commissioner **Copadis** do you care if we support this bill?

He does not care as he has always lived within his budget.

Rep. Kurk: Worker's Comp money goes to restricted fund – provided by carrier – Labor Department wants this to remain so. Money always stays in worker's comp fund. Total of 30/35 accounts that are part of the restructured fund about 3 million in all accounts. State Department of Labor has more flexibility than Federal Department in issuing fines. Worker's comp carriers pay approximately 7 million per year for administration.

Comments following Public Hearing: **Rep. L. Ober** thought the bill should be passed; **Rep. Belvin** thought it should go to Division I along with other bills.

Respectfully submitted,

Rep. Karen Umberger, Clerk

HB153 Jan 10th 1pm

Rep Lamare - repeals 3 RSA's labor dept is only dept that has restricted fund
Labor committee was opposed to restricted fund
Problems - Labor to autonomous and problems with accountability

Barely
Wright - Comm of Labor is confined by what is in the budget - majority of funds from workers comp

Belvin - are excess funds turned over to gen fund

Barely - if Labor runs short what happens
Problem if they run short they would go out and impose additional fines

Rep Lamare - Labor wouldn't have to come before finance
Rep Wright - this is not true - Labor still comes to finance

Rep Linder concerned that Finance may not look carefully at self funded agencies

~~Excess~~ Where are dedicated funds going.
Since Labor Comm opposed perhaps
Finance should reverse decision

Rep Oher - We have made significant changes
to self/~~annually~~ funded agencies

Rep Elliott How will money be replaced
Rep Guida - money will come from Gen Funds - Problem
dedicated funds used to pay salaries

Rep Smith - How much has Labor turned-in in
fines over last five years
- Rep Klingler - approx 1 million per year
~~Rep Simard~~

Rep Minski doesn't believe any agency should
be supported with fines & fees. Fines & fees should
go to general fund. ~~Fines & fees~~ a matter of principle

Rep Twombly - all fines & fees should be deposited
in general fund - Labor in eyes of small
business is going after them

Rep Daniels - Labor Comm reviewed did not support change
~~Just~~ Perception that Labor is out to get money
to fund dept
Wants Labor to be more business friendly

Rep Ms Hines
Problems associated with dedicated funds when agency comes to Finance Comm.
Police Standards + Training used as an example

Police Standards + Training - audit showed agency was overspending

Provided Observation No. 7 from an audit

No advantage to having restricted fund

Rep Olson - restricted fund returns to Gen Fund ~~how~~ Dedicated funds don't return

Rep Belvin - Significant cost is personnel - swept mergmonth so no incentive

Sen White - Wanted to have conversation between agencies general funded vs agencies generating their own funds.
What does public think - presents perception the Dept is out to just get money setting up tension
Role of fines throughout state government need to have open + frank discussion about fees + fines

Rep Flanagan - Belive perception is bad

Discussed 273:1 a+b
Perception is

Bob Clegg - Preception that Dept Labor is only out to fine business therefore business don't necessarily want to be here

Commissioner Copadis / Asst Comm Webbie

Rep Wenzel - explained - He requested the change

Workers Comp Portion ≠ 1 million
Fines + Fees

Perception is not reality - Labor Dept has tried helped employers through Education, seminars, CD

Majority of money collected ~~is~~ are not from fines but rather from licenses (ie boilers, elevators etc)

Rep Olsen Comm. Copadis do you care which if we support this bill. He does not care as he has always lived within his budget

Rep Kuhl

Entertainment

Workers' Comp. money goes to restricted fund - provided by carrier -
Labor Dept wants this to remain so.
Money always stays in workers comp fund

Total of 30/35 accounts that are part of the restricted fund
about 3 million in all accounts

State Dept of Labor has more flexibility than Fed Dept in issuing fines

Workers Comp carriers pay approx 7 million per year for administration

Public Hearing closed 2:15

comments following public hearing

Rep Olsen - thought the bill should be passed

Rep Belvin - thought should go to Div. 1
along with other bills. on ~~Jan 10th~~

Testimony

TITLE XXIII
LABOR

CHAPTER 273
DEPARTMENT OF LABOR

Labor Commissioner

Section 273:1-a

273:1-a Budget and Accounting. – The department of labor shall budget and account for its operations through restricted funds rather than through the general fund; said restricted funds to be funded through all fees, licenses, certificates, and civil penalties of the department of labor, as well as existing assessment procedures.

Source. 2011, 224:51, eff. July 1, 2011.

TITLE XXIII
LABOR

CHAPTER 273
DEPARTMENT OF LABOR

Labor Commissioner

Section 273:1-b

273:1-b Restricted Fund. – There is hereby established in the state treasury a department of labor restricted fund for the sole purpose of paying costs of operating the department of labor other than workers' compensation. All moneys in the restricted fund shall be continually appropriated to the department of labor. The commissioner shall administer the fund, and the state treasurer shall be the custodian of the fund. All moneys in the fund in excess of amounts used by the department for authorized personnel expenses, administrative costs, and other related costs for the operation of the department, shall be transferred on June 30 of each year to the general fund. The existence and operation of this restricted fund shall not affect the continued existence and operation of the administration fund established by RSA 281-A:59.

Source. 2011, 224:51, eff. July 1, 2011.

TITLE I
THE STATE AND ITS GOVERNMENT

CHAPTER 6
STATE TREASURER AND STATE ACCOUNTS

State Treasurer

Section 6:12

6:12 Application of Receipts. –

I. The requirement that the state treasurer shall establish and maintain an account or fund separately in the accounting records of the state shall be met by the department of administrative services in the following manner:

(a) The department of administrative services shall establish and maintain an account or fund in the accounting system of the state.

(b) Moneys received by the state treasurer, as provided in RSA 6:11, shall be accounted for in the state's accounting system as general revenue of the state, with the exception of the following dedicated funds or accounts:

(1) Moneys received by the state lottery commission, which shall be credited to the sweepstakes special fund.

(2) Moneys received by the fish and game department, which shall be credited to the fish and game fund.

(3) Fines received for violations of RSA 214:12 and any monetary damages recovered pursuant to RSA 211:74, which shall be credited to the fish and game fund.

(4) Fees collected by the department of safety under RSA 107-B, which shall be credited to the New Hampshire nuclear planning and response fund.

(5) All moneys received from the division of motor vehicles which are derived from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, or any other fee collected by the division of motor vehicles, but not including any revenue from fines and forfeitures assessed against any violator of any state law relative to the use and operation of motor vehicles, after deducting the amount allowed by the legislature for maintaining the division of motor vehicles, which shall be credited to the department of transportation for maintenance of highways.

(6) Moneys received by the police standards and training council, which shall be credited to the police standards and training council training fund.

(7) Costs charged back to the state or its agencies, counties, cities or towns which are incurred by the division of state police of the department of safety, which shall be credited to the department of transportation for the maintenance of highways.

(8) [Repealed.]

(9) Revenues from fees, rentals, and the sale of products from lands under the jurisdiction of the department of resources and economic development, which shall be credited as provided under RSA 227-G.

(10) [Repealed.]

(11) Fees collected by the public utilities commission of railroads and public utilities for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out.

(285) Moneys deposited in the liquor commission fund established in RSA 176:16.

(286) Moneys deposited into the Hampton Beach capital improvement fund established under RSA 216:3, IV(a).

(287) Moneys deposited in the rivers management and protection fund established in RSA 483:13.

(288) Moneys deposited in the CART provider and sign language interpreter net tuition repayment fund established in RSA 200-M:4.

(289) Moneys deposited in the probation and parole receipts fund established in RSA 504-A:13, IV(b).

(290) Moneys deposited in the state historic sites fund under RSA 12-A:10-f.

(291) Moneys deposited in the "adverse events" fund established under RSA 151:40, II.

(292) Moneys deposited in the septage management fund, under RSA 485-A:30, I-c.

(293) Moneys deposited into the mosquito control fund established under RSA 141-C:25.

(294) Moneys deposited in the southeast watershed alliance fund established in RSA 485-E:8.

(295) Moneys deposited into the dam maintenance revolving loan fund established under RSA 482:55-a.

(296) Moneys accruing to blind services through vending machine income under RSA 186-B:14.

(297) Moneys deposited into the chancellor's scholarship endowment trust fund established under RSA 187-A:20-a, III.

(298) Moneys deposited into the AIDS drug assistance program fund established under RSA 141-F:12.

(299) Moneys deposited for the sole purpose of constructing the September 11 memorial under RSA 4:9-f.

(300) The designated portion of fees collected under RSA 5:10 which shall be credited to the notary fee account established by RSA 5:10-b.

(301) Moneys deposited in the New Hampshire medal of honor fund, established in RSA 110-B:81-b.

[Paragraph I(b)(302) repealed by 2010, 224:3, I effective July 1, 2012.]

(302) Moneys deposited into the commission on health care cost containment fund, established in RSA 21-S:8.

(303) Moneys deposited in the natural heritage bureau fund established in RSA 217-A:7-a.

(304) Civil fines collected under RSA 151:16-b, which shall be deposited as provided in such section.

(305) Moneys deposited in the meat inspection program fund established under RSA 427:32-b.

(306) Moneys deposited in the department of labor restricted fund established in RSA 273:1-b.

(307) Moneys deposited in the state aeronautical fund pursuant to RSA 422:35.

II. The full amount allowed for the maintenance of each institution and department shall be appropriated by each legislature for the biennial period next following, and the money derived from the sale of farm and minor industrial products of institutions shall be credited to the appropriation for the institution from which derived.

III. In this section:

(a) "Account" means a formal record in the state's accounting system that represents, in words, money, or other unit of measurement, certain resources, claims to such resources, transactions, or other events that result in changes to those resources and claims.

(b) "Fund" means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equity or balances and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. A fund can also be

From Police Standards and Training Council's Financial Audit.

State Compliance Comments

Observation No. 7: Appropriations Should Be Reduced For Unmet Budgeted Revenue

Observation:

Since at least fiscal year 2008, PSTC's revenues have not met budgeted amounts. Footnote I to the State's Operating Budgets for fiscal years 2008 through 2011 required agencies to reduce appropriations in the amount of unmet budgeted revenue. While the PSTC's actual expenditures were less than the original appropriated amounts in each of these fiscal periods, PSTC's revenues in fiscal years 2008, 2009, 2010, and the first six months of fiscal year 2011 did not cover actual expenditures. As noted in the following table, in the last three and a half years, PSTC expenditures have exceeded revenues by $1.5 million, reducing the available balance in the PSTC Training Fund by that amount. The available balance in the accounting units funded by the PSTC Training Fund as reported in the State's accounting system (NHFirst) at December 31, 2010 was $386,410.

Fiscal Year	Actual Expenditures	Actual Revenue	Revenue Deficiency
2008	$ 3,367,241	$ 3,236,628	$ (130,613)
2009	3,532,813	3,081,313	(451,500)
2010	3,422,329	2,859,974	(562,355)
2011*	1,795,498	1,435,647	(359,851)
	$ 12,117,881	$ 10,613,562	$ (1,504,319)

* Six months ended December 31, 2010

While, as reported in Observation No. 3, $222,000 of unnecessary encumbrances at December 31, 2010 were liquidated in February 2011 increasing the PSTC's available balance by that amount, at the current rate of depletion, the PSTC's available balance will likely be exhausted in fiscal year 2012.

Recommendation:

The PSTC should comply with the State Operating Budget and reduce appropriations for the amount that estimated revenues will not meet budgeted amounts.

In the circumstances where the reduction may prevent the PSTC from carrying out its statutory responsibilities, the PSTC should utilize the provisions of RSA 188-F:32-b and request authority from the Governor and Council and the Fiscal Committee to expend beyond its reduced appropriated amount as provided by that statute.

The PSTC should review its business plan to consider whether opportunities exist to become more financially efficient. The PSTC should also request legislative direction in its efforts to plan for its future funding.

Auditee Response:

We do not concur. PSTC has complied since FY 2008 with all budget footnotes. All revenue received by PSTC is directly deposited into the police standards and training council training fund for the purpose of paying expenses incurred in the administration of PSTC, consistent with RSA 188-F:30. The source of funds for all annual appropriations to PSTC is the police standards and training council fund. While annual revenue to the fund has been less than annual operating expenses since FY 2008, the fund's purpose is to insure that sufficient funds are available to support annual appropriations approved by the Legislature and the Governor. If PSTC determines at any time the fund balance will be insufficient to support appropriations, PSTC will reduce appropriations consistent with budget footnotes. Further, RSA 188-F:32-b authorizes "the transfer of ***unappropriated amounts*** from the police standards and training council training fund (emphasis added)" with approval by the Governor and Council and Fiscal Committee upon request of PSTC should additional funds be necessary to meet the statutory obligations of PSTC. PSTC has consistently met its statutory obligations by expending less than budgeted appropriations since FY 2008, and has not needed to request the transfer of unappropriated amounts from the fund under RSA 188-F:32-b. PSTC has been financially efficient in operations, but does identify the need for increased revenue going forward and welcomes any assistance in the provision of further revenue.

Observation No. 8: Compliance With Recycling Statute Should Be Improved

Observation:

The PSTC, during the six months ended December 31, 2010, did not consistently comply with State statute relative to the sale of recycled materials, specifically RSA 9-C:7, I, which states, "All sales revenues for materials recycled by state agencies shall be forwarded quarterly to the state treasurer for deposit into the state recycling fund established in RSA 9-C:6."

During the six months ended December 31, 2010, the PSTC on two occasions sold spent bullet metal to the State's metal recycling contractor. The PSTC deposited approximately $2,100 of revenue from those sales into the PSTC's revenue accounts. According to the PSTC, it was unaware the proceeds from the sale of the metal should be deposited in the State's recycling fund.

In another recycling transaction, the State's metal recycling contractor provided and collected two 15-20 foot bins for the PSTC's recycling of metal scrapped in the renovation of the PSTC's firing range. The contractor did not provide the PSTC with documentation of the collection of the bins, contrary to the contract with the State that provides the "Contractor shall leave a pick up receipt (in duplicate) showing what was picked up ...."

Voting Sheets

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 1534-FN

BILL TITLE: **repealing the self-funding of the department of labor.**

DATE: February 07, 2012

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. House Finance	OLS Document #:	2012	0359h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, (ITL,) Interim Study (Please circle one.)

Moved by Rep. Belvin

Seconded by Rep. Simard

Vote: 12-12 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A) ITL, Interim Study (Please circle one.)

Moved by Rep. Vaillancourt

Seconded by Rep. Sova

Vote: 19-5 (Please attach record of roll call vote.)

(REGULAR or CONSENT CALENDAR VOTE: (circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Karen Umberger, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 1534-FN

BILL TITLE: repealing the self-funding of the department of labor.

DATE: Feb 7, 2012

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. House Finance OLS Document #: 2012-0359

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: ~~OTP~~ ~~OTP/A~~ ITL Interim Study (Please circle one.)

Moved by Rep. ~~House Finance~~ Rep Belvin

Seconded by Rep. Rep Simard

Vote: 12-12 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Rep Vaillancourt

Seconded by Rep. Sova

Vote: 19-5 (Please attach record of roll call vote.)

REGULAR or CONSENT CALENDAR VOTE: (circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Karen Umberger, Clerk

FINANCE

Bill #: 1534 **Title:** Repealing the suspending of Dept of Labor

PH Date: 01/10/12 Exec Session Date: 2/7/12

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Weyler, Kenneth L, Chairman		12
Ober, Lynne M, V Chairman	H 12	
Kurk, Neal M		1
Emerton, Larry	1	
Rodeschin, Beverly T	1	
Belvin, William S	1	
Elliott, Robert J absent		
Vaillancourt, Steve		2
Allen, Mary M	4	
Garcia, Marilinda J		3
Barry, Richard W		4
Cebrowski, John W absent		
Smith, William B		5
Sova, Charles E		6
Umberger, Karen C, Clerk	5	
Keane, Thomas E		7
McGuire, Dan		8
Simard, Paul H		9
Twombly, Timothy L		10
Worsman, Colette		11
~~Foose, Robert~~ A Perlin	12	
Nordgren, Sharon	6	
Baroody, Benjamin C	7	
Benn, Bernard L	8	
Lerandeau, Alfred C	9	
Rosenwald, Cindy	10	
TOTAL VOTE:	12	12

Printed: 12/21/2011

FINANCE

Bill #: 1534 **Title:** Repealing the self funding of the Dept of Labor

PH Date: 01 / 10 / 12 **Exec Session Date:** 2 / 7 / 12

Motion: OTPA **Amendment #:** 2012-0359h

MEMBER	YEAS	NAYS
Weyler, Kenneth L, Chairman	19	
Ober, Lynne M, V Chairman	18	
Kurk, Neal M	1	
Emerton, Larry	2	
Rodeschin, Beverly T	3	
Belvin, William S	4	
Elliott, Robert J	5	
Vaillancourt, Steve	6	
Allen, Mary M	7	
Garcia, Marilinda J	8	
Barry, Richard W	9	
Cebrowski, John W absent		
Smith, William B	10	
Sova, Charles E	11	
Umberger, Karen C, Clerk	12	
Keane, Thomas E	13	
McGuire, Dan absent		
Simard, Paul H	14	
Twombly, Timothy L	15	
Worsman, Colette	16	
~~Foose, Robert~~ A Porter		4
Nordgren, Sharon	~~17~~	5
Baroody, Benjamin C		1
Benn, Bernard L		2
Lerandeau, Alfred C	~~18~~ 17	
~~Rosenwald, Cindy~~ Parker		3
TOTAL VOTE:	19	5

Printed: 12/21/2011

Committee Report

REGULAR CALENDAR

February 8, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on FINANCE to which was referred HB1534-FN,

AN ACT repealing the self-funding of the department of labor.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Steve Vaillancourt

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	FINANCE
Bill Number:	HB1534-FN
Title:	repealing the self-funding of the department of labor.
Date:	February 8, 2012
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Last year, in an attempt to save approximately $1.4 million in general fund expenditures, the state decided to have the department of labor self-funded by fees and fines. The majority, while casting no aspersions on the department of labor which assured us it would operate within its budget either way, is convinced that in order to provide more openness in government and greater scrutiny on the department budget we should return to funding through the traditional general fund source. It must be stressed that fees and fines were not increased to bring in additional funds this past year but there was some perception that was in fact the case. In terms of funds spent to administer the department, this bill will have no direct impact. General fund revenue and expenditures will increase by $1.4 million; restricted fund revenue and expenses will decrease by $1.4 million. The amendment merely corrects a drafting error.

Vote 19-5.

Rep. Steve Vaillancourt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

FINANCE

HB1534-FN, repealing the self-funding of the department of labor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for FINANCE. Last year, in an attempt to save approximately $1.4 million in general fund expenditures, the state decided to have the department of labor self-funded by fees and fines. The majority, while casting no aspersions on the department of labor which assured us it would operate within its budget either way, is convinced that in order to provide more openness in government and greater scrutiny on the department budget we should return to funding through the traditional general fund source. It must be stressed that fees and fines were not increased to bring in additional funds this past year but there was some perception that was in fact the case. In terms of funds spent to administer the department, this bill will have no direct impact. General fund revenue and expenditures will increase by $1.4 million; restricted fund revenue and expenses will decrease by $1.4 million. The amendment merely corrects a drafting error. **Vote 19-5.**

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Blurb for HB 1534
OTP/A
Rep. Vaillancourt

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New Hampshire General Court - Bill Status System

Docket of HB1534

Docket Abbreviations

Bill Title: repealing the self-funding of the department of labor.

Official Docket of **HB1534**:

Date	Body	Description
12/16/2011	H	**Introduced** 1/4/2012 and Referred to Finance; **HJ 7**, PG. 359
12/28/2011	H	Public Hearing: 1/10/2012 1:00 PM LOB 210-211
1/11/2012	H	Division I Work Session: 1/24/2012 10:00 AM LOB 212
1/31/2012	H	Executive Session: 2/7/2012 1:30 PM LOB 210-211
2/8/2012	H	Committee Report: Ought to Pass with Amendment #0359h for Feb 15 (Vote 19-5; RC); **HC 11**, PG.696-697
2/8/2012	H	Proposed Committee Amendment **#2012-0359h**; **HC 11**, PG.728
2/15/2012	H	Amendment #0359h Adopted, VV; **HJ 16**, PG.934-935
2/15/2012	H	Ought to Pass with Amendment #0359h: MA VV; **HJ 16**, PG.934-935
2/15/2012	S	Introduced and Referred to Finance; **SJ 6**, Pg.145
3/8/2012	S	Hearing: 3/15/12, Room 103, SH, 1:00 p.m.; **SC10**
4/12/2012	S	Committee Report: Inexpedient to Legislate, 4/18/12; Vote 7-0; CC; **SC15**
4/18/2012	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; **SJ 10**, Pg.355

NH House NH Senate