

HB 2-FN-A-LOCAL – AS INTRODUCED

2009 SESSION

09-1049  
09/01

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

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

SPONSORS:            Rep. M. Smith, Straf 7

COMMITTEE:          Finance

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ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.
2. Establishes the liquor commission fund and requires the state treasurer to deposit all liquor revenues and licensing fees into the fund, except where otherwise provided by law.
3. Changes various restrictions on the liquor commission relating to the operation of liquor stores.
4. Authorizes the liquor commission for the biennium ending June 30, 2011 to set the pricing of liquor and related products, establish product discounts, and employ promotional investments in a manner that optimizes the value and profitability of state liquor stores.
5. Authorizes the liquor commission to issue a request for proposals for the sale, lease, or concession of the commission's Concord warehouse.
6. Increases the tobacco tax.
7. Establishes a tax on gambling winnings.
8. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.
9. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
10. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
11. Authorizes the issuance of state bonds in the amount of \$3,600,000 for the kindergarten construction program for the biennium ending June 30, 2011.
12. Increases certain motor vehicle registration fees.
13. Increases the fees for motor vehicle records charged to insurance companies.
14. Modifies how certain fines received by the state are credited.
15. Authorizes the commissioner of safety to make certain personnel reallocations.

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16. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.

17. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.

18. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.

19. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.

20. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.

21. Suspends the catastrophic illness program.

22. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.

23. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.

24. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).

25. Requires the commissioner of the department of health and human services to submit a state plan amendment to use catastrophic aid funding to support the continued or renewed operation of maternity units at critical access hospitals in Coos county.

26. Requires the department of health and human services to establish a medical home pilot program.

27. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.

28. Makes changes regarding the disposition of fines and fees under the lead paint poisoning prevention control law.

29. Makes changes in the fees for a level 1 homestead license and the registration fee for the manufacture and sale of beverages.

30. Establishes and changes license fees under the health facility licensure law.

31. Establishes a fee for initial or renewal certification for a certified community residence and day program.

32. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.

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33. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
34. Makes changes in the residential child care facilities rate setting.
35. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
36. Makes changes in the eligibility requirements for persons who may be covered under the New Hampshire employment program and the family assistance program.
37. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
38. Provides that an individual's spouse or parent, if the individual is under 21 years of age, may be liable for state medical assistance provided to the individual.
39. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
40. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
41. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
42. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
43. Allows the pesticide control board to establish certain fees relative to pesticides.
44. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
45. Increases the fee for department review of subsurface plans and subdivisions.
46. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.
47. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.
48. Increases the employee contribution rate for group I state employees hired after June 30, 2009.
49. Changes the state share of payment of the retirement system annual employer contribution.
50. Requires premium contribution amounts from retired state employees for retiree health insurance.
51. Changes the retirement system certification of the state cost of other post-employment

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benefits.

52. Consolidates certain district courts.

53. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.

54. Suspends bumping rights for classified employees.

55. Provides criteria for rehiring of laid off state employees.

56. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.

57. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.

58. Changes the letter grade classification for the director of plant and property management in the department of administrative services.

59. Increases the filing fee for complaints about unfair labor practices to the public employee labor relations board.

60. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.

61. Creates a division of turnpikes and interstates and a director of policy and administration in the department of transportation and requires aggregation of certain interstate highway segments with the turnpike system.

62. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.

63. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.

64. Authorizes the commissioner of the department of transportation to implement a frequent user discount for passenger cars and motorcycles using the E-Z Pass system and to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z Pass system.

65. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.

66. Establishes a fee for the costs of performing engineering reviews and construction inspections associated with the issuance of driveway permits, and requires such fees to be deposited into the highway fund.

67. Amends the department of transportation's oversize and overweight permit fee schedule.

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68. Provides that any transportation project may be developed and constructed using the design build method.

69. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.

70. Repeals the board of manufactured housing.

71. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.

72. Eliminates a board of land and tax appeals position for the biennium.

73. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.

74. Transfers administrative authority of boards and commissions governing occupations and professions to the departments of state, health and human services, environmental services, and safety. The bill also establishes responsibility for administrative hearings of such boards and commissions in the department of justice. The completion of the transfer to the 4 state departments shall be completed by July 1, 2013. The bill also requires the proposal of a plan for the 2014 legislative session for the consolidation of all administrative support for occupational and professional regulation into a single new department.

75. Establishes the state workforce opportunity council within the department of resources and economic development.

76. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.

77. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

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

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

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

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

1           1 New Hampshire Medical Malpractice Joint Underwriting Association; Transfer of Excess  
2 Surplus to General Fund.

3           I. Notwithstanding any other provision of law, the New Hampshire Medical Malpractice  
4 Joint Underwriting Association (NHMMJUA), by and through its board of directors, and any person  
5 having responsibility and authority for the custody or investment of the assets of the NHMMJUA are  
6 hereby authorized and directed to transfer by June 30, 2009 the sum of \$50,000,000, and by June 30,  
7 2010 the additional sum of \$30,000,000, and by June 30, 2011 the additional sum of \$30,000,000  
8 from the Post-1985 Account to the general fund. This sum shall be used for the purpose of  
9 supporting programs that promote access to needed health care for underserved persons.

10           II. The general court hereby finds that the funds held in surplus by the NHMMJUA in the  
11 Post-1985 Account are significantly in excess of the amount reasonably required to support its  
12 obligations as determined by the insurance commissioner. The general court further finds that the  
13 purpose of promoting access to needed health care would be better served through a transfer of the  
14 excess surplus of the Post-1985 Account to the general fund.

15           III. Notwithstanding any other provision of law, no state officer, nor any person with  
16 responsibility and authority for the custody or investment of the assets of the NHMMJUA, nor any  
17 member of the board of directors of the NHMMJUA, nor any attorney, accountant, advisor,  
18 consultant, or actuary who shall have been employed or retained by or shall have advised such  
19 persons shall incur or suffer any liability by reason of actions taken pursuant to this section, except  
20 for fraudulent acts, acts taken in bad faith, or wanton or reckless misconduct.

21           IV. Notwithstanding any other provision of law, the state shall hold harmless, defend, and  
22 indemnify any state officer, any person with responsibility and authority for the custody or  
23 investment of the assets of the NHMMJUA, any member of the board of directors of the NHMMJUA,  
24 and any attorney, accountant, advisor, consultant, or actuary who shall have been employed or  
25 retained by or shall have advised such persons against any claim, demand, suit, action, proceeding,  
26 or judgment arising out of or in connection with any transaction pursuant to this section; provided  
27 that such person or entity shall, within 7 days after the date on which such person or entity is served  
28 with or receives actual notice of any writ, complaint, petition, process, notice, demand, claim, or  
29 pleading, give notice thereof in writing to the attorney general. Upon such notice the attorney  
30 general shall determine whether the acts complained of were committed within the scope of official  
31 duty for the state, and that such acts were not fraudulent, taken in bad faith, wanton, or reckless;

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1 and if so determined, the attorney general shall represent and defend such person or entity with  
2 respect to such claim or throughout such action, or shall retain outside counsel to represent or defend  
3 such person; and the state shall defray all costs of such representation or defense, to be paid from  
4 funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold  
5 harmless such person from any costs, damages, awards, judgments, or settlements arising therefrom,  
6 provided such person or entity cooperates fully with such representation or defense.

7 2 Liquor Commission; Liquor Commission Funds. RSA 176:16, I is repealed and reenacted to  
8 read as follows:

9 I. There is established the liquor commission fund which shall be nonlapsing and continually  
10 appropriated to the liquor commission for the purposes of this title. The state treasurer may invest  
11 moneys in the fund as provided by law and all interest received on such investment shall be credited  
12 to the fund. Except as provided in paragraph II, all gross revenue derived by the commission from  
13 the sale of liquor and related products, or from license fees, shall be deposited into the liquor  
14 commission fund from which the state treasurer shall pay all expenses of the liquor commission  
15 incident to the administration of this title and all administration and enforcement expenses of the  
16 liquor commission. Any balance left in the fund after such expenses are paid shall be deposited in  
17 the general fund.

18 3 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph  
19 (276) the following new subparagraph:

20 (277) Moneys deposited in the liquor commission fund established in RSA 176:16, I.

21 4 Reference Changed. Amend RSA 176:10 to read as follows:

22 176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of  
23 the United States during “any war in which the United States was engaged, and received an  
24 honorable discharge from such service,” shall be given preference in appointment under the  
25 provisions of RSA 176:7, RSA 176:9, RSA [477:4] **177:1**, and RSA 179:59, if qualified for such  
26 positions.

27 5 Liquor Commission; State Stores. RSA 177:1 is repealed and reenacted to read as follows:

28 177:1 State Stores.

29 I. The commission may lease and purchase and equip, in the name of the state, such stores,  
30 warehouses, supplies, materials, products, and other merchandising requirements for the sale or  
31 promotion of liquor and related products as are necessary to carry out the provisions of this chapter.  
32 The commission may lease, in the name of the state, space in state stores to banks for the purpose of  
33 installing automated teller machines. No newly established state store shall be operated within 200  
34 feet of any public or private school, church, chapel, or parish house.

35 II. The commission may close any state liquor store to improve profitability and efficiency.  
36 In determining net operating profit or loss, the commission shall adhere to generally accepted  
37 accounting principles for both revenues and expenses and shall include an allocation for indirect

1 costs. All information regarding a decision to close any state liquor store shall be made available, by  
2 the commission, to the public upon request. The commission shall provide public notice 30 days  
3 prior to closing any state liquor store.

4 III. The commission may in its discretion operate stores for the sale of liquor and related  
5 products in such cities and towns as shall have accepted the provisions hereof as hereinafter  
6 provided and may employ salespersons to sell liquor and related products in said stores. The  
7 commission's enforcement bureau shall complete background checks on all full-time employees. No  
8 salesperson employed to sell liquor and related products under the provisions of this chapter shall  
9 sell liquor and related products except such as may be legally obtained under the provisions of this  
10 title. If a state liquor store closes, the commission shall make reasonable efforts to provide state  
11 employees other positions, if other positions are available and the state employees are qualified for  
12 the other positions.

13 6 New Paragraph; Liquor Commission; Agency Liquor Stores; Rulemaking. Amend RSA 177:10  
14 by inserting after paragraph I the following new paragraph:

15 I-a. Application and qualifications.

16 7 Liquor Commission; Location of Agency Liquor Stores. RSA 177:11 is repealed and reenacted  
17 to read as follows:

18 177:11 Location of Agency Liquor Stores.

19 I. The commission shall have the authority to license an agency liquor store at its discretion.  
20 An agency liquor store shall only be located in a municipality which has voted in favor of the  
21 operation of state liquor stores under RSA 175:7. The commission shall not license any new agency  
22 liquor stores after June 30, 2014.

23 II. The commission shall only issue an agency liquor store license, in accordance with  
24 RSA 541-A:39. The commission shall hold a public hearing before issuing an agency liquor store  
25 license in any municipality. The license application shall be processed by the director of the division  
26 of enforcement and licensing. The director of the division of enforcement and licensing shall  
27 recommend in writing approval or denial of any agency liquor store.

28 III. The commission shall notify any applicant denied a license of the reasons for the denial  
29 by certified mail to the mailing address given by the applicant in the application for an agency liquor  
30 store license.

31 IV. Any applicant aggrieved by a decision made by the commission may appeal the decision  
32 in accordance with RSA 541.

33 V. Any retail licensee, whether proprietorship, partnership, limited liability company, or  
34 corporation shall only be approved to establish one agency liquor store.

35 VI. Any applicant selected for an agency liquor store license shall pay a one-time  
36 background check processing fee of \$500. The annual fee for agency liquor stores licensed after  
37 December 31, 2008 shall be \$1,000 per cash register.



1 VII. The commission shall collect data on new revenue, alcohol-related violations, social  
2 disorder, population growth, alcohol availability, and emergency services relative to use or abuse of  
3 alcohol in each municipality were an agency liquor store license has been issued. The commission  
4 shall publish its findings in an annual report submitted to the governor and council, the fiscal  
5 committee of the general court, the president of the senate, and the speaker of the house of  
6 representatives.

7 8 Repeal. The following are repealed:

8 I. RSA 177:2, relative to closing of state stores.

9 II. RSA 177:4, relative to operation of state stores and salespersons.

10 9 Liquor Commission; Pricing and Discounts. Notwithstanding any other provision of law, for  
11 the biennium ending June 30, 2011, the liquor commission shall have the authority to set the pricing  
12 of liquor and related products, establish product discounts, and employ promotional investments in a  
13 manner that it believes will most effectively optimize the value and profitability of New Hampshire's  
14 liquor stores.

15 10 Liquor Commission; Concord Warehouse. Notwithstanding any provision of law, the liquor  
16 commission shall have the authority to develop and issue a request for proposals to include but not  
17 be limited to a sale, lease, concession agreement, or other management contract for its Concord  
18 warehouse. Any agreement or contract issued pursuant to this section shall be submitted for  
19 approval in accordance with RSA 4:40.

20 11 Tobacco Tax; Rate Increased. Amend RSA 78:7 to read as follows:

21 78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.33~~] **\$1.68**  
22 for each package containing 20 cigarettes or at a rate proportional to such rate for packages  
23 containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment  
24 of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in  
25 which such products usually are sold at retail. The word "package" as used in this section shall not  
26 include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this  
27 state is prohibited by the Constitution of the United States.

28 12 Tobacco Tax; Applicability. Section 11 of this act shall apply to all persons licensed under  
29 RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a  
30 report of such inventory with the department of revenue administration on a form prescribed by the  
31 commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2009  
32 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of  
33 computing penalties under RSA 21-J.

34 13 New Subdivision; Gambling Tax. Amend RSA 77 by inserting after section 37 the following  
35 new subdivision:

36 Gambling Tax

37 77:38 Definitions.

1 I. “Gambling winnings” means any money distribution to winners of any gambling activity  
2 whether in-state or out-of-state including, but not limited to, bingo, lucky 7, sweepstakes, pari-  
3 mutuel, charitable gaming, casino gaming, internet gaming, or the equivalent.

4 II. “Payor” means any individual or entity that pays gambling winnings.

5 77:39 Registration.

6 I. No payor shall pay out any gambling winnings without first registering with the  
7 department. The registration shall not be assignable and shall not be transferred. Any payor who  
8 fails to register as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

9 II. Each payor shall apply for registration on a form designated by the commissioner.  
10 Applicants shall furnish the following:

11 (a) Evidence acceptable to the commissioner of such applicant’s proper licensure and  
12 good standing with the appropriate licensing authority.

13 (b) Social security number, or federal employment identification number, as applicable.  
14 The number furnished shall be the same number used to file any applicable business tax returns.

15 (c) A declaration of any unpaid tax, interest, and penalty liability to the state. If none,  
16 such shall be stated.

17 (d) Consent by each signatory on a license application for the department to conduct a  
18 credit check.

19 (e) Signatures. The application shall be signed under the pains and penalties of perjury  
20 by the applicant or applicants as attesting to the information provided in this paragraph and  
21 acknowledging each applicant’s personal liability for the payment of tax as provided under  
22 RSA 77:40. If the applicant is a business entity, every partner, member, or corporate officer shall  
23 sign the application.

24 (f) If a business entity, a copy of applicable articles of incorporation, limited liability  
25 company agreement, partnership agreement, franchise agreement, or other business document that  
26 clearly enumerates interest holders of such entity.

27 (g) Any other information that may be required by the commissioner.

28 III. Registrations shall expire one year from the original issue date, unless the business  
29 ceases operation, a change in ownership occurs to include changes in the interest holders of a  
30 business entity, or the license is revoked or suspended by the department prior to expiration of the  
31 license. The license shall be conspicuously posted in a public area upon the premises to which it  
32 relates.

33 IV. No applicant shall be registered or renewed if such person, or entity with which such  
34 person is affiliated, has any unpaid tax, interest, or penalty that has been assessed and finally  
35 determined to be due for any tax administered by the department.

36 V. No payor shall be issued an original registration if the issuance of such registration  
37 permits any person to circumvent or evade the payment of tax, interest, or penalties. The

1 commissioner shall have the authority to request any additional information or documentation from  
2 an applicant to aid in his or her determination.

3 VI. Any change of information required in paragraph II, shall be reported by the registrant  
4 to the department on a form designated by the commissioner. All such changes shall be reported  
5 within 30 days and shall be accompanied by relevant documentation.

6 77:40 Tax Imposed. A tax is hereby imposed at a rate of 10 percent upon:

7 I. Any individual who is an inhabitant or resident of this state whose gambling winnings  
8 from any payor either in-state or out-of-state equals \$600 or more.

9 II. Any individual who is not a resident of this state whose gambling winnings from any in-  
10 state payor equals \$600 or more.

11 77:41 Withholding. Each payor operating in-state shall withhold the tax from the distribution of  
12 taxable gambling winnings to the winner. Within 10 days after the end of each month, the payor  
13 shall pay over such tax to the department accompanied by such form or return as determined by the  
14 commissioner. The payor shall keep books and records in a form acceptable to the department  
15 showing the amount of all taxes collected.

16 77:42 Returns and Payment of Tax by Individuals. Every resident who receives taxable  
17 gambling winnings from an out-of-state payor shall pay the tax imposed under this subdivision and  
18 file a return on or before the fifteenth day of the fourth month following the expiration of the tax  
19 year.

20 77:43 Nature of Tax; Penalties and Violations.

21 I. The tax imposed by this subdivision shall become state funds at the moment a payor  
22 distributes gambling winnings to the winner.

23 II. Any resident who fails to pay tax or file returns as required by RSA 77:42 shall be subject  
24 to failure to file penalties under RSA 21-J:31 and failure to pay penalties under RSA 21-J:33.

25 III. A payor who willfully fails to withhold and pay over in full said funds on or before the  
26 due date for filing returns under RSA 77:41 shall be guilty of:

27 (a) A violation for 2 offenses in any 12-month period.

28 (b) Theft by misapplication of property under RSA 637:10 for the third offense and every  
29 offense thereafter within any 12-month period.

30 77:44 Enforcement. An action may be brought by the commissioner in the name of the state to  
31 recover the amount of taxes, penalties, and interest due from the operator, if the action is brought  
32 within 3 years after the taxes, penalties, and interest are due. The action is returnable in the county  
33 where the operator resides if he or she is a resident of the state; and if a nonresident, the action is  
34 returnable to the county of Merrimack. The limitation of 3 years in this section does not apply to a  
35 suit to collect taxes, penalties, interest, and costs when the operator filed a fraudulent return or  
36 failed to file a return when the return was due.

37 77:45 Bonds; State Agency Cooperation.

1 I. Any unpaid tax liability of a payor may be collected from any bond that a payor filed with  
2 the appropriate licensing authority or any other state agency.

3 II. All state agencies shall cooperate and assist the department in the administration of the  
4 tax imposed under this subdivision.

5 14 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the  
6 following new paragraph:

7 XIII. The collection of state taxes administered by the department under RSA 77:38 –  
8 RSA 77:45, including required forms, information, documentation, and fees.

9 15 Repeal. RSA 284:21-r, relative to the exemption of sweepstakes prizes from taxation, is  
10 repealed.

11 16 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows  
12 78-A:6 Imposition of Tax.

13 I. A tax of [8] **8.75** percent of the rent is imposed upon each occupancy.

14 II. A tax is imposed on taxable meals based upon the charge therefor as follows:

15 (a) Three cents for a charge between \$.36 and \$.37 inclusive;

16 (b) Four cents for a charge between \$.38 and \$.50 inclusive;

17 (c) Five cents for a charge between \$.51 and \$.62 inclusive;

18 (d) Six cents for a charge between \$.63 and \$.75 inclusive;

19 (e) Seven cents for a charge between \$.76 and \$.87 inclusive;

20 (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

21 (g) Eight **and 3/4** percent of the charge for taxable meals over \$1.00, provided that  
22 fractions of cents shall be rounded up to the next whole cent.

23 II-a. A tax of [8] **8.75** percent is imposed upon the gross rental receipts of each rental.

24 III. The operator shall collect the taxes imposed by this section and shall pay them over to  
25 the state as provided in this chapter.

26 17 Meals and Rooms Tax; Suspension of Distributions to Cities and Towns. Notwithstanding  
27 any provision of law, for the biennium ending June 30, 2011, the state treasurer shall suspend the  
28 distribution of revenue to cities and towns pursuant to the formula for determining the amount of  
29 revenue returnable to cities and towns under RSA 78-A:26, I and II.

30 18 State Treasurer and State Accounts; Suspension of Revenue Sharing. Notwithstanding any  
31 provision of law, for the biennium ending June 30, 2011, the state treasurer shall suspend the  
32 distribution of revenue to cities and towns pursuant to the formula for determining the amount of  
33 revenue returnable to cities and towns under RSA 31-A.

34 19 Contingent School Building Aid Transfer; Fiscal Year 2009. Amend 2008S, 1:8 to read as  
35 follows:

36 1:8 Contingent School Building Aid Transfer; Fiscal Year 2009.

37 I. ~~[In the event of a general fund unreserved, undesignated deficit at the close of fiscal year~~

1 ~~2009 as determined by the official audit performed pursuant to RSA 21-I:8, I(h),]~~ The commissioner  
2 of administrative services shall transfer appropriation authority and expenditures from the general  
3 fund to the capital fund related to the school building aid program pursuant to 2007, 262, PAU 06-  
4 03-02-02-02, in an amount equal to ~~[the lesser of:~~

5 ~~(a) \$40,000,000[- or~~

6 ~~(b) The unreserved, undesignated deficit in the general fund on June 30, 2009].~~

7 II. The state treasurer is hereby authorized to borrow upon the credit of the state and may  
8 issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance  
9 with RSA 6-A, in the amount transferred from the general fund to the capital fund for the school  
10 building aid program as provided in paragraph I. Payments of principal and interest on the bonds  
11 and notes shall be made from the general fund.

12 III. The bond authorization provided by paragraph II is intended to provide funds for a  
13 portion of the expenditure made in fiscal year 2009 pursuant to 2007, 262, PAU 06-03-02-02-02, for  
14 school building aid.

15 20 Department of Education; Kindergarten Construction. For the biennium ending  
16 June 30, 2011, the state treasurer is hereby authorized to borrow upon the credit of the state and  
17 may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance  
18 with RSA 6-A in the amount of \$3,600,000 for the kindergarten construction program pursuant to  
19 RSA 198:15-r. Payments of principal and interest on the bonds and notes shall be made from the  
20 general fund.

21 21 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141,  
22 III(g) and (h) to read as follows:

23 (g) For all motor vehicles other than those in RSA 261:141, I:

24 0-3000 lbs. [~~\$31.20~~] **\$41.16** ([~~\$2.60~~] **\$3.43** per month)

25 3001-5000 lbs. [~~\$43.20~~] **\$53.16** ([~~\$3.60~~] **\$4.43** per month)

26 5001-8000 lbs. [~~\$55.20~~] **\$65.16** ([~~\$4.60~~] **\$5.43** per month)

27 8001-73,280 lbs. \$.96 per hundred lbs. gross weight

28 **plus a \$10 surcharge**

29 (h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall  
30 include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and  
31 the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds  
32 gross weight **plus a \$10 surcharge**, over 73,280 pounds--\$1.44 shall be charged for each 100 pounds  
33 gross weight or portion thereof in excess of 73,280 pounds.

34 22 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141,  
35 III(o) to read as follows:

36 (o) For each motorcycle--~~[\$15]~~ **\$25**.

37 23 Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

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1 II. The department may issue a copy of any motor vehicle record upon the request of an  
2 insurance company or any other authorized agent, and **notwithstanding RSA 91-A shall require**  
3 payment by the insurance company or authorized agent of a fee of [~~88~~] **\$12**, which shall be deposited  
4 in the fire standards and training and emergency medical services fund established in RSA 21-P:12-  
5 d.

6 24 Department of Safety; Fines Paid to the Director of the Division of Motor Vehicles. Amend  
7 RSA 262:44, I to read as follows:

8 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled  
9 “Notice of Fine, Division of Motor Vehicles” which shall contain the normal fines for violations of the  
10 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be  
11 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the  
12 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear  
13 personally. Defendants summoned to appear personally shall do so on the arraignment date  
14 specified in the summons, unless otherwise ordered by the court. Defendants who are issued a  
15 summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on  
16 the summons and return it with payment of the fine plus penalty assessment to the director of the  
17 division of motor vehicles within 30 days of the date of the summons. The director of the division of  
18 motor vehicles shall remit the penalty assessments collected to the police standards and training  
19 council for deposit in the police standards and training council training fund and to the state  
20 treasurer to be credited and continually appropriated to the victims’ assistance fund in the  
21 percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the [~~treasurer for~~  
22 ~~deposit in the highway fund, or to such department or agency of the state as the law provides]~~ **state**  
23 **treasurer, and shall be credited as agency income by the department safety**, within 14 days of  
24 their receipt.

25 25 Duties of Clerks; Disposition of Fines. Amend RSA 502-A:8 to read as follows:

26 502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures  
27 paid into the district court from any source. The clerk of any district or municipal court may accept  
28 payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the  
29 issuer of the credit card shall be paid out of the portion of the fine amount which is deposited [~~in the~~  
30 ~~general fund]~~ **with the treasurer** and not out of the penalty assessment charged by a district or  
31 municipal court. After deducting court seal, record books, printing blanks, and such other expenses  
32 as may be legally incurred in the maintenance and conduct of said court, the clerk shall [~~except in~~  
33 ~~cases otherwise provided, pay the same over to the commissioner of administrative services, or to~~  
34 ~~such department or agency of the state as the law provides,]~~ **forward fines collected for**  
35 **violations of title XXI to the treasurer for deposit in the highway fund and fines collected**  
36 **for violations of title LXII and all other statutes to the treasurer for deposit in the general**  
37 **fund** within 14 days. **The clerk shall separately indicate which fines were for violations of**

1 **title XXI.** After deduction of expenses enumerated ~~[above]~~ **in this section**, fines and forfeitures  
 2 collected by the clerk for violations of municipal ordinances, codes, or regulations, except those  
 3 adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA ~~[405:6-7]~~  
 4 **105:6 through RSA 105:7**, shall be remitted within 14 days to the treasurer of the municipality  
 5 prosecuting said violations, for the use of the municipality. All expenses related to the processing of  
 6 parking violations and the administrative collection of parking fines shall be the responsibility of the  
 7 local unit of government, and all fines collected shall be retained in their entirety by the local unit of  
 8 government.

9 26 Department of Safety; Personnel Reallocations Authorized. For the biennium ending  
 10 June 30, 2011, the commissioner of safety, whenever he or she deems it will improve the efficiency  
 11 and effectiveness of the delivery of service within the department, may, with approval of the fiscal  
 12 committee of the general court and governor and council and further subject to approval of the  
 13 position classifications by the director of personnel, eliminate certain personnel positions that may  
 14 become vacant during the biennium and establish in their place other personnel positions from the  
 15 same funding source, provided the cost of the new positions does not exceed the amounts budgeted  
 16 for the positions being eliminated. The commissioner of safety shall submit reports on or before  
 17 December 1, 2009, June 30, 2010, and December 1, 2010 to the chairmen of the house and senate  
 18 executive departments and administration committees on any actions taken as a result of this  
 19 authorization.

20 27 Division of State Police; Transfers Authorized. Notwithstanding the provisions of RSA 9:16-  
 21 a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the  
 22 request of the commissioner of safety, is authorized to transfer within and among any and all  
 23 components and class codes of the budget of the division of state police for the biennium ending June  
 24 30, 2011, regardless of funding source or mix, sufficient funds to cover overtime obligations for state  
 25 police activities within the traffic bureau and detective bureau, witness fees, and the accompanying  
 26 benefits. The total amount transferred shall not exceed \$300,000. When making the transfers, every  
 27 effort shall be made to maintain the original funding sources for the amounts transferred.

28 28 Department of Health and Human Services; Authority to Fill Unfunded Positions.  
 29 Notwithstanding any provision of law to the contrary, the commissioner of the department of health  
 30 and human services may fill unfunded positions during the biennium ending June 30, 2011, provided  
 31 that the total expenditure for such positions shall not exceed the amount appropriated for personal  
 32 services, permanent, and personal services, unclassified.

33 29 Department of Health and Human Services; Department of Revenue Administration; Medical  
 34 Assistance; Memorandum of Understanding.

35 I. For the purpose of determining and reviewing eligibility for medical assistance pursuant  
 36 to Titles XIX and XXI of the Social Security Act and eligibility for Temporary Assistance to Needy  
 37 Families (TANF), the commissioner of the department of health and human services (DHHS) and the

1 commissioner of the department of revenue administration (DRA) shall renew the existing  
2 memorandum of understanding for the period of July 1, 2009 through June 30, 2011 under which:

3 (a) DHHS may supply DRA with financial information of applicants for and recipients of  
4 Titles XIX or XXI medical assistance, or TANF.

5 (b) DRA shall verify the accuracy of such financial information to the applicant or  
6 recipient and not to DHHS.

7 (c) DRA shall notify DHHS that the verification has been provided to the applicant or  
8 recipient.

9 (d) DHHS shall request the DRA verification be furnished to the DHHS by the applicant  
10 or recipient.

11 (e) DHHS shall comply with all applicable laws for timely case processing.

12 II. Nothing in this arrangement shall be construed to change the protections of  
13 confidentiality provided to individuals and information relating to them under applicable laws, and  
14 DRA and DHHS each shall at all times maintain the confidential nature of the records in its  
15 possession.

16 III. DHHS and DRA shall report annually to the fiscal committee of the general court on the  
17 benefits and costs of this program.

18 30 Department of Health and Human Services; Bureau of Behavioral Health; Mental Health  
19 Low Utilizers and Prior Authorization. For the biennium ending June 30, 2011, the department of  
20 health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults  
21 with low service utilization of community mental health services, as identified in He-M 401.07;  
22 provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such  
23 persons or community mental health providers to request a waiver of the \$4,000 limit based on  
24 legitimate treatment considerations.

25 31 Department of Health and Human Services; Bureau of Elderly and Adult Services; County  
26 Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County  
27 Payments. Amend RSA 167:18-a, II to read as follows:

28 II.(a) The total billings to all counties made pursuant to this section shall not exceed the  
29 amounts set forth below for state fiscal years 2009-~~2010~~ **2011**:

30 (1) State fiscal year 2009, \$103,000,000.

31 (2) State fiscal year 2010, \$105,000,000.

32 **(3) State fiscal year 2011, 109,000,000.**

33 (b) The caps on total billings for fiscal years after fiscal year ~~2010~~ **2011** shall be  
34 established by the legislature on a biennial basis.

35 32 Department of Health and Human Services; Catastrophic Illness Program. For the biennium  
36 ending June 30, 2011, the formula for establishing the catastrophic illness program established in  
37 RSA 137-G:1 through RSA 137-G:6 shall be suspended.



1           33   Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund  
2   Suspended. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2011, all gross  
3   revenue derived by the liquor commission from the sale of liquor and related products, or from  
4   license fees, shall be deposited into the liquor commission fund.

5           34   Department of Health and Human Services; Direct Graduate Medical Education. The  
6   commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for  
7   Medicare and Medicaid Services to cease the provision of direct graduate medical education  
8   payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1,  
9   2009. Upon approval of said state plan amendment, and as of the effective date of said state plan  
10  amendment, any obligations for payment of direct graduate medical education are terminated.

11          35   New Paragraph; Department of Health and Human Services; State Children’s Health  
12  Insurance Program. Amend RSA 126-A:3 by inserting after paragraph VII the following new  
13  paragraph:

14           VIII. The commissioner shall submit a Title XXI state plan amendment and adopt  
15  administrative rules pursuant to RSA 541-A for the purposes of increasing the State Children’s  
16  Health Insurance (SCHIP) premiums. For SCHIP recipients with income 185-249 percent of federal  
17  poverty limits the premium increase shall be \$7 per month. For SCHIP recipients with income of  
18  250-300 percent of current federal poverty limits the premium increase shall be \$9 per month. Such  
19  Title XXI state plan amendment and administrative rules may be done in conjunction with any  
20  premium related state plan amendment and rules necessary to implement changes occasioned by  
21  SCHIP contract procurement.

22          36   Department of Health and Human Services; Catastrophic Aid Program. The department of  
23  health and human services shall submit to the federal Centers for Medicaid and Medicare Services a  
24  Medicaid state plan amendment for the purpose of utilizing catastrophic aid funding to support the  
25  continued operation and/or renewal of operation of maternity units at critical access hospitals in  
26  Coos county.

27          37   Department of Health and Human Services; Medical Home Pilot Program. The department  
28  of health and human services shall develop a Medical Home pilot program utilizing disease  
29  management funds available when the disease management contract ends and other such grant  
30  funds as may become available for this purpose. The department shall report to the health and  
31  human services oversight committee every 6 months commencing in October 2009 until the pilot  
32  concludes.

33          38   Repeal. RSA 126-A:4-d, relative to a Medicaid waiver to support the extension of Medicaid-  
34  allowable HIV/AIDS services, is repealed.

35          39   Department of Health and Human Services; Lead Paint Poisoning Prevention and Control;  
36  Administrative Fines. Amend RSA 130-A:14 to read as follows:

37          130-A:14   Administrative Fines. The commissioner, after notice and hearing and pursuant to

1 rules adopted under RSA 541-A, may impose an administrative fine ~~[not to exceed \$2,000]~~ for each  
2 offense upon any person who violates any provision of this chapter or rules adopted under this  
3 chapter. Rehearings and appeals from a decision of the commissioner shall be in accordance with  
4 RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of  
5 further penalties or administrative actions under this chapter. The commissioner shall adopt rules,  
6 under RSA 541-A, relative to administrative fines which shall be scaled to reflect the scope and  
7 severity of the violation. The sums obtained from the levying of administrative fines under this  
8 chapter shall be forwarded to the state treasurer to be deposited into the ~~[lead poisoning prevention  
9 fund established in RSA 130-A:15]~~ **general fund.**

10 40 Department of Health and Human Services; Lead Poisoning Prevention Fund. Amend  
11 RSA 130-A:15 to read as follows:

12 130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning  
13 prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of  
14 ~~[fees, fines,]~~ gifts, grants, donations, bequests, or other moneys from any public or private source and  
15 shall be used to implement and encourage lead paint removal and education. The fund shall be  
16 nonlapsing and shall be continually appropriated to the commissioner of the department of health  
17 and human services for the purposes of this chapter.

18 41 Department of Health and Human Services; Lead Poisoning Prevention Fund; Application of  
19 Receipts. Amend RSA 6:12, I(b)(51) to read as follows:

20 (51) The ~~[fees]~~ **moneys** collected under RSA 130-A, which shall be credited to the  
21 lead poisoning prevention fund established in RSA 130-A:15.

22 42 Department of Health and Human Services; Homestead Food License. Amend RSA 143-  
23 A:12, II to read as follows:

24 II. There is hereby established a 2-level homestead license. ~~[For a level one license, a one-  
25 time fee of \$25 shall be paid to the department of health and human services. The level 2 homestead  
26 license shall be based on gross sales.]~~ **Fees for each level shall be established by rule under**  
27 **RSA 143-A:13, V.** It shall be unlawful for a processor or a manufacturer to operate a homestead  
28 without a homestead license as required under this subdivision. The commissioner and the  
29 commissioner of the department of agriculture, markets, and food shall administer the homestead  
30 licensure required under this subdivision.

31 43 Department of Health and Human Services; Homestead Food License; Rulemaking. Amend  
32 RSA 143-A:13, V to read as follows:

33 V. Fees for ~~[a]~~ level **1 and 2** ~~[license]~~ **licenses**, including application fees and fees for  
34 renewal.

35 44 Manufacture and Sale of Beverages. Amend RSA 143:12 to read as follows:

36 143:12 Registration by Nonresident Vendors. No beverage or beverage concentrate, for retail  
37 sale, manufactured out of the state, shall be sold or offered for sale within the state unless the same

1 has first been registered by its manufacturer or by the manufacturer’s agent with the department of  
2 health and human services. Such registration shall be in form similar to that provided in RSA  
3 143:11 and shall be issued subject to suspension, revocation, and cancellation as elsewhere specified  
4 in this subdivision for licenses. An annual registration fee [~~of \$140~~] **established by rule under**  
5 **RSA 143:6, II(a)**, to defray the cost of inspection and analysis of all the products of the same  
6 manufacturing plant, shall be paid to the department of health and human services by the  
7 manufacturer, importer, agent, or vendor.

8 45 Department of Health and Human Services; Manufacture and Sale of beverages;  
9 Rulemaking. Amend RSA 143:6, II(a) to read as follows:

10 (a) Licenses, license classes, and fees under RSA 143:11 **and RSA 143:12.**

11 46 Department of Health and Human Services; Health Facility Licensing; Fees for Licenses.  
12 RSA 151:5 is repealed and reenacted to read as follows:

13 151:5 Licenses. Licenses issued hereunder shall expire one year after the date of issuance, or  
14 upon such uniform dates annually, as the department of health and human services shall prescribe  
15 by rule. Licenses shall be issued only for the premises and persons named in the application, and  
16 shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the  
17 licensed premises. Fees for an annual license shall be as follows:

- 18 I. Hospitals; \$52 per licensed bed.
- 19 II. Specialty hospital-psychiatric; \$52 per licensed bed.
- 20 III. Specialty hospital-rehabilitation; \$52 per licensed bed.
- 21 IV. Nursing homes; \$52 per licensed bed.
- 22 V. Acute psychiatric residential treatment programs; \$52 per licensed bed.
- 23 VI. Residential treatment and rehabilitation facilities; \$52 per licensed bed.
- 24 VII. Hospice houses; \$52 per licensed bed.
- 25 VIII. Licensed community residences; \$52 per licensed bed.
- 26 IX. Adult family care homes; \$52 per licensed bed.
- 27 X. Residential and supported residential care; \$31 per licensed bed.
- 28 XI. Home health hospice providers; \$517.
- 29 XII. Home health care providers; \$517.
- 30 XIII. Personal care providers; \$75.
- 31 XIV. Outpatient clinics; \$1,034.
- 32 XV. End stage renal dialysis centers; \$1,034.
- 33 XVI. Ambulatory surgical centers; \$1,034.
- 34 XVII. Educational health centers; \$1,034.
- 35 XVIII. Freestanding emergency rooms; \$1,034.
- 36 XIX. Health promotion clinics; \$1,034.
- 37 XX. Collecting stations; \$517.

1           XXI. Adult day care centers; \$414.

2           XXII. Birthing centers; \$310.

3           XXIII. Case management agencies; \$310.

4           XXIV. Laboratories; \$310 per year for each category of testing licensed.

5           47 New Paragraph; Department of Health and Human Services; Certification for Community  
6 Living Facilities; Fee Established. Amend RSA 126-A:20 by inserting after paragraph II the  
7 following new paragraph:

8           II-a. The fee for an initial or annual renewal certification for a certified community residence  
9 shall be \$78 per certified bed. The fee for an initial or annual renewal certification for a certified day  
10 program shall be \$78 per individual served by the day program.

11           48 Department of Health and Human Services; Unclassified Positions Established.

12           I. The following positions are hereby established in the department of health and human  
13 services.

14 Department of health and human services	chief pharmacist
15 Department of health and human services	pharmacist (1)
16 Department of health and human services	pharmacist (2)
17 Department of health and human services	pharmacist (3)
18 Department of health and human services	pharmacist (4)
19 Department of health and human services	pharmacist (5)
20 Department of health and human services	pharmacist (6)

21           II. The salary of these positions shall be determined after assessment and review of the  
22 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be  
23 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

24           III. The following classified positions are abolished as of June 30, 2009:

25 chief pharmacist #15719

26

27 pharmacist #15704

28

29 pharmacist #15706

30

31 pharmacist #15741

32

33 pharmacist #15810

34

35 pharmacist #15831

36

37 pharmacist #16360

38

39           49 Department of Health and Human Services; Services for Children, Youth and Families;  
40 Incentive Funds. Amend RSA 170-G:4, XVI to read as follows:

41           XVI. Encourage cities, towns and counties to develop and maintain prevention programs,

1 court diversion programs and alternative dispositions for juveniles other than placements outside of  
2 the home through the use of a formula which shall allow for the transfer of funds to cities, towns and  
3 counties which have, or are developing, prevention programs or alternatives for juvenile care. The  
4 amount to be distributed for this program shall be not less than [~~5 percent of the amount~~  
5 ~~appropriated in fiscal year 1994 and not less than 6 percent in each fiscal year thereafter,~~] **3 percent**  
6 ***of the annual amount appropriated*** to the department of health and human services for  
7 placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by  
8 the commissioner. For purposes of this paragraph, prevention programs shall include programs or  
9 activities for the prevention of child abuse and neglect.

10 50 Department of Health and Human Services; Suspension of Residential Rate Setting Rule.  
11 Notwithstanding any provision of the law or rule to the contrary, for the biennium ending  
12 June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended.  
13 The base rate for residential providers for the biennium ending June 30, 2011 shall be the rate in  
14 effect on June 30, 2009.

15 51 Department of Health and Human Services; Delinquent Children; Accompanied  
16 Transportation. Amend RSA 169-B:40, I(b) to read as follows:

17 (b) Subparagraph (a) shall not apply to expenses incurred for special education and  
18 related services, or to expenses incurred for evaluation, care, and treatment of the minor at the  
19 Philbrook center ***or to expenses incurred for the cost of accompanied transportation.***

20 52 Department of Health and Human Services; Child Protection Act; Accompanied  
21 Transportation. Amend RSA 169-C:27, I(b) to read as follows:

22 (b) Subparagraph (a) shall not apply to expenses incurred for special education and  
23 related services, or to expenses incurred for evaluation, care, and treatment of the child at the  
24 Philbrook center ***or to expenses incurred for the cost of accompanied transportation.***

25 53 Department of Health and Human Services; Children in Need of Services; Accompanied  
26 Transportation. Amend RSA 169-D:29, I(b) to read as follows:

27 (b) Subparagraph (a) shall not apply to expenses incurred for special education and  
28 related services, or to expenses incurred for evaluation, care, and treatment of the child at the  
29 Philbrook center ***or to expenses incurred for the cost of accompanied transportation.***

30 54 New Subparagraph; Delinquent Children; Liability of Expenses and Hearing on Liability.  
31 Amend RSA 169-B:40, I by inserting after subparagraph (e) the following new subparagraph:

32 (f) Notwithstanding any provision of law to the contrary, the department of health and  
33 human services shall have no responsibility for the payment of the cost of assigned counsel for any  
34 party under this chapter.

35 55 New Subparagraph; Child Protection Act; Liability of Expenses and Hearing on Liability.  
36 Amend RSA 169-C:27, I by inserting after subparagraph (e) the following new subparagraph:

1 (f) Notwithstanding any provision of law to the contrary, the department shall have no  
2 responsibility for the payment of the cost of assigned counsel for any party under this chapter.

3 56 New Subparagraph; Children in Need of Services; Liability of Expenses and Hearing on  
4 Liability. Amend RSA 169-D:29, I by inserting after subparagraph (e) the following new  
5 subparagraph:

6 (f) Notwithstanding any provision of law to the contrary, the department of health and  
7 human services shall have no responsibility for the payment of the cost of assigned counsel for any  
8 party under this chapter.

9 57 Department of Health and Human Services; New Hampshire Employment Program and  
10 Family Assistance Program. Amend RSA 167:79, II to read as follows:

11 II. The following persons shall be included in the assistance group, unless such person  
12 receives [~~state supplemental assistance or supplemental security benefits under Title XVI of the~~  
13 ~~Social Security Act,~~] foster care or adoption assistance, if living in the same household or temporarily  
14 absent from the household: any dependent child and all minor blood-related, step, or adoptive  
15 brothers and sisters, and all natural, step, or adoptive parents of such children, including  
16 cohabitating adults who share a minor child. In the case of a minor parent, the assistance unit may  
17 also include all natural, step, or adoptive parents of the minor parent and all minor blood-related,  
18 step or adoptive brothers and sisters. If the parents are not residing together a child shall be  
19 considered residing with the parent who has physical custody of the child the majority of the time.

20 58 Repeal. The following are repealed:

21 I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.

22 II. RSA 167:11, relative to funeral expenses to recipients of public assistance.

23 III. RSA 165:20, relative to reimbursement for aid to assisted persons.

24 59 Department of Health and Human Services; Responsibility for Public Medical Assistance.  
25 Amend RSA 167:3-b to read as follows:

26 167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do  
27 not apply to the administration of medical assistance, ***except with respect to the spouse of an***  
28 ***individual who needs medical care or services, or the parent of such individual, if the***  
29 ***individual is under 21 years of age.***

30 60 Department of Health and Human Services; Program Eligibility; Additional Revenues;  
31 Transfer Among Accounts.

32 I. For the biennium ending June 30, 2011, the department of health and human services  
33 shall not authorize, without prior approval of the fiscal committee of the general court and governor  
34 and council, any change to program eligibility standards or benefit levels that might be expected to  
35 increase enrollment in the program or increase expenditures from any source of funds; provided,  
36 however, that no such prior approval shall be required if a change to a federal program in which the  
37 state is participating as of the effective date of this section is required by federal law.

1           II. Notwithstanding any provision of the law to the contrary, for the biennium ending  
2 June 30, 2011, the fiscal committee of the general court and the governor and council may authorize  
3 the commissioner of the department of health and human services to accept and expend additional  
4 revenues in excess of \$50,000, that are in addition to the budgeted amounts, from any source, which  
5 become available to the department. Such additional revenues shall be available to the department  
6 of health and human services to supplement funds in the following programs and services: provider  
7 payments, provider rate increases, and any other program or service that requires deficit reduction  
8 or for which revenue has been specifically obtained to improve program operations; provided, that  
9 such improvements do not increase eligibility standards or benefit levels.

10           III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the  
11 contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court  
12 and governor and council, for the biennium ending June 30, 2011, the commissioner of the  
13 department of health and human services is hereby authorized to transfer funds within and among  
14 all PAUs within the department, as the commissioner deems necessary and appropriate to address  
15 present or projected budget deficits, or to respond to changes in federal laws, regulations, or  
16 programs, and otherwise as necessary for the efficient management of the department, with the  
17 exception of class 60 transfers.

18           61 New Paragraph; Powers and Duties of Commissioners; Advertising. Amend RSA 21-G:9 by  
19 inserting after paragraph V the following new paragraph:

20           VI. Notwithstanding any other provision of law, administrative rule, or administrative  
21 process to the contrary, the commissioner may advertise requests for proposals and recruitment of  
22 personnel by using the Internet rather than traditional newspaper print media. The department  
23 shall regularly publish a notice in traditional print media referring prospective service providers and  
24 persons seeking state employment to the state's website for detailed information about  
25 opportunities.

26           62 Repeal. RSA 126-A:5, XVI, relative to advertising by the department of health and human  
27 services, is repealed.

28           63 New Subparagraph; Department of Agriculture, Markets, and Food; Pesticide Control Board.  
29 Amend RSA 430:31, IV by inserting after subparagraph (y) the following new subparagraph:

30                   (z) Establishment of all fees required under this subdivision.

31           64 Department of Agriculture, Markets, and Food; Pesticide Registration Certificates and  
32 Permits. Amend RSA 430:33, I-II to read as follows:

33           I. No person shall engage in the commercial application of pesticides or in the private  
34 application of restricted pesticides within this state without possessing a valid certificate of  
35 registration issued by the division. An annual application for a certificate of registration with a fee  
36 [~~of \$20~~] shall be collected by the division for each commercial or private applicator registration,  
37 except that no fee shall be collected from any nonprofit entity or from any governmental entity. The

1 board shall by rule establish the criteria for eligibility for, and the limits on the use of, certificates of  
 2 registration for commercial applicator, private applicator, and commercial applicator for hire. Each  
 3 application for registration shall contain such information regarding the applicant’s qualifications  
 4 and proposed operations and other relevant matters as the division may require. Every person  
 5 applying for a registration certificate shall be required to demonstrate by examination, or by such  
 6 other means as the board by rule may establish, his competency and ability to use pesticides in  
 7 accordance with standards of the board. The division shall require from each applicant proof of  
 8 financial responsibility in amounts to be determined under rules adopted by the board. Registered  
 9 applicators shall maintain routine operational records pursuant to the rules of the board, which  
 10 records shall be open to inspection at reasonable times by the division or its agents. Operational  
 11 records for the preceding calendar year shall be submitted by an applicant for renewal of a certificate  
 12 of registration. Upon submission of such records and satisfaction of such other conditions as the  
 13 board may by rule impose, the division shall renew a certificate of registration.

14 II. No person, other than a commercial applicator, shall apply pesticides in this state  
 15 without first obtaining a written permit from the division except as provided in RSA 430:46. An  
 16 annual application for a permit with a fee [~~of \$20~~] shall be collected by the division for each permit,  
 17 except that no fee shall be collected from any nonprofit entity or from any governmental entity. The  
 18 division shall require each applicant for a permit to demonstrate, by examination or other procedure  
 19 prescribed by the board in rules, the applicant’s competence and ability to use pesticides in  
 20 accordance with standards of the board. Permit holders shall maintain routine operational records  
 21 pursuant to rules of the board, which records shall be open to inspection at reasonable times by the  
 22 division or its agents. Operational records for the preceding calendar year shall be submitted to the  
 23 division by an applicant for renewal of a permit. Upon submission of such records and satisfaction of  
 24 such other conditions as the board may by rule impose, the division shall renew a permit.

25 65 Department of Agriculture, Markets, and Food; Pesticides; Application of Registration and  
 26 Permits. Amend RSA 430:34, III to read as follows:

27 III. Each application for initial examination of a commercial or private applicator shall be  
 28 accompanied by an examination fee [~~of \$5~~] for each category or commodity group in which such  
 29 examination is requested. When an applicator has been examined by the division and found not  
 30 qualified, the applicant shall be re-examined at a subsequent date in accordance with rules adopted  
 31 by the board, provided that each application for re-examination shall be accompanied by a re-  
 32 examination fee [~~of \$5~~] for each category or commodity group in which re-examination is requested.  
 33 A separate application and re-examination fee shall be filed by the applicant each time a  
 34 re-examination is requested.

35 66 Department of Agriculture, Markets, and Food; Pesticides; Application of Registration and  
 36 Permits; Pesticide Dealer License. Amend RSA 430:35, II-III to read as follows:

37 II. Application for a license shall be accompanied by [~~of \$20~~] **an** annual license fee. Dealer



1 applications for renewal received beyond the December 31 deadline shall be subject to a [~~\$10~~] late  
2 registration fee. Application for a license shall be on a form prescribed by the division and shall  
3 include the full name of the person applying for such license. If such applicant is an individual,  
4 receiver, trustee, firm, partnership, association or corporation, the full name of each member of the  
5 firm or partnership or the names of the officers of the association or corporation shall be given on the  
6 application. Such application shall further state the principal business address of the applicant in  
7 the state and elsewhere and the name of a person domiciled in this state authorized to receive and  
8 accept service of summons of legal notices of all kinds for the applicant, and any other necessary  
9 information prescribed by the division; provided that the provisions of this section shall not apply to  
10 a pesticide applicator who sells pesticides only as an integral part of his pesticide application service  
11 when such pesticides are dispensed only through apparatuses used for such pesticide application;  
12 provided, further, that the provisions of this section shall not apply to any federal, state, or county  
13 agency which provides pesticides for their own programs.

14 III. Each applicant shall satisfy the division as to his knowledge of the laws and rules  
15 governing the use and sale of pesticides and his responsibility in carrying on the business of a  
16 pesticide dealer through examination. In addition, each employee or agent of a pesticide dealer who  
17 sells or recommends restricted-use pesticides or state restricted-use pesticides shall obtain a  
18 pesticide dealer license. Each application for initial examination for a dealer license shall be  
19 accompanied by an examination fee [~~of \$5~~]. When an applicant has been examined by the division  
20 and found not qualified, the applicant shall be re-examined at a subsequent date in accordance with  
21 rules adopted by the board, provided that each application for re-examination shall be accompanied  
22 by a fee [~~of \$5~~].

23 67 Department of Agriculture, Markets and Food; Registrant Statement Required; Annual Fees.  
24 RSA 430:38, III is repealed and reenacted to read as follows:

25 III. The registrant shall pay an annual fee for each of the following:

- 26 (a) Restricted use pesticides;  
27 (b) General use pesticides, other than specialty/household pesticides;  
28 (c) Specialty/household pesticides.

29 68 Department of Environmental Services; State Revolving Loan Fund; Administrative Fee  
30 Increase. Amend RSA 486:14(b) to read as follows:

31 (b) A sum equal to [~~one~~] **2** percent of all loan principal balances outstanding each year,  
32 which shall be an administrative charge, shall be set aside to be used by the department of  
33 environmental services to pay the costs of administering the state water pollution control and  
34 drinking water revolving loan funds. The funds set aside shall be deposited in nonlapsing water  
35 pollution control and drinking water loan administration funds and shall be continually  
36 appropriated to the department exclusively for the purposes of this section. ***If the sum of the***  
37 ***administrative charge plus interest charge as established by rules of the department of***

1 *environmental services based on market rates is less than 2 percent for a loan, then the*  
 2 *administrative charge shall be equal to this sum and no interest charge shall be assessed*  
 3 *on the loan.*

4 69 Department of Environmental Services; Fee for Department Review of Subsurface Plans and  
 5 Subdivisions. Amend RSA 485-A:30, I to read as follows:

6 I. Any person submitting plans and specifications for a subdivision of land shall pay to the  
 7 department a fee of [~~\$150~~] **\$300** per lot. Said fee shall be for reviewing such plans and specifications  
 8 and making site inspections. Any person submitting plans and specifications for sewage or waste  
 9 disposal systems shall pay to the department a fee of \$140 for each system. Said fee shall be for  
 10 reviewing such plans and specifications, making site inspections, the administration of sludge and  
 11 septage management programs, and for establishing a system for electronic permitting for waste  
 12 disposal systems, subdivision plans, and for permits and approvals under the department’s land  
 13 regulation authority. The fees required by this paragraph shall be paid at the time said plans and  
 14 specifications are submitted and shall be deposited [~~with the treasurer as unrestricted revenue~~] **in**  
 15 ***the subsurface systems fund established in paragraph I-b.*** For the purposes of this paragraph,  
 16 the term “lot” shall not include tent sites or travel trailer sites in recreational parks which are  
 17 operated on a seasonal basis for not more than 9 months per year.

18 70 New Paragraphs; Department of Environmental Services; Fee for Department Review of  
 19 Subsurface Plans and Subdivisions. Amend RSA 485-A:30 by inserting after paragraph I-a the  
 20 following new paragraphs:

21 I-b. There is hereby established the subsurface systems fund into which the fees collected  
 22 under paragraph I shall be deposited. The fund shall be a separate, nonlapsing fund, continually  
 23 appropriated to the department for the purpose of paying all costs and salaries associated with the  
 24 subsurface systems program.

25 I-c. Beginning October 1, 2009 and each fiscal quarter thereafter, the department shall  
 26 submit a quarterly report to the house and senate finance committees, the house resources,  
 27 recreation, and economic development committee, and the senate energy, environment, and economic  
 28 development committee relative to administration of the subsurface systems program.

29 71 New Subparagraph; Dedicated Fund; Subsurface Systems Fund Added. Amend RSA 6:12,  
 30 I(b) by inserting after subparagraph (276) the following new subparagraph:

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

32 72 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
 33 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

36 73 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
 37 chapter 125-R the following new chapter:

CHAPTER 125-S

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

125-S:1 Purpose. The general court finds that emissions of air contaminants from motor vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs incurred by the department of environmental services in the prevention and abatement of emissions of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

125-S:2 Definitions. In this chapter:

I. “Department” means the department of environmental services.

II. “Motor vehicle inspection fee” means the fee collected by the department of safety pursuant to RSA 266:2.

III. “Mobile source” means, for the purposes of this chapter, any motor vehicle registered for on-road use by the department of safety, division of motor vehicles.

125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund, which shall be administered by the department of environmental services. This fund shall be used for costs incurred by the department in the course of carrying out activities that are designed to reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts, donations, or interest generated by these funds shall be deposited with the state treasurer in a special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be continually appropriated to the department for the administration of this chapter.

125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

74 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.00** for each sticker furnished an approved inspection station. *The division shall transfer \$.25 of each fee collected under this section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of [~~\$2.50~~] **\$3.00** each, except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable at the rate of \$2.50 each.

75 Retirement System; Employee Contributions; Group I. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member’s employment classification at the rate determined in accordance with the following table:

Employees <i>of employer other than the state</i>	5.00
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1	<i>Employees of the state hired on or before June 30, 2009</i>	<i>5.00</i>
2	<i>Employees of the state hired after June 30, 2009</i>	<i>7.00</i>
3	Teachers	5.00
4	Permanent Policemen	9.30
5	Permanent Firemen	9.30

6 The board of trustees shall certify to the proper authority or officer responsible for making up the  
7 payroll of each employer, and such authority or officer shall cause to be deducted from the  
8 compensation of each member, except group II members with creditable service in excess of 40 years  
9 as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer  
10 for each and every payroll period, the percentage of earnable compensation applicable to such  
11 member. No deduction from earnable compensation under this paragraph shall apply to any group  
12 II member with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and  
13 RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining  
14 average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable  
15 by a member in a payroll period, the board may consider the rate of compensation payable to such  
16 member on the first day of a payroll period as continuing throughout the payroll period and it may  
17 omit deduction from compensation for any period less than a full payroll period if such person was  
18 not a member on the first day of the payroll period, and to facilitate the making of deductions it may  
19 modify the deduction required of any member by such an amount as shall not exceed 1/10 of one  
20 percent of the annual earnable compensation upon the basis of which such deduction is made. The  
21 amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted,  
22 shall be paid to the retirement system at such times as may be designated by the board of trustees  
23 and credited to the individual account, in the member annuity savings fund, of the member from  
24 whose compensation the deduction was made.

25 76 Retirement System; State Annuity Accumulation Fund; Employer Contribution; State  
26 Payment. Amend RSA 100-A:16, II(b) and (c) to read as follows:

27 (b) The contributions of each employer for benefits under the retirement system on  
28 account of group II members shall consist of a percentage of the earnable compensation of its  
29 members to be known as the “normal contribution,” and an additional amount to be known as the  
30 “accrued liability contribution;” provided that any employer, other than the state, shall pay ~~[65]~~ **70**  
31 percent of such total contributions, and ~~[35]~~ **30** percent thereof shall be paid by the state; and  
32 provided further that, in case of group II members employed by the state, the state shall pay both  
33 normal and accrued liability contributions. The rate percent of such normal contribution, including  
34 contributions on behalf of group II members whose group II creditable service is in excess of 40  
35 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the  
36 particular members of the various member classifications as shown by actuarial valuations, except  
37 as provided in subparagraphs (h) and (i).

1 (c) The contributions of each employer for benefits under the retirement system on  
2 account of group I members shall consist of a percentage of the earnable compensation of its  
3 members to be known as the “normal contribution,” and an additional amount to be known as the  
4 “accrued liability contribution;” provided that, in the case of teachers, any employer, other than the  
5 state, shall pay ~~[65]~~ **70** percent of such total contributions, and ~~[35]~~ **30** percent thereof shall be paid  
6 by the state; and provided further that in case of teacher members employed by the state the state  
7 shall pay both normal and accrued liability contributions. The rate percent of such normal  
8 contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to  
9 the particular members of the various member classifications as shown by actuarial valuation,  
10 except as provided in subparagraphs (h) and (i).

11 77 New Paragraph. Retirement System; Retiree Health Insurance Premium Contribution.  
12 Amend RSA 100-A:54 by inserting after paragraph II the following new paragraph:

13 III. The retirement system shall deduct from the monthly retirement allowance of retired  
14 state employees receiving medical and surgical benefits provided pursuant to RSA 21-I:30, such  
15 premium contribution amounts for the retiree and covered spouse, if any, as are certified to the  
16 retirement system by the department of administrative services. Deducted amounts, which shall be  
17 in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA  
18 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree  
19 benefit risk management fund. In the event the retiree’s monthly allowance is insufficient to cover  
20 the certified contribution amount, the retirement system shall so notify the department of  
21 administrative services, which shall invoice and collect from the retiree the remaining contribution  
22 amount.

23 78 New Subparagraph; Retirement System; Certification of State Employer Contributions;  
24 Medical Subsidy Payment. Amend RSA 100-A:16, III by inserting after subparagraph (c) the  
25 following new subparagraph:

26 (d) Notwithstanding RSA 100-A:16, III(a), on or before June 1, 2009, the  
27 New Hampshire retirement system board of trustees shall certify to the commissioner of  
28 administrative services the amounts that will become due and payable by the state during the  
29 biennium beginning July 1, 2009 based upon a state employee group other post-employment benefit  
30 (OPEB) plan balance as of July 1, 2009 for the state medical plan subtrust of \$0.00. Such  
31 certification shall in all other respects be based upon the data and assumptions used to calculate the  
32 state employer rate as certified in September 2008. In no event shall the board of trustees certify a  
33 rate in any subsequent year based upon payments made from the medical plan subtrust to the state  
34 prior to July 1, 2009.

35 79 District Courts; Judicial District Consolidation. Amend RSA 502-A:1 to read as follows:

36 502-A:1 Judicial Districts. A comprehensive system of judicial districts, each with a district  
37 court, is hereby organized, constituted and established as follows:



1 the communities within the district, provided, however, that the court shall not be located in any  
2 building which does not meet the minimum standard prescribed by the New Hampshire court  
3 accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the  
4 principal court location and elsewhere in the district as justice may require. Cases arising from the  
5 towns of Durham, Lee, and Madbury shall be held regularly at a court facility in the town of  
6 Durham.

7 ~~[VII.]~~ **VII.** ROCHESTER DISTRICT. The Rochester district court shall consist of the city of  
8 Rochester and the towns of Barrington, Milton, New Durham, Farmington, Strafford, and Middleton.  
9 The district court for the district shall be located in Rochester, holding sessions regularly therein and  
10 elsewhere in the district as justice may require. The name of the court shall be Rochester District  
11 Court.

Belknap County

12  
13 ~~[IX.]~~ **VIII.** LACONIA DISTRICT. The Laconia district shall consist of the city of Laconia  
14 and the towns of Meredith, New Hampton, Gilford, Belmont, Alton, Gilmanton, Center Harbor, and  
15 Barnstead. The district court for the district shall be located in Laconia, holding sessions regularly  
16 therein and elsewhere in the district as justice may require. The name of the court shall be Laconia  
17 District Court.

Carroll County

18  
19 ~~[X.]~~ **IX.** DISTRICT COURT FOR NORTHERN CARROLL COUNTY. The district for  
20 northern Carroll county shall consist of the towns of Conway, Bartlett, Jackson, Eaton, Chatham,  
21 Hart's Location, Albany, Madison and the unincorporated places of Hale's Location, Cutt's Grant,  
22 Hadley's Purchase, and those portions of the towns of Waterville and Livermore within the  
23 watershed of the Saco River and its tributaries. The district court for the district shall be located in  
24 Conway, holding sessions regularly therein and elsewhere in the district as justice may require. The  
25 name of the court shall be the District Court for Northern Carroll County.

26 ~~[XI.]~~ **X.** DISTRICT COURT FOR SOUTHERN CARROLL COUNTY. The district for  
27 southern Carroll county shall consist of the towns of Ossipee, Tamworth, Freedom, Effingham,  
28 Wakefield, Wolfeboro, Brookfield, Tuftonboro, Moultonborough, and Sandwich. The court shall be  
29 located either in Ossipee or in Wolfeboro in a location and facility designated pursuant to RSA 490-  
30 B:3, having regard for the convenience of the communities within the district, provided, however,  
31 that the court shall not be located in any building which does not meet the minimum standard  
32 prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The  
33 name of the court shall be the District Court for Southern Carroll County.

Merrimack County

34  
35 ~~[XII.]~~ **XI.** CONCORD DISTRICT. The Concord district shall consist of the city of Concord,  
36 and the towns of *Allenstown, Pembroke, Hooksett*, Loudon, Canterbury, Dunbarton, Bow,  
37 Hopkinton, Pittsfield, Chichester, and Epsom. The district court for the district shall be located in

1 Concord, holding sessions regularly there and elsewhere in the district as justice may require. The  
2 name of the court shall be Concord District Court.

3 ~~[XIII. HOOKSETT DISTRICT. The Hooksett district shall consist of the towns of~~  
4 ~~Allenstown, Pembroke, and Hooksett. The district court for the district shall be located in Hooksett,~~  
5 ~~holding sessions regularly therein and elsewhere in the district as justice may require. The name of~~  
6 ~~the court shall be the Hooksett District Court.]~~

7 ~~[XIV.]~~ **XIII.** FRANKLIN DISTRICT. The Franklin district shall consist of the city of  
8 Franklin and the towns of Northfield, Danbury, Andover, Boscawen, Salisbury, Hill, **Wilmot**, and  
9 Webster in Merrimack county and the towns of Sanbornton and Tilton in Belknap county. The  
10 district court for the district shall be located in Franklin, holding sessions regularly therein and  
11 elsewhere in the district as justice may require. The name of the court shall be Franklin District  
12 Court.

13 ~~[XV.]~~ **XIII.** HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district  
14 shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of  
15 Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The court shall be  
16 located in a city or town within the judicial district in a location and facility designated pursuant to  
17 RSA 490-B:3, having regard for the convenience of the communities within the district, provided,  
18 however, that the court shall not be located in any building which does not meet the minimum  
19 standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.  
20 The court shall hold sessions regularly at the principal court location and elsewhere in the district as  
21 justice may require. Special sessions of said court for cases arising from the town of Henniker shall  
22 be held at the principal court location as the caseload and justice requires. The court shall bear the  
23 name of the city or town in which it is located.

24 ~~[XVI. NEW LONDON DISTRICT. The New London district shall consist of the towns of~~  
25 ~~New London, Wilmot, Newbury, and Sutton. The district court for the district shall be located in~~  
26 ~~New London, holding sessions regularly therein and elsewhere in the district as justice may require.~~  
27 ~~The name of the court shall be New London District Court.~~

28 ~~XVII. [Repealed.]~~

Hillsborough County

29  
30 ~~[XVIII.]~~ **XIV.** MANCHESTER DISTRICT. The Manchester district shall consist of the city  
31 of Manchester. The district court for the district shall be located in Manchester, holding sessions  
32 regularly therein as justice may require. The name of the court shall be Manchester District Court.

33 ~~[XIX.]~~ **XV.** NASHUA DISTRICT. The Nashua district shall consist of the city of Nashua and  
34 the towns of Hudson and Hollis. The district court for the district shall be located in Nashua,  
35 holding sessions regularly therein and elsewhere in the district as justice may require. The name of  
36 the court shall be Nashua District Court.

37 ~~[XX.]~~ **XVI.** MERRIMACK-**MILFORD** DISTRICT. The Merrimack-**Milford** district shall



1 consist of the towns of Merrimack, Litchfield,~~and~~ Bedford, **Milford, Brookline, Amherst, Mason,**  
 2 **Wilton, Lyndeborough, and Mont Vernon.** The district court for the district shall be located in  
 3 Merrimack, holding sessions regularly therein and elsewhere in the district as justice may require.  
 4 The name of the court shall be the Merrimack District Court.

5 ~~[XXI. MILFORD DISTRICT. The Milford district shall consist of the towns of Milford,~~  
 6 ~~Brookline, Amherst, Mason, Wilton, Lyndeborough, and Mont Vernon. The district court for the~~  
 7 ~~district shall be located in Milford, holding sessions regularly therein and elsewhere in the district as~~  
 8 ~~justice may require. The name of the court shall be Milford District Court.]~~

9 ~~[XXII.] XVII. KEENE-JAFFREY-PETERBOROUGH DISTRICT.~~ The **Keene-Jaffrey-**  
 10 Peterborough district shall consist of the **city of Keene and the towns of Stoddard,**  
 11 **Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough,**  
 12 **Winchester, Richmond, Hinsdale, Walpole, Alstead, Troy, and Chesterfield in Cheshire**  
 13 **county, and the** towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and  
 14 Sharon in Hillsborough county and the towns of Jaffrey, Dublin, Fitzwilliam, and Rindge in Cheshire  
 15 county. The district court for the district shall be located in Jaffrey or Peterborough, holding  
 16 sessions regularly therein and elsewhere in the district as justice may require. The name of the  
 17 court shall be Jaffrey-Peterborough District Court.

18 ~~[XXIII.] XVIII. HENNIKER-HILLSBOROUGH DISTRICT.~~ The Henniker-Hillsborough  
 19 district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the  
 20 towns of Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The  
 21 **district court for the district** shall be located in ~~[a city or town within the judicial district in a~~  
 22 ~~location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the~~  
 23 ~~communities within the district,]~~ **Henniker, holding sessions regularly therein and elsewhere**  
 24 **in the district as justice may require,** provided, however, that the court shall not be located in  
 25 any building which does not meet the minimum standard prescribed by the New Hampshire court  
 26 accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the ~~[city or~~  
 27 ~~town in which it is located]~~ **Henniker District Court.**

28 ~~[XXIV.] XIX. GOFFSTOWN DISTRICT.~~ The Goffstown district shall consist of the towns of  
 29 Goffstown, Weare, New Boston, and Francestown. The district court for the district shall be located  
 30 in Goffstown, holding sessions regularly therein and elsewhere in the district as justice may require.  
 31 The name of the court shall be Goffstown District Court.

32 Cheshire County

33 ~~[XXV. KEENE DISTRICT. The Keene district shall consist of the city of Keene and the~~  
 34 ~~towns of Stoddard, Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey,~~  
 35 ~~Marlborough, Winchester, Richmond, Hinsdale, Harrisville, Walpole, Alstead, Troy, and~~  
 36 ~~Chesterfield. The district court for the district shall be located in Keene, holding sessions regularly~~  
 37 ~~therein and elsewhere in the district as justice may require. The name of the court shall be Keene~~

1 ~~District Court.~~

2 ~~XXVI.]~~ **XX. KEENE-JAFFREY-PETERBOROUGH DISTRICT.** The *Keene-Jaffrey-*  
3 Peterborough district shall consist of the *city of Keene and the* towns of *Stoddard,*  
4 *Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough,*  
5 *Winchester, Richmond, Hinsdale, Walpole, Alstead, Troy, Chesterfield,* Jaffrey, Dublin,  
6 Fitzwilliam, Troy and Rindge in Cheshire county and the towns of Peterborough, Hancock,  
7 Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county. The district court  
8 for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and  
9 elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough  
10 District Court.

11 Sullivan County

12 ~~XXVII.]~~ **XXI. CLAREMONT-NEWPORT DISTRICT.** The Claremont-Newport district shall  
13 consist of the city of Claremont and the towns of Cornish, Unity, Charlestown, Acworth, Langdon,  
14 Plainfield, Newport, Grantham, Croydon, Springfield, Sunapee, Goshen, Lempster, and Washington  
15 *in Sullivan county and the towns of New London, Newbury, and Sutton in Merrimack*  
16 *count.* The *district court for the district* shall be located in [~~a city or town within the judicial~~  
17 ~~district in a location and facility designated pursuant to RSA 490 B:3, having regard for the~~  
18 ~~convenience of the communities within the district]~~ *Newport*, provided, however, that the court shall  
19 not be located in any building which does not meet the minimum standard prescribed by the New  
20 Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name  
21 of the [~~city or town in which it is located]~~ *Newport District Court.*

22 ~~XXVII a. [Repealed.]~~

23 Grafton County

24 ~~XXVIII.]~~ **XXII. HANOVER-LEBANON DISTRICT.** The Hanover-Lebanon district shall  
25 consist of the towns of Hanover, Orford, Lyme, Lebanon, Enfield, Canaan, Grafton, Dorchester, and  
26 Orange. The court shall be located in a city or town within the judicial district in a location and  
27 facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities  
28 within the district, provided, however, that the court shall not be located in any building which does  
29 not meet the minimum standard prescribed by the New Hampshire court accreditation commission  
30 pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

31 ~~XXIX.]~~ **XXIII. HAVERHILL DISTRICT.** The Haverhill district shall consist of the towns of  
32 Haverhill, Bath, Landaff, Benton, Piermont, and Warren. The district court for the district shall be  
33 located in Haverhill, holding sessions regularly therein and elsewhere in the district as justice may  
34 require. The name of the court shall be Haverhill District Court.

35 ~~XXX.]~~ **XXIV. LITTLETON DISTRICT.** The Littleton district shall consist of the towns of  
36 Littleton, Monroe, Lyman, Lisbon, Franconia, Bethlehem, Sugar Hill, and Easton. The district court  
37 for the district shall be located in Littleton, holding sessions regularly therein and elsewhere in the

1 district as justice may require. The name of the court shall be Littleton District Court.

2 ~~[XXXI.]~~ **XXV.** PLYMOUTH-LINCOLN DISTRICT. The Plymouth-Lincoln district shall  
3 consist of the towns of Plymouth, Bristol, Groton, Wentworth, Rumney, Ellsworth, Thornton,  
4 Campton, Ashland, Hebron, Holderness, Bridgewater, Alexandria, Lincoln, Woodstock and those  
5 portions of the towns of Livermore and Waterville not within the watershed of the Saco River and its  
6 tributaries. The district court for the district shall be located in Plymouth, holding sessions  
7 regularly therein and elsewhere in the district as justice may require. The name of the court shall be  
8 Plymouth District Court.

9 Coos County

10 ~~[XXXII.]~~ **XXVI.** BERLIN-GORHAM DISTRICT. The Berlin-Gorham district shall consist of  
11 the city of Berlin and the towns of Gorham, Milan, Dummer, Shelburne, and Randolph and the  
12 unincorporated places of Cambridge, Success, Bean's Purchase, Martin's Location, Green's Grant,  
13 Pinkham's Grant, Sargent's Purchase, Thompson and Meserve's Purchase and Low and Burbank's  
14 Grant. The court shall be located in a city or town within the judicial district in a location and  
15 facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities  
16 within the district, provided, however, that the court shall not be located in any building which does  
17 not meet the minimum standard prescribed by the New Hampshire court accreditation commission  
18 pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

19 ~~[XXXIII.] COLEBROOK DISTRICT. The Colebrook district shall consist of the towns of~~  
20 ~~Colebrook, Pittsburg, Clarksville, Wentworth's Location, Errol, Millsfield, Columbia, Stewartstown,~~  
21 ~~and Stratford and the unincorporated places of Dix's Grant, Atkinson and Gilmanton Academy~~  
22 ~~Grant, Second College Grant, Dixville, Erving's Location, and Odell. The district court for the~~  
23 ~~district shall be located in Colebrook, holding sessions regularly therein and elsewhere in the district~~  
24 ~~as justice may require. The name of the court shall be Colebrook District Court.]~~

25 ~~[XXXIV.]~~ **XXVII.** LANCASTER-~~COLEBROOK~~ DISTRICT. The Lancaster-*Colebrook*  
26 district shall consist of the towns of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton  
27 ~~[and]~~, Jefferson, *Colebrook, Pittsburg, Clarksville, Wentworth's Location, Errol, Millsfield,*  
28 *Columbia, Stewartstown, Stratford,* and the unincorporated places of Kilkenny, Bean's Grant,  
29 Chandler's Purchase, ~~[and]~~ Crawford's Purchase, *Dix's Grant, Atkinson and Gilmanton*  
30 *Academy Grant, Second College Grant, Dixville, Erving's Location, and Odell.* The district  
31 court for the district shall be located in Lancaster, holding sessions regularly therein and elsewhere  
32 in the district as justice may require. The name of the court shall be Lancaster District Court.

33 80 New Paragraph; Discretionary Sentences; Release from State Prison. Amend RSA 651:25 by  
34 inserting after paragraph VI the following new paragraph:

35 VII.(a) The commissioner of corrections may release a prisoner who is serving a New  
36 Hampshire state sentence to the custody and control of the United States Immigration and Customs  
37 Enforcement if all of the following requirements are satisfied:

1           (1) The department of corrections receives an order of deportation for the prisoner  
2 from the United States Immigration and Customs Enforcement;

3           (2) The prisoner has served at least 1/3 of the minimum sentences imposed by the  
4 court;

5           (3) The prisoner was not convicted of a violent crime, or any crime of obstruction of  
6 justice, or sentenced to an extended term of imprisonment under RSA 651:6; and

7           (4) The prisoner was not convicted of a sexual offense as defined in RSA 651-B:1, V.

8           (b) If a prisoner who is released from his or her state sentence pursuant to this section  
9 returns illegally to the United States, on notification from any federal or state law enforcement  
10 agency that the prisoner is in custody, the commissioner of corrections shall revoke the prisoner's  
11 release and immediately file a detainer seeking the prisoner's return to the custody of the  
12 department of corrections to serve the remainder of his or her sentence.

13           81 Department of Administrative Services; Suspension of Bumping Rights. The displacement of  
14 classified state employees by more senior classified state employees, or so-called bumping, pursuant  
15 to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director  
16 of the division of personnel is hereby suspended from the effective date of this act to June 30, 2011.

17           82 Rehiring of Laid Off State Employees.

18           I. For purposes of this section, "laid off" means any person who receives written notice of the  
19 state's intent to lay him or her off or who is laid off between July 1, 2009 and June 30, 2011, as a  
20 result of reorganization or downsizing of state government.

21           II. It is the intent of the general court that any position which becomes available in a  
22 department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee  
23 laid off, as defined in paragraph I, if such person is not currently employed by the state of New  
24 Hampshire, if he or she meets the minimum qualifications for the position, and if the laid off  
25 employee does not receive a promotion as a result of the rehire.

26           III. The head of each department or agency shall submit the name and classification of any  
27 individual laid off between July 1, 2009 and June 30, 2011, to the director of the division of personnel  
28 within 10 days of the layoff.

29           83 State Employees Group Insurance; Restrictions on Self-Insured Plans. Amend RSA 21-I:30-  
30 b, I(a) to read as follows:

31           (a) ~~[An amount]~~ **Five percent of** estimated ~~[to be necessary to pay]~~ **annual** claims and  
32 administrative costs ~~[for the assumed risk for one month]~~ **of the health plan;** and

33           84 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2, II to  
34 read as follows:

35           II. The commissioner shall nominate for appointment by the governor, with the consent of  
36 the council, each division director, the assistant commissioner, **the deputy commissioner**, the  
37 internal auditor, the financial data manager and the senior operational analyst. The division

1 directors, the assistant commissioner, *the deputy commissioner*, the internal auditor, the financial  
2 data manager and the senior operational analyst shall each serve for a term of 4 years.

3 85 New Section; Department of Administrative Services; Deputy Commissioner. Amend RSA  
4 21-I by inserting after section 3-a the following new section:

5 21-I:3-b Deputy Commissioner.

6 I. The commissioner of administrative services shall nominate a deputy commissioner as  
7 provided in RSA 21-I:2, II. The deputy commissioner shall be qualified to hold that position by  
8 reason of education and experience. The deputy commissioner shall perform such duties as are  
9 assigned by the commissioner.

10 II. The salary of the deputy commissioner shall be determined after assessment and review  
11 of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall  
12 be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

13 86 Department of Administrative Services; Salary of Deputy Commissioner. The position of  
14 deputy commissioner established under RSA 21-I:3-b shall be unfunded for the biennium ending  
15 June 30, 2011. In the event funding becomes available during the biennium, the commissioner of the  
16 department of administrative services may request transfer approval authority from the fiscal  
17 committee of the general court, and if granted, shall transfer such funds to fund the position.

18 87 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as  
19 follows:

20 Delete:

21 GG Department of administrative services director of plant and property management

22 Insert:

23 HH Department of administrative services director of plant and property management

24 88 Public Employee Labor Relations Board; Fee Increase. Amend RSA 273-A:6, II to read as  
25 follows:

26 II. Complaints shall be filed by affidavit and shall be accompanied by a [~~\$60~~] **\$100** filing fee.  
27 Such fees shall be continually appropriated to the board. A copy of the complaint shall be given to  
28 the party complained against at the time the complaint is filed. The board or its designee shall hold  
29 a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give  
30 5 working days' notice of the hearing by certified mail to all persons required to appear and to the  
31 representative of any party against whom a complaint has been filed.

32 89 Real Estate Commission; Renewal Notice. Amend RSA 331-A:19, I to read as follows:

33 I. The commission shall mail each licensee a renewal [~~form~~] **notice** or, at the licensee's  
34 request, the commission may provide the renewal [~~form~~] **notice** by other means acceptable to the  
35 commission, at least 60 days before expiration of the license.

36 90 Real Estate Commission; Rulemaking Notice. Amend RSA 331-A:7, VII to read as follows:

37 VII. Provide notice [~~in a publication of the commission sent by U.S. mail~~] to all persons

1 licensed under this chapter of any proposed rulemaking undertaken by the commission, any changes  
2 to administrative rules adopted by the commission, and any pertinent changes in New Hampshire  
3 law. ~~[The funds necessary for the printing, postage, and mailing of such notice shall be expended  
4 from funds of the commission not otherwise appropriated.]~~

5 91 New Section; Department of Transportation; Division of Turnpikes and Interstates. Amend  
6 RSA 21-L by inserting after section 11 the following new section:

7 21-L:11-a Division of Turnpikes and Interstates.

8 I. The commissioner of the department of transportation shall aggregate the turnpike  
9 system and interstate highway system to maximize the department's assets while better serving the  
10 public.

11 II. There is established within the department the division of turnpikes and interstates,  
12 under the supervision of an unclassified director of turnpikes and interstates, who shall, in  
13 accordance with applicable laws, be responsible for the following functions:

14 (a) Maintenance, renewal, replacement, and supervision of the interstate highway  
15 system and the turnpike system;

16 (b) Management of the capital program for the interstate highway system and the  
17 turnpike system;

18 (c) Toll collection operations;

19 (d) E-Z Pass administration;

20 (e) Bonding; and

21 (f) Turnpikes financial funding, systems, and reporting.

22 III. The commissioner of transportation shall nominate a director of turnpikes and  
23 interstates for appointment by the governor, with consent of the council. The director shall serve a  
24 term of 4 years. The director shall be qualified to hold that position by reason of education and  
25 experience. The salary of the director shall be determined after assessment and review of the  
26 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be  
27 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

28 92 Department of Transportation; Transition Provisions; Report.

29 I. Notwithstanding any provisions of law to the contrary, in order to effectuate necessary  
30 budgetary changes resulting from the formation of the turnpikes and interstates division, the  
31 commissioner of the department of transportation is authorized to:

32 (a) Transfer funds among accounts as is necessary based upon the formation of the  
33 division of turnpikes and interstates;

34 (b) Transfer or reassign personnel and positions within and between any division, office,  
35 bureau, unit, or other component of the department;

36 (c) Create or fill positions that may be reasonably required due to the formation of the  
37 division of turnpikes and interstate; and

1           (d) Transfer funds from the salary and benefit adjustment account or other funding  
2 sources, necessary to fund unfunded or vacant positions.

3           II. The commissioner shall report to the fiscal committee of the general court any changes to  
4 its budget as a result of aggregating the turnpike and interstate systems.

5           93 New Section; Department of Transportation; Director of Policy and Administration. Amend  
6 RSA 21-L by inserting after section 5-a the following new section:

7           21-L:5-b Director of Policy and Administration.

8           I. There is established within the department a position of an unclassified director of policy  
9 and administration. The commissioner of transportation shall nominate a director of policy and  
10 administration for appointment by the governor, with consent of the council. The director shall serve  
11 a term of 4 years. The director shall be qualified to hold that position by reason of education and  
12 experience.

13           II. The director shall perform such duties as are assigned by the commissioner or deputy  
14 commissioner and, in accordance with applicable laws, shall administer the following:

- 15           (a) Bureau of human resources.
- 16           (b) Office of stewardship and compliance.
- 17           (c) Office of federal compliance.
- 18           (d) Office of hearings and legislation.
- 19           (e) Office of public information.
- 20           (f) Executive office administrative support.

21           III. The position of the director of policy and administration shall be unclassified, and the  
22 salary of the director of policy and administration shall be as specified in RSA 94:1-a.

23           94 New Section; Turnpike System; Aggregation and Funding. Amend RSA 237 by inserting  
24 after section 1 the following new section:

25           237:1-a Aggregation and Funding.

26           I. The following highway segments shall be aggregated with the turnpike system:

27           (a) Interstate route 95 from the northerly expansion joint of the bridge over the  
28 Spaulding turnpike, U.S. route 4, and N.H. route 16 (bridge no. 197/122) north to the  
29 New Hampshire-Maine border in the city of Portsmouth;

30           (b) Interstate route 93 from the Massachusetts-New Hampshire border in Salem,  
31 New Hampshire to the Interstate route 293/Interstate route 93 interchange in the town of Hooksett,  
32 and then from Interstate route 93 exit 14 in the city of Concord to the New Hampshire-Vermont  
33 border in the town of Littleton;

34           (c) Interstate route 89 from Interstate route 93 in the town of Bow to the  
35 New Hampshire-Vermont border in the city of Lebanon;

36           (d) Interstate route 393 at Main Street in the city of Concord to the intersection of N.H.  
37 route 9 at the Concord border in the vicinity of Chichester;

1           (e) Interstate route 293 from the F.E. Everett turnpike in the town of Bedford to  
2 Interstate route 93 in the city of Manchester; and

3           (f) N.H. route 101 from Interstate route 93 in the city of Manchester to the intersection  
4 of Landing Road in the town of Hampton.

5           II. The interstate highways and N.H. route 101 shall be funded by the state highway funds,  
6 federal highway funds, and any authorized or appropriated turnpike revenues.

7           95 Eastern New Hampshire Turnpike; Authority Granted. Amend the introductory paragraph  
8 of RSA 237:17 to read as follows:

9           237:17 Authority Granted. The commissioner of transportation, with the approval of the  
10 governor and council, shall locate and construct a continuous highway from a point on the  
11 Massachusetts-New Hampshire boundary in the town of Seabrook to a point *on the*  
12 *New Hampshire-Maine boundary* in the city of Portsmouth, and from ~~[said point]~~ *the*  
13 *Portsmouth traffic circle* in the city of Portsmouth to a point in the vicinity of the ~~[city of~~  
14 ~~Rochester]~~ *town of Milton*, and shall operate and maintain said highway as a toll road as  
15 hereinafter provided.

16           96 Highways Named. Amend RSA 237:18 to read as follows:

17           237:18 Highways Named. The portion of the toll road from *the Massachusetts-*  
18 *New Hampshire boundary in the town of* Seabrook ~~[connecting with route 1 in Maine]~~ *to a point*  
19 *on the New Hampshire-Maine boundary in the city of Portsmouth* shall be designated as the  
20 Blue Star memorial highway as provided in chapter 115, Laws of 1949, and shall be located on the  
21 road as now constructed. That part of the said toll road from ~~[a point]~~ *the Portsmouth traffic*  
22 *circle* in the city of Portsmouth to a point in the vicinity of the ~~[city of Rochester]~~ *town of Milton*,  
23 shall be designated and named Spaulding turnpike.

24           97 New Section; Department of Transportation; Expansion of the Turnpike System. Amend  
25 RSA 237 by inserting after section 49-a the following new section:

26           237:50 Acquisition; Authority Granted.

27           I. The department of transportation, acting by and on behalf of the state, is hereby  
28 authorized to convey to the bureau of turnpikes, and the bureau of turnpikes is authorized to acquire  
29 from the state, a portion of I-95 in the city of Portsmouth for the sum of \$120,000,000 and on such  
30 other terms and provisions as the commissioner of transportation and the bureau of turnpikes  
31 determine are reasonable or necessary to complete the acquisition. The bureau of turnpikes is  
32 authorized to acquire, expand, and make improvements to the eastern New Hampshire turnpike  
33 from the northerly expansion joint of the I-95 bridge over the Spaulding Turnpike, US 4 and N.H. 16  
34 (bridge No. 197/122) north to point on the New Hampshire-Maine boundary in the city of  
35 Portsmouth, such improvements to include the installation of open road tolling for the toll on I-95 in  
36 Hampton, NH.

37           II. The bureau of turnpikes shall operate and maintain this section of highway, which shall



1 become part of the eastern New Hampshire turnpike under RSA 237:17 and the Blue Star turnpike  
2 under RSA 237:18.

3 III. Acquisition and expansion of the eastern New Hampshire turnpike system for  
4 \$120,000,000 plus interest shall be at the state borrowing rate to be paid over a maximum 20-year  
5 term to the highway fund from the turnpike reserves under terms and conditions to be determined  
6 by the commissioner of transportation.

7 IV. The high level bridge on I-95 over the Piscataqua River is eligible for federal funds and  
8 state highway funds. In the event of emergency repairs or repair to damage from a catastrophic  
9 event, the department of transportation, rather than the bureau of turnpikes, shall remain liable for  
10 such repairs to the high level bridge.

11 98 Department of Transportation; Division of Operations. Amend RSA 21-L:10, I to read as  
12 follows:

13 I. Maintenance and supervision of the [~~state transportation network~~] **primary and**  
14 **secondary highways, excluding N.H. route 101 from Manchester to Hampton.**

15 99 Issuance of Revenue Bonds. Amend RSA 237-A:2 to read as follows:

16 237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known  
17 as “turnpike system revenue bonds.” The bonds may be issued from time to time for the purpose of  
18 financing the project costs of construction of any turnpike or of paying or refunding any bonds issued  
19 pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued  
20 pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described  
21 in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal  
22 of, premium, if any, and interest on all bonds shall be payable solely from the particular funds  
23 provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as  
24 the governor and council shall determine, not exceeding in the aggregate [~~\$586,050,000~~]  
25 **\$766,050,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including  
26 rates variable from time to time as determined by such index, banker’s loan rate or other method as  
27 may be determined by the treasurer, and shall mature at such time or times as may be determined  
28 by the treasurer, except that no bond shall mature more than 40 years from the date of its issue.  
29 Bonds may be made redeemable before maturity either at the option of the state or at the option of  
30 the holder, or on the occurrence of specified events, at such price or prices and under such terms and  
31 conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall  
32 determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the  
33 treasurer and countersigned by the governor. The bonds may be sold in such manner, either at  
34 public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of  
35 interest, as the treasurer may determine.

36 100 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(a) to read as  
37 follows:

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1 (a) Improvements to the Blue Star memorial highway.

2 RSA 237:2, I, IX. [55,800,000] 70,000,000

3 101 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(k) to read as  
4 follows:

5 (k) Toll collection equipment. RSA 237:2, VIII, IX. [39,000,000] 119,000,000

6 102 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(m) to read as  
7 follows:

8 (m) Construction of a second barrel from exits 12 to 16  
9 on the Spaulding Turnpike with related interchange

10 improvements from exits 11 to 16. RSA 237:2, IX. [138,200,000] 160,000,000

11 103 New Subparagraphs; Department of Transportation; Turnpike System Funds. Amend  
12 RSA 237:7, I by inserting after subparagraph (o) the following new subparagraphs:

13 (p) Acquisition of a 1.6 mile section of I-95. 120,000,000

14 (q) Repairs and improvements to the bridge on N.H. 107 over I-95 in Seabrook. 2,000,000

15 (r) Construction of the Newington-Dover Little Bay Bridge project. 275,000,000

16 (s) Construction of noise barriers along I-95 in Portsmouth. 1,000,000

17 104 New Paragraph; Turnpike System; Authority. Amend RSA 237:2 by inserting after  
18 paragraph IX the following new paragraph:

19 X. Acquire, expand, and make improvements to the eastern New Hampshire turnpike from  
20 the northerly expansion joint of the Interstate Route 95 bridge over the Spaulding Turnpike, U.S.  
21 Route 4 and N.H. Route 16 (bridge No. 197/22) north to a point on the New Hampshire-Maine border  
22 in the city of Portsmouth, said improvements to include the installation of open road tolling for the  
23 toll currently on Interstate Route 95 in the town of Hampton.

24 105 Turnpike System; Electronic Toll Criteria. Amend RSA 237:11, V to read as follows:

25 V. Notwithstanding any other provision of law to the contrary, the discount on the  
26 established tolls on any of the turnpikes in the system for vehicles using the regional electronic toll  
27 collection system shall be [30 percent for passenger vehicles, including motorcycles, and] 10 percent  
28 for commercial vehicles. ***Class 1 passenger vehicles and motorcycles shall be eligible for a  
29 frequent user discount pursuant to which each class 1 passenger vehicle or motorcycle  
30 shall be charged a maximum monthly fee of \$30 for an unlimited number of tolls in New  
31 Hampshire during the month. The commissioner may adjust the discount in proportion to  
32 toll increases.***

33 106 New Paragraph; E-Z Pass Operations Interagency Agreement. Amend RSA 237:16-c by  
34 inserting after paragraph III the following new paragraph:

35 IV. The commissioner may enter into discussions with other state jurisdictions to create  
36 reciprocal agreements for the enforcement and collection of tolls and administrative fees due under  
37 the E-Z Pass system. The departments of transportation and safety may release driver's and owner's

1 information to other jurisdictions relative to enforcement or collection of tolls and may take such  
2 other action as is necessary to effectuate the reciprocal enforcement agreements.

3 107 Department of Transportation; Welcome Centers. In order to better serve the public while  
4 utilizing revenue generating opportunities, the general court supports the idea of commercializing  
5 the rest areas, welcome centers, and state liquor store sites along the highways and turnpikes. The  
6 commissioner of the department of transportation is authorized to issue requests for proposals  
7 relative to the sale, lease or concession of these areas, including the use of public/private  
8 partnerships to develop and reconstruct the rest areas, welcome areas, and state liquor store sites  
9 along the turnpikes and highways as may be necessary to provide full service centers with food,  
10 liquor sales, gas, and other retail goods and services for the traveling public. Any proposal accepted  
11 by the commissioner under this section shall be submitted for approval in accordance with laws  
12 governing the disposition of state-owned real estate.

13 108 New Paragraph; Department of Transportation; Vending Facilities Operated by Blind  
14 Persons. Amend RSA 186-B:13 by inserting after paragraph VI the following new paragraph:

15 VII. This section shall not apply to the welcome centers or rest areas in Hooksett, New  
16 Hampshire along I-93 or in Hampton along I-95.

17 109 New Subparagraph; Driveways and Other Accesses to the Public Way. Amend RSA 236:13,  
18 III by inserting after subparagraph (c) the following new subparagraph:

19 (d) The department of transportation may charge a fee to cover costs expended to  
20 perform engineering reviews and construction inspections associated with the issuance of driveway  
21 permits required under this section. The fee for work performed by department technical and  
22 engineering personnel shall be \$65 per hour, and in no case shall the total fee exceed \$6,500. The fee  
23 for work performed by consultants engaged by the department to assist with this work shall be the  
24 actual costs charged by the consultant. The actual fee for department of transportation hours and  
25 consultant work for any single permit application shall not exceed \$25,000. All fees collected under  
26 this subparagraph shall be deposited in the highway fund.

27 110 New Paragraph; Department of Transportation; Required Rulemaking. Amend RSA 21-  
28 L:12 by inserting after paragraph X the following new paragraph:

29 X-a. Fees for driveway construction permits pursuant to RSA 236:13, III(d).

30 111 Equipment of Vehicles; Permit Fees. Amend RSA 266:22 to read as follows:

31 266:22 Permit Fees. Before any special permit authorized by RSA 266:24 is issued, the  
32 commissioner of transportation shall collect fees as follows:

33 I. Each permit for either over-length, over-width or over-height or any combination thereof,  
34 ~~[\$6]~~ **\$9**;

35 II. Each permit for vehicle and load over-weight, fee based on the following schedule:  
36 vehicle and load over registered weight but not exceeding 50,000 pounds, ~~[\$5.50]~~ **\$9**; 50,001 pounds  
37 to 60,000 pounds, ~~[\$6.50]~~ **\$11**; 60,001 pounds to 70,000 pounds, ~~[\$7.50]~~ **\$13**; 70,001 pounds to 80,000

1 pounds, [~~\$8.50~~] **\$15**; 80,001 pounds to 90,000 pounds, [~~\$9.50~~] **\$17**; 90,001 pounds to 100,000 pounds,  
 2 [~~\$10.50~~] **\$19**; and for each additional 10,000 pounds [~~\$2~~] **\$3.50** shall be added to the above rate;

3 III. Provided a special **annual oversize** permit may be issued to a person to cover all types  
 4 of **oversize** moves made within a radius of 100 miles from the person’s home location for a fee of  
 5 [~~\$60~~] **\$90** for each unit. Permits issued under the provisions of this paragraph may be issued for  
 6 such time as the commissioner of transportation may determine.

7 IV. Provided further that a special annual **oversize** permit may be issued to a person to  
 8 cover all types of **oversize** moves for a fee of [~~\$115~~] **\$180** for each unit. Each permit issued under  
 9 the provisions of this paragraph shall be issued for one year;

10 ***IV-a. Provided further that a book of 25 “in-transit” permits may be issued for a fee***  
 11 ***of \$75. Applicants may request authorization of an in-transit permit from the permit office***  
 12 ***for annual permits, supplemental permits, or single trip permits. Permit fees for single***  
 13 ***trip permits shall be collected pursuant to paragraphs I and II for each authorized in-***  
 14 ***transit permit;***

15 ***IV-b. Provided further that the department may provide specialized engineering***  
 16 ***review of proposed travel over weight-limited posted bridges or for supermoves for a fee of***  
 17 ***\$65 per hour. All fees collected shall be deposited in the highway fund.***

18 V. The provisions of this section shall not apply to any special permit authorized by  
 19 RSA 266:24 issued for farm equipment.

20 112 State Transportation Projects. Amend RSA 228:4, I(c) to read as follows:

21 (c) [~~Statewide transportation improvement program~~] **Transportation** projects [~~with a~~  
 22 ~~cost not to exceed \$5,000,000~~] may be developed and constructed utilizing the design build concept  
 23 based on a request for proposal, provided that selection is based on an objective standard and  
 24 measurable criteria for evaluation of the proposals. The commissioner shall report the results of any  
 25 statewide transportation improvement program project using the design build concept to the capital  
 26 budget overview committee within 90 days after the completion of the project.

27 113 Fish and Game Department; Game Management Account. Notwithstanding RSA 206:34-b  
 28 or any other provision of law, for the biennium ending June 30, 2011, all moneys collected from the  
 29 sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits shall be  
 30 deposited in the fish and game fund and shall be used for the purposes specified in RSA 206:34-a.

31 114 Repeal. RSA 205-A:25 through RSA 205-A:31, relative to the board of manufactured  
 32 housing, are repealed.

33 115 State Government Waste Reduction, Recycling, and Recycled Products Purchase.  
 34 Notwithstanding any provision of law, for the biennium ending June 30, 2011, the requirements of  
 35 RSA 9-C:4, III and RSA 9-C:8-10 are suspended.

36 116 Board of Land and Tax Appeals; Elimination of Position. In order to achieve the reduction  
 37 in general fund appropriations required under section 9 of the state operating budget for fiscal years

1 ending June 30, 2010 and June 30, 2011, the board of tax and land appeals shall unfund position  
2 number 9U165 on or before July 2, 2009 for the biennium ending June 30, 2011.

3 117 Boards, Commissions and Councils; Expiration Date.

4 I. All non-regulatory boards, commissions, councils, advisory committees, and task forces in  
5 state government created by statute or administrative rule shall expire on June 30, 2011, unless  
6 reinstated by the general court. The office of legislative services shall provide a list of all such  
7 boards, commissions, councils, advisory committees, and task forces in state government created by  
8 statute or administrative rule to the speaker of the house, the senate president, and the governor on  
9 or before September 30, 2009.

10 II. All non-regulatory boards, commissions, councils, advisory committees, and task forces  
11 created by executive order, or by a department, agency, or administratively attached agency in the  
12 executive branch, shall expire on June 30, 2011, unless reinstated by the governor. Each  
13 commissioner or agency head shall provide a list of all such boards, commissions, councils, advisory  
14 committees, and task forces created by the department, agency, or administratively attached agency  
15 to the governor on or before September 30, 2009. For each advisory committee listed that was not  
16 created by statute, the commissioner or agency head shall identify whether the advisory committee  
17 was established in accordance with RSA 21-G:11.

18 III. The supreme court shall conduct a review of all boards, commissions, councils, advisory  
19 committees, and task forces created by the judicial branch or by court order and shall eliminate non-  
20 essential boards, commissions, councils, advisory committees and task forces on or before June 30,  
21 2011.

22 118 Boards, Commissions, and Councils; Consolidation Within State Agencies; Purpose;  
23 Findings.

24 I. The general court finds that the increasing complexities of the legal and administrative  
25 requirements for regulation of professions is imposing an undue burden on the citizen volunteers  
26 who serve on boards, commissions, and councils regulating licensed professionals. New Hampshire  
27 benefits from the existing system made up of persons who are essentially volunteers from within  
28 each profession working with public members, to regulate the professions and oversee permitting  
29 and licensing.

30 II. When this system of licensing professions was established, most administrative matters  
31 were resolved with the license or permit holder sitting down with the regulatory board and resolving  
32 licensing problems or disciplinary matters in a relatively informal manner. Today it is increasingly  
33 common that parties to licensing or permitting disputes are represented by an attorney and it is  
34 necessary to use formal administrative law procedures. Citizens complaining about a licensee or  
35 permittee, and the subject of the complaint, are constitutionally entitled to due process. Board,  
36 commission, and council members are therefore being asked to learn and carefully apply complex  
37 administrative law. It is necessary to provide board members with additional legal assistance in

1 administrative law procedures and hearings to allow the volunteers to focus on ensuring public  
2 safety and effective regulation.

3         III. When the current structure was established, the volume of licensees and complaints  
4 allowed small or part-time support staff to use paper record systems. The increased volume of  
5 licensees in the state has necessitated an increase in the number of state employees who work for  
6 these boards, commissions, and councils. This requires board members to learn the state’s complex  
7 personnel rules and to fulfill the duties required of all supervisors of state employees. The increase  
8 in license holders, the need to track annual education requirements, and the reasonable expectation  
9 of both the public and license holders for easy on-line access to the regulatory process and  
10 information about licensees mandates the use of complex computerized information systems. The  
11 general court finds that the absence of coordination of the development of modern information  
12 systems between boards, commissions, and councils has lead to significant inefficiency. It is  
13 necessary to provide board members with well organized and managed support staff and information  
14 systems without imposing that duty on the volunteer board members.

15         IV. Licensing boards, commissions, and councils maintain separate offices, separate  
16 information systems, separate purchasing and personnel management operations, and provide  
17 varied levels of public access during business hours. They provide inconsistent levels of on-line  
18 access to their licensing, permitting, and discipline systems. Members of the public seeking  
19 information face an unduly complex process of identifying and locating the right authority for their  
20 particular interest. It is necessary to provide the public with a single point of access, available  
21 during the full business week, and on-line access day or night to each broad area of professional  
22 licensure and regulation.

23         V. Unfortunately, service as a member of a board, commission, or council is being  
24 discouraged by the substantial additional time volunteers must spend to complete legal, personnel  
25 management, and information system management duties. These managerial tasks are above and  
26 beyond the essential duty of making decisions regarding the regulation of a profession. If the state is  
27 to preserve the important role of volunteers from the public and the regulated professions as the  
28 guiding authority for regulated professions in New Hampshire, it is critical for the state to make the  
29 process for supporting boards, commissions, and councils more efficient and to modernize the  
30 process. This objective can best be achieved by consolidating the administrative support,  
31 information systems, purchasing and personnel management, on-line web presence, and office space  
32 of the boards, commissions, and councils within 4 groups: health care, construction and safety,  
33 business, and environment.

34         VI. The general court further finds that compliance with the established policy of requiring  
35 professional licensing and permitting functions of the state to be self-supporting has been diminished  
36 by the increasing use of general fund supported positions in departments to provide significant  
37 measurable services to boards, commissions, and councils. It is necessary to identify and transfer

1 such expenses to the budgets of the consolidated boards, commissions, and councils and to reduce  
2 general fund subsidization of the licensing and permitting functions of the state.

3 VII. Nothing in this act is intended to interfere with the authority or responsibility of  
4 occupational and professional licensing boards to independently carry out their licensing and  
5 regulatory functions under the law. There is, however, significant disparity in the level of  
6 administrative support and professional assistance presently provided to the members of the many  
7 occupational and professional licensing boards in the executive branch of state government. This  
8 disparity inhibits uniform opportunities for these boards to focus their energies exclusively on  
9 ensuring the highest standards of competence and conduct among licensees, in order to optimally  
10 fulfill their responsibility to protect the public health and safety.

11 VIII. Lastly, the purpose of this act is to promote consistent, efficient, and uniform support  
12 for all occupational and professional licensing boards by:

13 (a) Consolidating administrative support functions to assure equitable levels of service  
14 to all boards, while achieving economies of scale;

15 (b) Providing uniform access to professional investigative assistance;

16 (c) Providing uniform access to professional legal assistance with adjudication and  
17 prosecution of contested matters; and

18 (d) Enhancing opportunities to standardize processes and procedures, where  
19 appropriate, in order to improve both the regulated and general public's access and understanding.

20 119 Definitions. For the purpose of the occupational and professional regulation transfer  
21 provisions of this act:

22 I. "Adjudicative functions" means all duties and responsibilities related to the adjudicative  
23 process under RSA 541-A:30 through RSA 541-A:36.

24 II. "Administration" and "administrative functions" mean all duties, responsibilities, and  
25 obligations under the law other than the adjudicative process, adjudicative functions, or authorizing  
26 functions.

27 III. "Authorization" means the whole or part of any certificate, license, or similar form of  
28 permission required by law to be issued by a supported body in order to practice a licensed or  
29 certified occupation or profession identified in sections 124 through 127 of this act.

30 IV. "Authorizing functions" mean all duties and responsibilities undertaken by a supported  
31 body relative to the issuance, denial, renewal, revocation, suspension, annulment, withdrawal, or  
32 amendment of an authorization.

33 V. "Supported body" means any or all of the boards, commissions, and councils that are  
34 listed in paragraph II of sections 124, 125, 126, and 127 of this act.

35 120 Divisions, Bureaus, or Units Established. There is established within each of: the  
36 department of health and human services, the department of state, the department of environmental  
37 services, and the department of safety, a new agency component, which the respective commissioners

1 may classify as a division, bureau, or unit of professional licensure and regulation. Notwithstanding  
2 provisions of law to the contrary, each division, bureau, or unit shall be responsible for the  
3 administration of support services for each of the supported bodies transferred to it or existing  
4 within it, while at the same time, maintaining the independence and autonomy of each board,  
5 commission, and council in performing its adjudicative, licensing, or authorizing functions as  
6 required under the law.

7 121 Funding; Occupational and Professional Fees.

8 I. The supported bodies, which are authorized by law to charge fees to regulated individuals,  
9 shall establish such fees sufficient to produce estimated revenues equal to 125 percent of the  
10 supported body's share of expenses of:

- 11 (a) The respective division, bureau, or unit of professional licensure and regulation,
- 12 (b) The presiding administrative hearing officer unit,
- 13 (c) The administrative prosecutions unit, and
- 14 (d) Civil legal counsel at the department of justice.

15 II. The commissioner of the department of administrative services, following consultation  
16 with the secretary of state, attorney general, commissioners of the departments of environmental  
17 services, health and human services, information technology, and safety shall propose any changes  
18 to procedures for determining license or permit fees under this section for introduction in the 2011  
19 session of the general court.

20 122 Investigations and Administrative Prosecutions.

21 I. Within the limits of appropriations, the departments of health and human services, safety,  
22 state, and environmental services shall be responsible for all administrative investigations referred  
23 by the supported bodies within their department. A single administrative investigations unit shall  
24 be created within the bureau, division, or unit established in each of the departments which shall  
25 serve the needs of the supported bodies.

26 II. The commissioners of health and human services, safety, environmental services, and the  
27 secretary of state shall appoint an administrator to head the administrative investigations unit  
28 within their agency and shall dedicate the unit's resources to investigate matters referred to it by the  
29 supported bodies.

30 III. The governor is hereby authorized to transfer any employee authorized to perform  
31 administrative investigations for a supported body, and all unexpended appropriations and funds  
32 allocated for the payment of such employee's salary, from any department or agency of the state to  
33 any consolidated licensing and regulation division, bureau, or unit established by this law.

34 IV. Within the limits of appropriations, the attorney general, through an administrative  
35 prosecution unit, shall be responsible for prosecuting all administrative matters referred by a  
36 supported body and shall have authority to direct any investigator assigned to any consolidated  
37 licensing and regulation division, bureau, or unit to investigate any matter being administratively



1 prosecuted. The attorney general shall be consulted by the secretary of state and the commissioners  
2 of environmental services, health and human services, and safety in the selection of, and the uniform  
3 training of, personnel assigned to conduct administrative investigations. The attorney general may,  
4 with consent from the appointing authority, temporarily assign such personnel to an administrative  
5 investigation conducted for a different division, bureau, or unit, pursuant to this subdivision, when  
6 special expertise or additional resources are necessary for public safety or effective administrative  
7 prosecution.

8 V. Notwithstanding any law or provision of this act to the contrary, the attorney general is  
9 authorized to reclassify position number 9U377 from an administrative prosecutions unit  
10 investigator to an assistant attorney general assigned to the administrative prosecutions unit. This  
11 assistant attorney general may be assigned to administrative prosecutions and may also be assigned  
12 to bring criminal prosecutions, where such crimes are defined by law, for the unlicensed practice of  
13 any profession regulated by the supported bodies.

14 VI. The attorney general, in consultation with the commissioners of health and human  
15 services, safety, environmental services, and the secretary of state, shall convene joint meetings of  
16 the leadership of each investigative unit to promote efficiency, effectiveness, and professionalism in  
17 all administrative investigations.

18 123 Terms Requirements.

19 I. Notwithstanding any law to the contrary, beginning July 1, 2009 each member of a  
20 supported body shall be appointed to serve a term of 4 years and until qualification of a successor.  
21 No person shall serve more than 2 consecutive terms as a member of the supported body, provided  
22 that service for a partial term of 2 years or less shall not be counted toward the 2-term limitation. A  
23 person who has served 2 consecutive terms shall be eligible for appointment to a new term no sooner  
24 than one year after his or her final day of service from the prior appointment.

25 II. Notwithstanding any law to the contrary, in those instances where a nomination to a  
26 supported body is required by law to be made by a professional organization, and that professional  
27 organization has failed to make the nomination 90 days prior to the expiration of the term of the  
28 position to be filled, the governor shall be authorized to make the nomination provided notice is  
29 given to the professional organization at least 30 days before the governor's nomination.

30 124 Department of Health and Human Services; Establishment and General Functions.

31 I. There is established within the department of health and human services, the bureau of  
32 health related professional licensure and regulation. The bureau shall be considered a division for  
33 any purpose related to the statutes and rules of the division of personnel established under RSA 21-  
34 I:42.

35 II. The bureau shall be responsible for all administrative functions of the following  
36 supported bodies:

- 37 (a) Hearing care providers pursuant to RSA 137-F.

- 1 (b) Barbering, cosmetology and esthetics pursuant to RSA 313-A.
- 2 (c) Podiatry pursuant to RSA 315.
- 3 (d) Chiropractic pursuant to RSA 316-A.
- 4 (e) Dentists and dentistry pursuant to RSA 317-A.
- 5 (f) Pharmacists and pharmacies pursuant to RSA 318.
- 6 (g) Funeral directors and embalmers pursuant to RSA 325.
- 7 (h) Nursing pursuant to the nurse practice act, RSA 326-B.
- 8 (i) Occupational therapists pursuant to RSA 326-C.
- 9 (j) Midwifery pursuant to RSA 326-D.
- 10 (k) Respiratory care practice pursuant to RSA 326-E.
- 11 (l) Speech language pathology practice pursuant to RSA 326-F.
- 12 (m) Athletic trainers pursuant to RSA 326-G.
- 13 (n) Licensed dietitians pursuant to RSA 326-H.
- 14 (o) Interpreters for the deaf and hard of hearing pursuant to RSA 326-I.
- 15 (p) Recreational therapists pursuant to RSA 326-J.
- 16 (q) Optometry pursuant to RSA 327.
- 17 (r) Physical therapy pursuant to RSA 328-A.
- 18 (s) Naturopathic health care practice pursuant to RSA 328-E.
- 19 (t) Allied health professionals pursuant to RSA 328-F.
- 20 (u) Acupuncture pursuant to RSA 328-G.
- 21 (v) Physician and surgeons pursuant to RSA 329.
- 22 (w) Mental health practice pursuant to RSA 330-A.
- 23 (x) Alcohol and other drug use professionals pursuant to RSA 330-C.
- 24 (y) Veterinary practice pursuant to RSA 332-B.
- 25 (z) Nursing home administrators pursuant to RSA 151-A.

26 III. All equipment and property belonging to the supported bodies identified in paragraph II  
27 shall be transferred to the department of health and human services along with all operating and  
28 related appropriations.

29 IV. All employees employed by the supported bodies identified in paragraph II, whether  
30 classified or unclassified, permanent or temporary, full-time or part-time, shall be transferred to the  
31 department of health and human services along with all related appropriations.

32 V. The commissioner of health and human services shall appoint an administrator of the  
33 bureau of health related professional licensure and regulation within the limits of the biennial  
34 consolidated appropriation for the supported bodies. The administrator may be transferred from one  
35 of the supported bodies or may be selected using standard hiring practices. The annual salary of the  
36 administrator of the bureau of health related professional licensure and regulation shall be that  
37 prescribed by RSA 94:1-a. The administrator of the bureau of health related professional licensure

1 and regulation shall serve subject to the provisions of RSA 126-A:9, II(c).

2 VI. Notwithstanding any other law to the contrary, the commissioner shall consolidate the  
3 support staffs, offices, and information systems of the supported bodies so as to increase efficiency  
4 and reduce overall costs of administrative support. Notwithstanding any other law to the contrary,  
5 the commissioner may combine duties, reclassify positions, eliminate positions, create new positions,  
6 and change supervisory responsibilities, provided that upon completion of the organization of  
7 consolidated support for the supported bodies, the total cost, including required transfers to other  
8 departments, does not exceed the consolidated biennial appropriation and the resulting positions  
9 conform to established personnel and compensation laws and rules. Consolidation may start upon  
10 the effective date of this section and shall be completed no later than July 1, 2013.

11 VII.(a) The department of health and human services shall provide budgeting,  
12 recordkeeping, and related administrative and clerical support to each supported body identified in  
13 paragraph II, including the hiring and supervision of support personnel in accordance with state  
14 personnel laws.

15 (b) Each supported body identified in paragraph II shall exercise its adjudicative and  
16 authorizing functions independently of the department of health and human services and without  
17 approval or control of the department of health and human services.

18 VIII.(a) The commissioner of the department of health and human services shall adopt rules  
19 pursuant to RSA 541-A to implement this section.

20 (b) All rulemaking authority held by the supported bodies subject to this section and  
21 transferred to the department of health and human services, shall be retained by the respective  
22 board, commission, or council except that the attorney general shall be responsible for all  
23 adjudicative procedural rules, which shall be uniform for all supported bodies statewide.

24 125 Department of Safety; Establishment and General Functions.

25 I. There is established within the department of safety the division, bureau, or unit of public  
26 safety related professional licensure and regulation. The division, bureau or unit shall be considered  
27 a division for any purpose related to the statutes and rules of the division of personnel established  
28 under RSA 21-I:42.

29 II. The division shall be responsible for all administrative functions of the following  
30 supported bodies:

31 (a) Electricians pursuant to RSA 319-C.

32 (b) Plumbers pursuant to RSA 329-A.

33 (c) Fuel gas fitters pursuant to RSA 153.

34 (d) Manufactured housing pursuant to RSA 205-A.

35 (e) Manufactured housing installation pursuant to RSA 205-D.

36 (f) Engineers pursuant to RSA 310-A:1 - 27.

37 (g) New motor vehicle arbitration pursuant to RSA 357-D.

1           (h) Architects pursuant to RSA 310-A:28 - 52.

2           (i) Motor vehicle manufacturers, distributors, or dealers pursuant to RSA 357-C.

3           (j) Home inspectors pursuant to RSA 310-A:182 – 201.

4           (k) Building code review board pursuant to RSA 155-A.

5           III. All equipment and property belonging to the supported bodies identified in paragraph II  
6 shall be transferred to the department of safety along with all operating and related appropriations.

7           IV. All employees employed by the supported bodies identified in paragraph II, whether  
8 classified or unclassified, permanent or temporary, full-time or part-time, shall be transferred to the  
9 department of safety along with all related appropriations.

10          V. The commissioner of safety shall appoint an administrator of the division, bureau, or unit  
11 of public safety related professional licensure and regulation within the limits of the biennial  
12 consolidated appropriation for the supported bodies. The administrator may be transferred from one  
13 of the supported bodies or may be selected using standard hiring practices. The annual salary of the  
14 administrator division of public safety related professional licensure and regulation shall be that  
15 prescribed by RSA 94:1-a.

16          VI. Notwithstanding any other law to the contrary, the commissioner of safety shall  
17 consolidate the support staffs, offices, and information systems of the supported bodies so as to  
18 increase efficiency and reduce overall costs of administrative support. The commissioner may  
19 combine duties, reclassify positions, eliminate positions, create new positions, and change  
20 supervisory responsibilities, provided that upon completion of the organization of consolidated  
21 support for the supported bodies, the total cost, including required transfers to other departments,  
22 does not exceed the consolidated biennial appropriation and the resulting positions conform to  
23 established personnel and compensation laws and rules. Consolidation may start upon the effective  
24 date of this section and shall be completed no later than July 1, 2013.

25          VII.(a) The department of safety shall provide budgeting, recordkeeping, and related  
26 administrative and clerical assistance and supervision to each supported body identified in  
27 paragraph II, including the hiring and supervision of support personnel in accordance with state  
28 personnel laws.

29           (b) Each supported body identified in paragraph II shall exercise its adjudicative and  
30 authorizing functions independently of the department of safety and without approval or control of  
31 the department of safety.

32          VIII.(a) The commissioner of the department of safety shall adopt rules pursuant to  
33 RSA 541-A to implement this section.

34           (b) All rulemaking authority held by the supported bodies subject to this section and  
35 transferred to the department of safety, shall be retained by the board, commission, or council except  
36 that the attorney general shall be responsible for all adjudicative procedural rules, which shall be  
37 uniform for all supported bodies statewide.

1           126 Department of State; Establishment and General Functions.

2           I. There is established within the department of state the division, bureau, or unit of  
3 business related professional licensure and regulation. The division, bureau, or unit shall be  
4 considered a division for any purpose related to the statutes and rules of the division of personnel  
5 established under RSA 21-I:42.

6           II. The division shall be responsible for all administrative functions of the following  
7 supported bodies:

- 8           (a) Real estate appraisers pursuant to RSA 310-B.
- 9           (b) Real estate commission pursuant to RSA 331-A.
- 10           (c) Boxing and wrestling pursuant to RSA 285.
- 11           (d) Accountancy pursuant to RSA 309-B.
- 12           (e) Auctioneers pursuant to RSA 311-B.
- 13           (f) Court reporters pursuant to RSA 310-A:161- 181.
- 14           (g) Marital mediators pursuant to RSA 328-C.
- 15           (h) Guardians ad litem pursuant to RSA 490-C.

16           III. All equipment and property belonging to the supported bodies identified in paragraph II  
17 shall be transferred to the department of state along with all operating and related appropriations.

18           IV. All employees employed by the supported bodies identified in paragraph II, whether  
19 classified or unclassified, permanent or temporary, full-time or part-time, shall be transferred to the  
20 department of state along with all related appropriations.

21           V. The secretary of state shall appoint an administrator of the division of business related  
22 professional licensure and regulation within the limits of the biennial consolidated appropriation for  
23 the supported bodies. The administrator may be transferred from one of the supported bodies or  
24 may be selected using standard hiring practices. The annual salary of the administrator of the  
25 division of business related professional licensure and regulation shall be that prescribed by RSA  
26 94:1-a.

27           VI. Notwithstanding any other law to the contrary, the secretary of state shall consolidate  
28 the support staff, offices, and information systems of the supported bodies so as to increase efficiency  
29 and reduce overall costs of administrative support. Notwithstanding any other law to the contrary,  
30 the secretary of state may combine duties, reclassify positions, eliminate positions, create new  
31 positions, and change supervisory responsibilities, provided that upon completion of the organization  
32 of consolidated support for the supported bodies, the total cost, including required transfers to other  
33 departments, does not exceed the consolidated biennial appropriation and the resulting positions  
34 conform to established personnel and compensation laws and rules. Consolidation may start upon  
35 the effective date of this act and shall be complete no later than July 1, 2013.

36           VII.(a) The department of state shall provide budgeting, recordkeeping, and related  
37 administrative and clerical assistance and supervision to each supported body identified in

1 paragraph II, including the hiring and supervision of support personnel in accordance with state  
2 personnel laws.

3 (b) Each supported body identified in paragraph II shall exercise its adjudicative and  
4 authorizing functions independently of the department of state and without approval or control of  
5 the department of state.

6 VIII.(a) The secretary of state shall adopt rules pursuant to RSA 541-A to implement this  
7 section.

8 (b) All rulemaking authority held by the supported bodies subject to this section and  
9 transferred to the department of state, shall be retained by the board, commission, or council except  
10 that the attorney general shall be responsible for all adjudicative procedural rules, which shall be  
11 uniform for all supported bodies statewide.

12 127 Department of Environmental Services; Establishment and General Functions.

13 I. There is established within the department of environmental services the division,  
14 bureau, or unit of environment related professional licensure and regulation. The division, bureau,  
15 or unit shall be considered a division for any purpose related to the statutes and rules of the division  
16 of personnel established under RSA 21-I:42.

17 II. The division shall be responsible for all administrative functions of the following  
18 supported bodies:

19 (a) Natural scientists pursuant to RSA 310-A:75 - 96.

20 (b) Professional geologists pursuant to RSA 310-A:118 - 139.

21 (c) Pesticide control pursuant to RSA 430:30.

22 (d) Landscape architects pursuant to RSA 310-A:140 - 160.

23 (e) Water wells pursuant to RSA 482-B.

24 (f) Foresters pursuant to RSA 310-A:98-117.

25 (g) Land surveyors pursuant to RSA 310-A:53-74.

26 III. All equipment and property belonging to the supported bodies identified in paragraph II  
27 shall be transferred to the department of environmental services along with all operating and related  
28 appropriations.

29 IV. All employees employed by the supported bodies identified in paragraph II, whether  
30 classified or unclassified, permanent or temporary, full-time or part-time, shall be transferred to the  
31 department of environment services along with all related appropriations.

32 V. The commissioner of environmental services shall appoint an administrator of the  
33 division of environment related professional licensure and regulation within the limits of the  
34 biennial consolidated appropriation for the supported bodies. The administrator may be transferred  
35 from one of the supported bodies or may be selected using standard hiring practices. The annual  
36 salary of the administrator of the division of environment related professional licensure and  
37 regulation shall be that prescribed by RSA 94:1-a.

1 VI. Notwithstanding any other law to the contrary, the commissioner of environmental  
2 services shall consolidate the support staffs, offices, and information systems of the supported bodies  
3 so as to increase efficiency and reduce overall costs of administrative support. The commissioner  
4 may combine duties, reclassify positions, eliminate positions, create new positions, and change  
5 supervisory responsibilities, provided that upon completion of the organization of consolidated  
6 support for the supported bodies, the total cost, including required transfers to other departments,  
7 does not exceed the consolidated biennial appropriation and the resulting positions conform to  
8 established personnel and compensation laws and rules. Consolidation may start upon the effective  
9 date of this section and shall be completed no later than July 1, 2013.

10 VII.(a) The department of environmental services shall provide budgeting, recordkeeping,  
11 and related administrative and clerical assistance and supervision to each supported body identified  
12 in paragraph II, including the hiring and supervision of support personnel in accordance with state  
13 personnel laws.

14 (b) Each supported body identified in paragraph II shall exercise its adjudicative and  
15 authorizing functions independently of the department of environmental services and without  
16 approval or control of the department of environmental services.

17 VIII.(a) The commissioner of environmental services shall adopt rules pursuant to RSA 541-  
18 A to implement this section.

19 (b) All rulemaking authority held by the supported bodies subject to this section and  
20 transferred to the department of environmental services, shall be retained by the board, commission,  
21 or council except that the attorney general shall be responsible for all adjudicative procedural rules,  
22 which shall be uniform for all supported bodies statewide. In adopting any rule under this  
23 paragraph, the supported bodies shall consult with the appropriate advisory board.

24 128 Department of Justice; Administrative Hearings Officers.

25 I. The attorney general shall, following consultation with the secretary of state and the  
26 commissioners of the departments of environmental services, health and human services, and safety,  
27 nominate presiding administrative hearings officers, within the limits of the appropriation, for  
28 appointment by the governor with the consent of the executive council, each of whom shall hold office  
29 for a term of 5 years.

30 II. The annual salary of a presiding administrative hearings officer shall be that prescribed  
31 by RSA 94:1-a.

32 III. A presiding administrative hearing officer shall be assigned to all administrative  
33 adjudications conducted by any supported body in the departments of environmental services, health  
34 and human services, safety, and the office of the secretary of state. The presiding administrative  
35 hearing officer shall:

36 (a) For the purpose of determining the number of board, commission or council members  
37 necessary for a quorum on any adjudicatory or licensing body subject to this law, be considered a

1 member and shall have all the authority necessary to rule on matters of fact and law.

2 (b) Schedule hearings and issue notices of hearing upon being notified of an action by or  
3 an appeal to a supported body which requires a hearing.

4 (c) Rule on all procedural motions and questions related to such hearings.

5 (d) Serve as the presiding officer at hearings.

6 (e) Rule on all questions of law required to be determined in adjudicative proceedings of  
7 a supported body.

8 (f) Issue written orders on all matters adjudicated consistent with the determination of  
9 questions of fact made by the fact-finding panel. Orders shall be issued as soon as practical, but in  
10 no case longer than 45 days following completion of the adjudicative hearing or the date of receipt of  
11 any materials required for a decision from any party to the matter, including but not limited to  
12 proposed findings of fact or proposed rulings of law, whichever is later. Provided, however, that an  
13 extension of this deadline may be granted by the adjudicative body.

14 (g) Rule on and issue an order for all issues of law raised in motions for reconsideration.

15 (h) Convene the fact-finding panel and issue orders consistent with the determination by  
16 the panel of questions of fact raised in motions for reconsideration.

17 (i) Oversee creation and maintenance of the record of adjudicative matters and certify  
18 that record to any court hearing an appeal.

19 (j) Assist the attorney general with providing training to individuals and supported  
20 bodies responsible for state administrative adjudications.

21 (k) Assist the attorney general with establishing uniform procedural administrative  
22 rules for administrative adjudications conducted pursuant to this section and the model rules on  
23 adjudicative procedures established pursuant to RSA 541-A:30-a.

24 (l) Such other duties related to administrative adjudication as directed by the attorney  
25 general, in consultation with the secretary of state and the commissioners of the departments of  
26 environmental services, health and human services, and safety.

27 IV. The commissioner of the department of administrative services, in consultation with the  
28 attorney general, shall establish a uniform and centralized resource for making verbatim records of  
29 administrative hearings held by supported bodies, to be paid for by fees paid by parties to  
30 adjudications when such fees are authorized by law and otherwise by a consolidated division,  
31 bureau, or unit of professional licensure and regulation. To the extent that the commissioner of the  
32 department of administrative services determines that a reduction in overall costs and an increase in  
33 efficiency in obtaining certified court reporter services across the executive branch can be gained by  
34 establishing a full-time position for this purpose, the attorney general is authorized to establish such  
35 a position in the department of justice and to utilize the court reporter for general transcription  
36 when not engaged by a supported body or other state department. Each consolidated division,  
37 bureau, or unit of professional licensure and regulation and each department using the services of



1 the court reporter shall pay a proportional share of the expense of the position from fees received and  
2 funds that would otherwise be used to hire contract court reporters.

3 129 Commissioner of Environmental Services; Duties. Amend RSA 21-O:3, VIII to read as  
4 follows:

5 VIII. Provide all necessary clerical and technical support ~~[requested by]~~ **to** any council  
6 established by this chapter. At a minimum, the commissioner shall:

7 (a) Provide all necessary clerical and support personnel and services in order to:

8 (1) Prepare notices and other documents required under RSA 541-A ~~[as directed by~~  
9 ~~the particular council]~~ and distribute such notices and documents ~~[upon the approval of]~~ **after**  
10 **consultation with** the particular council involved;

11 (2) Schedule the conduct of all council administrative appeal proceedings, ~~[with the~~  
12 ~~approval of]~~ **after consultation with** the particular council so as to ensure timely and efficient  
13 conduct of such proceedings;

14 (3) Prepare and maintain the record, required by RSA 541-A, of all adjudicative  
15 proceedings conducted by councils[-];

16 (b) Provide comfortable and adequate space for the use of all councils in performing their  
17 official duties; and

18 (c) Prepare, maintain as a public record, and continuously update a document which  
19 shall summarize the findings and decisions of all councils supported by the department.

20 130 Wetlands Council; Appeals. Amend RSA 21-O:5-a, V to read as follows:

21 V. The wetlands council shall hear and decide all **disputed issues of fact for** appeals from  
22 department decisions relative to the functions and responsibilities of the department which relate to  
23 wetlands and protected shorelands, in accordance with ~~[rules adopted by the council]~~ **RSA 21-O:14.**

24 131 Water Council; Appeals. Amend RSA 21-O:7, IV to read as follows:

25 IV. The water council shall hear and decide all **disputed issues of fact for** appeals from  
26 department decisions relative to the functions and responsibilities of the division of water, other  
27 than department decisions made under RSA 482-A relative to wetlands[-]and RSA 483-B relative to  
28 shoreland protection, in accordance with RSA 21-O:14.

29 132 Waste Management Council; Appeals. Amend RSA 21-O:9, V to read as follows:

30 V. The waste management council shall hear and decide all **disputed issues of fact for**  
31 appeals from department decisions relative to the functions and responsibilities of the division of  
32 waste management, in accordance with RSA 21-O:14.

33 133 Air Resources Council; Appeals. Amend RSA 21-O:11, IV to read as follows:

34 IV. The air resources council shall hear and decide all **disputed issues of fact for** appeals  
35 from department decisions relative to the functions and responsibilities of the division of air  
36 resources in accordance with RSA 21-O:14.

37 134 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14 to

1 read as follows:

2 21-O:14 Administrative Appeals.

3 I. For purposes of this chapter, “department decision” means the final action on an  
4 application, petition, order or request taken by the commissioner or any department official who has  
5 statutory authority to make such final decision or to whom the commissioner has properly delegated  
6 the authority to take such final action. “Department decision” shall not mean rulemaking or an  
7 agency declaratory ruling as provided for in RSA 541-A, and shall not include any decisions of ~~the~~  
8 ~~wetlands~~ **any council established in this chapter.**

9 II. ~~[Hearings]~~ **Appeal hearings** before ~~[all councils]~~ **any council** established by this  
10 chapter shall be conducted in accordance with the provisions of RSA 541-A governing adjudicative  
11 proceedings.

12 III. Persons aggrieved by the disposition of administrative appeals before any council  
13 established by this chapter may appeal such results in accordance with RSA 541.

14 IV. The councils established under this chapter ~~[may]~~ **shall** adopt rules under RSA 541-A to  
15 govern the conduct of administrative appeals under this section. **To the extent feasible, the**  
16 **councils shall standardize their procedural rules.**

17 135 Implementation Plan. Notwithstanding any provision of law, to fully implement the  
18 reorganization of the supported bodies, the commissioners of the departments of health and human  
19 services, safety, and environmental services, together with the attorney general and secretary of  
20 state, shall work cooperatively in assessing all available resources and personnel of the supported  
21 bodies and shall agree on a re-allocation plan necessary to carry out the intent of the provisions of  
22 this act. Further, subject to the approval of the governor, the commissioners of the departments of  
23 health and human services, safety, and environmental services, together with the attorney general  
24 and secretary of state, shall have whatever transfer authority may be necessary to transfer within  
25 and among the departments of health and human services, safety, environmental services, state, and  
26 justice all personnel and other resources to effectuate the intent the provisions of this act.

27 136 Consolidation of Occupational and Professional Licensure and Regulation; New  
28 Department. No later than November 1, 2013, the commissioners of the departments of health and  
29 human services, safety, and environmental services, together with the attorney general and  
30 secretary of state, shall propose legislation to be introduced to the legislature at its next session to  
31 consolidate all of the divisions, bureaus, or units of professional licensure and regulation subject to  
32 this act into a single department whose purpose is to further the intent and purpose of this act. This  
33 recommendation shall include consolidating any other executive branch bodies into this single  
34 department which would bring increased efficiency or cost savings.

35 137 Transfer Authority. The governor is hereby authorized to transfer administrative support,  
36 including office assignment and information systems, for any executive branch board, commission,  
37 council, or similar entity, any member of whom is appointed by the governor or governor and

1 executive council, to any one of the consolidated divisions, bureaus, or units of professional licensure  
2 and regulation upon making a determination that greater efficiency or cost savings will result.

3 138 New Position; Unclassified Officers; Salaries Established. The salary of the administrators  
4 of professional licensure and regulation established in sections 124, 125, 126 and 127 of this act shall  
5 be determined after assessment and review of the appropriate temporary letter grade allocation in  
6 RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

7 139 New Position; Unclassified Officers; Salaries Established. The salary of the presiding  
8 administrative hearing officers established in section 128 of this act shall be determined after  
9 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for  
10 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

11 140 New Subdivision; Department of Resources and Economic Development; Workforce  
12 Opportunity Council. Amend RSA 12-A by inserting after section 59 the following new subdivision:

13 Workforce Opportunity Council

14 12-A:60 Workforce Opportunity Council. The state workforce opportunity council, established  
15 pursuant to Executive Order 2001-1, shall be a part of the department of resources and economic  
16 development. The commissioner shall oversee the responsibilities of the state workforce opportunity  
17 council.

18 141 Department of Insurance; New Hampshire Citizens Health Initiative. The New Hampshire  
19 insurance department is hereby authorized and directed to seek governor and council approval to  
20 enter into a cooperative project agreement with the university system of New Hampshire, acting  
21 through the university of New Hampshire, whereby the New Hampshire Institute for Health Policy  
22 and Practice will support the efforts of the New Hampshire Citizens Health Initiative (CHI). This  
23 agreement shall provide for operational support of the CHI, as well as technical assistance and  
24 consultant services to support CHI Pillar Projects relating to health care provider reimbursement,  
25 medical home, health information technology and exchange, and health care finance and structure  
26 transparency. Funding for this agreement provided by the insurance department shall not exceed  
27 \$380,000 through June 30, 2011.

28 142 Legislative Branch; Revised Health Benefit Plan. The legislative branch shall lapse \$73,546  
29 during the fiscal year ending June 30, 2010 and \$159,350 during the fiscal year ending June 30,  
30 2011 in connection with the implementation of the revised health benefit plan for unclassified and  
31 nonclassified state employees.

32 143 Judicial Branch; Revised Health Benefit Plan. The judicial branch shall lapse \$345,563  
33 during the fiscal year ending June 30, 2010 and \$748,725 during the fiscal year ending June 30,  
34 2011 in connection with the implementation of the revised health benefit plan for unclassified and  
35 nonclassified state employees.

36 144 Effective Date.

37 I. Section 1 and paragraph III of section 48 of this act shall take effect June 30, 2009.

1           II. Section 78 of this act shall take effect June 1, 2009.

2           III. The remainder of this act shall take effect July 1, 2009.

LBAO  
09-1049  
03/03/09

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

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

**FISCAL IMPACT:**

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