

May 30, 2003
No. 25A

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM REPORTS

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, JUNE 5, 2003 AT 10:00 A.M.**

REPORTS

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

Ought to pass with amendment, Vote 7-1

Senator Green for the committee.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

Ought to pass with amendment, Vote 8-0

Senator Green for the committee.

HB 81-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005.

Ought to pass with amendment, Vote 7-1

Senator Clegg for the committee.

HB 135-FN-L, relative to charter schools.

Ought to pass with amendment, Vote 5-2

Senator Green for the committee.

HB 304-A, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

Re-refer to committee, Vote 7-0

Senator Clegg for the committee.

HB 608-FN-L, (New Title) reducing the education property tax rate and relative to the calculation of adequate education grants.

Ought to pass with amendment, Vote 5-2

Senator Gatsas for the committee.

HB 663-FN-A-L, relative to county and state funding of long-term care medicaid programs.

Ought to pass with amendment, Vote 8-0

Senator Odell for the committee

HB 671-FN-A, establishing a contributory defined benefit judicial retirement plan.

Ought to pass with amendment, Vote 4-2

Senator Gatsas for the committee.

HB 705, (New Title) establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

Ought to pass with amendment, Vote 4-2

Senator Green for the committee.

HB 733-FN, (New Title) relative to drivers' licenses held by members of the national guard or military reserve.

Ought to pass with amendment, Vote 8-0

Senator Green for the committee.

HB 751-FN-L, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

Ought to Pass, Vote 7-0

Senator Boyce for the committee.

HB 787-FN-A, (New Title) relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

Ought to pass with amendment, Vote 7-1

Senator Odell for the committee

AMENDMENTS

Senate Finance
June 3, 2003
2003-1976s
03/01

Amendment to HB 1-A

The Senate Amendment to HB 1-A is contained in a separate document labeled as Senate Calendar 25 A-Supplement, Dated May 30, 2003.

Senate Finance
June 3, 2003
2003-1970s
01/03

Amendment to HB 2-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2005, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: provider payments, provider rate increases, and any other program or service that requires deficit reduction or for which revenue has been specifically obtained to improve program operations, provided that such improvements do not increase legislatively-approved eligibility levels. The legislature recognizes the importance of emergency medical transportation of Medicaid patients. In establishing priorities for the expenditure of these supplemental funds, the legislature expects the department to give important provider payment consideration to the municipal and private emergency medical services providers.

2 Repeal. The following are repealed:

- I. 2001, 158:43, relative to additional revenues for the department of health and human services.
- II. 1999, 225:2, relative to additional revenues for the department of health and human services.

3 New Paragraphs; Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program. Amend 2002; 281:9 by inserting after paragraph II the following new paragraphs:

II-a. The commissioner may place a drug on a preferred drug list, provided that the decision to place the drug on a preferred drug list has been ratified in writing by a physician who is board certified in the specialty that most commonly treats the disease or prescribes the relevant therapeutic class of drugs. The physician shall not be employed by, nor have any financial relationship with, any pharmacy benefits management company managing Medicaid prescription benefits, nor be a member of the pharmacy and therapeutics committee established in paragraph III of this section. Such written ratification shall be submitted

to the commissioner, members of the pharmacy and therapeutics committee, established in paragraph III of this section, and the legislative oversight committee, established in subparagraph IV (b), and shall be available to the public upon request.

II-b. Notwithstanding the provisions of paragraph II-a, the commissioner shall not limit or exclude coverage for a drug which has been previously approved and prescribed for the treatment of an enrollee's medical condition; provided, that such drug has been determined to be safe and effective for the treatment of such medical condition.

4 Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program Reporting Requirements. 2002, 281:9, IV (a) is repealed and reenacted to read as follows:

IV.(a) The commissioner of health and human services shall report quarterly to the legislative oversight committee established in subparagraph (b) with respect to the Medicaid prescription drug benefits management program, including:

(1) The cost savings to the state realized from the operation of a pharmacy benefits management program. To the extent possible, the savings shall be allocated to each pharmacy benefits management initiative;

(2) The direct costs of a pharmacy benefits management program including costs associated with any pharmacy benefits management contract. To the extent possible, the savings shall be allocated to each pharmacy benefits management initiative;

(3) An analysis of any cost shifting associated with the implementation of each pharmacy benefits management initiative including additional prescriptions, hospital admissions, psychiatric hospital admissions, emergency room visits, long-term care admissions, physician visits, laboratory tests, skilled nursing care, and the underlying data to support such analysis;

(4) A report on the volume of claims paid for preferred versus non-preferred drugs, prior authorizations as a percentage of total claims, average call waiting time, and any issues that the state's pharmacy benefits administrator is required to comply with under the terms of the pharmacy benefits management contract;

(5) A report of the effectiveness of the department of health and human services' pharmacy lock-in program;

(6) An analysis of the impact of the pharmacy benefits management program on patient outcomes and quality of care; and

(7) Recommendations for other opportunities to improve the management of pharmacy services or to expand pharmacy benefits to additional populations.

5 New Paragraph; Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program Reporting Requirements. Amend 2002; 281:9 by inserting after paragraph IV the following new paragraph:

V. The commissioner of the department of health and human services shall conduct an independent audit not less than once per biennium of the premises, operations, and data from any entity providing pharmacy benefits management services to the state. The results of such audit shall be reported to the legislative fiscal committee, established in RSA 14:30-a, and members of the legislative oversight committee, established in subparagraph IV (b), and shall be made available to the public upon request.

6 Governor's Salary Used for Employee Incentive Awards. Notwithstanding any other provision of the law, the governor may elect not to take a salary, and the commissioner of administrative services is authorized to move such appropriation to another class for employee incentives. All applicable taxes shall be deducted from any such appropriation.

7 Nursing Leveraged Scholarship Loan Program; Nurses Stat Program. Amend RSA 188-D:18-a and RSA 188-D:18-b to read as follows:

188-D:18-a Program Established. ***The general court recognizes the shortage of nurses in New Hampshire and recognizes the need to address this shortage by providing scholarship assistance to train registered nurses, licensed practical nurses, licensed nursing assistants, and medications nursing assistants to serve in New Hampshire. Further, the general court recognizes the shortage of***

qualified instructors to teach these nursing programs at the regional community technical institute and colleges. To address this shortage, there is established the nurses stat program, a nursing leveraged scholarship loan program, to be administered by the postsecondary education commission for the benefit of students pursuing approved programs of nursing study. These approved programs of nursing study shall include part-time or full-time programs for registered nurses, licensed practical nurses, licensed nursing assistants, and medication nursing assistants.

188-D:18-b Rulemaking. The commission shall adopt rules, under RSA 541-A, to carry out the [leveraged scholarship loan] **nurses stat** program, including establishing a reasonable maximum amount of money provided to a recipient under the program and a reasonable frequency of such loans, and setting minimum qualifications of applicants who are not registered nurses.

8 Nurses Stat Program; Use of Funds by Technical Colleges. Amend RSA 188-D:18-c, III to read as follows:

III. **Except as provided in paragraph IV**, educational institutions which are eligible for receipt of money provided to students under this subdivision shall match funds provided by the state in order to receive such money. The total amount of matching funds shall not exceed any amount provided by the state during each fiscal year. Such matching funds shall be provided in addition to any other sums provided by the state.

IV. State funds appropriated directly to the regional community-technical institute and the regional community-technical colleges for the nurses stat program shall be used solely for the purpose of hiring, training, and retaining teachers for nursing programs. Of the amount appropriated to the regional community-technical colleges, \$250,000 in each fiscal year shall be used to establish and operate a nursing program at the Keene campus of the regional-community technical colleges.

9 New Paragraphs; Nurses Stat Program; Terms of Repayment for Nursing Assistants. Amend RSA 188-D:18-e by inserting after paragraph II the following new paragraphs:

II-a. Recipients of loans for nursing assistant and medication nursing assistant programs, as those positions are defined by the state board of nursing, shall have their notes cancelled upon satisfactory completion of one year of full-time nursing service in New Hampshire immediately following certification. Repayment by service shall be completed within 3 years from the date of certification.

II-b. Certified nursing assistants and medication nursing assistants shall be eligible to apply for a loan under the nurses stat program to advance their qualifications to become a licensed practical nurse or registered nurse.

10 Nurses Stat Program; Terms of Repayment; Reference to Nursing Assistants Added. Amend the introductory paragraph of RSA 188-D:18-e, III to read as follows:

III. If the note is not cancelled because of service as a nurse, **licensed nursing assistant, or medication nursing assistant**, the recipient shall repay the loan within 2 years:

11 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who has been laid off between January 1, 2003 and July 1, 2005, as a result of reorganization or downsizing of state government.

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

III. Within 10 days of the effective date of this section, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from January 1, 2003 as of the effective date of this section. Any additional layoffs or reductions shall be reported to the director of personnel as they occur.

IV. Any full-time state employee who was laid off as defined in this section, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse

of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of termination of state employment. For the first 3 months of this 6-month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay ½ the cost and the laid-off state employee shall pay ½ the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

12 Office of State Planning; Name Change; Office of State Planning and Energy Programs. Amend the chapter heading of RSA 4-C to read as follows:

CHAPTER 4-C

OFFICE OF STATE PLANNING **AND ENERGY PROGRAMS**

13 Reference Changes; Office of State Planning Renamed Office of State Planning and Energy Programs. Amend the following RSA provisions by replacing “office of state planning” with “office of state planning and energy programs”: RSA 4-C:2; 4-C:3; 4-C:4; 4-C:5; 4-C:6; 4-C:6-a; 4-C:7; 4-C:9; 4-C:9-a; 4-C:10; 4-C:19; 9-A:2; 9-A:4; 12-G:13; 12-K:2, V; 12-K:3; 12-K:6; 12-K:8; 12-K:9; 17-M:2; 21-O:5-a; 21-O:7; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-G:2, VII; 125-G:3; 125-G:5; 125-G:16; 126-A:4; 147-B:4; 162-C:1; 162-H:3; 204-C:8; 227-G:2, XII; 227-M:4; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-E:3; 227-E:6; 233-A:2; 235:23; 238:20; 238:23; 261:153; 270:65; 270:67; 270:68; 270:71; 374:22-j; 384-B:1; 432:19; 483:8; 483:10; 483:10-a; 483-A:6; 483-A:7; 483-B:4; 483-B:5; 483-B:12; 483-B:16; 483-B:19; 485-A:4; 485-C:3; 673:3-a; 674:3; 675:9.

14 Office of State Planning and Energy Programs; General Duties and Responsibilities. Amend RSA 4-C:1 to read as follows:

4-C:1 Establishment; General Duties and Responsibilities.

I. There is established the office of state planning **and energy programs** within the office of the governor. The office of state planning **and energy programs** shall be under the supervision and direction of the governor or [his] **the governor’s** designee. The governor’s designee shall be known as the director of the office of state planning **and energy programs**.

II. The office of state planning **and energy programs** shall:

- (a) Plan for the orderly development of the state and the wise management of the state’s resources.
- (b) Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.
- (c) Encourage and assist planning, growth management, and development activities of cities and towns and groups of cities and towns with the purpose of encouraging smart growth.
- (d) Encourage the coordination and correlation of state planning by agencies of state government.
- (e) Participate in interstate, regional, and national planning efforts.
- (f) Administer federal and state grant-in-aid programs assigned to the office by statute or executive order.
- (g) ~~[When requested by one or more towns under RSA 261:153, V, study the adequacy of the additional fee collected to pay fees for the collection and disposal of motor vehicle wastes. If the office deems it necessary, it shall submit proposed legislation to increase such fees to the speaker of the house, the president of the senate, and the governor.]~~
- (h) ~~Maintain a current list of contractors and facilities approved by the office for the collection and disposal of motor vehicle waste, for distribution to towns.~~
- (i) Participate and advise in matters of land use planning regarding lakes and rivers management programs.
- (j) ~~(h)~~ Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.

(i) Administer the following programs: the coastal zone management program, the New Hampshire estuaries project, the saltmarsh restorability program, the southeast New Hampshire groundwater sustainability program, the statewide comprehensive outdoor recreation plan, the

national flood insurance program, the land conservation investment program, the scenic and cultural byways system, fuel assistance contracts and weatherization contracts. The office shall employ necessary personnel to administer these programs.

~~[(*)]~~ ***(j)*** Perform such other duties as the governor may assign.

15 Office of State Planning; Responsibilities for Assistance; Reference Change from Office of State Planning to Office of State Planning and Energy Programs. Amend RSA 4-C:8 to read as follows:

4-C:8 Responsibilities for Assistance. The office of state planning ***and energy programs*** shall:

I. Provide technical assistance and, within the limits of biennial legislative appropriations, financial grants to regional planning commissions established under RSA 36:45-36:53 in support of:

(a) Planning assistance to local units of government.

(b) Preparation of regional plans.

(c) Contributions to and coordination with ~~[state-wide]~~ ***statewide*** planning and management activities, including the formulation and updating of the comprehensive state development plan prepared pursuant to RSA 4-C:2.

II. As requested and in cooperation with regional planning commissions, provide technical assistance and information in support of the planning and growth management efforts of local units of government, including training requested under RSA 673:3-a. The office shall encourage municipalities to first seek assistance from established regional planning commissions.

III. Provide computer interface capability among and between each regional planning commission, the office of state planning ***and energy programs***, and state data collection and storage sources. The computer interface capability shall be used by regional planning commissions to respond to municipal requests for assistance in the preparation and amending of master plans and in the evaluation of municipal infrastructure needs. The computer interface capability shall also be used by regional planning commissions to develop and update regional master plans, as provided in RSA 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and able to interface with the office of state ~~[planning's]~~ ***planning and energy program's*** geographic information system, as well as with other similar state computerized data collection and storage sources.

IV. Provide technical assistance and information to municipalities with the cooperation of other state and regional planning agencies in the following areas:

(a) Use and application of geographic data available in the state's geographic information system (GIS) for local planning and growth management purposes.

(b) Recommending standard procedures for the establishment of accurate, large-scale base mapping to support municipal administrative functions such as tax assessment, public facility management and engineering.

16 Environmental Services Revolving Fund Lapse. The commissioner of the department of environmental services is hereby directed to lapse to the general fund the total sum of \$221,000 from the lab equipment revolving fund, 010-044-1410-003 on June 30, 2003.

17 New Subdivision; Community Development Finance Authority; Community Development Block Grant Program. Amend RSA 162-L by inserting after section 10 the following new subdivision:

Community Development Block Grant Program

162-L:11 Definitions. In this subdivision:

I. "Authority" means the community development finance authority established by RSA 162-L:2.

II. "Chief executive officer" means the chief executive of the municipality, whether the official designation is mayor, city manager, chairman of the board of selectmen, or otherwise.

III. "Committee" means the community development advisory committee.

IV. "Entitlement municipality" means a municipality entitled to receive funds directly from the United States Department of Housing and Urban Development under Title I, section 106(b) of the federal act.

V. "Federal act" means Title I of the Housing and Community Act of 1974, as amended, 42 U.S.C. section 5301 et seq.

VI. "Governing body" means, in the case of a city, the city council or the board of aldermen or, in the case of a town, the board of selectmen or the town council.

VII. "Grantee" means a municipality that receives a grant under the provisions of this subdivision.

VIII. "Municipality" means a city or a town. It also means a "non-entitlement area" as defined in Title I, section 102(a)(7) of the federal act.

162-L:12 Program Goals. In allocating funds under the community development block grant program, the authority shall give priority to activities that:

I. Benefit low and moderate income households.

II. Aid in the prevention or elimination of slum or blight.

III. Aid in the prevention or elimination of conditions which pose a serious or immediate threat to the health and welfare of the community where no other financial resources exist to meet such needs.

162-L:13 Eligible Activities. A wide range of community development activities shall be eligible for funding. These may include, but are not limited to:

I. The acquisition, rehabilitation, or expansion of housing.

II. The creation, expansion, or retention of employment through the stimulation of private investment and community revitalization.

III. The installation, rehabilitation, or replacement of public facilities.

IV. Activities that test the feasibility of innovative approaches to community development.

V. Activities that provide timely responses to unpredictable circumstances or special development opportunities.

162-L:14 Grant of Powers to Municipalities.

I. All municipalities not designated as entitlement municipalities under the federal act are authorized to apply with the authority for funds and are granted such additional authority and power, essential and incidental, as may be necessary for the administration of this program.

II. Prior to filing an application under this subdivision, a municipality shall:

(a) Through action by the governing body adopt or pass an official act or resolution authorizing the filing of the application and directing the chief executive officer or designee to act in connection with the application and to provide such information as may be required.

(b) Hold at least one public hearing to obtain the views of citizens on community development, to furnish the citizens with information concerning the amount of funds available and the range of community development activities that may be undertaken under this subdivision and to give affected citizens an opportunity to examine a proposed statement to the projected use of such funds to be applied for. A notice of the hearing shall specify the grounds for the hearing as well as the date, time, and place. This notice of the hearing shall be published in a newspaper of general circulation in the municipality, and a legal notice shall also be posted in at least 3 public places within such municipality at least 10 days prior to the hearing. The 10 days shall not include the day of publication or the day of posting, whichever is later, nor the day of the hearing, but shall include any Saturdays, Sundays, and legal holidays within the period. This hearing shall be held before the municipality's governing body takes any final action regarding the filing of the application.

III. The chief executive officer shall certify that the municipality will comply with the provisions of this subdivision and with other applicable federal and state laws and rules as may be determined by the authority and the federal government.

162-L:15 The New Hampshire Community Development Advisory Committee.

I. There is established the community development advisory committee which shall be provided staff and administrative assistance by the authority.

II. The committee shall consist of 9 voting members as follows:

- (a) The director of the division of economic development, department of resources and economic development, or designee, who shall serve as chairperson of the committee.
- (b) The director of the office of state planning and program management, or designee.
- (c) The executive director of the New Hampshire housing finance authority, or designee.
- (d) The chairperson of the board of directors of the community development finance authority, or designee.
- (e) Six public members, at least 3 of whom shall be municipal officials, who shall be appointed by and serve at the pleasure of the governor.

III. The 6 public members shall be paid their actual expenses incurred in performing their duties under this subdivision and shall be paid mileage at the same rate as state employees.

IV. A majority of the members of the committee shall constitute a quorum.

V. No person who receives a significant portion of his or her income directly or indirectly from the community development activities governed by this subdivision shall be a member of the committee.

VI. The committee shall advise the authority in the development of rules for administering this subdivision and developing criteria for the allocation of funds provided under the federal act.

162-L:16 Powers and Duties of the Authority.

I. The authority shall be responsible for the former functions, duties, and responsibilities of the office of state planning relative to administration of the community development block grant program and shall, with the consent of the committee and with the approval of the governor:

- (a) Adopt rules, pursuant to RSA 541-A, relative to:
 - (1) The application process.
 - (2) Criteria and procedures for evaluating applications submitted by eligible municipalities.
 - (3) Procedures for the administration of program activities and funds by grantees.
 - (4) Procedures for monitoring grantees and for hearings.
- (b) Make final awards of grants and enter into contractual relationships with grantees for administering funds.

II. The authority shall provide advice and assistance to municipalities in dealing with community development concerns and problems.

III. The authority is authorized to accept federal funds to administer the small cities community development block grant program in accordance with the provisions of this subdivision.

162-L:17 Procedures for Administration.

I. All funds allocated to the state under the federal act, except for an amount not exceeding the maximum allowable under the federal act available to the state for administrative costs, shall be allocated to eligible municipalities.

II. All municipalities shall be eligible to apply for and receive funds under this subdivision except for entitlement municipalities.

III. The allocation system shall be competitive and shall provide the opportunity for any eligible municipality to compete for funding for community development projects.

IV. The authority shall solicit applications from eligible municipalities. Any eligible municipality desiring to receive funds under this subdivision shall complete and submit an application in accordance with the rules adopted under RSA 162-L:16.

V. The authority shall evaluate the relative merits of the applications based on the rules, criteria, and procedures adopted under RSA 162-L:16.

162-L:18 Remedies for Noncompliance.

I. If the authority finds, after reasonable notice and opportunity for hearing, that a grantee under this subdivision has failed to comply substantially with the provisions of this subdivision, the rules adopted under this subdivision, or applicable provisions of federal law, the authority may:

- (a) Terminate payments to the grantee under this subdivision; or
- (b) Limit the availability of payments under this subdivision under such conditions the authority may establish.

II. In lieu of, or in addition to, any action authorized in paragraph I, the authority may refer the matter to the attorney general of the state of New Hampshire with a recommendation that an appropriate civil action be instituted.

162-L:19 Status of State Employees. Classified employees of the office of state planning responsible for administration of the community development block grant program shall be transferred to the community development finance authority. Any person employed in such a position at the time of the transfer, or at any time subsequent thereto, shall be deemed a classified employee of the authority. All classified employees of the authority shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state personnel system.

18 Transfer of the Community Development Block Grant Program from the Office of State Planning to the Community Development Finance Authority.

I. All of the functions, powers, duties, and responsibilities of the office of state planning relative to administration of the community development block grant program are hereby transferred to the community development finance authority. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds, property, or obligations of any kind of the office of state planning for administration of the community development block grant program.

II. All existing effective rules adopted by the office of state planning under the former RSA 4-C:16 relative to the community development block grant program shall continue in full force and effect until such rules, in accordance with RSA 541-A, expire, or are amended or repealed by the community development finance authority pursuant to RSA 162-L:16.

19 Repeal. RSA 4-C:11-18, relative to the community block grant program, are repealed.

20 Supreme Court Costs; Entry Fees. Amend RSA 490:24 to read as follows:

490:24 Entry Fees.

I. For the benefit of the general fund of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court.

II. *The sum of \$20 shall be added to each case entry fee and fee for a motion to bring forward collected in the supreme, superior, district, family, and probate courts, and these sums shall be deposited in the general fund.*

21 Autopsy Expenses. RSA 611:17 is repealed and reenacted to read as follows:

611:17 Autopsy Expenses. Autopsy expenses shall be morgue costs, microscopic processes, toxicology, transport, and x-ray costs. All claims for autopsy expenses shall be submitted to the office of the chief medical examiner, which shall authorize such claims and submit them for payment as follows:

I. For autopsies ordered by the county attorney, such claims shall be approved by the county attorney and submitted for payment to the county treasurer.

II. For autopsies ordered by the attorney general or the chief medical examiner, such claims shall be submitted for payment to the state treasurer, chargeable to the account of the chief medical examiner's office.

III. For autopsies made at the request of the commissioner of the department of health and human services and conducted in the presence of the medical examiner or designee, such claims shall be submitted for payment to the department of health and human services.

22 Repeal. The following are repealed:

I. RSA 611:7-a, relative to payment of autopsy costs by the department of health and human services.

II. RSA 611-A:9, relative to county liability for expenses of autopsies.

23 Department of State; Office Fees; Fees for Apostilles, For Certificates for Notaries and Justices of the Peace, and For Expedited Service Added. Amend RSA 5:10 to read as follows:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, \$50; for every certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; **for every apostille provided under the Hague Convention of 1961 and for every certificate for a notary public or justice of the peace, \$10**; for every other certificate under seal of the state, \$5; for engrossing private acts, \$1 for each page of 240 words; **for expedited service of every 10 documents or any part thereof, \$25.**

24 Solemnization of Marriage; Increase in Fee for Special Commission to Perform Marriage. Amend RSA 457:32 to read as follows:

457:32 Special Commission. The secretary of state may issue a special license to an ordained or non-ordained minister residing out of the state, or to an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, authorizing him or her in a special case to marry a couple within the state. In the case of an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, the secretary of state may require the submission of a copy of a valid commission or other indicia of authority to marry in the individual's state of residence as proof of existence of that authority. The names and residences of the couple proposed to be married in such special case shall be stated in the license, and no power shall be conferred to marry any other parties than those named therein. The fee for such license shall be [~~\$5~~] **\$25**. The secretary of state shall keep a permanent record of all such special licenses, which record shall contain the names and residences of the couple to be married and the name and residence of the minister to whom the license is issued.

25 Transfer of Funds from Secretary of State to Election Fund. Notwithstanding any other provision of law, for the biennium ending June 30, 2005, the first \$75,000 collected in each fiscal year by the secretary of state pursuant to RSA 5:10 shall be deposited into the election fund established in RSA 5:6-d.

26 Transfer of Funds from Secretary of State to Election Fund. Notwithstanding any other provision of law, for the biennium ending June 30, 2005, the first \$10,000 collected in each fiscal year by the secretary of state pursuant to RSA 457:32 shall be deposited into the election fund established in RSA 5:6-d.

27 Investor Education Fund Credited to General Fund. Notwithstanding RSA 421-B:21, II-c and RSA 421-B:26, IV, funds in the investor education fund in excess of \$653,500 at the end of the fiscal year ending June 30, 2004 shall be credited to the general fund.

28 Contingency. If HB 577-FN-A-LOCAL of the 2003 regular session becomes law, then sections 25 and 26 of this act shall take effect July 1, 2003. If HB 557-FN-A-LOCAL of the 2003 regular session does not become law, then sections 25 and 26 of this act shall not take effect.

29 Special Education; Catastrophic Aid; Lapse to General Fund. Notwithstanding RSA 186-C:18, \$2,000,000 of unexpended funds appropriated under RSA 186-C:18 for the biennium ending June 30, 2003, shall lapse to the general fund on June 30, 2003.

30 Department of Administrative Services; Purchases; Exemption for Regional Community-Technical Colleges. Amend RSA 21-I:18, I-a to read as follows:

I-a. The New Hampshire regional community-technical colleges shall not be required to make purchases through the director of plant and property management **or utilize the services of the bureau of graphic services** unless it so chooses. The regional community-technical colleges shall make purchases under competitive bidding requirements except when waived by the commissioner of the regional community-technical colleges, or a designated agent, upon written justification.

31 Transfers Among Accounts; Department of Health and Human Services. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2005 the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all PAUs within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department.

32 Health Insurance Portability and Accountability Act; Nonlapsing Funds; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, the appropriations made by 2001, 130 or subsequently accepted and allocated to 05, 01, 03, 01, office of information systems management systems, class 031, computer enhancement-HIPAA, shall not lapse until June 30, 2005.

33 Longevity Payment Authorized; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, a longevity payment is hereby authorized in the amount of \$4,400 for position 9U392, executive assistant to the commissioner for years 1988 through 2001. Funding for the longevity payment shall be from appropriations made to the department of health and human services in the 2004-2005 operating budget (HB 1-A) for positions that are not filled.

34 Recognizing Out-of-State Registration of Radiation Machines. Amend RSA 125-F:7 to read as follows:

125-F:7 Licensing and Registration of Sources of Radiation.

I. When adopting rules under RSA 541-A, the department, through its program, shall provide for general or specific licensing of naturally occurring, artificially produced, byproduct, source, and special nuclear materials or devices or equipment utilizing such material. The rules shall provide for amendment, suspension, and revocation of licenses.

II. The department, through its program, may require registration of other sources of radiation.

III. The department, through its program, is authorized to exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements of this section, provided they shall be specifically named in a schedule of such exempt uses, users, or sources of radiation within the context of rules adopted under RSA 541-A.

IV. The rules may provide for recognition of other state or federal licenses **and radiation machine registration** as the program may deem desirable, subject to such registration requirements, **including the payment of such fees**, as the department, through its program, may establish.

35 Recognizing Out-of-State Registration of Radiation Machines. Amend RSA 125-F:8 to read as follows:

125-F:8 Radiation User and Laboratory Fees.

I. The department, through its program, shall prescribe and collect such fees as may be established by rule for radiation protection services provided under this chapter. Services for which fees may be established include:

(a) Registration of radiation equipment and other sources of radiation;

(b) Issuance, amendment, and renewal of **general or** specific licenses for radioactive materials **as well as the recognition of other state and federal licenses and radiation machine registrations in accordance with RSA 125-F:7, IV**;

(c) Inspections of registrants or licensees;

(d) Environmental surveillance activities to assess the radiological impact of activities conducted by licensees;

(e) Evaluation of products to be distributed to persons generally licensed or persons exempt from licensing; ~~and~~

(f) Laboratory radiochemical sample analyses[-]; **and**

(g) Radiological response and radiation safety assessments.

II. When a registrant or licensee fails to pay the applicable fee, the program may suspend or revoke the registration or license or may issue an appropriate order.

III. Except as provided in paragraph IV, all fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

IV. Any increase in fees after the effective date of this paragraph and collected under this section shall be deposited in the radiation user and laboratory fees fund established in RSA 125-F:8-b and shall be used solely for the administration of the department's responsibilities under this chapter.

V. Application fees collected under this provision shall not be refundable.

36 Department of Health and Human Services; Audit of Medicaid Program. The commissioner of the department of health and human services shall, prior to November 1, 2003, conduct an audit of the medic-aid health program, including health services and prescription and generic drugs, in order to ascertain com-pliance with RSA 126-A:3, III. The audit shall be submitted to the fiscal committee of the general court on or before November 1, 2003.

37 New Section; State Employee Health Insurance; Self-Insured Plans. Amend RSA 21-I by inserting after section 21-I:30-c the following new section:

21-I:30-d State Employee Health Insurance; Self-Insured Plan Required. Notwithstanding any provision of law to the contrary, the commissioner of administrative services shall implement a self-insured health plan for all state employees and their families and retired state employees and their spouses, children who re-ceive health insurance coverage through the New Hampshire Healthy Kids Corporation and the university system of New Hampshire.

38 State Employee Health Insurance; Administrative Services Reporting. Beginning July 1, 2003, the commissioner of administrative services shall report to the fiscal committee of the general court every 60 days regarding the implementation of a self-insured health plan for all state employees and their families and retired state employees and their spouses, children who receive health insurance coverage through the New Hampshire Healthy Kids Corporation, and employees of the university system of New Hampshire.

39 Transfer from Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, in the event of a general fund operating budget deficit at the close of fiscal year 2003 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit.

40 The Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2005, all gross revenue derived by the liquor commission from the sale of liquor, or from license fees, shall be deposited into the general funds of the state.

41 Long Term Care; Program Management and Cost Controls; Average Annual Costs. Amend RSA 151-E:11, II to read as follows:

II. For the fiscal year beginning July 1, [1999] **2003**, and each fiscal year thereafter the average an-nual cost for the provision of services to persons in the mid-level of care shall not exceed [50] **60** percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed [33] **50** percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments.

42 Medicaid Enhancement Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax. A tax is imposed at a rate [~~to be established by legislation each biennium~~] **of 6 percent** upon the gross patient services revenue of every hospital for the hospital's fiscal year ending dur-ing the first full calendar year preceding the taxable period. [~~If the legislature fails to set the rate of tax on or before May 30, preceding the first fiscal year of the biennium, the tax rate shall be zero for that biennium. In no event shall the rate of the tax be greater than 6 percent for any biennium.~~]

43 New Paragraph; Office of Victim/Witness Assistance. Amend RSA 21-M:8-b by inserting after paragraph III the following new paragraph:

IV. Notwithstanding RSA 9:17-c, salary and benefits moneys from any existing vacancy in the depart-ment of justice may be used to fund the positions in the office of victim/witness assistance.

44 Repeal. 1993, 358:88, relative to office of victim/witness assistance, is repealed.

45 Imposition of Tax, Intrastate Communications Services; Rate Changed. Amend RSA 82-A:3 to read as follows:

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [4-5] 7 percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state

46 Imposition of Tax, Interstate Communications Services; Rate Changed. Amend RSA 82-A:4 to read as follows:

82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-A:4-b, a tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [4-5] 7 percent of the gross charge when such service is originated in this state and terminated outside this state or originated outside this state and terminated in this state. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

47 Repeal. The following are repealed:

I. RSA 14:31-a, I(f), relative to performance based budgeting.

II. RSA 9:8-a, II, relative to performance based budgeting.

48 Administration of Medicaid Home and Community-Based Care Waiver Program for the Elderly and Chronically Ill.

I. For the biennium ending June 30, 2005, the department of health and human services shall, as soon as practicable, outsource all medicaid home and community-based care waiver for the elderly and chronically ill (HCBC-ECI) case management services to private case management providers.

II. Any department of health and human services employees assigned to HCBC-ECI case management as of July 1, 2003 shall be reassigned, within their respective district offices and job classifications, to provide other client services within the district office.

III. The commissioner of the department of health and human services shall, every 60 calendar days, provide the fiscal committee of the general court and the governor and council with a progress report relative to the transition of HCBC-ECI case management services to private case management providers and the reassignment of department of health and human services employees within district offices.

49 Tobacco Tax Stamps; Discount Removed. Amend RSA 78:9, I to read as follows:

I. The commissioner shall adopt rules pursuant to RSA 541-A relative to the design and denomination of stamps to be secured by ~~him~~ **the commissioner** for affixing to packages of tobacco products as evidence of the payment of the tax imposed by this chapter. The commissioner shall sell such stamps ~~[on a cash basis]~~ to each licensed wholesaler ~~[at a discount of 2 3/4 percent up to the first \$500,000, 2 3/8 percent from \$500,001 to \$1,000,000 and 2 percent for all sales in excess of \$1,000,000 of their face value on an annual basis from July 1 to June 30 to encourage each wholesaler to affix such stamps and compensate them for so doing].~~ The commissioner may ~~[in his discretion,]~~ permit a licensed wholesaler to pay for such stamps within 30 days after the date of purchase, provided a bond satisfactory to the commissioner in an amount not less than the sale price of such stamps shall have been filed with the commissioner, conditioned upon the payment of such stamps. The commissioner shall keep accurate records of all stamps sold to each wholesaler and shall pay over all receipts from the sale of such stamps to the state treasurer daily.

50 Repeal. RSA 78:9-a, relative to compensation for collecting and remitting tax, is repealed.

51 Motor Vehicle Inspection Sticker Fees Increased. Amend RSA 266:2 to read as follows:

266:2 Fees. The fee for inspection stickers shall be ~~[\$1-50]~~ **\$2.50** for each sticker furnished an approved inspection station. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of ~~[\$1-50]~~ **\$2.50** each, except that unused stickers purchased from the division for a fee of ~~[\$1-50]~~ **\$2.50** shall be refundable at the rate of ~~[\$1-50]~~ **\$2.50** each.

52 New Chapter; State Jobs Grant Fund. Amend RSA by inserting after chapter 162-M the following new chapter:

CHAPTER 162-N
STATE JOBS GRANT FUND

162-N:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of resources and economic development.

II. "Qualifying zone" means a town or city in Coos or Sullivan county which has a median household income of less than \$40,500 according to the most recent federal decennial census.

162-N:2 State Jobs Grant Fund. There is established within the office of the state treasurer a state jobs grants fund. The state jobs grant fund shall be administered by the commissioner and shall be used for the sole purpose of providing grants in accordance with RSA 162-N:3.

162-N:3 State Jobs Grants.

I. Any business creating new jobs in a qualifying zone may apply to the commissioner, on an application developed by the commissioner, for state jobs grants.

II. The amount of the grant shall be determined by the commissioner on a per job basis as follows:

(a) Up to \$1,000 but less than \$3,000 per job created at a wage which is at least $1\frac{3}{4}$ times but less than 2 times above the 2003 minimum wage.

(b) At least \$1,000 and up to \$3,000 per job created at a wage which is at least 2 times but less than $2\frac{1}{4}$ times above the 2003 minimum wage.

(c) At least \$3,000 and up to \$5,000 per job created at a wage which is at least $2\frac{1}{4}$ times but less than $2\frac{1}{2}$ times above the 2003 minimum wage.

(d) At least \$5,000 and up to \$10,000 per job created at a wage which is at least $2\frac{1}{2}$ times but less than 3 times above the 2003 minimum wage.

(e) At least \$10,000 and up to \$15,000 per job created at a wage which is at least 3 times but less than $3\frac{1}{2}$ times above the 2003 minimum wage.

(f) At least \$15,000 and up to \$20,000 per job created at a wage which is $3\frac{1}{2}$ times or more above the minimum wage.

III. Grants shall be made by the commissioner only after approval by the governor and council.

IV. Any business receiving a grant under this section shall guarantee that the job for which the grant is made shall exist for at least a 5-year period or shall remit the grant moneys to the state job grants fund on a pro-rated share basis for the amount of the 5-year period when the job does not exist.

V. Any qualifying zone, by action of the local legislative body, may abate all or a portion of the local property tax for a period of 10 years for a business creating jobs and receiving grants under this section. Abatements granted under this paragraph shall expire if the job or jobs for which grants were made cease to exist.

162-N:4 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter.

53 New Subparagraph; State Jobs Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

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

54 Instream Flow Pilot Program; Reporting Date Extended. Amend 2002, 278:2, III to read as follows:

III. The commissioner of the department of environmental services shall initiate and adopt rules pursuant to RSA 541-A for other rivers designated under RSA 483:15 only after the adoption and implementation of the rules relative to protected instream flows pursuant to RSA 483:9-c for the Lamprey and Souhegan rivers and completion of the report required under section 3, III(d) of this act, but not before December 1, [2006] **2008**.

55 Instream Flow Pilot Program; Reporting Dates Extended. Amend 2002, 278:3, III to read as follows:

III. The commissioner of the department of environmental services shall:

(a) By April 1, [2005] **2007**, conduct protected instream flow studies and submit a report that details the results of science for the pilot program, including the projected impacts of the protected instream flows and water management plans to be implemented on water users, wildlife, recreation, and other interests along the rivers and any recommendations for proposed legislation. The department shall hold a public hearing jointly with the senate environment committee and the house resources, recreation and development committee within 60 days and be open for a public comment period of an additional 30 days. The department shall consider the public comments received in any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(b) By October 1, [2005] **2007**, adopt and implement the protected instream flows and water management plans relative to the Lamprey River and the Souhegan River.

(c) One year after the adoption and implementation of the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River, the department shall hold a public hearing and open a 30-day public comment period. The department shall consider the public comments received in any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(d) By December 1, [2006] **2008**, submit a report that details the activities and results of the pilot program, including the impacts of the protected instream flows and water management plans on water users, wildlife, recreation, and other interests along the rivers and any recommendations for proposed legislation. The report shall also include a summary of public comments received and the completed instream flow studies and the adopted protected instream flow levels and water management plans and shall be submitted to the senate president, the speaker of the house of representatives, the governor, and the state library.

56 Committee to Study the Impact of Water Withdrawals on Instream Flows; Report Date Extended. Amend 2000, 242:5 as amended by 2001, 138:6 and 2002, 278:6 to read as follows:

242:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, [2006] **2008**.

57 Transfer of Funds. The sum of \$355,000 shall be transferred from department of environmental services PAU 03-04-02-01-01, class 92, source water protection program, to department of environmental services PAU 03-04-02-06-10, class 92, protected instream flow pilot program.

58 Statement of Intent. This act establishes a division within the department of state that will be responsible for the regulation of vital records and the dissemination of vital records data. This act maintains the right of the department of health and human services to have full access to vital records information as set forth in RSA 126:24-c. By transferring the administration of vital records from the department of health and human services to the department of state, the general court recognizes that the same state department that regulates other records of the state shall also regulate vital records.

59 New Chapter; Vital Records Administration. Amend RSA by inserting after chapter 5-B the following new chapter:

CHAPTER 5-C VITAL RECORDS ADMINISTRATION

5-C:1 Definitions. In this chapter:

I. "Department" means the department of state.

II. "Director" or "registrar" means the director of vital records administration who shall also be known as the registrar of vital records.

III. "Division" means the division of vital records administration, department of state.

5-C:2 Division of Vital Records Administration Established.

I. There is established within the department a division of vital records administration under the supervision of a director of vital records administration. The secretary of state, with the approval of the gov-

ernor and council, shall appoint the director of vital records administration. In addition to the title of director, the director shall also be known as the registrar of vital records. The director of vital records administration shall be academically and technically qualified to hold the position. The director shall be a citizen of this state or become a citizen of this state within one year of the director's appointment.

II. The director shall:

(a) Be responsible for the day-to-day operations of the division.

(b) Plan and provide operational resources as available, for the establishment and support of a state-wide vital records registration, issuance, and dissemination program.

5-C:3 Declaration of Policy and Purpose.

I. The New Hampshire constitution identifies the office of the secretary of state as the keeper of the records of the state.

II. The division shall provide access to vital records and vital records data while assuring the privacy of all New Hampshire citizens.

5-C:4 Registrar of Vital Records; Privacy; Duties.

I. The secretary of state shall appoint the registrar of vital records for the state who, under the supervision of the secretary, shall have charge of the vital records of the state and shall enforce the provisions of law in relation to them.

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. In accordance with the provisions of this chapter, the secretary of state shall ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose, that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public. The department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c.

III. The division is designated the vital statistics center for New Hampshire in accordance with section 306(e) of the Public Health Service Act, 42 U.S.C. section 242k(e). The division is authorized to collect, compile, coordinate, and disseminate all vital records information, while adhering to the privacy requirement of paragraph II. The division shall have the power to enter into contractual agreements to the end that costs related to the collection of information shall be defrayed for outside agencies to the extent that funds are available from any source for such purpose.

5-C:5 Statistical Forms.

I. Forms and data fields maintained electronically shall include all facts contained on the national standard certificate forms developed by the National Center for Health Statistics, United States Department of Health and Human Services. As revisions to the National Center for Health Statistics standard certificates are made, the secretary of state shall incorporate into forms and data fields new facts contained on the standard certificates.

II. In addition to the secretary of state, any interested state agency or individual may request that additional data fields be added to any of the vital records statistical forms. Such requests shall be granted upon meeting the following minimum requirements:

(a) Any individual and any state agency, with the exception of the department of health and human services, shall provide a description of need for the additional data fields.

(b) Any individual and any state agency, with the exception of the department of health and human services, shall provide a business plan describing how the additional data fields will be used.

(c) All individuals and all state agencies shall demonstrate that they have adequate resources to pay for software changes to the secretary of state's automated data collection system including development, testing, training of users, maintenance, and replacement of statistical forms.

(d) All individuals and all state agencies shall provide assurances that any statistical form changes shall not adversely affect any of the data contracts that the secretary of state maintains.

5-C:6 Recordkeeping. The secretary of state shall promote uniformity and efficiency in the preparation, transcription, collection, compilation, and preservation of facts in relation to births, marriages, divorces, fetal deaths, and deaths. In the case of fetal deaths, the name of parent or parents and the name of the child shall not be divulged except by the written consent of the parent or parents. The secretary of state shall provide for so-called delayed certificates of birth, the registration of children of unknown parentage, the filing of additional certificates after the legitimization of children, and other matters relative to vital statistics.

5-C:7 Transfer. All existing rules relative to vital records administration in effect, in operation, or adopted in or by the former department of health and human services, office of community and public health, bureau of vital records as of the effective date of this chapter, are declared to be regulations in effect and shall continue in effect until rescinded, revised, or amended by an act of the general court.

5-C:8 Seal of Registrar. The registrar shall have a seal which shall be like the seal of the state except that the device thereon shall be surrounded by the words "New Hampshire Department of State, Registrar of Vital Records" in the place of the words "Seal of the State of New Hampshire, 1776."

5-C:9 Authenticated Copies. Every certificate or other official paper executed by the registrar under seal, in pursuance of authority conferred by law, shall be received as evidence, and may be recorded in the proper recording offices in the same manner and with like effect as a legally acknowledged deed; and copies of papers and records in his or her office, so authenticated, shall be received as evidence with the same effect as the originals.

5-C:10 Birth Registration.

I. The division shall maintain a central record of all births occurring in the state of New Hampshire.

II. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, secure the signatures required on a birth worksheet provided by the division, and file electronically a birth record with the state of New Hampshire, division of vital records administration within 6 days of the birth. The physician in attendance shall provide the medical information required by the worksheet and certify to the facts of birth within 72 hours after the birth. If the attending physician does not certify to the facts of birth within the required 72 hours, the chief of obstetrics or the chief of the medical staff shall complete and certify the birth worksheet.

III. When a birth occurs outside an institution the necessary facts shall be obtained and processed in accordance with RSA 5-C:7.

IV. Either of the parents of the child or other informant shall certify the accuracy of the personal data provided and sign the worksheet in time to permit the filing of the birth record within the 6 days required by this section.

V. In the case of a child born of unwed parents, the legal portion of the birth certificate shall not contain any reference or specific statement to the fact that the child was born of unwed parents, or to the marital status of the parents.

VI.(a) Except as provided in subparagraphs (b) and (c), the registrar shall obtain the social security identification numbers of both parents of the newborn child at the time the vital statistics information authorized by this section is obtained.

(b) Social security numbers of the parents shall not be obtained when the child is born of unwed parents and paternity has not been established pursuant to RSA 168-A; provided, however, that if paternity is subsequently established by court order or affidavit of paternity and the birth certificate is modified pursuant to RSA 5-C:11, III or IX, the registrar shall then request the social security numbers of both parents.

(c) A parent who does not have a social security number at the time of the initial information request shall sign a declaration attesting to such fact and submit such document to the registrar.

(d) The parental social security numbers shall not appear on the face of the birth certificate itself.

(e) The social security numbers obtained pursuant to this paragraph shall be confidential and shall be disclosed only to the office of child support enforcement services, department of health and human services, solely for the purpose of enforcing a child support order in effect in this state.

(f) Refusal of a parent to provide a social security number pursuant to subparagraph (a) or (b) shall not be grounds for refusal to issue a birth certificate. The preceding sentence shall appear in writing on the forms used by the division to collect information for birth certificates.

5-C:11 Names on Certificates of Birth; Affidavits of Paternity.

I. If the mother was married at the time of either conception or birth or anytime between conception and birth and:

(a) There is no dispute as to paternity, the name of the husband shall be entered on the certificate as the father of the child. The surname of the child shall be any name chosen by the parents; provided, however, that if the parents are separated or divorced at the time of the child's birth, the choice of surname rests with the parent who has actual custody following birth.

(b) A situation arises whereby the mother claims that the father of the child is not her husband, and the husband agrees to such a claim, and the putative father agrees to such a statement, then a 3-party affidavit of paternity may be signed by the respective parties and duly notarized. This will allow the name of a nonhusband to be placed on the birth certificate as the father and the surname of the child shall be any name chosen by the mother.

(c) A question of paternity determination arises which is not resolved under subparagraph (b), it shall be settled by a court of competent jurisdiction.

II. If the mother was not married at the time of either conception or birth or between conception and birth, the name of the father shall not be entered on the certificate of birth unless an affidavit of paternity is signed by the mother and father and duly notarized, in which case the surname of the child shall be any name chosen by the mother and father.

III. When an affidavit of paternity is executed in a hospital or birthing center, or before a midwife, the following procedure shall apply:

(a) A hospital, birthing center, or midwife shall provide to an unmarried mother of a live child born in a hospital, birthing center, or other location, an affidavit of paternity that can be completed by the child's mother and father to acknowledge paternity of a child, which affidavit shall be notarized by the hospital or birthing center staff if the birth occurs in a hospital or birthing center. Before a mother and a putative father can sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities, and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) When a mother and father sign an affidavit of paternity, a hospital, birthing center, or midwife shall:

(1) Complete the affidavit of paternity and forward the record to the division; and

(2) File a copy of the affidavit of paternity with the department of health and human services, office of child support enforcement services, at the address indicated on the affidavit of paternity.

(c) For each affidavit of paternity signed and filed in accordance with this paragraph, the department of health and human services shall reimburse the hospital, birthing center, or midwife in an amount authorized by federal law.

(d) The department of health and human services shall develop and distribute to a hospital, birthing center, or midwife free of charge the affidavit of paternity forms, information on the purpose and completion of the form, and information on the rights and responsibilities of the parents, and shall provide assistance and training to staff assigned responsibility for providing the information.

IV. When an affidavit of paternity is executed and filed with the clerk of the town where the birth occurs, the following procedures shall apply:

(a) In those instances where an affidavit of paternity is completed by the parents of the child and filed directly with the clerk of the town where the birth occurs, the clerk of the town shall forward a copy of the affidavit of paternity to the department of health and human services, office of child support enforcement services, at the address indicated on the affidavit of paternity and shall forward the electronic record to the division. Before a mother and a putative father may sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) The department of health and human services shall develop and distribute to a clerk of the town free of charge the affidavit of paternity forms, information on the purpose and completion of the form, and information on the rights and responsibilities of the parents, and shall provide assistance and training to staff assigned responsibility for providing the information.

V. The division shall link an electronic record of an affidavit of paternity with the original birth record of the child.

VI. An affidavit of paternity signed pursuant to this section shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

(a) Sixty days; or

(b) The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

VII. Written notice of rescission shall be sent to the clerk of the town in which the birth occurred, with a copy to the office of child support enforcement services at the address indicated on the affidavit, no later than 60 days after the affidavit is signed. After expiration of the rescission period, the signed affidavit of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown.

VIII. When an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, and the acknowledgment has not been rescinded pursuant to this section, any further modification of the birth certificate regarding the paternity of the child shall require an order from a court of competent jurisdiction.

IX. In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court. Each final order affecting a determination of parentage of a minor child shall be forwarded by the court to the clerk of the town or city in which the birth occurred for entry on the birth certificate. The surname of the child shall remain unchanged unless otherwise designated in the court order.

X. In all other cases, the surname of the child shall be any name chosen by the mother.

XI. If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

5-C:12 Report of Marriage. Every person who solemnizes a marriage shall make a record of it and of all the facts required by the department and, within 6 days thereafter, shall forward it to the town clerk who issued the marriage license. The town clerk shall forward the report of marriage to the division.

5-C:13 Preservation of Returns. The registrar shall cause the returns made to him or her under the preceding sections and the returns of divorces made by the clerks of court to be arranged, alphabetical indexes of all the names contained in such returns to be made, and the whole to be bound in convenient volumes and preserved in his or her office. Records of births, marriages, deaths, and divorces shall be kept separately.

5-C:14 Birth Registration Cards.

I. The registrar or a town clerk may issue, in accordance with the provisions of RSA 5-C:16, a card containing information relative to the date and place of birth of such persons as may be on record with the division. The fee for the issuance of any such card shall be \$12. However, under no circumstances shall any information relative to any adoption be disclosed or given out by the registrar, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

II. The town clerk shall forward \$8 of each fee collected under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 5-C:23. The town clerk shall retain the remaining \$4 as a fee for issuing such birth registration card.

5-C:15 Birth Certificate for Foreign-Born Children Adopted in New Hampshire.

I. The registrar shall establish, in accordance with RSA 5-C:7, a New Hampshire certificate of birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of birth shall be established and registered and a certified copy of such certificate issued when the registrar receives a request and a fee of \$25 from the adoptive parents or adopted person over 18 for such a certificate and a report of the adoption as provided in RSA 170-B:18. Funds paid to the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:23.

II. The birth certificate established according to this section shall show the true or probable foreign country of birth, and shall state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.

III. The registrar shall not establish a New Hampshire certificate of birth if the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older requests that the certificate not be established.

IV. Any birth certificate established under this section shall not be deemed a record within the meaning of RSA 170-B:19.

5-C:16 Disclosure of Information from Vital Records. In order to protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics the registrar or the custodian of permanent local records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record unless he or she is satisfied that the applicant has a direct and tangible interest in such record. However, under no circumstance shall any information relative to any adoption be disclosed or given out by the registrar or custodian of permanent local records or any other individual except pursuant to RSA 170-B:19, II.

I. The registrant, a member of his or her immediate family, his or her guardian, or respective legal representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

II. The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the registrant or his or her family.

III. Commercial firms or agencies requesting a listing of names and addresses shall not be considered to have a direct and tangible interest.

IV. Properly qualified members of the press, radio, television, and other news media shall be considered to have a direct and tangible interest in vital statistic records when the information requested by such media sources is of a public nature.

V. Disclosure of certain information and statistical data to federal, state, or local agencies and research for legitimate purposes other than requests for vital records information for the purposes of health-related research under RSA 126:24-c may be authorized by the registrar under RSA 5-C:7.

VI. The department of health and human services shall have a direct and tangible interest in vital records information in accordance with the provisions of RSA 126:24-c.

VII. Disclosure of voluntary acknowledgments and adjudication of paternity by judicial or administrative processes shall be released for the purposes of the state case registry pursuant to RSA 161-B:7.

5-C:17 Fees for Copies and Verifications.

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:16, the sum of \$12 for making search, which sum shall include payment for the issuance of such copy or verification, and \$8 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:23 and shall retain the remaining \$4 as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:23, and the town clerk shall retain the remaining \$3 as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate.

5-C:18 Furnishing to Governmental Agencies. Certified copies, certificates of partial facts, verifications, or search of the records may be made for any federal, state, or local governmental agency by special arrangement without regard to the provisions of RSA 5-C:17.

5-C:19 Record as Evidence. A certified copy issued by a town clerk of a record of a birth, marriage, or death, on file with the town clerk or division, shall be prima facie evidence of the fact, in any judicial proceeding.

5-C:20 Correction and Amendment. Any correction or amendment to a record of any birth, marriage, or death shall be made by the town clerk according to RSA 5-C:7 and the town clerk shall receive for amending or correcting any record the fee of \$10 to be paid by the person making application for such an amendment or correction. The town clerk shall retain the fee collected under this section for making such correction or amendment. Such fee shall be waived if the error was made by the town clerk.

5-C:21 Duties and Responsibilities; Penalties.

I. Any person having knowledge of and a direct and tangible interest in the facts shall furnish such information as he or she may possess regarding any birth, death, fetal death, marriage, or divorce upon demand of the registrar.

II. Any person shall be guilty of a class B felony if he or she:

(a) Willfully and knowingly makes any false statement in a certificate, record, or report required to be filed by statute or in an application for an amendment thereof or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(b) Without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed by statute or a certified copy of such certificate, record, or report; or

(c) Willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or

(d) With the intention to deceive willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or

(e) Willfully and knowingly furnishes or processes a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or

(f) Without lawful authority possesses any certificate, record, or report, required by statute or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.

III. Except as otherwise provided, any person shall be guilty of a misdemeanor if he or she willfully and knowingly transports or accepts for transportation, interment or other disposition of a dead body without an accompanying permit when required pursuant to RSA 290.

IV. Except as otherwise provided, any person shall be guilty of a violation if he or she:

(a) Willfully and knowingly refuses to provide information required by this chapter; or

(b) Willfully and knowingly neglects to comply with or intentionally violates any of the provisions of this section or refuses to perform any of the duties imposed upon him or her by this section.

5-C:22 Decorative Heirloom Certificates.

I. The registrar shall, upon request and payment of the fee, supply to any applicant having a direct and tangible interest as provided in RSA 5-C:16, a decorative heirloom certificate of any birth or marriage registered with him or her.

II. The decorative heirloom certificate shall be of a distinctive design and shall include the seal of the registrar and an original signature.

III. The fee for each decorative heirloom certificate shall be \$25. The registrar shall forward \$15 of each fee collected to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:23.

5-C:23 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for the improvement of the registration, certification, preservation, and management of the

state's vital records, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall not be used for rent or electricity expenses or for general clerical or administrative personnel of the division. The secretary of state shall allocate moneys in the fund with the assistance of the advisory committee established under RSA 5-C:24. The fund shall accrue interest and shall be nonlapsing and continually appropriated to the secretary of state.

5-C:24 Advisory Committee.

I. There is established an advisory committee to assist the secretary of state in administering the fund established under RSA 5-C:23. The advisory committee shall also determine the need for improvement and automation of the processing of vital records upon recommendations from representatives of the department, the New Hampshire City and Town Clerks' Association, and the division of information technology management. The members of the committee shall be appointed as follows:

- (a) Two town clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (b) Two city clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (c) A funeral director, appointed by the New Hampshire Funeral Directors' Association.
- (d) A physician licensed under RSA 329 from the office of chief medical examiner, or designee.
- (e) A public member, who shall have a direct interest in the registration of vital records, appointed by the department.
- (f) The registrar of vital records, or designee.
- (g) A health information specialist, appointed by the New Hampshire Hospital Association.
- (h) The director of the division of information technology management, department of administrative services, or designee.
- (i) The state archivist, or designee.
- (j) The commissioner of health and human services, or designee.
- (k) A representative of a local city public health agency, appointed by the commissioner of health and human services.
- (l) One vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the commissioner of health and human services.

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. The city and town clerk members shall serve staggered terms and initially one town clerk and one city clerk shall serve for 2 years and one town clerk and one city clerk shall serve for 3 years.

5-C:25 Quarterly Reports. The department shall file a financial report for the vital records improvement fund for the preceding quarter showing the summary of receipts and expenditures, according to the uniform classifications.

5-C:26 Annual Report. The department shall prepare and file a report on the uses of the vital records improvement fund and shall submit the report to the vital records improvement advisory committee no later than December 31 of each year. The report shall contain the following:

- I. The gross revenue received by the fund.
- II. A summary of receipts and expenditures, according to uniform classifications.
- III. Accomplishments achieved pursuant to RSA 5-C during the preceding fiscal year.
- IV. An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the funds.
- V. Any recommendations for additional legislation, and other relevant matters.

60 Reference Change. Amend RSA 126:27, IV to read as follows:

IV. User fees which shall be assessed persons requesting data under RSA [~~126:14, V,~~ 126:28, 126:30, and 141-B:9.

61 Reference Changes. Amend RSA 6:12, I(tt) to read as follows:

(tt) Moneys received from the town clerk under RSA ~~[126:13, H]~~ **5-C:14, II**, and by the department of ~~[health and human services]~~ **state** under RSA ~~[126:15, H]~~ **5-C:15, RSA 5-C:17, II, and RSA 5-C:22, III**, which shall be credited to the vital records improvement fund established in RSA ~~[126:31]~~ **5-C:23**.

62 Reference Change. RSA 33-A:4-a, I(e) is repealed and reenacted to read as follows:

(e) The registrar of vital records.

63 Reference Changes. Amend RSA 168-A:2, I(b) to read as follows:

(b) An affidavit of paternity with the clerk of the town where the birth of the child occurred pursuant to RSA ~~[126:6-a]~~ **5-C:11**, I(b) or II. The affidavit of paternity shall have the legal effect of establishing paternity without requiring further action pursuant to this chapter, unless rescinded pursuant to RSA ~~[126:6-a, H-d]~~ **5-C:11, VI**.

64 Reference Changes. RSA 168-A:2, V is repealed and reenacted to read as follows:

V. Upon determining paternity, the court shall provide a copy of the order to the department of state, division of vital records administration, except that the office of child support enforcement services shall provide the copy to the department of state, division of vital records administration in cases initiated by the department of health and human services.

65 Reference Changes. RSA 168-A:13 is repealed and reenacted to read as follows:

168-A:13 Social Security Numbers. At the conclusion of a paternity action filed pursuant to this chapter in which paternity is established, the court shall also order the mother and father to supply their social security numbers to the registrar of vital records, in accordance with RSA 5-C:10, and to the department of health and human services.

66 Reference Change. Amend RSA 170-B:2, XIII(a) to read as follows:

(a) The person designated as the father pursuant to RSA ~~[126:6-a]~~ **5-C:11** on that child's birth certificate; or

67 Reference Changes. RSA 170-B:18, I is repealed and reenacted to read as follows:

I. Within 7 days after the final decree is filed, the register of probate shall send to the town clerk of the town where the adopted person was born, the department of state, division of vital records administration, and to the commissioner of health and human services by mail a report of the adoption. The division of vital records administration, department of state, shall provide suitable forms for such reports.

68 Reference Changes. RSA 170-B:19, II is repealed and reenacted to read as follows:

II. All papers and records, including birth certificates, pertaining to the adoption, whether part of the permanent record of the court or of a file in the division, in an agency or office of the town clerk or the division of vital records administration are subject to inspection only upon written consent of the court for good cause shown, except as otherwise provided in this section. Upon the request of an adoptee over 21 years of age, or a natural parent of an adoptee over 21 years of age, for information concerning the adoptee or natural parent, the court shall refer the adoptee or natural parent to the child-placing agency which completed the investigation required under RSA 170-B:14.

69 Reference Changes. RSA 170-C:14, II is repealed and reenacted to read as follows:

II. All papers and records, including birth certificates, pertaining to the termination, whether part of the permanent record of the court or of a file in the department, in an agency or office of the town clerk or the division of vital records administration are subject to inspection only upon written consent of the court for good cause shown.

70 Reference Changes. Amend RSA 215-A:32-a, I to read as follows:

I. The executive director shall report annually to the registrar of vital records ~~[and health statistics]~~ pursuant to RSA ~~[126:1]~~ **5-C:2** on any deaths or injuries occurring in the state related to the operation of OHRVs.

71 Reference Changes. RSA 290:1 is repealed and reenacted to read as follows:

290:1 Death Records. Whenever a person shall die, the physician attending at the last sickness shall complete and deliver to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the division of vital records administration, a death record, duly signed, setting forth, as far as may be, the facts required by rules of the department of state, division of vital records administration as provided in RSA 5-C:8. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, next-of-kin, or designated agent shall transmit electronically the record of death to the division of vital records administration.

72 Reference Changes. Amend RSA 290:1-b to read as follows:

290:1-b Pronouncement of Death by Registered Nurses. If an anticipated death occurs in a hospital, a nursing home, a private home served by a home health care provider licensed under RSA 151, or a hospice, the registered nurse attending at the last sickness may pronounce the person dead and release the body to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent after certifying the fact of death and completing the death record by hand or other approved electronic process. If a contagious disease is known to be present at the time of death, that fact shall be indicated on the death record in accordance with [rules adopted by the commissioner of the department of health and human services as provided in RSA 126:2] **RSA 5-C:7.**

73 Reference Changes. RSA 290:3 is repealed and reenacted to read as follows:

290:3 Burial Permits, Obtaining. It shall be the duty of the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 to add to the death record the date and place of burial, and having certified the same by hand or other approved electronic process, to forward it to the division of vital records administration or as otherwise directed by the registrar of vital records, and to obtain a permit for burial from the division of vital records administration in accordance with RSA 5-C:7. In case of a contagious or infectious disease the record shall be completed and transmitted immediately.

74 Reference Changes. RSA 290:3-b is repealed and reenacted to read as follows:

290:3-b Emergency Burial Permit. The division of vital records administration, department of state, may issue an emergency burial permit in an emergency as defined by RSA 5-C:7.

75 Reference Changes. RSA 290:8 is repealed and reenacted to read as follows:

290:8 Prerequisites. No such permit shall be issued until there has been delivered to the division of vital records administration a death record completed in accordance with RSA 290:1.

76 Reference Changes. RSA 457:7 is repealed and reenacted to read as follows:

457:7 Granting of Permission. Such justice or judge shall at once hear the parties, and, if satisfied that special cause exists making such marriage desirable, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

77 Reference Changes. RSA 457:22 is repealed and reenacted to read as follows:

457:22 Completion of Marriage License Application. All persons proposing to be joined in marriage within the state shall complete a marriage license application with all facts required by RSA 5-C:7 to be entered in any town clerk's office. The clerk shall record the application in a book to be kept for that purpose.

78 Reference Change. RSA 457:38 is repealed and reenacted to read as follows:

457:38 Certified Copy of Record. A copy of the record of a marriage, certified by a city or town clerk or by the registrar of vital records, shall be received in all courts and places as evidence of the fact of the marriage.

79 Reference Change. RSA 458:15 is repealed and reenacted to read as follows:

458:15 Clerks' Returns. The clerks of the superior court shall, in their respective counties at which divorces are granted, make monthly returns to the registrar of vital records.

80 Reference Change. RSA 458:25 is repealed and reenacted to read as follows:

458:25 Return of List. The clerk of the superior court for each county, at the end of each term of court, shall return to the registrar of vital records a full and correct list of all changes of names that have been decreed hereunder by the court since the last return.

81 Reference Change. RSA 458:30 is repealed and reenacted to read as follows:

458:30 Returns. The clerk of the superior court shall make return of all such decrees of separation and declarations of the resumption of marital relations to the registrar of vital records in the manner provided for the return of divorces.

82 New Subdivision; Bureau of Health Statistics and Data Management. Amend RSA 126 by inserting after section 24 the following new subdivision:

Bureau of Health Statistics and

Data Management and Institutional Review Board

126:24-a Definitions. In this chapter:

- I. "Board" means the institutional review board, established in RSA 126:24-e.
- II. "Commissioner" means the commissioner of the department of health and human services.
- III. "Department" means the department of health and human services.

126:24-b Intent. The bureau of health statistics and data management within the department is designated the health statistics center of New Hampshire in accordance with Public Law 95-623 section V(c)(1). The bureau is authorized to coordinate and disseminate health-related information for the purposes of protecting public health while adhering to privacy requirements. In carrying out its duties, the department shall use the minimum amount of information that is reasonably necessary to protect the health of the public.

126:24-c Access to Information from Vital Records for Public Health Purposes. The department shall have a direct and tangible interest in vital records data including personal identifiers. The secretary of state shall provide continuous electronic access to the department of the entire contents of the data files on a 24-hour, 7-day per week basis. If a means of electronic access becomes possible that will allow access at a faster rate, the department may utilize such new means of access, provided that it assumes the full cost of implementing the new means of access. Such access shall be provided in standard database format that establishes a remote electronic link from the secretary of state's office to the department that would not restrict the ability of the department to transfer data. However, under no circumstance shall any information relative to any adoption or any restricted record as determined by a court of law be provided to the department.

126:24-d Disclosure of Information from Vital Records. All protected health information possessed by the department shall be considered confidential, except that the commissioner shall be authorized to provide vital record information to institutions and individuals both within and outside of the department who demonstrate a need for such information for the purpose of conducting health-related research. Any such release shall be conditioned upon the understanding that once the health-related research is complete that all information provided will be returned to the department or destroyed. All releases of information shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA) and regulations promulgated thereunder by the United States Department of Health and Human Services (45 C.F.R. Part 160 and Part 164). This shall include the requirement that all proposed releases of vital records information to institutions and individuals both within and outside the department for the purposes of health-related research be reviewed and approved by the institutional review board, under RSA 126:24-e, before the requested information is released.

126:24-e Institutional Review Board.

I. There is hereby established an independent institutional review board administratively attached, pursuant to RSA 12-G:10, to the department to review requests for vital records information for the purposes of conducting health-related research. No vital records information requested for the purposes of conducting health-related research shall be released until the request has first been reviewed and approved by the board.

II. The board shall have 6 members, with varying backgrounds to promote complete and adequate review of health-related research activities. The commissioner shall appoint 3 of the members and the secretary of state shall appoint 3 members. The board shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members to promote respect for its advice and counsel in safeguarding the privacy and confidentiality of vital records information that is used for the purposes of health-related research. In addition to possessing the professional competence necessary to review specific health-related research activities, the board shall be able to ascertain the acceptability of proposed research in terms of applicable law, regulations, and standards of professional conduct and practice. The board shall therefore include persons knowledgeable in these areas.

III. The board shall include at least one member whose primary concerns are in the area of public health research activities and at least one member whose primary concerns are in nonpublic health areas.

IV. The board shall include at least 2 members who are not otherwise affiliated with either the department or the department of state and who are not part of the immediate family of a person who is affiliated with either the department or the department of state.

V. No member of the board shall participate in initial or continuing review of any health-related research project in which the member has a conflicting interest, except to provide information requested by the board.

VI. The board may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that possessed by the members of the board. These individuals may only offer advice and guidance and shall not participate in the decision as to whether or not to approve the release of vital records information for the purposes of health-related research.

VII. The board shall have 2 part-time staff persons to conduct the duties associated with the work of the board. The board shall reimburse members for travel expenses associated with board activities.

126:24-f Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

I. With the exception of vital records, guidance and direction in the collection and accuracy of statistical and medical information by data collectors.

II. Procedures, conditions, and criteria for release of information, under RSA 126:24-d.

126:24-g Report. Annually, on or after April 30 for birth data, and on or after August 31 for death data, the committee shall produce a report on the quality of the prior year's vital records data based on the final data year reports received from the National Center for Health Statistics for natality and mortality demographic files. The report shall include a statement on the quality and completeness of each element recorded on the statistical forms as they are maintained electronically. The report shall be submitted to the commissioner, or designee, the secretary of state, the registrar of vital records, the speaker of the house of representatives, and the president of the senate.

126:24-h Advisory Committee on Quality of Vital Records Information.

I. There is established an advisory committee to assist the secretary of state in assuring and improving the quality of vital records electronic information. The committee shall meet annually or at the call of the chair. The members of the committee shall be appointed as follows:

- (a) A town or city clerk, appointed by the New Hampshire City and Town Clerks' Association.
- (b) A funeral director, appointed by the New Hampshire Funeral Directors' Association.
- (c) A physician licensed under RSA 329, appointed by the board of medicine.
- (d) One vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the commissioner.
- (e) The registrar of vital records, or designee.
- (f) A health information specialist, appointed by the New Hampshire Hospital Association.
- (g) The commissioner of health and human services, or designee.
- (h) One member of the senate, appointed by the senate president.
- (i) One member of the house, appointed by the speaker of the house of representatives.

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. The members under subparagraphs I(e) through (i) shall serve terms coterminous with their terms of office.

126:24-i Penalty. Any person shall be guilty of a class B felony if he or she willfully and knowingly furnishes or disseminates vital records information in a manner inconsistent with the purposes for which it was released.

83 Repeals. The following are repealed:

I. RSA 126:1 through 126:24, relative to vital records and health statistics.

II. RSA 126:30-a through 126:32, relative to vital records and health statistics.

84 Transfer.

I. All of the functions, powers, duties, and responsibilities of the department of health and human services, office of community and public health, bureau of vital records are transferred to the secretary of state. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds in any account or subdivision of an account of the department of health and human services and authorized for use by the office of community and public health, bureau of vital records, actions and other property or obligations of any kind of the department of health and human services, office of community and public health, bureau of vital records.

II. The transfer of the office of community and public health, bureau of vital records from the department of health and human services to the secretary of state shall not affect the terms or appointments of current members of the vital records improvement advisory committee established under RSA 126:32.

85 Department of Corrections; Laboratory Transfer. Notwithstanding any law to the contrary, all functions, powers, duties, and responsibilities of the department of corrections drug testing, 02-16-02-06, shall be transferred to the department of safety. The transfer provided for in this section shall include all of the personnel, position numbers 19566, Lab Scientist V, 8T001 (7-D) Lab Scientist III, and 8T868 (7-D) Lab Scientist II, books, papers, records, equipment, unexpended appropriations, or other available funds in any account or subdivision of an account of the department of corrections for use by the drug testing laboratory.

86 Public Health Laboratory Transfer.

I. Notwithstanding any law to the contrary, all of the functions, powers, duties, and responsibilities of the department of health and human services, division of public health laboratory used for the testing of blood, urine, and breath to determine alcohol concentration and controlled drug content of a person's blood, embedded in 05-01-07-05-01 Public Health Laboratories, shall be transferred to the department of safety. The transfer provided for in this section shall include the following personnel: position numbers 14649, 14630, 40332, 19608, 19841, 17141, 19626, 8T002, 9U481N, 19842, 9U484Q, 40328, 19844, and 14622. The transfer shall also include all of the equipment, books, papers, records, unexpended appropriations, and other available funds in any account or subdivision of an account of the department of health and human services, division of public health, related to the above functions and authorized for use by the division of public health for the purposes of breath alcohol testing and blood alcohol testing. The commissioner of the department of administrative services shall oversee the transfer of responsibilities and functions in this section and shall report on such progress to the legislative fiscal committee on or before February 1, 2004.

II. All existing rules, statutory responsibilities, regulations, and procedures in effect, in operation or adopted in or by the former department of health and human services, division of public health, which pertain directly or indirectly to breath alcohol testing and blood alcohol testing programs are transferred to the department of safety, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

87 Department of Safety; Laboratory Renovations. All renovations needed to implement the transfer and consolidation of laboratory functions contained in sections 85 and 86 of this act shall be exempt from the provisions of RSA 228.

88 License Suspension and Revocation. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA 263:56-a, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the default bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county, and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses up to a maximum amount of \$100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the default bench warrant fund to pay the costs related to law enforcement officials and bench warrants. The commissioner may also draw upon such fund to pay ~~the cost of breath analyzer machines;~~ **for costs associated with breath or blood alcohol testing,** upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.

89 Department of Administrative Services; Division of Plant and Property Management. Amend RSA 21-I:12, IV (c) (1)-(2) to read as follows:

(1) He **or she** shall exercise no management or other authority over the ~~[state police photo]~~ **forensic science** laboratory **established in RSA 106-B:2-a.**

(2) He **or she** shall exercise no management or other authority over the printing, duplication, photocopying, photographic or other graphic services equipment or personnel of the university system of New Hampshire, the department of transportation, the department of employment security, and the general court.

90 New Paragraph; Department of Safety; Duties of the Commissioner of the Department of Safety. Amend RSA 21-P:4 by inserting after paragraph IX the following new paragraph:

X. Nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state forensic toxicologist who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the forensic toxicologist shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

91 New Subparagraph; Department of Safety; Division of State Police. Amend RSA 21-P:7, I by inserting after subparagraph (d) the following new subparagraph:

(e) Forensic science laboratory services, including expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the state criminal, motor vehicle, hazardous waste, and other public safety laws.

92 Compensation of State Officers. Amend RSA 94:1-a, I (b), Grade FF as follows:

Delete

FF	Department of health and human services, office of health management	forensic toxicologist
----	--	-----------------------

Insert

FF	Department of safety	forensic toxicologist
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93 New Subparagraph; Department of Safety; Rulemaking Authority. Amend RSA 21-P:14, II by inserting after subparagraph (cc) the following new subparagraph:

(dd) The methods, procedures, and techniques for the testing of blood, urine, and breath to determine alcohol concentration as described under RSA 265:85, V

94 Department of Health and Human Services; General Provisions. Amend RSA 125:15-a to read as follows:

125:15-a Rulemaking. The commissioner of the department of health and human services shall adopt rules under RSA 541-A relative to:

I. The administration of the provisions of RSA 125:9 through 125:15.

II. The administration of occupational health programs under RSA 140.

III. The qualifications of the district health officer under RSA 127:6.

IV. The definition of a toxic substance under RSA 277-A:3, V.

V. ~~[The methods, procedures, and techniques for the testing of blood, urine, and breath to determine alcohol concentration as described under RSA 265:85, V.~~

~~VI.]~~ The laboratory services to be provided and fees to be charged under RSA 131:4.

~~[VII.]~~ **VI.** The methods and procedures for requesting and conducting inspections pursuant to RSA 125:9, X, and the provision of technical consultation and recommendations that may result from such inspections.

~~[VIII.]~~ **VII.** The methods and procedures necessary to conduct the rabies surveillance effort with the assistance of the department of agriculture, markets, and food and the fish and game department, as required under RSA 125:9, II.

~~[IX.]~~ **VIII.** The procedures for disclosure of ownership interests by health care practitioners under RSA 125:25-c.

95 New Section; State Police. Amend RSA 106-B by inserting after section 2 the following new section:

106-B:2-a Forensic Science Laboratory. The commissioner of the department of safety may establish, equip, and operate a forensic science laboratory with such expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the state criminal, motor vehicle, hazardous waste, and other public safety laws.

96 Laboratory of Hygiene. Amend RSA 131:4 to read as follows:

131:4 Service; Reimbursements; Rulemaking. The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A relative to a list of laboratory services to be provided under this chapter and a schedule of fees for such services. The fees may be waived by the commissioner when the commissioner determines it is in the best interests of the health of the public to do so. ~~[Fees shall not be charged for laboratory services provided under RSA 265 and RSA 611.]~~ Fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

97 Fish and Game; Blood Testing on Certain Hunting Fatalities. Amend RSA 214:20-1 to read as follows:

214:20-1 Blood Testing on Certain Hunting Fatalities. When death or serious bodily injury occurs to any person in the course of a hunting related shooting or the result of target practice, the person or persons responsible shall be tested for blood alcohol content. A law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each person involved, provided that the officer has probable cause to believe that the person responsible was under the influence of alcohol or a controlled drug or any combination of controlled drug or alcohol. All tests made under this section shall be conducted by the ~~[department of health and human services]~~ **forensic science laboratory established in RSA 106-B:2-a**, or in any other laboratory capable of conducting such tests which is licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988 as amended. A copy of any report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to any person, including their legal representative, who is or may be involved in a civil, criminal or administrative action arising out of an accident in connection with which the test was performed.

98 Administration of Alcohol Concentration Tests. Amend RSA 265:85, II to read as follows:

II. All such blood and urine tests made under the direction of a law enforcement officer shall be conducted in the **forensic science** laboratory of the department of ~~[health and human services]~~ **safety established in RSA 106-B:2-a** or, in the case of blood and urine samples to be tested for the presence of controlled drugs, in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended.

99 Blood Testing of Certain Motor Vehicle Fatalities. Amend the introductory paragraph of RSA 265:93 to read as follows:

When a collision results in death or serious bodily injury to any person, all drivers involved, whether living or deceased, and all deceased vehicle occupants and pedestrians involved shall be tested for evidence of alcohol or controlled drugs. A law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each driver involved if living and from the body of each deceased driver, deceased occupant or deceased pedestrian, in accordance with RSA 611:6, II, for the purpose of testing for evidence of alcohol content or controlled drugs; provided that in the case of a living driver the officer has probable cause to believe that the driver caused the collision. All tests made under this section shall be conducted by the ~~[department of health and human services]~~ **forensic science laboratory established in RSA 106-B:2-a** or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

100 Administration of Alcohol Concentration Tests. Amend RSA 270:52, II to read as follows:

II. All such blood and urine tests made under the direction of an authorized agent or a peace officer shall be conducted in the **forensic science** laboratory of the department of ~~[health and human services]~~ **safety established in RSA 106-B:2-a**.

101 Duty of State Pathologist. Amend RSA 611:13 to read as follows:

611:13 Duty of State Pathologist. Whenever the chief medical examiner or designee requires expert investigation, either chemical or pathological, of any substance or article preserved from an autopsy or for use

in any criminal case pending within their respective jurisdictions, such investigation may be made at the [state] **forensic science** laboratory of the department of [health and human services] **safety established in RSA 106-B:2-a**, without charge or expense to the state or county, and the expert making such investigation shall submit a report of the results of the work to the chief medical examiner or designee requesting it.

102 References Amended. Amend the following RSA sections by replacing “the department of health and human services” with “the department of safety”: RSA 265:85, III-V; the introductory paragraph of RSA 265:86; RSA 265:86, II; RSA 265:90, II-IV; RSA 265:92-a, II-III; RSA 270:52, III-V; the introductory paragraph of RSA 270:53; RSA 270:53, II; RSA 270:56, II-III; and RSA 270:57, II-III.

103 Repeal. The following are repealed:

I. RSA 106-G:1, VII, relative to the commissioner of the department of health and human services membership on the advisory committee on breath analyzer machines.

II. RSA 125:9, XIV, relative to the nomination of the state forensic toxicologist by the commissioner of the department of health and human services.

104 Transfer of Enhanced 911 System and the Bureau of Emergency Communications to the Department of Safety. Notwithstanding any law to the contrary, all of the functions, powers, duties, and responsibilities of the enhanced 911 system and the bureau of emergency communications established under RSA 106-H shall be transferred to the department of safety. The transfer shall also include all personnel, equipment, books, papers, records, unexpended appropriations, and other available funds in any account or subdivision of an account of the bureau of emergency communications. All existing rules, statutory responsibilities, regulations, and procedures in effect, in operation, or adopted by the enhanced 911 commission or the bureau of emergency communications are transferred to the department of safety, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

105 Powers of Governor and Council; Taking of Private Property. Amend the introductory paragraph of RSA 4:46, I to read as follows:

I. Whenever a state of emergency is declared or invoked and the taking of real or personal property is required, the governor with the advice and consent of the executive council may, by warrant specifying the particular real property and the personal property by specification of the types, quantities, and general location, together with the names of the owners, when known, authorize the director of the division of [fire safety and] emergency management, by his or her agents, to:

106 Powers of Governor and Council; Taking of Private Property. Amend RSA 4:46, II to read as follows

II. Takings under this section shall be strictly limited to the necessities of the situation. The person proposing to take possession of any such property in the name of the state shall present to the owner or person in possession or control of the property a copy of the warrant under which the person purports to act certified by the director of the division of [fire safety and] emergency management. Upon taking possession or control of such property the person shall present a receipt specifically listing the property so taken and specifically referring to the warrant authorizing the taking.

107 Department of Safety; Division of Fire Safety and Emergency Management. Amend the section heading and the introductory paragraph of RSA 21-P:12 to read as follows:

21-P:12 Division of Fire Safety [and Emergency Management]. There is established within the department a division of fire safety [and emergency management] under the supervision of an unclassified director of fire safety [and emergency management] who shall be known as the state fire marshal. The state fire marshal shall be nominated by the commissioner of safety, after consultation with the state advisory board of fire control, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. If no successor has been appointed with the consent of the council within 6 months of the expiration of the term, the governor shall appoint a successor with the consent of the council. The state fire marshal shall be academically and technically qualified to hold the position. The state fire marshal shall be a citizen of this state or become a citizen of this state within one year of his or her appointment. He or she shall devote his or her entire time to the duties of the division of fire safety [and emergency management] and shall receive the salary specified in RSA 94:1-a for the state fire marshal. The state fire marshal shall be responsible for the following functions, in accordance with applicable law:

108 New Paragraph; Department of Safety; Rulemaking. Amend RSA 21-P:14 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of safety, in consultation with the enhanced 911 commission, shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The conduct of the enhanced 911 commission meetings.
- (b) The development of minimum selection, educational, and training standards for emergency public safety answering point personnel.
- (c) Procedures for the conduct of investigations authorized under RSA 106-H.
- (d) Procedures for the collection and updating of the necessary database.
- (e) Procedures for the necessary cooperation and coordination with telephone utilities, municipalities, and the public for the effective implementation of the enhanced 911 system.
- (f) Procedures necessary for adequate funding of the enhanced 911 system, including coordination with the public utilities commission for appropriate tariff and billing mechanisms.
- (g) Procedures necessary to provide for the proper administration of RSA 106-H.

109 Department of Safety; Fire and Standards Training Commission. Amend RSA 21-P:26, I to read as follows:

I. There shall be a fire standards and training commission consisting of 16 members, including the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training, and the ~~[director of the division of fire safety and emergency management]~~ **state fire marshal**, who shall each serve during his or her continuance in such office, and one active member of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

110 Department of Safety; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 21-P:34 to read as follows:

~~[Office]~~ **Division** of Emergency Management

111 Department of Safety; Office of Emergency Management; Purpose Amended. Amend RSA 21-P:34 to read as follows:

21-P:34 Purpose. Because of the possibility of the occurrence of natural and man-made disasters resulting from fire, flood, hurricane, earthquake, prolonged power outages, disruption or contamination of the food or water supply, degradation of critical facilities and vital systems, disruption of communication systems, or other natural, technological or man-made causes, and in order that the state of New Hampshire will be adequately prepared to cope with such disasters; and, generally, in order to preserve the lives and the property of the people of the state, a state ~~[office]~~ **division** of emergency management is hereby created under the direction of the director of ~~[fire safety and]~~ emergency management. The emergency management powers provided in this subdivision are conferred upon the governor and upon other executive heads of governing bodies of the state; the creation of local organizations for emergency management in the political subdivisions of the state is authorized; and provision is made for the rendering of mutual aid among the political subdivisions of the state and between this and other states and to cooperate with the federal government with respect to the carrying out of emergency management functions. It is further declared to be the purpose of this subdivision and the policy of the state that all emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

112 Department of Safety; Office of Emergency Management Amended. Amend RSA 21-P:35, IV to read as follows:

IV. "Director" means the director of the division of ~~[fire safety and]~~ emergency management.

113 Department of Safety; Division of Emergency Management Established. Amend RSA 21-P:36 to read as follows:

21-P:36 ~~[Office]~~ **Division** of Emergency Management~~[-Coordinator of Emergency Management]~~.

I. There is hereby created~~[, within the division of fire safety and emergency management, an office]~~ a **division** of emergency management under the supervision of the director of the division of ~~[fire safety and]~~ emergency management. The commissioner shall nominate a ~~[coordinator]~~ **director** of emergency management, for appointment by the governor, with the consent of the council. The ~~[coordinator]~~ **director** of emergency management shall be directly responsible to the ~~[director]~~ **commissioner** and shall carry out such duties as are specifically enumerated in this subdivision and as may be assigned to the ~~[coordinator]~~ **director** by the ~~[director]~~ **commissioner**. The ~~[coordinator]~~ **director** of emergency management shall be academically and technically qualified to hold the position and shall receive the salary specified in RSA 94:1-a for the ~~[coordinator]~~ **director** of emergency management. Notwithstanding any other provision of law to the contrary, the ~~[coordinator]~~ **director** of emergency management shall serve at the pleasure of the governor and may be removed, with or without cause, by the governor and council. If any vacancy in the position of ~~[coordinator]~~ **director** of emergency management exists, and no successor has been nominated by the commissioner within 6 months of the vacancy, the governor may appoint a successor with the consent of the council.

II. With the approval of the ~~[director]~~ **commissioner**, the ~~[coordinator]~~ **director** may employ such necessary technical, clerical, stenographic, and other personnel, and may make such necessary expenditures from state or federal funds as are or may be made available for purposes of emergency management. The ~~[coordinator]~~ **director** and other personnel of the ~~[office]~~ **division** of emergency management shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With the approval of the ~~[director]~~ **commissioner**, the ~~[coordinator]~~ **director** shall coordinate the activities of all organizations for emergency management within the state, state and local, county, and private, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this subdivision as may be prescribed by the commissioner. If, as a result of a disaster declaration, the state of New Hampshire enters into an agreement with the federal government or another entity for assistance, either direct or indirect, financial or otherwise, such agreement shall be transmitted to the president of the senate and to the speaker of the house within 30 days after approval by the governor and council. Any obligation of the general fund of the state of New Hampshire as a result of such an agreement shall be submitted jointly to the general court by the president of the senate and speaker of the house for prompt payment. Administrative costs of the state of New Hampshire incident to such obligation shall be included in the submission to the general court.

114 Department of Safety; Emergency Management Powers Conferred. Amend the introductory paragraph of RSA 21-P:37 to read as follows:

The director shall have general direction and control of the ~~[office]~~ **division** of emergency management, and shall be responsible for the carrying out of the provisions of this subdivision. In the event of disaster beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within the state. In performing the director's duties under this subdivision and to effect its policy and purposes, the director is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the emergency management of this state and of the nation, and is further authorized and empowered:

115 Department of Safety; Emergency Management Powers and Duties. Amend RSA 21-P:38 to read as follows:

21-P:38 Emergency Management Powers and Duties Regarding Communications Systems. The ~~[office]~~ **division** of emergency management shall ascertain what means exist for rapid and efficient communications during natural and man-made disasters. The division of emergency management shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system which may be established for purposes of emergency management. In studying the character and feasibility of any such system or its several parts, the ~~[office]~~ **division** of emergency management shall consult with the department of administrative services and evaluate the possibility of the multi-purpose use of such a system for general state and local government purposes. The ~~[office]~~ **division** of emergency management shall make recommendations regarding such communications systems to the director as appropriate.

116 Department of Safety; Advisory Council on Emergency Preparedness and Security. Amend RSA 21-P:48, I(a) to read as follows:

- (a) The ~~[state coordinator]~~ **director** of **the division of** emergency management.

117 Department of Safety; Advisory Council on Emergency Preparedness and Security. Amend RSA 21-P:48, I (f) to read as follows:

(f) The director of the division of fire safety~~[and emergency management]~~.

118 Department of Safety; Advisory Council on Emergency Preparedness and Security. Amend RSA 21-P:48, I (h) to read as follows:

(h) The director of the governor's ~~[energy]~~ office ***of state planning***.

119 Department of Safety; Advisory Council on Emergency Preparedness and Security. Amend RSA 21-P:48, II to read as follows:

II. The council shall advise the governor on issues involving the state's ability to respond to natural and man-made disasters, and the preparation and maintenance of a state disaster plan in conformance with any federal regulation. The director of the division of ~~[fire safety and]~~ emergency management shall seek the advice of the council in any matter pertaining to the state's emergency management plan, including the allocation of federal and state resources to meet the objectives of such plan. The council shall routinely report to the governor, senate president, and speaker of the house on any recommendations of the council which pertain to the state's preparedness and ability to respond to natural and man-made disasters. The ~~[director of the division of fire safety and emergency management]~~ ***commissioner of the department of safety*** shall be the chairman of the council.

120 Compensation of State Officers. Amend RSA 94-1:a, I (b), Grade EE as follows:

I. By deleting:

Department of safety,
office of emergency management

coordinator of emergency management

II. By inserting:

Department of safety,
division of emergency
management

director

121 Compensation of State Officers. Amend RSA 94:1-a, I (b), Grade FF by deleting:

Department of administrative
services

executive director, bureau of
emergency communications

122 Enhanced 911 System; Definitions Amended. Amend RSA 106-H:2, III to read as follows:

III. "Bureau" means the bureau of emergency communications~~[- established by the commission under RSA 106-H:3].~~

123 Enhanced 911 System; Definitions Amended. Amend RSA 106-H:2, V to read as follows:

V. "Commissioner" means the commissioner of the department of ~~[administrative services]~~ ***safety***.

124 Enhanced 911 System; Commission and Bureau Established. Amend RSA 106-H:3 to read as follows:

I.(a) There is hereby established an enhanced 911 commission consisting of ~~[14]~~ ***15*** members, including the chief of the bureau of emergency medical service or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer and firefighter both experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

(1) ~~[New England Telephone Company]~~ ***Verizon***.

(2) New Hampshire Association of Fire Chiefs.

(3) New Hampshire Association of Chiefs of Police.

(4) New Hampshire Federation of Fire Mutual Aids.

(5) New Hampshire Municipal Association.

(6) New Hampshire Sheriffs Association.

(7) New Hampshire Telephone Association.

(8) The commissioner of the department of administration services.

(b) The ~~[commission]~~ **commissioner** shall establish a bureau of emergency communications ***within the division of emergency management created in RSA 21-P:36, and under the direction of the director of emergency management***, which shall administer enhanced 911 services. The ~~[commission]~~ **commissioner** shall oversee the administration of such services.

125 Enhanced 911 System; Powers and Duties Amended. Amend the introductory paragraph of RSA 106-H:5, I to read as follows:

I. The commission shall, ***with the approval of the commissioner***:

126 Enhanced 911 System; Powers and Duties Amended. Amend the introductory paragraph of RSA 106-H:5, II to read as follows:

II. The commission may, ***with the approval of the commissioner***:

127 Bureau of Emergency Communications; Personnel. RSA 106-H:6 is repealed and reenacted to read as follows:

106-H:6 Personnel. The director of the division of emergency management, subject to the approval of the commissioner, shall appoint such personnel as may be necessary to perform the duties assigned by the bureau subject to the limits of available funds. Personnel appointed under this section shall be classified state employees as defined by the division of personnel.

128 New Hampshire Retirement System; Membership. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(c) who has 10 years' fire service experience, who is or becomes the director of the division of fire safety ~~[and emergency management]~~, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of service in that capacity with the fire standards and training commission.

129 Transportation of High-Level Radioactive Waste. Amend RSA 107-D:9 to read as follows:

107-D:9 Coordination With Other Agencies. The department is expressly authorized to coordinate with or to contract with the ~~[office]~~ **division** of emergency management established in RSA 21-P:36 and with other state agencies or departments, including but not limited to the department of transportation and the department of health and human services, to perform any activities necessary to implement this chapter.

130 Emergency Management Assistance Compact and Northeastern American/Canadian Emergency Management Assistance Compact. Amend RSA 108:3, Article II, subparagraph (d) to read as follows:

(d) In New Hampshire, this compact shall be administered by the ~~[New Hampshire office]~~ **division** of emergency management.

131 Firewards, Firefighters and Fire Hazards. Amend RSA 154:30-c, I to read as follows:

I. A district fire mutual aid system shall coordinate the services of all municipalities and fire departments belonging to it so as to provide better and more efficient cooperation in the protection of life and property within the area which it comprises and toward this end shall cooperate with other state agencies including the ~~[state and local office]~~ **division** of emergency management ***and local emergency management offices***.

132 Council on Resources and Development. Amend RSA 162-C:1, VII to read as follows:

VII. The director or assistant director, ~~[office]~~ **division** of emergency management.

133 New Hampshire Safe Drinking Water Act; Emergency Planning. Amend RSA 485:40 to read as follows:

485:40 Emergency Planning. The department shall develop plans, with the advice and assistance of the ~~[office]~~ **division** of emergency management, and of the public water systems of the state, for emergency conditions and situations that may endanger the public health or welfare by contamination of drinking water. Such plans may include potential sources of contaminants and situations or conditions that could place them

in the sources of public drinking water, techniques and methods to be used by public water systems to reduce or eliminate the dangers to public health caused thereby, methods and times for analysis or testing during such emergency conditions or situations, alternate sources of water available to public water systems, and methods of supplying drinking water to consumers if a public water system cannot supply such water.

134 Wiretapping and Eavesdropping. Amend RSA 570-A:2, II (h) to read as follows:

(h) Any municipal, county, or state fire or police department, the [office] **division** of emergency management as created by RSA 21-P:36, the bureau of emergency communications as defined by RSA 106-H, or any independently owned emergency service, and their employees in the course of their employment, when receiving or responding to emergency calls, to intercept, record, disclose or use a telecommunication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property.

135 Department of Safety; Public Health Emergency Management Powers and Duties. Amend RSA 21-P:49, I to read as follows:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the [office] **division** of emergency management.

136 Department of Safety; Nomination of Director of Division of Emergency Management. No later than 60 days after the effective date of this section, the commissioner of the department of safety shall nominate a director of the division of emergency management for approval by the governor with the consent of the council. The provisions of RSA 21-P:3 shall apply to the nomination and appointment of such director.

137 Repeal. The following are repealed:

I. RSA 21-P:12, V, relative to oversight of the office of emergency management by the state fire marshal.

II. RSA 21-P:35, II, relative to the coordinator of emergency management.

III. RSA 21-P:37, V, relative to the delegation of administrative authority to the coordinator of emergency management.

IV. RSA 106-H:4, relative to the administrative attachment of the bureau of emergency communications to the office of the commissioner of the department of administrative services.

V. RSA 106-H:5, I (a), relative to the power of the enhanced 911 commission to implement and administer an enhanced 911 system.

VI. RSA 106-H:5, I (g), relative to the power of the enhanced 911 commission to establish the duties and qualifications of the director.

VII. RSA 106-H:7, relative to rulemaking authority of the bureau of emergency communications.

138 Contingency. Sections 104-137 of this act shall take effect upon the expiration of the term of office of the executive director appointed pursuant to RSA 106-H:6 serving on July 1, 2003.

139 Reimbursement of Meals and Rooms Taxes Paid by the City of Manchester. Notwithstanding any other provision of law, the state shall reimburse the city of Manchester up to \$44,293 in addition to the amount calculated to be reimbursed under RSA 78-A:26. Reimbursement shall be contingent upon submission of documentation from the city of Manchester to the department of revenue administration supporting that up to \$44,293 of meals and rooms tax payments have been made by the city to vendors. Such additional sum, up to \$44,293 as certified by the department of revenue administration, shall be paid at the time distribution under RSA 78-A:26 is made for fiscal year 2004. The total amount reimbursed shall be reduced by any commissions paid to the operators and distributions made in prior fiscal years to the city of Manchester from these funds.

140 Land and Community Heritage Investment Program; Authority to Adopt Guidelines for Revolving Loan Fund Program. Amend RSA 227-M:5, II(b) and (c) to read as follows:

(b) The restoration or rehabilitation of cultural and historical buildings or structures; ~~and~~

(c) The stewardship and monitoring of resource assets on which program funds are expended; **and**

(d) The operation of the land and community heritage investment program revolving loan fund program pursuant to RSA 227-M:7-b.

141 New Section; Land and Community Heritage Investment Program Revolving Loan Fund Established. Amend RSA 227-M by inserting after section 7-a the following new section:

227-M:7-b Land and Community Heritage Investment Program Revolving Loan Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the land and community heritage investment program revolving loan fund which shall be kept separate and distinct from all other funds. Moneys in the fund shall be nonlapsing and shall be continually appropriated to the land and community heritage investment program, and shall be used to provide low-interest or no-interest loans to New Hampshire municipalities and non-profit organizations to conserve and protect New Hampshire's natural, cultural, and historic resources.

II. A municipality or non-profit organization shall repay any loan made pursuant to this section upon such terms and conditions as are recommended by the authority. The term of the loan shall be determined by the authority, and to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in a binding agreement between the authority and the municipality or non-profit organization, and shall be sufficient to fully reimburse the authority for the loan. All money received through reimbursement shall be deposited by the state treasurer in the land and community heritage investment program revolving loan fund.

III. Any appropriations received for the purposes of the land and community heritage investment program revolving loan fund program shall be deposited in the fund for such purpose. Moneys in the fund and any interest earned on the fund shall be used for the purpose of the revolving loan program.

142 Land and Community Heritage Investment Program; Program Administration. Amend the introductory paragraph of RSA 227-M:8, III to read as follows:

III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting) **and loans**. Financial assistance may only be expended on eligible resources for the following purposes:

143 New Subparagraph; State Accounts; Application of Receipts; Land and Community Heritage Investment Program Revolving Loan Fund Added to List of Dedicated Funds. Amend RSA 6:12, I by inserting after subparagraph (mmmmmmmmmm) the following new subparagraph:

(nnnnnnnnnn) Moneys deposited in the land and community heritage investment program revolving loan fund under RSA 227-M:7-b.

144 Public Kindergarten Programs; Per Pupil Reimbursement. Amend 1999, 65:9, I(a) as amended by 2000, 289:2, as amended by 2001, 158:37 to read as follows:

I.(a) If a school district implements a public kindergarten program during school year 1999-2000 through school year [2002-2003] **2004-2005** inclusive, the school district maintaining such a kindergarten program shall receive reimbursement at the rate of \$1200 per pupil from the education trust fund created in RSA 198:39 for each fiscal year through June 30, [2003] **2005**.

145 Adequate Education Grants; Footnote Added. Amend 2001, 130:1, 06, 03, 02, 02, 04, class 91 to read as follows:

	FISCAL YEAR 2002	FISCAL YEAR 2003
06 EDUCATION		
03 DEPARTMENT OF EDUCATION		
02 OFFICE OF THE DEP COMMISSIONER		
02 FINANCIAL AID TO DISTRICTS-ST.		
04 ADEQUATE EDUCATION GRANTS		
90 HARDSHIP GRANTS	5,000,000	5,000,000
91 ADEQUATE EDUCATION GRANTS *	882,630,084	899,495,135
TOTAL	887,630,084	904,495,135

*** The total appropriated in Class 91 includes \$1,972,800 for fiscal year 2002 for kindergarten aid and \$2,625,600 in fiscal year 2003 for kindergarten aid. The amount appropriated for kindergarten aid in fiscal year 2003 shall not lapse until June 30, 2005.**

146 Kindergarten Construction Program. Amend RSA 198:15-r, I to read as follows:

I. There is established in the department of education a kindergarten construction program. For the ~~[7-year]~~ **8-year** period starting July 1, 1997, and ending June 30, ~~[2004]~~ **2005**, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

147 Kindergarten Construction Program Extended. Amend 2001, 287:7, I to read as follows:

I. Paragraph II of section 6 of this act shall take effect July 1, ~~[2004]~~ **2005**.

148 Pease Development Authority; Airport Acquisitions and Airport Projects; State Bond Guarantee. Amend RSA 12-G:31, I to read as follows:

I. In view of the general public benefits expected to be derived from the airport property acquisitions and airport projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued pursuant to RSA 12-G:17-28. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed ~~[\$50,000,000]~~ **\$80,000,000**, plus interest. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

149 Pease Development Authority; Comprehensive Development Plan; State Guarantee of Bond. Amend RSA 12-G:33 to read as follows.

12-G:33 Comprehensive Development Plan Required. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed ~~[\$35,000,000]~~ **\$5,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

150 Committee Established. There is established a committee to study the application of the communications services tax to the provision of Internet services.

151 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

152 Duties. The committee shall study the application of the communications services tax to the provision of Internet services.

153 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

154 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

155 Order of Names on Presidential Primary Ballots. Amend RSA 656:32 to read as follows:

656:32 Other Provisions. The provisions of RSA 656:24-656:28 relating to state primary election ballots shall apply to presidential primary ballots, ***except that candidates on the presidential primary ballot shall be listed in the alphabetical order of their surnames.***

156 Investor Education Fund Lapse. Notwithstanding RSA 421-B:21, II-c and 421-B:26, IV, all funds received under the global settlement relative to conflicts of interest between research analysts and investment banking, up to \$3,700,000, shall lapse from the investor education fund to the general fund as soon as such funds become available during the fiscal year ending June 30, 2004.

157 Repeal. The following are repealed, and the balance of the health care fund as of June 30, 2003 shall lapse to the general fund:

I. RSA 167:69 through RSA 167:75, relative to health care fund.

II. RSA 6:12, I(ttttt), relative to moneys deposited in the health care fund.

III. 1997, 351:74, relative to medicaid revenues transferred to health care transition fund.

158 Commission Established. There is established a commission to review and recommend changes to improve the delivery of community mental health services and to review the structure of the division of behavioral health services, department of health and human services.

159 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) Two members representing community mental health centers, appointed by the Community Behavioral Health Association.

(d) The commissioner of the department of health and human services, or designee.

(e) The director or acting director of the division of behavioral health, department of health and human services.

(f) The executive director of the New Hampshire Disabilities Rights Center, Inc.

(g) Three members representing mental health consumers or families utilizing mental health services, appointed by the governor with the consent of the council.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

160 Duties. The commission shall study the behavioral health delivery system within the department of health and human services and provide recommendations with the following goals:

I. A review of the existing regulatory and auditing functions, including the elimination of unnecessary regulation.

II. Study changes that promote a state management structure that limits overhead expenses and provides appropriate expenditures for behavioral health services.

III. Determine whether the existing structure is the most appropriate structure for the oversight and delivery of community mental health services.

IV. A review of the efficiency and effectiveness of the existing mental health services delivery system.

161 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

162 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2003.

163 State Bonds; Maturity. Amend RSA 6-A:2 to read as follows:

6-A:2 Denominations; Form and Maturities. The bonds shall be issued by the state treasurer when authorized by the governor and council. They may be issued at one time or in a series from time to time. The maturity dates of each series shall be determined by the governor and council, but in no case shall they be later than ~~[20]~~ **30** years from the date of issue. The bonds may be redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The bonds shall be in such form and denominations as the governor and council shall determine and, subject to RSA 6:14 and 6:15, may be nonregistrable or registerable as to principal only or registerable as to both principal and interest. Subject to the provisions of RSA 93-A, they shall be signed by the treasurer and countersigned by the governor. They shall be deemed a pledge of the faith and credit of the state.

164 State Bonds; Maturity; 2005 Version. Amend RSA 6-A:2 to read as follows:

6-A:2 Denominations; Form and Maturities. The bonds shall be issued by the state treasurer when authorized by the governor and council. They may be issued at one time or in a series from time to time. The maturity dates of each series shall be determined by the governor and council, but in no case shall they be later than ~~[30]~~ **20** years from the date of issue. The bonds may be redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The bonds shall be in such form and denominations as the governor and council shall determine and, subject to RSA 6:14 and 6:15, may be nonregistrable or registerable as to principal only or registerable as to both principal and interest. Subject to the provisions of RSA 93-A, they shall be signed by the treasurer and countersigned by the governor. They shall be deemed a pledge of the faith and credit of the state.

165 Effective Date.

I. Sections 16, 29, 39, 144, and 145 of this act shall take effect June 30, 2003.

II. Sections 25 and 26 of this act shall take effect as provided in section 28 of this act.

III. Sections 36, 139, 150-154, and 158-162 of this act shall take effect upon its passage.

IV. Sections 85-103 of this act shall take effect January 1, 2004.

V. Sections 104-137 of this act shall take effect as provided in section 138 of this act.

VI. Section 164 of this act shall take effect June 30, 2005.

VII. The remainder of this act shall take effect July 1, 2003.

2003-1970s

AMENDED ANALYSIS

This bill:

I. Provides that, for the biennium ending June 30, 2005, 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.

II. Provides that the commissioner of the department of health and human services may implement a preferred drug list program with fiscal committee approval.

III. Provides that the governor may choose not to take a salary and may designate the money for employee incentives.

IV. Establishes the nurses stat program to provide scholarship assistance to nursing students who will serve in New Hampshire and to provide grants to the regional community-technical colleges.

V. Provides that qualified, state employees laid off between January 1, 2003 and July 1, 2005 shall be given hiring priority for open positions in state government.

VI. Changes the name of the office of state planning to the office of state planning and energy programs.

VII. Provides that a portion of the department of environmental services' lab equipment revolving fund shall lapse to the general fund.

VIII. Transfers the community development block grant program from the office of state planning to the community development finance authority.

IX. Adds \$20 to certain court filing fees.

X. Changes the procedures for payment of autopsy expenses by the state and by counties.

XI. Amends fees charged by the secretary of state.

XII. Transfers certain funds collected by the secretary of state to the election fund for the biennium ending June 30, 2005, contingent on the passage of HB 577-FN-A-LOCAL, which establishes the election fund.

XIII. Provides that funds in the investor education fund excess of \$653,500 at the end of fiscal year 2004 shall be credited to the general fund.

XIV. Provides that, for the biennium ending June 30, 2005, \$2,000,000 of unexpended catastrophic special education aid shall not be distributed for court-ordered placements but shall lapse to the general fund.

XV. Provides that the regional community-technical colleges shall not be required to utilize the services of the bureau of graphic services unless they choose to do so.

XVI. 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.

XVII. Makes certain appropriations allocated in 2001, 130 to the office of information systems nonlapsing.

XVIII. Authorizes a longevity payment for a certain position in the department of health and human services. Funding for the longevity payment shall be from appropriations for positions that are not filled.

XIX. Provides for recognition of out-of-state registration of radiation producing machines.

XX. Requires the department of health and human services to conduct an audit of the medicaid program by November 1, 2003.

XXI. Requires the commissioner of the department of administrative services to implement a state employee self-insured health insurance program and report to the fiscal committee.

XXII. Permits unconditional transfers from the revenue stabilization reserve account to eliminate general fund operating budget deficits at the close of fiscal year 2003.

XXIII. Provides that, for the biennium ending June 30, 2005, revenue generated by the liquor commission shall be deposited in the general fund.

XXIV. Changes the calculation of average annual cost for certain long-term care.

XXV. Sets the rate for the medicaid enhancement tax at 6 percent upon the gross patient services revenue of every hospital.

XXVI. Clarifies the funding for positions in the office of victims/witness assistance.

XXVII. Increases the rate of communications services taxes from 4.5 percent to 7 percent of the gross charge.

XXVIII. Repeals performance based budgeting.

XXIX. Requires the department of health and human services to use private providers for case management services under the medicaid home and community-based care waiver program for the elderly and chronically ill (HCBC-ECI).

XXX. Removes a discount for wholesalers on cash purchases of tobacco tax stamps. The bill also repeals a provision allowing wholesalers of tobacco to retain 3 percent of tobacco tax revenue collected as compensation.

XXXI. Increases the motor vehicle inspection sticker fee.

XXXII. Establishes a state jobs grant fund for Coos and Sullivan counties from which grants may be made by the commissioner of resources and economic development to businesses which create jobs in areas with high rates of unemployment or underemployment.

XXXIII. Extends the reporting dates for the instream flows and water management study pilot program by 2 years.

XXXIV. Transfers \$355,000 from the source water protection program to the instream flows and water management study pilot program.

XXXV. Transfers the administration of vital records from the department of health and human services to the department of state.

XXXVI. Transfers all functions, powers, duties, and responsibilities of the department of corrections drug testing, and all functions, powers, duties, and responsibilities of the department of health and human services, division of public health laboratory used for the testing of blood, urine, and breath to the forensic science laboratory which is established within the department of safety, division of state police.

XXXVII. Creates a division of emergency management under a director of emergency management within the department of safety.

XXXVIII. Brings the enhanced 911 system and the bureau of emergency communications within the authority of the department of safety.

XXXIX. Refunds certain meals and rooms taxes paid by the city of Manchester.

XL. Establishes the land and community heritage investment program revolving loan fund program.

XLI. Extends kindergarten aid through June 30, 2005 for those school districts which implemented a public kindergarten program during school year 1999-2000 through school year 2004-2005 inclusive.

XLII. Extends the kindergarten construction program from July 1, 2004 to July 1, 2005. Current law would repeal the program on July 1, 2004.

XLIII. Increases the maximum state guarantee amount for principal of bonds for Pease development authority airport acquisitions and airport projects. The bill decreases the maximum state guarantee amount for principal of bonds for the Pease development authority comprehensive development plan.

XLIV. Establishes a committee to study the application of the communications services tax to the provision of Internet services.

XLV. Requires candidates on the presidential primary ballot to be listed in the alphabetical order of their surnames.

XLVI. Lapses \$3,700,000 from the investor education fund to the general fund.

XLVII. Repeals the health care fund and lapses the remainder of the fund to the general fund.

XLVIII. Establishes a commission to study the delivery of community and mental health services and the structure of the division of behavioral health services.

XLIX. Extends the maturity date for state bonds to 30 years, and returns the maturity date to 20 years effective in 2005.

Senate Finance
June 3, 2003
2003-1980s
01/09

Amendment to HB 81-FN-A

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

AN ACT amending the effective date of HB 694-FN of the 2003 legislative session.

Amend the bill by replacing all after the enacting clause with the following:

1 HB 694-FN; Effective Date Changed. Section 9 of HB 694-FN of the 2003 legislative session is repealed and reenacted to read as follows:

9 Effective Date.

I. Sections 5-8 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect January 1, 2004.

2 Contingency. If HB 694-FN of the 2003 legislative session becomes law, section 1 of this act shall take effect July 1, 2003. If HB 694-FN of this act does not become law, section 1 of this act shall not take effect.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II The remainder of this act shall take effect upon its passage.

2003-1980s

AMENDED ANALYSIS

This bill amends the effective date of HB 694-FN of the 2003 legislative session.

Senate Finance
June 3, 2003
2003-1972s
04/09

Amendment to HB 135-FN-LOCAL

Amend RSA 194-B:11, I as inserted by section 2 of the bill by replacing it with the following:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school **authorized by the school district**, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. **For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I.** Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, ~~funding for a pupil attending a charter or open enrollment school shall be paid on the same time schedule as the resident district,~~ **tuition payments shall coincide with the distribution of adequacy grants under RSA 198:42** or on such other terms as ~~[the school and the funding source may find]~~ **are** mutually acceptable.

Amend RSA 194-B:11, XII as inserted by section 3 of the bill by replacing it with the following:

XII. Any money appropriated in the budget for matching charter school grants that remains unused after the department of education issues matching grants to eligible recipients under paragraph XI shall be used to provide a one-year transitional grant to public school districts that have lost pupils as a result of the establishment of a charter school, and have paid tuition to the charter school in cash pursuant to subparagraph IX(a). For the first year in which a public school pupil leaves the public school and enrolls in a charter school, the school district that loses the pupil shall be eligible for a charter school transitional grant **beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount**

determined in RSA 198:40, I. Such transitional grants shall be administered by the state board of education which shall have the authority to determine eligibility and the amount of money to be awarded to school districts under this section, subject to the amount appropriated in the budget.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Charter Schools; Employees. Amend RSA 194-B:14, III to read as follows:

III. A **public** charter school may choose to participate in the state teacher retirement system, and service in a **public** charter school shall be deemed creditable service under RSA 100-A:4.

Senate Finance
June 3, 2003
2003-1982s
01/09

Amendment to HB 608-FN-LOCAL

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

AN ACT relative to the funding of public education.

Amend the bill by replacing all after the enacting clause with the following:

1 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.87** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

2 State Enhanced Education Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 State Enhanced Education Tax. An annual state enhanced education tax at the uniform rate of \$3.26 on each \$1,000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 State Enhanced Education Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 State Enhanced Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the state enhanced education tax rate shall be determined in accordance with the calculation set forth in RSA 198:40-b, and such rate shall be imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F. The commissioner of the department of revenue administration shall set the rate which shall be effective for the fiscal year in which the calculation is made.

4 Assessment; Commissioner's Warrant; Commissioner's Report. Amend RSA 76:8 and 76:9 to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the proportion of **state enhanced** education [~~property~~] tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized value of all property in the municipality as determined under RSA 21-J:3, XIII for the preceding year, except property taxable under RSA 82 or RSA 83-F.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess **state enhanced** education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

III. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations not funded by the **state enhanced** education [~~property~~] tax, by distributions from the education trust fund under RSA 198:39, or by other revenue sources.

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before October 1, a statement of the **state enhanced** education [~~property~~] tax warrants to be issued for the tax year commencing April 1 of the succeeding year.

5 Utility Property Tax; Exemption. Amend RSA 83-F:9 to read as follows:

83-F:9 Exemption From State **Enhanced** Education [Property] Tax. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district, or county taxation under RSA 76.

6 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide **state enhanced** education [property] tax hardship relief under RSA 198:55. The state treasurer shall deposit into this fund immediately upon receipt:

7 School Money; Education Trust Fund. Amend RSA 198:39, I(g) to read as follows:

(g) The full amount of excess **state enhanced** education [property] tax payments from the department of revenue administration pursuant to RSA 198:46.

8 State Aid for Educational Adequacy; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

- I. "Municipality" means a city, town, or unincorporated place.
- II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.
- III. "Elementary school" means a school with any of the grades kindergarten through 8.
- IV. "High school" means a school with any of the grades 9 through 12.
- V. "Department" means the department of education.
- VI. "Educationally disabled child" or "educationally disabled pupil" means an educationally disabled child as defined in RSA 186-C:2, I.
- VII. "Average daily membership in attendance" means average daily membership in attendance as defined in RSA 189:1-d, III.
- VIII. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV, except that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day. Children who are home schooled pursuant to a home education program approved by the department in accordance with RSA 193-A shall not be included in this definition.
- IX. "Transportation cost" means the cost of transporting pupils in grades kindergarten through grade 8 to and from school as reported by school districts on the DOE-25 form.
- X. "Free or reduced-price meal" means the number of pupils in a school district in grades 1 through 12 who are eligible to receive a free or reduced-priced meal.
- XI. "Calculated rate" means the total revenue raised statewide by the local education tax multiplied by 1000, and then divided by the total statewide equalized valuation.

9 State Aid for Educational Adequacy; Local Equalization Aid; Per Pupil Valuation. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Local Equalization Aid. Beginning July 1, 2004, and every fiscal year thereafter, local equalization aid shall be calculated by the department as follows:

- I. The total statewide equalized valuation of all municipalities including utilities, as determined by the department of revenue administration, shall be divided by the total statewide average daily membership in residence. The result shall be the statewide average equalized valuation per pupil.
- II. The equalized valuation of all property in a municipality including utilities, as determined by the department of revenue administration, shall be divided by the average daily membership in residence in the municipality. The result shall be the local equalized valuation per pupil.
- III. Eligibility for local equalization aid under this paragraph shall be determined as follows:

(a) If a municipality's local equalized valuation per pupil as calculated in paragraph II is equal to, or greater than, the statewide average equalized valuation per pupil as calculated in paragraph I, no local equalization aid shall be available.

(b) If a municipality's local equalized valuation per pupil as calculated in paragraph II is less than the statewide average equalized valuation per pupil as calculated in paragraph I, the municipality shall be entitled to receive local equalization aid in an amount equal to the following: subtract the local equalized valuation per pupil as calculated in paragraph II from the statewide average equalized valuation per pupil as calculated in paragraph I. This amount shall be multiplied by the calculated rate, and the product shall be divided by 1,000. The result shall be multiplied by the average daily membership in residence in such municipality and shall be available to a municipality as local equalization aid.

10 New Sections; Targeted Per Pupil Aid; State Enhanced Education Aid. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Targeted Per Pupil Aid.

I. A municipality with a local equalized valuation per pupil as calculated in RSA 198:40, II, which is less than or equal to 200 percent of the statewide average equalized valuation per pupil, as calculated in RSA 198:40, I, shall be eligible to receive targeted per pupil aid for such municipality's transportation costs as reported on the DOE-25 form, and for such municipality's educationally disabled pupils, pupils eligible for free or reduced-price meals, and English for speakers of other languages which shall be determined by multiplying the statewide average equalized valuation per pupil, as calculated in RSA 198:40, I, by the calculated rate. The product shall be divided by 1,000 resulting in a per pupil amount which shall be available to a municipality as follows:

(a) The per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in residence of educationally disabled pupils in the municipality. This amount shall be available as targeted aid for educationally disabled pupils in the municipality.

(b) The per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in residence eligible to receive a free or reduced-price meal in grades 1 through 12 in the school district. This amount shall be available as targeted aid for pupils eligible to receive a free or reduced-price meal in the municipality.

(c) The per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in attendance receiving English for speakers of other languages services in the municipality. This amount shall be available as targeted aid for pupils in the municipality receiving English for speakers of other languages. In this subparagraph "average daily membership in attendance" shall be as defined in RSA 189:1-d, III.

(d) A municipality eligible to receive targeted per pupil aid under this paragraph shall also receive 100 percent of transportation costs in such municipality.

II. A municipality with a local equalized valuation per pupil, as calculated in RSA 198:40, II, which is greater than 200 percent of the statewide average equalized valuation per pupil as calculated in RSA 198:40, I shall not receive targeted per pupil aid under this section.

198:40-b State Enhanced Education Aid. Beginning July 1, 2004, and every fiscal year thereafter, state enhanced education aid shall be calculated by the department as follows:

I. Divide the total statewide equalized valuation of all municipalities excluding utilities, as determined by the department of revenue administration, by the total statewide average daily membership in residence. The result shall be the statewide average equalized valuation per pupil.

II. Divide the equalized valuation of all property in a municipality excluding utilities, as determined by the department of revenue administration, by the average daily membership in residence in the municipality. The result shall be the local equalized valuation per pupil.

III. Eligibility for state enhanced education aid under this paragraph shall be determined as follows:

(a) If a municipality's local equalized valuation per pupil as calculated in paragraph II is greater than or equal to the statewide average equalized valuation per pupil as calculated in paragraph I, no state enhanced aid shall be available.

(b) If a municipality's local equalized valuation per pupil as calculated in paragraph II is less than the statewide average equalized valuation per pupil as calculated in paragraph I, the municipality shall be entitled to receive state enhanced education aid in an amount equal to the following: subtract the local equalized valuation per pupil as calculated in paragraph II from the statewide average equalized valuation per pupil as calculated in paragraph I. This amount shall be multiplied by the state enhanced education tax imposed statewide in the fiscal year in which this calculation is made, and the product shall be divided by 1,000. The result shall be multiplied by the average daily membership in residence in such municipality and shall be available to a municipality as state enhanced education aid.

IV.(a) In any fiscal year, if the amount raised by the state enhanced education property tax in any municipality, except an unincorporated place or a town with an average daily membership in residence of one or less, exceeds the amount necessary to fund all local education costs, excluding repayment of bond principal and construction costs, as determined in such municipality's duly adopted school district budget, the excess shall be remitted to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

(b) The amount of such excess to be remitted shall not include any income derived from the investment of funds by the municipal treasurers under RSA 41:29 and RSA 48:16. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for unrestricted use by the municipality.

(c) The commissioner of the department of revenue administration shall collect from the municipality the excess tax and pay the excess tax over to the state treasurer for deposit in the education trust fund established in RSA 198:39.

(d) The commissioner of the department of revenue administration shall calculate the excess amount owed by each municipality pursuant to paragraph I.

V. In any fiscal year, a municipality shall appropriate all state enhanced education aid funds received under this section to pay for local education costs before raising any additional local education tax revenues locally.

198:40-c Total State Aid for Education.

I. Beginning July 1, 2004, and every fiscal year thereafter, the total state aid for education shall be determined as follows:

(a) The sum total of all local equalization aid as calculated under RSA 198:40 paid to all municipalities statewide; plus

(b) The sum total of all targeted aid as calculated under RSA 198:40-a paid to all municipalities statewide; plus

(c) The sum total of all state enhanced education aid as calculated under RSA 198:40-b.

II. In each fiscal year, the total aid calculated in paragraph I shall be adjusted by adding the average annual rate of inflation, as measured by the most recent available northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The resulting sum, expressed as a percentage, shall be added to 100 percent to yield an adjustment factor. The total state aid for education from the immediately preceding year shall be multiplied by the adjustment factor and the product shall be the adjusted total state aid for education.

III. In each fiscal year, the commissioner of the department of revenue administration shall determine, to the nearest cent, the state enhanced education tax rate that will match, as nearly as possible without exceeding, the amount raised statewide by the state enhanced education tax in fiscal year 2005.

IV. In any fiscal year in which the total state aid for education as calculated under this section would exceed the total state aid for education distributed to municipalities in the immediately preceding fiscal year as adjusted pursuant to paragraph II of this section, the total state aid for education shall be reduced to the amount distributed to municipalities in the immediately preceding fiscal year, as adjusted pursuant to paragraph II of this section, and the amount of the excess shall be deducted from each municipality's state enhanced education aid distributed under RSA 198:40-b on a pro rata basis. If in any fiscal year the total state enhanced education aid distributed to municipalities is insufficient to offset the excess, the remaining excess shall be deducted from each municipality's transportation aid on a pro rata basis.

11 Determination of Adequate Education Grants. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Determination of Adequate Education Grants.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality by adding all sums received by a municipality under RSA 198:40, RSA 198:40-a, and RSA 198:40-b, and subtracting from this sum the amount of the tax warrant issued by the commissioner of the department of revenue administration pursuant to RSA 76:9 for the next tax year.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for each municipality as the lesser of the two following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

12 School Money; Distribution of Adequate Education Grants. Amend RSA 198:42, II to read as follows:

II. For the fiscal year beginning July 1, 1999, and every fiscal year thereafter the amount necessary to fund the grants under RSA ~~[198:41]~~ **198:40-c** is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education according to the following formula: from the amount calculated in accordance with RSA ~~[198:40, III]~~ **198:40-c**, subtract the aggregate amount of the **state enhanced** education ~~[property]~~ tax warrants to be issued by the commissioner of revenue administration for municipalities reported pursuant to RSA 76:9 for the next tax year. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of adequate education grants.

13 Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198:57, III(a) to read as follows:

(a) Owns a homestead or interest in a homestead subject to the **state enhanced** education ~~[property]~~ tax;

14 Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198:57, IV(c) to read as follows:

(c) Multiply the lesser of the amount determined in subparagraph (a) or (b) by the ~~[current]~~ **state enhanced** education ~~[property]~~ tax rate as shown on the tax bill under RSA 76:11-a;

15 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading immediately preceding RSA 198:46 to read as follows:

Excess **State Enhanced** Education ~~[Property]~~ Tax Payment

16 Excess Education Property Tax Payment. Amend RSA 198:46, I to read as follows:

I. Municipalities for which the **state enhanced** education ~~[property]~~ tax exceeds the amount necessary to fund an adequate education determined by RSA 198:40 shall assess and remit such excess amount to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

17 Excess Education Property Tax Payment; Forms. Amend RSA 198:47 to read as follows:

198:47 Forms. The commissioner shall approve and provide forms relative to the reporting and remitting of excess **state enhanced** education ~~[property]~~ tax by the municipalities.

18 Alternative Kindergarten Programs. Amend RSA 198:48-a, VII-VIII to read as follows:

VII.(a) ~~[Upon the effective date of this paragraph, and for]~~ **For** each fiscal year through June 30, 2003, an adequate education grant of \$1200 per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established under this section.

(b) Once pupils enrolled in an approved alternative kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with ~~[RSA 198:40 through RSA 198:42]~~ **RSA 198:41.**

VIII. Notwithstanding the provisions of this section, alternative kindergarten programs which were approved and in effect prior to April 29, 1999 may continue to operate and shall continue to receive per pupil adequate education grant amounts in accordance with RSA ~~[198:40 through RSA 198:42]~~ **198:41.**

19 School Boards, Teachers; Definitions Amended. RSA 189:1-d is repealed and reenacted to read as follows:

189:1-d Definitions. In this chapter:

I. "Attendance" means full-time participation in a program of instruction under the direction of a teacher employed by the school district. Educationally disabled home educated pupils educated at school district expense under the direction of a teacher employed by the school district shall be included.

II. "Membership" means pupils of whom attendance is expected, whether a pupil is present or absent on any given day.

III. "Average daily membership in attendance" means the aggregate half-day membership of pupils attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance for preschool and kindergarten pupils shall be divided by the number of instructional days offered to higher level elementary grades.

IV. "Average daily membership in residence" means the average daily membership in attendance of pupils who are legal residents of the school district pursuant to RSA 193:12 or RSA 193:27, IV and are attending any public school, or who are attending any charter school or private school program approved by the department of education at the expense of the school district.

20 Procedure for Formation of Cooperative School Districts; Apportioning Operating Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning the operating expenses of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.]~~

21 Procedure for Formation of Cooperative School Districts; Apportioning Capital Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(g) to read as follows:

(g) The method of apportioning the capital expenses of the cooperative school district among the several preexisting districts, which need not be the same as the method for apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the costs of acquiring land and buildings for school purposes, including property owned by a preexisting district; the construction, furnishing, and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same or which is assumed by the cooperative school district. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.]~~

22 Average Base Cost Per Pupil; Fiscal Year 2004. Notwithstanding the provisions of RSA 198:40, the average base cost per pupil for the fiscal year ending June 30, 2004 shall be \$3,311.

23 Effective Date.

I. Section 2 of this act shall take effect July 1, 2004.

II. Sections 4-7 and 10-18 of this act, and RSA 198:38, VII as inserted by section 8 of this act shall take effect July 1, 2004.

III. Section 3 of this act and IX-X as inserted by section 8 of this act shall take effect July 1, 2005.

IV. RSA 198:40-b and RSA 198:40-c, I(c), as inserted by section 10 of this act shall take effect July 1, 2004.

V. The remainder of this act shall take effect July 1, 2003.

2003-1982s

AMENDED ANALYSIS

This bill:

I. Reduces the education property tax rate from \$5.80 to \$4.87 for the 2004 fiscal year and to \$3.26 for the 2005 fiscal year.

II. Beginning July 1, 2005, establishes a new education funding formula for municipalities and sets forth criteria whereby municipalities may receive local equalized aid, targeted per pupil aid, and state enhanced education aid for pupils in the public schools.

III. Establishes a new procedure for determining the statewide cost of an adequate education.

IV. Sets the average base cost per pupil for the 2004 fiscal year at \$3,311.

Senate Finance

June 3, 2003

2003-1977s

10/01

Amendment to HB 663-FN-A-LOCAL

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

AN ACT relative to county and state funding of long-term care medicaid programs and relative to transferring state information technology management to the governor's office of information technology.

Amend RSA 167:18-b, III as inserted by section 6 of the bill by replacing it with the following:

III. The counties shall have an aggregate credit of \$2,000,000 against amounts due under this section for each fiscal year beginning July 1, 1998. The \$2,000,000 shall be allocated among the counties based upon the proportion each paid under this section in the prior fiscal year and shall be made available as soon as possible after the start of the fiscal year. If the federal share of expenditures under this section is made available to the state in a method other than as a fixed percentage reimbursement, the non-federal share shall be the amount of expenditures remaining after appropriate application of federal funds. ***The credit under this paragraph shall reduce the obligation of the counties under paragraph IV.***

Amend the bill by replacing section 9 with the following:

9 New Chapter. Nursing Facility Quality Assessment. Amend RSA by inserting after RSA 84-B the following new chapter:

CHAPTER 84-C

NURSING FACILITY QUALITY ASSESSMENT

84-C:1 Definitions. In this chapter:

I. "Assessment" means the nursing facility quality assessment imposed pursuant to this chapter.

II. "Assessment period" means a 3-month period beginning July 1, October 1, January 1, and April 1, of each year.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Net revenues" means revenues earned on an accrual basis of accounting by a nursing facility for non-medicare services provided to residents as provided for in 42 CFR 433.68(d)(1)(iii).

V. "Nursing facility" means a nursing facility as defined in RSA 151-E:2, V.

84-C:2 Imposition of Fee. An assessment of up to 6 percent of aggregated net revenues is hereby imposed on all nursing facilities. The fee shall be implemented in accordance with the provisions of 42 C.F.R. part 433.

84-C-3 Assessment Due.

I. Each nursing facility shall pay 100 percent of its nursing facility quality assessment due and payable for the assessment period no later than the fifteenth day of the month following the assessment period. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-C:4 shows an additional amount of assessment to be due, such additional amount is due and payable at the time the return is due.

84-C:4 Returns. Every nursing facility shall on or before the tenth day of the month following the expiration of the assessment period make a return to the commissioner and to the commissioner of the department of health and human services. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the date which it must contain for the correct computation of facility net revenues and the assessment upon such amount. All returns shall be signed by the authorized representative of the nursing facility, subject to the pains and penalties of perjury. If such return shows an overpayment of the assessment due, the commissioner shall refund or credit the overpayment to the nursing facility.

84-C:5 Collection and Deposit of Assessment.

I. The payments required by RSA 84-C:3 shall be made by electronic transfer of moneys to the state treasurer and deposited to the nursing facility trust fund established by RSA 151-E:14.

II. The state treasurer is authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I.

84-C:6 Additional Returns. When the commissioner has reason to believe that a nursing facility has failed to file a return or to include any part of its net revenue in a filed return, the commissioner may require the nursing facility to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the nursing facility of any penalty for failure to make a correct original return or relieve it from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify the statute of limitations provided in RSA 21-J:29.

84-C:7 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a nursing facility is required to file a return, and if such return is filed during the period of extension no penalty or late filing charge may be imposed for failure to file the return at the time required by this chapter, but the nursing facility shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 or RSA 21-J:33. Failure to file the return during the period of the extension shall void the extension.

84-C:8 Records.

I. Every nursing facility shall:

- (a) Keep such records as may be necessary to determine the amount of its liability under this chapter.
- (b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.
- (c) Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

84-C:9 Administration.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The administration of the nursing facility quality assessment; and
- (b) The recovery of any assessment, interest on assessment, or penalties imposed by this chapter or by RSA 21-J.

II. The commissioner may institute actions in the name of the state to recover any assessment, interest on assessment, additions to assessment or penalties imposed by this chapter or by RSA 21-J.

III. In the collection of any overdue tax, penalties or interest imposed by this chapter or by RSA 21-J, the commissioner may use all of the powers granted to tax collectors under RSA 21-J and RSA 80 for the collection of taxes.

84-C:10 Confidentiality of Records. Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing information to the commissioner of health and human services with respect

to the assessment imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any information provided by the commissioner.

84-C:11 Contingencies.

I. The nursing facility quality assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of any of the following events:

(a) Aggregate medicaid reimbursement for nursing facilities through PAU 05-01-10-04-01 class 90 is reduced below the level in effect as of February 1, 2003.

(b) Federal approval of the nursing facility quality assessment established under this chapter, or of any related state plan amendments or waivers is withdrawn.

(c) Collection of the assessment is rendered invalid by the decision of any court or administrative agency.

(d) Any proceeds from the nursing facility quality assessment established in this chapter are expended by the state or any state agency for any purpose other than funding nursing facilities under the medicaid quality incentive program under RSA 151-E:13.

(e) A state plan uniformity waiver as provided for in 42 C.F.R. section 433.68(e)(2) does not receive federal approval.

II. The commissioner of health and human services shall notify the commissioner of revenue administration of the occurrence of any of the contingencies in paragraph I.

III. The nursing facility quality assessment under this chapter shall not be assessed or collected and the medicaid quality incentive program authorized by RSA 151-E:13 shall not be paid until after the commissioner of health and human services certifies to the commissioner that the department of health and human services has obtained federal approval of the assessment in RSA 84-C:2, the state plan uniformity waiver in RSA 84-C:11, I(e) and the medicaid quality incentive program in RSA 151-E:13. Payments under the medicaid quality incentive program shall commence 45 days after such certification and shall be effective for the period beginning May 1, 2003 or the effective date of the federal authorization for the nursing facility quality assessment, the uniformity waiver, and the medicaid quality incentive program, whichever is later.

Amend the bill by replacing all after section 11 with the following:

12 Penalty for Failure to File; Reference Added. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5 ~~or~~, RSA 84-A:7, **or 84-C:7**, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

13 Initial Assessment Period; Nursing Facility Quality Assessment. Notwithstanding RSA 84-C:1, II the initial assessment period shall be the period beginning with the effective date of federal authorization and ending on June 30, 2003.

14 Applicability. Nothing in sections 1-12 of this act shall be construed to create a new right or entitlement on behalf of any person to receive a service provided by the state.

15 New Chapter; Governor's Office of Information Technology. Amend RSA by inserting after chapter 4-C the following new chapter:

CHAPTER 4-D

OFFICE OF INFORMATION TECHNOLOGY

4-D:1 Office of Information Technology Established; General Duties and Responsibilities

I. There is established the office of information technology within the office of the governor. The office of information technology shall be under the supervision of the chief information officer. The chief information officer shall be appointed by the governor, with the advice and consent of the council, and shall be a non-classified employee.

II. The office of information technology, through its officials, shall be responsible for managing and coordinating all technology resources in the executive branch of government, developing and implementing strategies to enhance state customer service, and creating statewide efficiencies through the use of information and other technologies.

4-D:2 Functions. The office of information technology shall be responsible for the following:

I. Providing technical information technology consultation to all executive branch agencies and to any other agency that requests it, including technical advice during the development or acquisition of information systems.

II. Monitoring technological trends and informing all state employees and officials about state-of-the-art information systems and management techniques.

III. Developing a formal information technology planning process for approving agency information technology plans.

IV. Preparing and maintaining a statewide information technology plan based upon agency data processing plans.

V. Reviewing, assessing, and approving the feasibility of agency plans, including cost estimates and impacts on other agencies and political subdivisions of the state.

VI. Developing standards and processes for collaborative stakeholder involvement to assure that hardware, software, and telecommunications systems acquired or developed by the state are as compatible among themselves and with other systems of the state and political subdivisions as are necessary and practical.

VII. Providing training and educational programs to technicians and managers.

VIII. Monitoring and reporting to the governor and legislature on the effectiveness of the use of information technology resources and on statewide progress in implementing technology plans.

IX. Coordinating information technology development efforts that affect multiple agencies or other levels of government.

X. Developing a data center consideration plan, which assigns strategic data centers throughout the state for data processing operations and service responsibilities for all executive branch agencies.

XI. Developing in concert with the commissioner of administrative services and the budget director the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

XII. Developing in concert with the director of plant and property management specifications for the procurement of computer equipment and software.

XIII. Developing a strategy to increase efficiency and effectiveness in all areas of state government by using information technology to its fullest potential.

XIV. Developing and implementing a strategy to consolidate statewide shared information technology services.

XV. Developing an information technology satisfaction measurement program to ensure information technology resources and strategic plans are meeting the needs of each agency.

4-D:3 Special Duties. In addition to the powers, duties, and functions otherwise vested in the chief information officer under this chapter, the chief information officer shall:

I. Develop and implement, with the advice of the information technology council, a long-range information technology plan for the state of New Hampshire. Development of the plan shall be completed by September 30, 2003.

II. Submit a report to the fiscal committee of the general court relative to cost savings resulting from the reorganization of information technology employees and functions. The report shall be submitted to the committee every 60 days until such time as the reorganization has been completed and the projected cost savings realized.

4-D:4 Information Technology Council.

I. There is hereby established the information technology council. The council shall advise the chief information officer on the following:

- (a) Statewide strategic technology plans.
- (b) Outsourcing relationships, including the purchase of technology equipment and contracts with technology vendors.
- (c) Computer systems consolidation.
- (d) Implementation of centralized services.
- (e) Information technology resource changes, including changes in quantity of resources allocated to executive branch agencies, location of information technology resources and allocation of information technology personnel.
- (f) Statewide information technology policies and standards.
- (g) Information technology budgeting and resource allocation.

II. The information technology council shall consist of the following members:

- (a) The commissioner of administrative services, or designee.
- (b) The commissioner of transportation, or designee.
- (c) The commissioner of health and human services, or designee.
- (d) The commissioner of safety, or designee.
- (e) The commissioner of revenue administration, or designee.
- (f) Two heads of departments, appointed by the governor.
- (g) One state senator, appointed by the senate president for the duration of his or her legislative term.
- (h) One state representative, appointed by the speaker of the house of representatives for the duration of his or her legislative term.
- (i) One representative of municipal government, nominated by the New Hampshire Municipal Association and appointed by the governor for a 3-year term.
- (j) One representative of county government, nominated by the New Hampshire Association of Counties and appointed by the governor for a 3-year term.

III. Six members of the council shall constitute a quorum.

4-D:5 Technical Committees. The chief information officer may establish technical committees to advise him or her on technical issues. Each technical committee shall include personnel from all 3 branches of government who have experience in the specific issue that is the focus of the committee. These issues may include but are not limited to:

- I. Hardware, software, and telecommunications standards.
- II. Information technology planning process.
- III. Development of statewide policies and procedures.
- IV. Emerging Internet and "intranet", or limited network, technologies.
- V. E-government strategy and deployment.
- VI. Wide Area Network efficiencies.

4-D:6 Agency Satisfaction Metrics. The chief information officer shall develop, no later than December 31, 2003, agency satisfaction metrics, a measurement and communication system to track the satisfaction of delivery of the information technology solutions. The office of information technology will use surveys, web tools, and special processes to ensure that vehicles exist for agency heads to get the quality of information solutions they require to operate their agencies. Benchmarks shall be set and continually measured to meet or exceed expectations.

4-D:7 Legislative Oversight Committee.

- I. There is hereby established a joint legislative information technology oversight committee.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, with one such member from the house finance committee and one from the house executive departments and administration committee, appointed by the speaker of the house, and 3 of whom shall be senators, appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members.

III. The chief information officer shall report to the committee on the activities of his or her office, including but not limited to the implementation of the state information technology plan, the organizational structure of information technology employees among state agencies and financial budget tracking related to information technology. Such reports shall be submitted bimonthly.

IV. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

16 Transfer of Personnel from Division of Information Technology Management to Office of Information Technology.

I. The director of information technology management and the personnel under his or her supervision in the department of administrative services immediately prior to the effective date of this act shall be transferred to the office of information technology, together with all of the books, payroll, records, equipment, unexpended appropriations for personnel and all information technology projects and functions or other available funds in any amount or subdivision of any account authorized or for use by the division of information technology management. Any such transfer shall occur only with the prior approval of the joint legislative fiscal committee.

II. Information technology employees of the executive branch may, notwithstanding any law to the contrary, be transferred to the office of information technology and report to the chief information officer. Any such transfer shall occur only with the prior approval of the joint legislative fiscal committee. The office of information technology shall manage and direct such employees in order to carry out the goals of RSA 4-D:2. Only those employees specifically designated by the chief information officer and approved by the fiscal committee shall be physically moved.

III. All agency heads and other state officials shall fully cooperate with the chief information officer in such manner as is designed to carry out the purposes of this section.

IV. Any state employee laid off as a result of budgetary reductions shall be allowed upon return to state service to utilize prior service for purposes of being eligible for retiree health insurance.

V. Notwithstanding any other provision of law to the contrary, all of the books, payroll, records, equipment, unexpended appropriations or other available funds in any amount or subdivision of any account authorized for information technology projects and functions available to any executive branch agency or department may be transferred to the office of information technology with the prior approval of the joint legislative fiscal committee.

VI. None of the transfers authorized by this section shall apply to the judicial or legislative branch.

17 Repeal. The following are repealed:

I. RSA 21-I:66-68, relative to the establishment, functions, and director of the division of information technology management.

II. RSA 21-I:69-72, relative to the special duties, rulemaking, advisory board, and technical committees of the division of information technology management.

18 Contingency. Paragraph I of section 17 of this act shall be effective upon the transfer, as provided in section 16, of all division of information technology management employees, materials, and equipment to the office of information technology or to another division within the department of administrative services, as certified by the commissioner of administrative services to the joint legislative fiscal committee and the director of legislative services.

19 Department of Administrative Services; Division of Plant and Property Management. Amend RSA 21-I:11, XI and XII to read as follows:

XI. Requiring, prior to an agency's submission of a request for proposal for state data processing equipment, software, or services exceeding [~~\$5,000~~] **\$250** in total cost, that the agency obtain approval of the proposal by the [~~director of the office of information technology~~] **chief information officer** to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the [~~director of the office of information technology~~] **chief information officer** in support of requests for purchases of information technology equipment or software in excess of [~~\$5,000~~] **\$250**.

20 Information Technology Plan; Reference to Chief Information Officer. Amend RSA 9:4-b to read as follows:

9:4-b Information Technology Plan. Each executive department, **with the necessary assistance of the chief information officer**, shall prepare an information technology plan [~~in accordance with the information technology planning process developed by the director of the division of information technology management~~] **and submit it to the information technology council**. The portion of each plan which addresses the upcoming biennium shall define the capital and operating budgets necessary for implementing the plan. The budget data in the information technology plan shall provide for both new information technology initiatives and existing operations and shall be consistent with the budget data submitted under RSA 9:4 and 9:4-a. In the case of the failure of any executive department to submit an information technology plan, the [~~director of information technology management~~] **chief information officer** shall cause a plan to be prepared as in his **or her** opinion is reasonable and proper. Each information technology plan shall identify a process for collaborative involvement of stakeholders representing other levels of government within the state in the development, design, and deployment of information technology systems that involve or impact such other political subdivisions of the state.

21 State Library; "Webster" Advisory Board; Duty to Advise Chief Information Officer. Amend RSA 201-A:27, I-IV to read as follows:

I. There is hereby established a board to advise the state librarian **and chief information officer** and to study the future direction of "Webster," the state of New Hampshire's automated information system Internet site.

II. The members of the board shall be as follows:

- (a) One house member, appointed by the speaker of the house.
- (b) One senator, appointed by the senate president.
- (c) One member representing the judicial branch, appointed by the chief justice of the supreme court.
- (d) The state librarian, or designee.
- (e) [~~The director of information technology management, or designee~~] **The chief information officer, or designee.**
- (f) The state archivist, or designee.
- (g) One member representing the governor's office, appointed by the governor.
- (h) One public member, appointed by the governor, who shall be an end user of the information available on Webster.

(i) One representative of municipal government, recommended by the New Hampshire Municipal Association and appointed by the governor.

III. The terms of the members appointed pursuant to subparagraphs II(c), (g), [~~and~~] (h), **and (i)** shall be 3 years; the terms of all other members shall be coterminous with their terms in office. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment.

IV. Members of the board shall serve without compensation. Members of the legislature shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The board shall advise the state librarian [~~on matters pertaining to the state's web site known as Webster, examine models from other states, coordinate~~] **and the chief information officer on matters under their jurisdiction. The state librarian shall be responsible for matters pertaining to public access to state government information and resources and the coordination of** Internet information content activities on an interagency basis. [~~and recommend standards to the state librarian~~] **The chief information officer shall be responsible for the functioning and maintenance of the state Internet site, including the purchase and use of equipment and establishing standards** for electronic publications and other electronic information dissemination issues. **Notwithstanding any other provision of this section, the legislature shall oversee the content, functioning, and maintenance of all legislative websites and the judicial branch shall oversee the content, functioning, and maintenance of all judicial branch websites.**

22 Vital Records Health Statistics; Advisory Committee; Reference Change. Amend RSA 126:32, I to read as follows:

I. There is established an advisory committee to assist the commissioner of the department of health and human services in administering the fund established under RSA 126:31. The advisory committee shall also determine the need for improvement and automation of the processing of vital records upon recommendations from representatives of the financial data management unit, the office of community and public health, the New Hampshire City and Town Clerks' Association, and the [~~division~~] **office** of information technology [~~management~~]. The members of the committee shall be appointed as follows:

- (a) Two town clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (b) Two city clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (c) A funeral director, appointed by the New Hampshire Funeral Directors' Association.
- (d) A physician licensed under RSA 329 from the office of chief medical examiner, or designee.
- (e) A public member, who shall have a direct interest in the registration of vital records, appointed by the commissioner of health and human services.
- (f) The registrar of vital records, or designee.
- (g) A health information specialist, appointed by the New Hampshire Hospital Association.
- (h) The [~~director of the division of information technology management, department of administrative services,~~] **chief information officer**, or designee.
- (i) The state archivist, or designee.

23 Telecommunications Planning and Development Advisory Committee; Reference Change. Amend RSA 12-A:46, II to read as follows:

II. The members of the committee shall be:

- (a) The governor, or designee;
- (b) The commissioner of resources and economic development, or designee;
- (c) The commissioner of administrative services, or designee [~~, preferably from the division of information technology management~~];
- (d) The chairman of the public utilities commission, or designee;
- (e) One member of the house of representatives, appointed by the speaker of the house of representatives;
- (f) One member of the senate, appointed by the president of the senate; [~~and~~]

(g) The chief information officer, or designee; and

[~~(g)~~] **(h)** The following persons nominated by the commissioner of resources and economic development and appointed by the governor and council:

- (1) One member representing residential telecommunications customers;
- (2) One member representing large business telecommunications customers;
- (3) One member representing small business telecommunications customers;
- (4) One member representing educators providing distance learning;

(5) One member representing municipal government;

(6) One member representing county government;

(7) One member representing a regional economic development organization or a regional planning commission; and

(8) Up to 5 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, Internet service providers, cable, long distance providers, and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the commissioner.

24 Effective Date.

I. Section 8 of this act shall take effect June 30, 2003.

II. The remainder of this act shall take effect July 1, 2003.

2003-1977s

AMENDED ANALYSIS

This bill:

I. Establishes a statutory county-state finance commission.

II. Extends and amends the payment provisions for counties relative to the nonfederal share of nursing home facility services.

III. Adds a county official to the health services planning and review board.

IV. Establishes a nursing facility quality assessment.

V. Establishes the governor's office of information technology, under the direction of a chief information officer, and transfers the functions of the division of information technology management to the office of information technology.

VI. Provides that the chief information officer shall oversee state information technology plans.

VII. Amends the "Webster" advisory board to include the role of the chief information officer and adds a representative of municipal government to the board.

Senate Finance

June 2, 2003

2003-1937s

10/01

Amendment to HB 671-FN-A

Amend 100-C:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Any member who has at least 15 years of creditable service and is at least 60 years of age, or who has at least 10 years of creditable service and is at least 65 years of age, or who has at least 7 years of service and is 70 years of age may retire on a service retirement allowance or a reduced service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired. During such period of notification, the member may have separated from service.

Amend 100-C:5, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A member who is at least 60 years of age with at least 15 years of service may retire on a service retirement allowance equal to 70 percent of the member's final year's salary. A member who has at least 15 years of service and is at least 60 years of age shall be granted an additional percent over the 70 percent level for each year of continued service over 15 years.

Amend RSA 100-C:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV. State Contributions. On or before the first day of October preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the judicial retirement plan and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the budget the amounts so certified which amounts shall

be appropriated by the legislature. The amounts so certified under this paragraph shall include the unfunded accrued liability of the judicial retirement plan; provided, however, that if bonds are issued to fund or eliminate the unfunded accrued liability, the payments of principal and interest for the bonds or notes shall be made from the general fund.

Amend the bill by replacing all after section 3 with the following:

4 District Court Judges; Part-Time. Amend RSA 491-A:3, III to read as follows:

III. The salary of a part-time justice shall not exceed 70 percent of the **taxable** salary of a full-time district court justice as provided by RSA 491-A:1. Judicial time shall be measured in weighted case units which shall reflect judicial time required to process a case. The compensation per weighted case unit shall be proportional to the **taxable** compensation for a full-time judge. A part-time justice, whose weighted caseload equals 3.5 judicial days per week, shall receive the maximum salary as provided by this section. The compensation schedule provided by this section shall be based upon the **taxable** salary of a full-time district court justice pursuant to RSA 491-A:1.

5 Probate Court Judges; Part-Time. Amend RSA 491-A:4, III to read as follows:

III. The salary of a part-time justice shall not exceed 70 percent of the **taxable** salary of a full-time district court justice as provided by RSA 491-A:1. Judicial time shall be measured in weighted case units which shall reflect judicial time required to process a case. The compensation per weighted case unit shall be proportional to the **taxable** compensation for a full-time judge. A part-time justice, whose weighted caseload equals 3.5 judicial days per week, shall receive the maximum salary as provided by this section. The compensation schedule provided in this section shall be based upon the **taxable** salary of a full-time district court justice pursuant to RSA 491-A:1.

6 Retired Judges and Beneficiaries; Application of Salary Increase.

I. Any judge, or the spouse or beneficiary of any such judge, who retired prior to the effective date of the repeals of RSA 490:2, RSA 491:2, RSA 493-A:2, and RSA 502-A:6-a by section 10 of this act or the amendment to RSA 547:2-a by section 2 of this act, shall continue to receive the disability and retirement benefits to which the person is entitled, provided however that the amount of the salary increase for current full-time judges provided in section 3 of this act, which amends RSA 491-A:1, shall not be included in the currently effective salary used for the calculation of the retired judge's disability or retirement benefit. Any other judicial salary increases shall be used for such calculation.

II. The supreme court is not required to consider the salary increase for full-time judges provided in section 3 of this act when determining proportional compensation of other judicial branch employees.

7 Appropriation. The sum of \$250,000 is hereby appropriated for the fiscal year ending June 30, 2004 to the board of trustees of the judicial retirement system as established in this act. Such sum shall be nonlapsing and shall be used for legal, administrative, and other start-up costs of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Capital Appropriation; Unfunded Liability. The sum of \$42,800,000 is hereby appropriated to the board of trustees of the judicial retirement system under RSA 100-C as established in this act. Such sum shall be used for the payment of the unfunded accrued liability attributable to the judicial retirement system.

9 Bonds Authorized. To provide funds for the appropriation made in section 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$42,800,00 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds shall be 30-year bonds.

10 Repeal. The following are repealed:

I. RSA 490:2, relative to disability and retirement compensation for supreme court judges.

II. RSA 491:2, relative to disability and retirement compensation for superior court judges.

III. RSA 493-A:2, relative to compensation of judicial referees.

IV. RSA 502-A:6-a, relative to relative to disability and retirement compensation for district court judges.

11 Contingent Implementation of Judicial Retirement Plan. The provisions of section 1 of this act establishing RSA 100-C relating to contributions by members, retirement benefits, and operation of the judicial retirement plan and sections 2, 3, 6, 8, 9, and 10 of this act shall be implemented and made applicable be-

ginning on the latter of July 1, 2004 or 180 days after the date that the board of trustees established in RSA 100-C certifies to the joint legislative fiscal committee of the judicial retirement plan's receipt of a favorable determination letter from the Internal Revenue Service as to the tax qualified status of the plan under section 401(a) of the Internal Revenue Code of 1986 as amended. Such date shall be the date of implementation of the judicial retirement plan. The provisions of RSA 100-C:11 for the appointment of the board and the administration of the duties and responsibilities of the board may begin on the effective date of this act.

12 Effective Date. This act shall take effect July 1, 2003.

2003-1937s

AMENDED ANALYSIS

This bill establishes a contributory defined benefit judicial retirement plan and repeals statutory provisions currently determining retirement salaries and benefits of supreme court, superior court, district court, and probate court judges.

The bill increases the salaries of judges upon the effective date of the contributory judicial retirement plan.

This bill makes a capital appropriation for the purposes of this bill.

Senate Finance

June 3, 2003

2003-1979s

10/01

Amendment to HB 705

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

AN ACT establishing a committee to study the application of the communications services tax and continuing the property tax exemption for wooden poles and conduits.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the application of the communications services tax.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house.

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the application of the communications services tax.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Purpose. The general court finds that the exemption from the local property tax for wooden poles and conduits shall be extended for 2 years, pending a report by the legislative study committee established in this act.

7 Exemption of Wooden Poles and Conduits Extended. Amend RSA 72:8-b to read as follows:

72:8-b Exemption. ~~[As long as the intrastate or interstate communication services tax is imposed at a rate greater than that specified in RSA 82-A:3 or RSA 82-A:4 and]~~ Notwithstanding any other provision of this chapter, any conduit that is not a part of a building and any whole or partial interest in wooden poles, employed in the transmission of communication services that are subject to the tax imposed under RSA 82-A, and owned by a retailer as that term is defined in RSA 82-A:2, X, shall be exempt from being taxed as real estate under RSA 72:8-a.

8 Prospective Repeal Date Extended for Exemption of Wooden Poles and Conduits Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 and 2001, 158:2 to read as follows:

I. Section 5 of this act shall take effect July 1, [~~2003~~] **2005**.

9 Effective Date. This act shall take effect upon its passage.

2003-1979s

AMENDED ANALYSIS

This bill establishes a committee to study the application of the communications services tax.

The bill also extends a property tax exemption for certain wooden poles and conduits until July 1, 2005.

Senate Finance

June 3, 2003

2003-1981s

01/09

Amendment to HB 733-FN

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

AN ACT relative to driver's license fees for national guard members.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Driver's License Fees; National Guard Members. Amend RSA 263:42 by inserting after paragraph III the following new paragraph:

III-a. Any person who, at the time of application or renewal, is a member of the national guard, shall be entitled to have the applicable fee reduced by $\frac{1}{2}$. To qualify for the fee reduction, the person shall provide satisfactory proof of national guard membership at the time of application or renewal.

2003-1981s

AMENDED ANALYSIS

This bill entitles national guard members to have their driver's license application and renewal fees reduced by $\frac{1}{2}$.

Senate Finance

June 3, 2003

2003-1974s

03/04

Amendment to HB 787-FN-A

Amend subparagraphs I(d)-(e) of section 6 of the bill by replacing them with the following:

(d) A statement of the fuel required to be combusted at the eligible facility under any agreements associated with the termination of its rate order and copies of all such agreements;

(e) Adequate credit security to ensure payment of any payments required pursuant to paragraph II of section 7 of this act and section 9 of this act; and

(f) A statement that, assuming continual operation at the kilowatt-hour limit, the eligible facility will pay a minimum price of \$18 per ton of whole tree chips, 50 percent moisture content, delivered for wood fuel purchases.

Amend subparagraph I(d) of section 7 of the bill by replacing it with the following:

(d) A statement that the fuel burned during the production period complies with all agreements the eligible facility may have on such fuel composition and a quantification of such fuel amounts. With each statement submitted, the eligible facility shall submit a certification documenting that at least 95 percent of the wood combusted and attributable to eligible kilowatt-hours during the period was obtained from businesses or individuals engaged in logging, processing, or transporting timber, stumpage, or sawmills in this state or sawmills processing stumpage from New Hampshire and of that 95 percent at least 75 percent shall be from in-state stumpage.