

May 31, 2007
No. 23A

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM

REPORTS AND AMENDMENTS

REPORTS

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

Ought to pass with amendment, Vote 7-0

Senator D'Allesandro for the committee.

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

Ought to pass with amendment, Vote 7-0

Senator D'Allesandro for the committee.

AMENDMENTS

Senate Finance

June 1, 2007

2007-2049s

10/04

Amendment to HB 1-A

The Senate Amendment to HB 1-A is contained in a separate document labeled as Senate Calendar 23 A-Supplement, Dated May 31, 2007.

Senate Finance

June 1, 2007

2007-2050s

04/10

Amendment to HB 2-FN-A

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

1 Office of Information Technology; Increase Purchase Amount Requiring Approval of Chief Information Officer. 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 [~~\$250~~] **\$500** in total cost, that the agency obtain approval of the proposal by the chief information officer to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the chief information officer in support of requests for purchases of information technology equipment or software in excess of [~~\$250~~] **\$500**.

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

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

0-3000 lbs.	[\$25.20] \$31.20 ([\$2.10] \$2.60 per month)
3001-5000 lbs.	[\$37.20] \$43.20 ([\$3.10] \$3.60 per month)
5001-8000 lbs.	[\$49.20] \$55.20 ([\$4.10] \$4.60 per month)
8001-73,280 lbs.	[\$.84] \$.96 per hundred lbs. gross weight.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds [~~\$.84~~] **\$.96** per 100 pounds gross weight, over 73,280 pounds - \$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

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

(o) For each motorcycle—[~~\$12~~] **\$15**.

4 Sweepstakes Commission; Maximum Ticket Price Prior to July 1, 2009. Amend RSA 284:21-i, II(c)(1) to read as follows:

(1) The price for which tickets for drawings and sweepstakes races shall be sold; not to exceed [~~\$20~~] **\$30** per ticket.

5 Sweepstakes Commission; Maximum Ticket Price; July 1, 2009 Version. RSA 284:21-i, II(c)(1) is repealed and reenacted to read as follows:

(1) The price for which tickets for drawings shall be sold; not to exceed \$30 per ticket.

6 Tobacco Tax; Rate Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$.80~~] **\$1.08** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

7 Tobacco Tax; Applicability. Section 6 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2007 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

8 New Section; Health and Human Services; Homeless Housing Access Fund Established. Amend RSA 126-A by inserting after section 62 the following new section:

126-A:63 Homeless Housing and Access Revolving Loan Fund. There is hereby established a non-lapsing and continually appropriated homeless housing and access revolving loan fund. The fund shall be administered by the department of health and human services with advice and recommendations from the governor's interagency council on homelessness. To be eligible, an applicant shall have no permanent address and shall be residing temporarily in a shelter for the homeless, a hotel, a motel, the home of another household designed for occupancy by only one household, or entirely without shelter. Funds shall be used solely to provide loans for the first months' rent and security deposit for homeless individuals and families transitioning from state-sponsored shelters to rental housing. Repayment terms of the loans shall be determined by the department in consultation with the interagency council and shall be based on need. Such repayments shall commence no later than 120 days after the loan is disbursed.

9 New Subparagraph; Special Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

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

10 Long-Term Care Assistance Fund; ServiceLink New Hampshire. Notwithstanding RSA 167:94, III, the balance of funds in the long-term care assistance fund, established in RSA 167:94, on June 30, 2007 is hereby transferred and appropriated to the department of health and human services to support operation of the ServiceLink New Hampshire program in the fiscal year ending June 30, 2008.

11 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2009, 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.

12 Name Change from Glencliff Home for the Elderly to Glencliff Home. Amend the following RSA provisions by replacing "Glencliff home for the elderly" with "Glencliff home": RSA 10:1; 94:1-a, I(b); 94:5, I(c); 94:8; 99:2-a; 99:11, I; 99:12; 99:13; 126-A:5, V and VI; 126-A:34, I(a); 135:21-b; 135-C:4, I; 135-C:6, I; 318:58, III(c); and 611:5-a.

13 County Payments of Funds for Persons Eligible to Receive Nursing Facility Services; Limitation on County Payments. Amend RSA 167:18-b, IV to read as follows:

IV. The total billings by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed 50 percent of the non-federal share of the

combined long-term care Medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, [2004] **2005** and June 30, 2007, **and for the 6-month period of fiscal year 2008 ending December 31, 2007**, exceed:

(a) State fiscal year [2004] **2006** – [\$60,000,000] **\$68,000,000**.

(b) State fiscal year [2005] **2007** – [\$64,000,000] **\$70,000,000**.

(c) **The 6-month period of** state fiscal year [2006] **2008 ending December 31, 2007** – [\$68,000,000] **\$35,750,000**.

[(d) State fiscal year 2007—\$70,000,000.]

14 County State Finance Commission; Reference Changed. Amend RSA 28-B:3, V to read as follows:

V. Develop a process for managing individual county payment limits under RSA [167:18-b, IV] **167:18-a, II**. In no event shall the individual county payment limit reduce or alter the total county obligation under RSA[167:18-b, IV] **167:18-a, II**.

15 Long-Term Care; Reference Changed. Amend RSA 151-E:6-b to read as follows:

151-E:6-b Memorandum of Agreement. The department of health and human services shall establish, by means of a memorandum of agreement with the New Hampshire Association of Counties, a mechanism for the receipt of input from the Association of Counties regarding the type, cost, utilization, and procedures relative to payments which the counties are obligated to make pursuant to RSA [167:18-b] **167:18-a**. The memorandum of agreement shall be reviewed annually and amended as may be determined to be necessary by the parties.

16 Long-Term Care; Reference Changed. Amend RSA 151-E:15, IV to read as follows:

IV. Notwithstanding the provisions of RSA [167:18-b, I] **167:18-a**, no county shall be required to make any contribution to the distribution under this section.

17 County Reimbursements; Limitation on Payments. RSA 167:18-a is repealed and reenacted to read as follows:

167:18-a County Reimbursement of Funds; Limitations on Payments.

I. All expenditures in carrying out the purposes of this chapter and RSA 161 relative to recipients of old age assistance and aid to the permanently and totally disabled shall in the first instance be made by the state, but each county shall make monthly payments to the state for the amounts due under this section within 45 days from notice thereof.

(a) Counties shall reimburse the state for expenditures for recipients for whom such county is liable who are eligible for nursing home care and are receiving services from a nursing facility, or in another New Hampshire setting as an alternative to a nursing facility placement and are supported under the Medicaid home and community-based care waiver for the elderly and chronically ill, as such waiver may be amended from time to time, to the extent of 100 percent of the non-federal share of such expenditures. Expenditures shall not include payments made for skilled care.

(b) Counties shall not be liable for Medicaid recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) approved by the department of health and human services and servicing developmentally impaired persons.

II. The total reimbursements by all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal year 2008 beginning January 1, 2008 and for the state fiscal years 2009-2011:

(a) State fiscal year 2008, \$50,000,000.

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

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

(d) State fiscal year 2011, \$107,000,000.

III.(a) The counties shall have an aggregate credit of \$2,500,000 against amounts due under this section for the 6-month period of January 1, 2008 to June 30, 2008. The credit amount shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year. Provided,

however, that no county shall be liable for total reimbursements for the 6-month period of January 1, 2008 to June 30, 2008 in an amount which would be greater than the amount of liability projected for the period using the methodology for the period July 1, 2007 to December 31, 2007.

(b) The counties shall have an aggregate credit of \$5,000,000 against amounts due under this section for each fiscal year beginning July 1, 2008. The credit shall be allocated as follows:

(1) For fiscal year 2009, \$4,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$1,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(2) For fiscal year 2010, \$2,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$3,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(3) For fiscal year 2011 and for each fiscal year thereafter, \$5,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(c) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. The credit under this paragraph shall not reduce total reimbursements due under paragraph II.

IV.(a) Any shortfall between the state audited Medicaid allowances incurred by the state's county operated nursing homes and amounts otherwise reimbursed by federal 50 percent Medicaid matching funds or other income, shall be certified as a public expenditure and be eligible for additional federal funding match.

(b) The department of health and human services shall seek federal Medicaid assistance match for any state audited county nursing home Medicaid expense which is not fully reimbursed through rates. Any revenue realized through such a match shall be paid to the nursing homes which incurred the unreimbursed expense, provided, however, that no state general funds are expended directly or indirectly for this purpose.

18 Delinquent Payments. Amend RSA 167:18-e to read as follows:

167:18-e Delinquent Payments. Delinquent payments due under RSA 167:18-a[, 167:18-b and 167:18-f.] with interest at the rate of 12 per centum per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

19 Medical Parole. Amend RSA 651-A:10-a, VII to read as follows:

VII. Notwithstanding RSA [~~167:18-b~~] **167:18-a**, the state shall be responsible for all Medicaid costs incurred, net of federal reimbursement, for any inmate granted medical parole under this section, until the earliest date on which parole could have been granted had the inmate not been granted medical parole.

20 Delinquent Children Orders; County Liability Removed. Amend RSA 169-B:40 to read as follows:

169-B:40 Liability of Expenses and Hearing on Liability.

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter or whenever a voluntary service plan is developed and provided for the minor and the minor's family by the department, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, or to expenses incurred for evaluation, care, and treatment of the minor at the Philbrook center.

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or other people chargeable by law for the minor's support and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such

financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 4 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

(e) Payments due under this section for the care of children in foster homes shall commence within 60 days of the child's placement in the foster home and shall be made every 30 days thereafter.

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state [~~and relevant county~~]. The state [~~and relevant county~~] may, within 30 days from the receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state[~~and relevant county~~].

III. The office of reimbursements acting on behalf of Laconia developmental services and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

IV. [~~Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement. When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.~~]

V. The *department may enter into an agreement with a* county [~~which is responsible for reimbursing the state under paragraph IV is authorized~~] to collect, on behalf of the department, payments from persons or entities which are ordered to reimburse the [~~department~~] *state* under paragraph I, or which are chargeable by law for the minor's support and necessities. *An agreement may authorize the county to deduct reasonable administrative costs from the amounts collected. The balance of* any amount collected by the county pursuant to this paragraph shall be forwarded to the department[, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the commissioner of the department of health and human services. The commissioner may adopt rules, pursuant to RSA 541-A, relative to this paragraph].

VI. [~~Notwithstanding any subsequent acts of delinquency or other acts committed by the minor which bring the minor to the attention of a district court, the county having liability for the minor pursuant to paragraph IV shall remain the county liable for the minor until the person reaches 18 years of age or the court's jurisdiction is ended, whichever comes first.~~]

[~~VH~~] V. If the person responsible for paying reimbursements to the [~~county~~] *department* under paragraph [~~V~~] *IV* is financially able to pay such reimbursements but fails to make such payments, the [~~county~~] *department* may apply to the district court for a lien on such person's real or personal property for the amount of reimbursements due.

[~~VHH~~] VI.(a) For the adoptive parent or prospective adoptive parent of a child in the custody of the state whose birth parents have consented to the adoption, relinquished their parental rights to the department, or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, authorized agency, or foster parent, pursuant to RSA 170-C:4, the state shall have no right of action against such adoptive parent or prospective adoptive parent for the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption.

(b) If the department determines that the adoptive parent has been convicted of sexual or physical abuse of the adopted child pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated

adoption subsidy moneys, the adoptive parent shall be responsible for payment for subsequent services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. A determination of misappropriation is subject to the provisions of RSA 126-A:5, VIII.

~~[IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.]~~

21 Abuse and Neglect Orders; County Liability Removed. Amend RSA 169-C:27 to read as follows:

169-C:27 Liability of Expenses and Hearing on Liability.

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center.

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and necessities and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 4 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

(e) Payments due under this section for the care of children in foster homes shall commence within 60 days of the child's placement in the foster home and shall be made every 30 days thereafter.

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state ~~[and relevant county]~~. The state ~~[and relevant county]~~ may, within 30 days from receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the child's support and necessities, to the state~~[and relevant county]~~.

III. The office of reimbursements acting on behalf of Laconia developmental services and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

IV. ~~[Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement. When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.]~~

~~V]. The *department may enter into an agreement with a* county [which is responsible for reimbursing the state under paragraph IV is authorized] to collect, on behalf of the department, payments from persons or entities which are ordered to reimburse the [department] *state* under paragraph I, or which are chargeable by law for the minor's support and necessities. *An agreement may authorize the county to deduct reasonable administrative costs from the amounts collected. The balance of* any amounts collected by the county pursuant to this paragraph shall be forwarded to the department[, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the commissioner of the department of health and human services. The commissioner may adopt rules, pursuant to RSA 541-A, relative to this paragraph].~~

~~[VI. Notwithstanding any subsequent acts committed by the child which bring him to the attention of a district court, the county having liability for the child pursuant to paragraph IV shall remain the county liable for the child until the person reaches 18 years of age or the court's jurisdiction is ended, whichever comes first, unless the court's jurisdiction has been extended pursuant to RSA 169-C:4, II.~~

~~VH] V.~~ If the person responsible for paying reimbursements to the [county] *department* under paragraph ~~[V] IV~~ is financially able to pay such reimbursements but fails to make such payments, the [county] *department* may apply to the district court for a lien on such person's real or personal property for the amount of reimbursements due.

~~[VHH] VI.(a)~~ For the adoptive parent or prospective adoptive parent of a child in the custody of the state whose birth parents have consented to the adoption, relinquished their parental rights to the department, or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, authorized agency, or foster parent, pursuant to RSA 170-C:4, the state shall have no right of action against such adoptive parent or prospective adoptive parent for the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption.

(b) If the department determines that the adoptive parent has been convicted of sexual or physical abuse of the adopted child pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated adoption subsidy moneys, the adoptive parent shall be responsible for payment for subsequent services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. A determination of misappropriation is subject to the provisions of RSA 126-A:5, VIII.

~~[IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.]~~

22 Children in Need of Services; County Liability Removed. Amend RSA 169-D:29 to read as follows:

169-D:29 Liability of Expenses and Hearing on Liability.

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center.

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week

basis and shall continue from the time the services begin until 4 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

(e) Payments due under this section for the care of children in foster homes shall commence within 60 days of the child's placement in the foster home and shall be made every 30 days thereafter.

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state [~~and relevant county~~]. The state [~~and relevant county~~] may, within 30 days from receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the child's support and necessities, to the state[~~and relevant county~~].

III. The office of reimbursements acting on behalf of Laconia developmental services and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

IV. [~~Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement. When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.~~]

V]. The *department may enter into an agreement with a* county [~~which is responsible for reimbursing the state under paragraph IV is authorized~~] to collect, on behalf of the department, payments from persons or entities which are ordered to reimburse the [~~department~~] **state** under paragraph I, or which are chargeable by law for the minor's support and necessities. ***An agreement may authorize the county to deduct reasonable administrative costs from the amounts collected. The balance of*** any amounts collected by the county pursuant to this paragraph shall be forwarded to the department[, ~~which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the commissioner of the department of health and human services. The commissioner may adopt rules, pursuant to RSA 541-A, relative to this paragraph.~~].

[VI. ~~Notwithstanding any subsequent acts committed by the child which bring him to the attention of a district court, the county having liability for the child pursuant to paragraph IV shall remain the county liable for the child until the person reaches 18 years of age or the court's jurisdiction is ended, whichever comes first.~~]

VH] V. If the person responsible for paying reimbursements to the [~~county~~] **department** under paragraph [V] IV is financially able to pay such reimbursements but fails to make such payments, the [~~county~~] **department** may apply to the district court for a lien on such person's real or personal property for the amount of reimbursements due.

[VHH] VI. Upon request by the adoptive parent of a child whose birth parents relinquished their parental rights to the department or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, the state, acting through the commissioner, may waive its right of action against such adoptive parent for all or a portion of the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C or 169-D after the adoption. The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.

(a) For the adoptive parent or prospective adoptive parent of a child in the custody of the state whose birth parents have consented to the adoption, relinquished their parental rights to the department, or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department,

authorized agency, or foster parent, pursuant to RSA 170-C:4, the state shall waive its right of action against such adoptive parent or prospective adoptive parent for the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption.

(b) If the department determines that the adoptive parent has been convicted of sexual or physical abuse of the adopted child pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated adoption subsidy moneys, the adoptive parent shall be responsible for payment for subsequent services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. A determination of misappropriation is subject to the provisions of RSA 126-A:5, VIII.

~~[IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.]~~

23 Repeal; January 1, 2008. The following are repealed:

- I. RSA 167:18-b, relative to county reimbursement for nursing home services.
- II. RSA 167:18-f, relative to local medical assistance contribution.
- III. RSA 167:20, relative to establishing the public assistance fund.

24 Repeal; June 30, 2007. The following are repealed:

- I. 1998, 388:16, I and II, relative to the repeal of RSA 167:18-b and 18-f.
- II. 1998, 388:17, II, as amended by 2003, 223:8, 2004, 260:9, and 2005, 177:10 relative to the effective date of the repeal of RSA 167:18-b and 18-f.

25 Prospective Repeal; July 1, 2011. RSA 167:18-a, relative to county reimbursement of funds, is repealed.

26 Department of Health and Human Services; Limitation on Mental Health Services. For the biennium ending June 30, 2009, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M 401.07; provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such persons or community mental health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the commissioner of the department of health and human services, the fiscal committee of the general court may authorize a higher per person per year limit.

27 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.

I. For the biennium ending June 30, 2009, the department of health and human services shall not authorize, without prior approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2009, 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 \$50,000, that are 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 eligibility standards or benefit levels.

III. 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, 2009 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.

28 Medical Assistance; Memorandum of Understanding Between the Departments of Revenue Administration and Health and Human Services.

I. For the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and eligibility for Temporary Assistance to Needy Families (TANF), the commissioner of the department of health and human services (DHHS) and the commissioner of the department of revenue administration (DRA) shall renew the existing memorandum of understanding for the period of July 1, 2007 through June 30, 2009 under which:

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

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

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

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

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

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

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

29 Department of Environmental Services; Fee for Department Review of Plan for Terrain Alteration. Amend RSA 485-A:17, II to read as follows:

II. The department shall charge a fee for each review of plans, including project inspections, required under this section. The fee shall be based on the extent of contiguous area to be disturbed. Except for RSA 483-B:9, the fee for plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be ~~[\$500]~~ **\$1,250**. For the purposes of RSA 483-B:9, the fee for plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be ~~[\$500]~~ **\$1,250**. An additional fee of ~~[\$200]~~ **\$500** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No permit shall be issued by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the ~~[treasury as unrestricted funds]~~ **terrain alteration fund established in paragraph II-a.**

II-a. There is hereby established the terrain alteration fund into which the fees collected under paragraph II shall be deposited. The fund shall be a separate, nonlapsing fund, continually appropriated to the department for the purpose of paying all costs and salaries associated with the terrain alteration program.

II-b. In processing an application for permits under RSA 485-A:17, the department shall:

(a) Within 50 days of receipt of the application, request any additional information required to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if all of the requested information is not received within 120 days of the request, the department shall deny the application.

(b) If the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve and issue a permit; or

(2) Deny the application, in whole or in part; or

(3) Extend the time for response for good cause and with the written agreement of the applicant.

(c) If no request for additional information is made pursuant to subparagraph (b), the department shall, within 50 days of receipt of the application, approve or deny the application, in whole or in part.

(d) If the department fails to render a decision within the time limits provided in this paragraph, the application shall be deemed to be approved and a permit shall be issued.

(e) The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to RSA 485-A:22-a or an application that does not otherwise comply with the department's rules relative to the permit application process.

II-c. Beginning October 1, 2007 and each fiscal quarter thereafter, the department shall submit a quarterly report to the fiscal committee of the general court relative to administration of the terrain alteration review program.

30 New Subparagraph; Dedicated Fund; Terrain Alteration Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

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

31 Department of Environmental Services; Wetlands Fees Prior to July 1, 2010. Amend RSA 482-A:3, I to read as follows:

I.(a) No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. ~~[The permit application fee shall be \$100 for minimum impact projects under this chapter.]~~

(b) The permit application fee for minor and major shoreline structure projects shall be ~~[\$100]~~ \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be ~~[\$1]~~ \$2 per square foot for permanent dock surface area; ~~[\$.50]~~ \$1 per square foot for seasonal dock surface area; and ~~[\$.10]~~ \$.20 per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$200.

(c) The permit application fee shall be \$200 for minimum impact dredge and fill projects under this chapter. ~~[The permit application fees for minor or major projects shall be \$.10 per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100.]~~ ***The permit application fee shall be \$.20 per square foot of proposed impact for all minor and major impact dredge and fill projects under this chapter and there shall be a minimum fee of \$200 for all such projects that impact fewer than 1,000 square feet.***

(d) At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

(e) Beginning October 1, 2007, and each quarter of the fiscal year thereafter, the department shall submit a quarterly report to the fiscal committee of the general court relative to administration of the wetlands fees permit process established by this section.

32 Department of Environmental Services; Wetlands Fees; Version Effective July 1, 2010. RSA 482-A:3, I is repealed and reenacted to read as follows:

I.(a) No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The per-

mit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire.

(b) The permit application fee for minor and major shoreline structure projects shall be \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$200.

(c) The permit application fee shall be \$200 for minimum impact dredge and fill projects under this chapter. The permit application fee shall be \$.20 per square foot of proposed impact for all minor and major impact dredge and fill projects under this chapter and there shall be a minimum fee of \$200 for all such projects that impact fewer than 1,000 square feet.

(d) At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

(e) Beginning October 1, 2007, and each quarter of the fiscal year thereafter, the department shall submit a quarterly report to the fiscal committee of the general court relative to administration of the wetlands fees permit process established by the section.

33 Department of Environmental Services; Revising the Laboratory Fee Schedule for Environmental Tests. RSA 131:3-a is repealed and reenacted to read as follows:

131:3-a Fee Required.

I. Notwithstanding the provisions of RSA 131:4, the commissioner of environmental services shall collect a fee for analyses made pursuant to RSA 131:3.

(a) Fees for analyses offered as a service shall be set from the following schedule:

(1) Agricultural Pesticides	\$200
(2) Alkalinity	\$15
(3) Ammonia	\$30
(4) Asbestos	\$35
(5) Bacteria as cts/100mL (all types)	\$20
(6) Bacteria as MPN (all types)	\$30
(7) Bacteria as P/A (all types)	\$15
(8) Biosuitability	\$145
(9) Biochemical Oxygen Demand	\$35
(10) Carbamates	\$120
(11) Chloride	\$12
(12) Chlorine Residual	\$16
(13) Chlorophenoxy Herbicides	\$130

(14) Cyanide	\$35
(15) Diquat	\$125
(16) Ethylene dibromide/Dibromochloropropane	\$75
(17) Fluoride	\$12
(18) Glycols	\$150
(19) Glyphosate	\$100
(20) Gross Alpha	\$60
(21) Haloacetic Acids	\$100
(22) Heterotropic Plate Count	\$25
(23) Iron Bacteria	\$25
(24) Metals (each)	\$15
(25) Metals Preparation Charge	\$20
(26) Methyl-tert-butyl ether	\$75
(27) Nitrate	\$12
(28) Nitrite	\$12
(29) Oil & Grease (HEM)	\$60
(30) pH	\$9
(31) PolyaromaticHydrocarbons	\$150
(32) Phosphorus (all forms)	\$20
(33) Radium 226	\$150
(34) Radon	\$25
(35) Semivolatile Compounds	\$225
(36) Solids (all forms)	\$30
(37) Special Study (per hour)	\$50
(38) Specific Conductance	\$10
(39) Sulfate	\$20
(40) Sulfide	\$20
(41) Thermometer Calibration	\$15
(42) Total Organic Carbon	\$40
(43) Total Kjeldahl Nitrogen	\$25
(44) Total Petroleum Hydrocarbons (DRO)	\$125
(45) Total Petroleum Hydrocarbons (GRO)	\$125
(46) Total Trihalomethanes	\$75
(47) Toxaphene	\$75
(48) Turbidity	\$12
(49) Uranium (activity)	\$150
(50) UV-254	\$30
(51) Volatile Organic Compounds	\$120

(b) Fees for analyses of the following special parameter groupings required by the federal Safe Drinking Water Act shall be:

(1) Drinking Water Bacteria	\$15
(2) Haloacetic Acids	\$100
(3) Inorganic Chemicals	\$335
(4) Inorganic Chemicals (new system)	\$395
(5) Lead/Copper	\$30
(6) Nitrate/Nitrite	\$12
(7) Radiological Chemicals	\$75
(8) Synthetic Organic Chemicals	\$650
(9) Total Trihalomethanes	\$75
(10) Volatile Organic Compounds	\$120
(11) Water Quality Parameters	\$40

(c) Fees for analyses of the following parameters in support of the department's private homeowner initiative shall be:

(1) Bacteria/Nitrate/Chloride	\$30
(2) Drinking Water Bacteria	\$15
(3) Fluoride	\$12
(4) Methyl-tert-butyl ether	\$60
(5) Radon	\$20
(6) Standard Analysis	\$85
(7) Homeowner Radiologicals	\$80
(8) Volatile Organic Compounds	\$120

II. All such fees collected by the commissioner of environmental services from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of environmental services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

34 School Money; Determination of Grants. Notwithstanding the provisions of RSA 198:40-a, 198:40-b, 198:40-c and 198:41, for the fiscal year beginning July 1, 2007, each municipality shall receive total education grants in an amount that equals the greater of either: a 5 percent increase in the education grant amount received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2006, or 94.6596522 percent of the education grant amount to be received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2007. For the fiscal year beginning July 1, 2008, each municipality shall receive the same grant amount as determined for the fiscal year beginning July 1, 2007.

35 Highway and Bridge Betterment Program; Funding. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from [~~\$.03~~] **\$.02** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

36 Highway and Bridge Betterment Program; Funding Effective July 1, 2009. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from [~~\$.02~~] **\$.03** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

37 New Paragraph; Retirement System; Coordination with Administrative Services. Amend RSA 100-A:14 by inserting after paragraph XIV the following new paragraph:

XV. The board of trustees shall, consistent with RSA 21-I:13, V, provide the commissioner of the department of administrative services with information necessary for the commissioner to carry out the responsibilities set forth in RSA 21-I:27, including such information as the name and social security number of each covered retiree, spouse, and dependent; the retiree agency-identifying information in a format compatible with the billing needs of the department; and such other information that the commissioner of the department of administrative services shall request in order to carry out the retiree health benefits program administration.

38 New Section; Administrative Services; Employee Benefit Risk Management Fund Established. Amend RSA 21-I by inserting after section 30-d the following new section:

21-I:30-e Employee Benefit Risk Management Fund.

I. There is hereby established the employee benefit risk management fund, which shall be administered by the department of administrative services. The fund shall be nonlapsing and continually appropriated to the department of administrative services.

II. All funds accumulated from any source for active state employee health benefits shall be accounted for in the fund established in paragraph I. The fund shall be used to pay for active state employee health care expenses and any administrative costs related thereto pursuant to RSA 21-I:30, and for expenses related to the production of the biennial actuarial valuation report, and shall not be used for any other purpose.

III. All funds accumulated from any source for state retiree health benefits also shall be accounted for in the fund established in paragraph I. The fund shall be used to pay for state retiree health care expenses and any administrative costs related thereto pursuant to RSA 21-I:30, and for expenses related to the production of the biennial actuarial valuation report, and shall not be used for any other purpose.

IV. At the end of each fiscal year, the state treasurer shall credit the fund with interest and any other income earned.

39 New Subparagraph; Application of Receipts; Employee Benefit Risk Management Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

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

40 New Section; New Hampshire Retirement System; Medical Benefits; State Retiree Health Plan Commission. Amend RSA 100-A by inserting after section 55 the following new section:

100-A:56 State Retiree Health Plan Commission.

I. There is hereby established a state retiree health plan commission consisting of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) The state treasurer.

(e) The commissioner of the department of administrative services.

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

III. The commission shall:

(a) Determine the actuarial assumptions to be used in the actuarial valuation of liabilities relative to state retiree health benefits.

(b) Ensure that an actuarial valuation report is completed by a qualified, independent actuary and submitted to the speaker of the house of representatives, the president of the senate, and the governor, on or before December 1 of every even-numbered year.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the member appointed by the speaker of the house of representatives. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum. The terms of the members of the commission shall be coterminous with their terms of office.

41 Transfers Among Accounts; Office of Information Technology. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the office of information technology may, subject to the approval of the fiscal committee, transfer funds within and among all PAU's within said office as necessary for the efficient management of the office.

42 New Paragraph; Tobacco Tax; Stamps; Alternative to Bonding Requirements for Wholesalers. Amend RSA 78:9 by inserting after paragraph II the following new paragraph:

III. At the sole discretion of the commissioner, the commissioner may place a lien on property of the licensed wholesaler in lieu of the bond requirement under paragraph I, provided that:

(a) The licensed wholesaler submits a written request for the lien and detailed proposal acceptable to the commissioner; and

(b) The property on which the proposed lien shall be placed is of adequate value, marketability, and liquidity to protect the state's interests to the same degree or greater than a bond.

43 Committee on LCHIP Funding Established.

I. There is established a committee to examine alternatives and recommend a dedicated source of funding to sustain the land and community heritage investment program trust fund for the biennium and beyond.

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

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

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

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

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate 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.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

44 Commission Relative to Court Security Issues Established.

I. There is established a commission to study court security issues.

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

(a) A representative of the courts, appointed by the chief justice of the supreme court.

(b) A representative of the New Hampshire Sheriff's Association, appointed by the association.

(c) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the judiciary committee, and one of whom shall be a member of the finance committee.

(d) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the judiciary committee and one of whom shall be a member of the finance committee.

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

IV. The commission shall study issues relative to court security, including assessing the adequacy of the current security system, identifying potential improvements to current court security measures, and estimating the cost of such improvements. The commission shall develop an implementation plan relative to its recommendations.

V. The members of the 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. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

45 Medicaid Enhancement Tax; Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax. A tax is imposed at a rate of [6] **5.5** percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

46 Nursing Facility Quality Assessment; Imposition of Fee. Amend RSA 84-C:2 to read as follows:

84-C:2 Imposition of Fee. An assessment of [6] **5.5** percent of net patient services revenues is hereby imposed on all nursing facilities on the basis of patient days in each nursing facility. The fee shall be implemented in accordance with the provisions of 42 C.F.R. part 433.

47 Department of Health and Human Services; Authority to Fill Unfunded Positions. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may fill any unfunded positions during the biennium ending June 30, 2009, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

48 New Paragraph; Family Mutual Support Services; Requests for Proposals. Amend RSA 126-P:2 by inserting after paragraph IV the following new paragraph:

V. The New Hampshire developmental disabilities council shall assist the department in developing any requests for proposals for family mutual support services, which shall include adult services, before they are released for competitive bidding, and shall participate in selection.

49 Nursing Facility Rates; Report by Department of Health and Human Services. For the biennium ending June 30, 2009, the department of health and human services shall provide a report to the fiscal committee of the general court detailing assumptions used by the department to calculate acuity-based rates paid to nursing facilities. Said report shall be filed with the committee prior to the effective date of any rate change, and shall include, but not be limited to, the average monthly nursing facility bed days used to calculate rates, the projected surplus or deficit in current operating budget appropriations for nursing services, and the budget neutrality factor that will be applied to the rates, if any. The budget neutrality factor shall be defined as the adjustment to rates made by the department to accommodate the difference between the allowable Medicaid costs and acuity-based rates, derived from the nursing facility Medicaid acuity rate setting system, which nursing facilities incur in providing care to Medicaid residents, and the amount which the state has budgeted in order to fund that care. The budget neutrality factor shall not consider amounts appropriated in the operating budget for the Medicaid quality incentive program (MQIP) or the proportionate share program (Proshare).

50 New Paragraph; Recovery of Assistance. Amend RSA 167:13 by inserting after paragraph III the following new paragraph:

IV. There is established in the state treasury an estate administration fund for use as a depository account by the department of health and human services for the purpose of estate administration conducted pursuant to RSA 553:2, III. The fund shall be used to receive and temporarily hold estate funds subject to supervision of the probate court until funds are disbursed, in accordance with RSA 554:19, to creditors, including the state, for public assistance provided under this chapter.

51 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

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

52 Legal Services Study Commission Established.

I. There is established a commission to study the consolidation and centralization at the department of justice of legal services by the department of health and human services and other departments.

II. 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 appointed by the governor.

(d) The attorney general, or designee.

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

(f) One member of the New Hampshire Bar Association who has both government service experience and experience in the private sector management of a large law firm, appointed by the attorney general.

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

IV. The commission shall study the employment of attorneys by the department of health and human services and other state agencies to determine whether transfer of those employees and responsibility for those legal service functions to the attorney general's office would improve the efficiency and effectiveness of legal services by the state. The study shall address whether centralization and consolidation of legal services within the state would allow the state to:

(a) More effectively and efficiently hire and retain highly qualified legal professionals.

(b) Standardize management, supervision, and accountability of attorneys and legal support staff working for the state.

(c) Establish a consistent and uniform training program for all attorneys and legal staff employed by the state.

(d) Provide more timely and consistent legal advice to state departments and officials.

(e) Eliminate duplication of legal services currently being performed by attorneys working at different departments.

(f) Establish uniform standards for attorneys appearing on behalf of the state before courts or administrative proceedings.

V. The members of the 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. A simple majority of the members of the commission shall constitute a quorum.

VI. Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

53 New Subparagraph; Application of receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

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

54 New Section; Game Management Account. Amend RSA 206 by inserting after section 34-a the following new section:

206:34-b Game Management Account Established; Report

I. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the game management account. Each month the department shall determine the number of stamps, licenses, applications or permits sold for moose, bear, turkey, and waterfowl and, for each, transfer \$10 to the game management account. The moneys in this account shall be used exclusively for the implementation of a comprehensive population and habitat management program, including research and management, protection, education, and outreach for game as defined in RSA 207:1, IX, fur-bearing animals as defined in RSA 207:1, VIII, and migratory game birds as defined in RSA 209:5 to include waterfowl, snipe, and woodcock. Funds in the game management account are hereby continually appropriated for said purposes. Said funds shall be expended for the purposes of this section as determined by the executive director with approval of the commission.

II. The state treasurer shall segregate the moneys credited to the game management account and invest these funds to obtain the highest possible return on such investment until such funds are required to be expended exclusively for the purposes specified in paragraph I. Interest received on investments shall be credited to the account.

III. The executive director shall submit a report annually by October 1 to the chairpersons of the house and senate standing committees having jurisdiction over the fish and game department on the status of game populations in the state and a summary of expenditures made from the game management account.

55 Reference Removed; Fund Raising. Amend RSA 206:22-a, II(a) to read as follows:

II.(a) The fish and game department may promote, market or otherwise engage in fund raising activities for any special account including, but not limited to, ~~[the waterfowl conservation program established in RSA 214:1-d,]~~ the endangered and nongame species management programs established in RSA 212-A and RSA 212-B, respectively, and any other program intended to educate, protect, restore, enhance or promote department responsibilities.

56 Migratory Waterfowl Stamp; Account Removed. Amend RSA 214:1-d to read as follows:

214:1-d State Migratory Waterfowl Stamp Required.

I. No person shall at any time hunt, shoot, pursue, kill or take migratory waterfowl without first procuring, in addition to the applicable hunting license required by RSA 214 and the federal duck stamp required by RSA 209:6, a stamp to do so under RSA 214:9, XII, for the same period. The stamp must be signed across the face in a permanent manner with the applicant's signature. A person under the age of 16 years may hunt, shoot, pursue, kill or take migratory waterfowl without such a stamp, provided that, while so doing, he is accompanied by an adult who has procured such a stamp. For the purpose of this section "migratory waterfowl" shall mean ducks, mergansers, coots, geese and brant.

II. ~~[The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the waterfowl conservation account, to which shall be credited all fees collected by the fish and game department from the sale and issuance of state migratory waterfowl stamps, all donations received under paragraph III, and all proceeds derived from the art created for the stamp under paragraph IV. The moneys in the account, from whatever source, shall be used exclusively in the state of New Hampshire for the following purposes and are hereby appropriated for said purposes:~~

~~(a) The development, management, preservation, conservation, restoration, acquisition, and maintenance of migratory waterfowl habitat, including the development of state wetlands and shores and designated waterfowl management marshes for maximum migratory waterfowl production, access to such areas, and acquisition of necessary barriers;~~

~~(b) The protection, conservation, and propagation of migratory waterfowl; and~~

~~(c) Up to 25 percent of the prior year's gross waterfowl receipts shall be expended for the promotion of the state migratory waterfowl stamp and print.~~

III. ~~The state treasurer is hereby authorized to accept donations into the waterfowl conservation account from sources other than the proceeds from the sale of the state migratory waterfowl stamps.~~

III-a. ~~The state treasurer shall segregate the moneys credited to the waterfowl conservation account, established by RSA 214:1-d, II, and invest these funds to obtain the highest possible return on such investment until such funds are required to be expended exclusively for the purposes specified in RSA 214:1-d, II(a) through (c).~~

~~IV.(a)]~~ The executive director, with the approval of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the form, design and manner of issuance of the state migratory waterfowl stamp, and may, with the approval of the commission, provide for the reproduction, sale, licensing and other disposal of art created for the stamp, provided that all money received by the fish and game department derived from the art shall be added to the ~~[waterfowl conservation]~~ **game management** account.

~~[(b) Notwithstanding subparagraph (a), in an effort to expedite the 1983 fall season issue of the first migratory waterfowl stamp, the New Hampshire fish and game commission and its executive director are hereby authorized to enter into a contract with Midwest Marketing of Sullivan, Illinois, to furnish stamps and to conduct sale of prints of the art in order to generate income for the waterfowl conservation account. The contractual agreement shall allow the New Hampshire fish and game commission and its executive director to establish a fee schedule for Midwest Marketing based on the amount of sales completed by the company for the New Hampshire fish and game department.~~

~~(e)]~~ The art for the stamp may be selected through an art contest which shall be regulated by the executive director with the approval of the commission.

~~[V. The funds in the waterfowl conservation account shall be expended for the purposes stated in paragraph II(a)-(c) as determined by the executive director with the approval of the commission. Before the executive director and the commission approve any expenditure of funds from the account, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.~~

~~VI. The executive director and the commission shall submit to the general court at each regular session a detailed report with sufficient information to be fully understood by the general court and the public summarizing the receipts and disbursements from the waterfowl conservation account and the public benefits derived from the disbursements from it. This report shall also be available to the public after its submission to the general court.~~

~~VH:]~~ **III.** Any person who violates any provision of this section or RSA 214:9, XII, or any rule adopted under this section, shall be guilty of a violation, and shall be guilty of a separate offense for each migratory waterfowl bird taken.

57 Accounts Transferred. All moneys existing in the moose management fund, the bear management fund, the wild turkey account, and the waterfowl conservation account as of June 30, 2007 shall be transferred to the game management account established in RSA 206:34-b as inserted by this act.

58 Game Management Account; Application of Receipts.

I. Notwithstanding any other provision of law, between July 1, 2007 and December 31, 2008, all moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits shall be deposited in the fish and game fund and shall be used for purposes specified in RSA 206:34-a.

II. On and after January 1, 2009, all moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits shall be deposited in the fish and game fund and a portion transferred to the game management account pursuant to RSA 206:34-b, as inserted by this act.

59 Repeal. The following are repealed:

- I. RSA 6:12, I(b)(158), relative to the bear management fund.
- II. RSA 6:12, I(b)(161), relative to the moose management fund.
- III. RSA 6:12, I(b)(165), relative to the waterfowl conservation account.
- IV. RSA 6:12, I(b)(181), relative to the wild turkey account.
- V. RSA 206:9-b, relative to annual reports on moose and bear management funds.
- VI. RSA 206:35-b, relative to wild turkey license or permit revenues.
- VII. RSA 208:1-a, III and IV, relative to the moose management fund and program.
- VIII. RSA 208:2, II, relative to the executive director's report on the status of the deer herd.
- IX. RSA 208:24, IV, relative to the black bear management fund and program.

60 Off Highway Recreational Vehicles; Registration Fees; Funds Appropriated to Fish and Game Department. Amend RSA 215-A:23, VIII(f) to read as follows:

(f) Contracting with state, county, and local law enforcement agencies to enforce the provisions of this chapter relative to ATV use. ~~[Ten dollars of each resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I(b), and \$19 of each nonresident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III(b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.]~~

61 Fish and Game; Use of Funds Relative to ATVs. All moneys required by RSA 215-A:23, VIII(f) prior to July 1, 2007 to be used specifically for contracting with law enforcement agencies to enforce ATV laws and held by the fish and game department for that purpose on July 1, 2007, shall be retained by the department and used for the purposes listed in RSA 215-A:23, VIII.

62 Moose; Permit Fees; Nonresident Minimum Fee. Amend RSA 208:1-a, II to read as follows:

II. The executive director, with the consent of the commission, shall also adopt rules under RSA 541-A to regulate the issuance of licenses or permits, including the establishment of a lottery for awarding of permits to applicants, and to set fees for applications, licenses, or permits for both resident and nonresident applicants, ***provided the fee for nonresident permits shall be at least \$450.***

63 Wild Turkey; Nonresident Fee. Amend RSA 214:9, XI to read as follows:

XI. If the applicant ***is a resident and*** wishes to hunt wild turkeys, ~~[\$5]~~ ***\$15, and if the applicant is a nonresident and wishes to hunt wild turkeys, \$30,*** and the fish and game department shall thereupon issue a wild turkey license or permit which shall entitle the licensee to hunt, shoot, kill and take turkey, except by the use of traps.

64 Motor Vehicle Fines; Review. The house criminal justice and public safety committee shall review fines for motor vehicle violations, as they have been amended by 2005, 177 and 2006, 259. The committee shall consider the appropriateness of the fine amounts and the advisability of reducing the fine amounts upon passage of the state operating budget. The committee shall report its findings to the speaker of the house of representatives and to the chairman of the house ways and means committee by November 1, 2007.

65 Repeal. 2006, 259, relative to reducing certain fines for motor vehicle violations, is repealed.

66 Regional Community-Technical College System; Authority to Accept Funds and Exemption from Hiring Freeze; Prospective Repeal Extended to July 1, 2009. Amend 2005; 227:6, I to read as follows:

I. Section 4 of this act shall take effect July 1, ~~[2007]~~ **2009.**

67 Regional Community-Technical Colleges; Contracts with the Community-Technical College Foundation; Prospective Repeal Extended. Amend 2004, 9:5, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~[2007]~~ **2009.**

68 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2009, the fish and game department, the department of transportation, and the department of regional community-technical colleges may enter into lease agreements for vehicles and equipment at the discretion of the agency head. In this section, "lease" includes a lease-purchase, sale and lease back, installment sale, or other similar agreement.

69 New Section; Compensation for Retired Full-Time Justices for Service after Retirement. Amend RSA 493-A by inserting after section 1-a the following new section:

493-A:1-b Compensation. Any retired full-time justice of the supreme, superior, district, or probate court who serves after retirement as a senior active status justice or a judicial referee shall be allowed his or her expenses and a per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council and based on the daily equivalent of the annual salary the retired justice would then be earning pursuant to RSA 491-A:1; provided however, that in any calendar year the total of the service retirement benefits that the retired justice receives pursuant to RSA 100-C:5 plus the compensation provided by this section shall not exceed the annual salary the retired justice would then be earning pursuant to RSA 491-A:1.

70 Appropriation. There is hereby appropriated to the judicial branch the sum of \$200,000 for the fiscal year ending June 30, 2008, and the sum of \$200,000 for the fiscal year ending June 30, 2009, for the purpose of compensating retired, full-time justices for service after retirement. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

71 New Section; Governor's Commission on Disability; Newline for the Blind. Amend RSA 275-C by inserting after section 8 the following new section:

275-C:8-a Newline for the Blind; Funding. Beginning July 1, 2007, and in each fiscal year thereafter, the sum of \$28,000 is hereby appropriated to the governor's commission on disability for the purpose of funding the National Federation of the Blind's "Newline for the Blind," an information and news service that provides individuals who are otherwise unable to read newsprint with access to existing newspapers and other printed materials. Said funds shall be a charge against the telecommunications relay service trust fund established by the public utilities commission.

72 New Hampshire Housing Finance Authority; Maximum Bond Debt. Amend the introductory paragraph of RSA 204-C:28, II to read as follows:

II. In addition to the obligations which the authority may have outstanding under paragraph I, the authority may issue notes and bonds not in excess of [~~\$200,000,000~~] **\$800,000,000** for the purposes specified in this paragraph. Such notes and bonds shall constitute general obligations of the authority payable out of any revenues or moneys of the authority, subject only to any agreements with the holders of particular notes or bonds pledging any particular revenues. The purposes for which such notes and bonds may be issued pursuant to this paragraph shall be to provide sufficient funds for any one or more of the following:

73 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 is laid off between July 1, 2007 and June 30, 2009, 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. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2007 and June 30, 2009, to the director of the division of personnel within 10 days of the layoff.

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.

74 Division of Personnel; Training Programs. RSA 21-I:42, XIV is repealed and reenacted to read as follows:

XIV. Providing training programs to state agencies under this paragraph and paragraph XVII and developing and implementing a training information management system to collect and record data on agency training efforts.

(a) All state agencies shall utilize training programs offered or sponsored by the division of personnel, if appropriate training programs are available. Fees for such training programs shall be paid out of the agency's budget for training.

(b) All state agencies shall notify the division of personnel of training needs and of planned training programs for classified employees. The division may develop training programs based on such notification of training needs and make this information available to all state agencies on a regular basis to encourage efficient use of training programs.

75 Scenic and Cultural Byways System; Funds. Amend RSA 238:23, I to read as follows:

I. The ~~[director of the office of energy and planning, with the advice of the]~~ commissioner of the department of transportation ~~[and]~~, ***with the advice of*** the commissioner of the department of resources and economic development, is authorized to apply for and accept gifts, grants, donations and contributions from any source, public or private, in the name of the state and to provide for technical and administrative support consistent with the resources provided to the program under this section. Any moneys accepted shall be continually and solely appropriated for the purpose of this subdivision.

76 Court Fees and Fines. Amend RSA 490:26-a to read as follows:

490:26-a Court Fees and Fines; Credit Card Payments.

I. The supreme court shall establish by rule an equitable fee schedule for all courts in the state.

II.(a) Except as provided in subparagraph (b), a \$40 surcharge shall be added to each civil filing fee for all courts. This surcharge shall be deposited in the general fund.

(b) The following shall be exempt from the surcharge under subparagraph (a):

(1) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.

(2) Domestic violence actions under RSA 173-B.

(c) Small claims actions under RSA 503.

(d) Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B, and RSA 540-C.

III. All court fees, ***surcharges***, and ~~[all]~~ fines paid into any court may be paid by credit card in lieu of cash payment. The courts shall collect a \$3 processing fee in addition to each fee, ***surcharge***, or fine paid by credit card.

77 Repeal. RSA 281-A:59, VI, relative to a credit against the premium tax for payments made by insurance carriers to the workers' compensation administration fund, is repealed.

78 Repeal. RSA 82-A:5, relative to communications services tax exemption, is repealed.

79 New Section; Department of Transportation; Deputy Commissioner. Amend RSA 21-L by inserting after section 5 the following new section:

21-L:5-a Deputy Commissioner.

I. The commissioner of transportation shall nominate a deputy commissioner for appointment by the governor, with the consent of the council. The deputy commissioner shall serve a term of 4 years. The deputy commissioner shall be qualified to hold that position by reason of education and experience.

II. The deputy commissioner shall perform such duties as are assigned by the commissioner or assistant commissioner and, in accordance with applicable laws, shall be responsible for the following functions:

(a) Long and short range department level planning in areas of strategic, financial, and human capital programs.

(b) Policies, practices, and procedures to ensure compliance with laws and high standards of continuous quality improvement.

(c) Evaluations and audits of financial, human capital, environmental, and safety practices and internal audits.

(d) Policy development.

(e) Adjudicative hearings procedures.

(f) Public information.

(g) Liaison with the office of information technology.

III. The position shall be unclassified, and the salary of the deputy commissioner shall be as specified in RSA 94:1-a.

80 Department of Transportation; Division of Administration Changed to Division of Finance. RSA 21-L:6 is repealed and reenacted to read as follows:

21-L:6 Division of Finance. There is established within the department the division of finance, under the supervision of an unclassified director of finance, who shall, in accordance with applicable laws, be responsible for the following functions:

- I. Financial management systems.
- II. Bonding activities, including Garvee and turnpike bonds.
- III. Budget control.
- IV. Accounts payable and receivable systems.
- V. Federal billing.
- VI. Purchasing.
- VII. Contracts and grants management.
- VIII. Control of department inventory.
- IX. Department printing.

81 Department of Transportation; Duties of Commissioner; Reference Change. Amend RSA 21-L:4, IV to read as follows:

IV. Require the director of the division of ~~administration~~ **finance**, in consultation with the commissioner of administrative services and the state treasurer, to provide for a system of accounts and reports which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

82 Unclassified Salaries; Department of Transportation; Deputy Commissioner. There is hereby established within the department of transportation, office of the commissioner, the unclassified position of deputy commissioner, which shall replace the position of director of public works. Pursuant to 94:1-d, the commissioner of transportation shall submit his or her recommendation relative to the appropriate letter grade in RSA 94:1-a, I(b) for the position of deputy commissioner to the commissioner of administrative services, who shall submit the recommendation to an outside consultant for the purpose of assessing the appropriate letter grade for unclassified officers. The commissioner of administrative services shall submit the consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter grade allocation.

83 Unclassified Salaries, Department of Transportation; Director of Finance. There is hereby established within the department of transportation, office of the commissioner, the unclassified position of director of finance, which shall replace the position of director of administration. Pursuant to RSA 94:1-d, the commissioner of transportation shall submit his or her recommendation relative to the appropriate letter grade in RSA 94:1-a, I(b) for the position of director of finance to the commissioner of administrative services, who shall submit the recommendation to an outside consultant for the purpose of assessing the appropriate letter grade for unclassified officers. The commissioner of administrative services shall submit the consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter grade allocation.

84 Unclassified Salaries; Department of Transportation. Amend RSA 94:1-a, I(b) by deleting:

- | | | |
|----|------------------------------|----------------------------|
| GG | Department of transportation | director of administration |
| HH | Department of transportation | director of public works |

85 Transfers Authorized. Notwithstanding the provisions of RSA 9:16, RSA 9:16-a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the request of the commissioner of safety, is authorized to transfer within and among any and all components and class codes of the budget of the division of state police for the biennium ending June 30, 2009, regardless of funding source or mix, sufficient funds to cover overtime obligations for state police activities within the traffic bureau and detective bureau, witness fees, and the accompanying benefits. The total amount transferred shall not exceed \$300,000. When making the transfers, every effort shall be made to maintain the original funding sources for the amounts transferred.

86 Unclassified Salaries, Forensic Toxicologist Deleted. Amend RSA 94:1-a, I(b) by deleting the following:

- | | | |
|----|----------------------|-----------------------|
| FF | Department of safety | forensic toxicologist |
|----|----------------------|-----------------------|

87 Unclassified Salary; Chief of Policy and Planning. There is hereby established within the department of safety, office of the commissioner, the unclassified position of chief of policy and planning. Pursuant to RSA 94:1-d, the commissioner of safety shall submit his or her recommendation relative to the appropriate letter grade in RSA 94:1-a, I(b) for the position to the commissioner of administrative services, who shall submit the recommendation to an outside consultant for the purpose of assessing the appropriate letter grade for unclassified officers. The commissioner of administrative services shall submit the consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter grade allocation.

88 New Section; Unclassified Position Established; Chief of Policy and Planning. Amend RSA 21-P by inserting after section 5-a the following new section:

21-P:5-b Chief of Policy and Planning. The commissioner of safety shall nominate a chief of policy and planning for appointment by the governor, with the consent of the council. The chief of policy and planning shall serve at the pleasure of the commissioner and shall be qualified to hold that position by reason of education and experience and shall perform such duties as are assigned.

89 Classified Position Established; Forensic Toxicologist. There is established within the department of safety, division of state police, forensic laboratory, toxicology laboratory, an additional criminalist position to serve as state toxicologist at such labor grade and step as shall be determined by the director of state personnel. The comptroller, upon request of the commissioner of safety, is authorized to transfer sufficient funds from PAU 02-15-04-16-03, class 12, personnel services -unclassified, allocated to the unclassified position of state toxicologist in the operating budget to class 10, personal services - permanent, to support the salary of the new classified position.

90 Personnel Reallocations Authorized. For the biennium ending June 30, 2009, the commissioner of safety, whenever he or she deems it will improve the efficiency and effectiveness of the delivery of service within the department, may, with approval of the fiscal committee of the general court and governor and council and further subject to approval of the position classifications by the director of personnel, eliminate certain personnel positions that may become vacant during the biennium and establish in their place other personnel positions from the same funding source, provided the cost of the new positions does not exceed the amounts budgeted for the positions being eliminated. The commissioner of safety shall submit reports on or before December 1, 2007, June 30, 2008, and December 1, 2008 to the chairs of the house and senate executive departments and administration committees on any actions taken as a result of this authorization.

91 Fish and Game; Powers and Duties of the Executive Director. Based on the legislative budget assistant's performance audit of the department of fish and game, and notwithstanding any other provision of law and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2009, the executive director of fish and game is hereby authorized to:

I. Transfer funds within and among all PAUs within the department, as the executive director 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.

II. Transfer or reassign personnel within and between any division, office, unit, or other component of the department.

III. Delegate, transfer, or assign the authority to administer and operate any program or service of the department to any employee, division, office, bureau, or other component of the department. Such delegation, transfer, or assignment shall include the authority to conduct or perform any act necessary to administer the program or service so assigned.

92 Approval of Charter Schools by State Board of Education; Repeal Date Amended. Amend RSA 2003, 273:9 to read as follows:

273:9 Effective Date.

I. Section 7 of this act shall take effect July 1, ~~2013~~ **2007**.

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

93 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

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]~~ **approved directly** by the state board of education ~~[pursuant to RSA 194-B:3-a]~~ **prior to July 1, 2007**, the state shall pay tuition directly to the charter school for each pupil who is a resident of this state in attendance at such charter school as follows:

(a) For the fiscal year beginning July 1, 2006, \$3,598 annual tuition.

(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined.

(c) The commissioner of the department of education shall calculate and distribute charter school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible charter schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

(d) The source of funds for payments under this section shall be moneys from the education trust fund established in RSA 198:39.

94 Applicability. The provisions of sections 92 and 93 of this act shall not affect the validity of a charter school approved by the state board of education under RSA 194-B:3-a prior to July 1, 2007.

95 New Paragraph; Committee for the Protection of Human Subjects; Fees. Amend RSA 171-A:19-a by inserting after paragraph VIII the following new paragraph:

IX. The commissioner may establish fees, through rules adopted under RSA 541-A, as deemed necessary, after consultation with the committee, to offset departmental costs of providing assistance to the committee pursuant to paragraph VIII. Fee revenue shall not be deposited into the general fund, but may be used by the department to offset such costs.

96 Committee for the Protection of Human Subjects. Amend RSA 171-A:19-b to read as follows:

171-A:19-b Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the operation of the committee for the protection of human subjects, established in RSA 171-A:19-a, ~~[and]~~ the procedures, conditions, and criteria for the conduct and approval of research, **and fees charged by the committee**.

97 New Subdivision; New Hampshire Comprehensive Cancer Plan. Amend RSA 126-A by inserting after section 62 the following new subdivision:

New Hampshire Comprehensive Cancer Plan

126-A:63 Comprehensive Cancer Plan Fund.

I. There is established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. This fund shall be nonlapsing and appropriated as designated in paragraphs II and III of this section.

II. The sum of \$2,500,000 shall be deposited into the comprehensive cancer plan fund for the fiscal year ending June 30, 2008 from the strategic contribution fund payments as agreed to in the master settlement agreement. No sums shall be deposited into the comprehensive cancer plan fund if such strategic contribution fund payments are not received. The amounts shall be expended for the following purposes:

(a) Up to \$1,683,989 towards the state tobacco use prevention program which shall be expended by the department for tobacco use prevention and cessation programs as provided in RSA 126-K:15.

(b) Up to \$61,866 towards diet and exercise programs.

(c) Up to \$148,477 towards early detection and screening programs for breast and cervical cancer.

(d) Up to \$439,248 towards early detection and screening programs for colorectal cancer.

(e) Up to \$30,933 to survivorship and cancer support for those affected by prostate cancer.

(f) Up to \$55,061 to identify and promote treatment and support services for survivors.

(g) Up to \$80,426 to minority oversampling data for information on behavioral risk and cancer rates.

III. The sum of \$4,000,000 shall be deposited into the comprehensive cancer plan fund for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011 from the strategic contribution fund payments as agreed to in the master settlement agreement. No sums shall be deposited into the comprehensive cancer plan fund if such strategic contribution fund payments are not received. The amounts shall be expended for the following purposes:

(a) Up to \$2,694,383 towards the state tobacco use prevention program which shall be expended by the department for tobacco use prevention and cessation programs as provided in RSA 126-K:15.

(b) Up to \$98,985 towards diet and exercise programs.

(c) Up to \$237,565 towards early detection and screening programs for breast and cervical cancer.

(d) Up to \$702,796 towards early detection and screening programs for colorectal cancer.

(e) Up to \$49,493 to survivorship and cancer support for those affected by prostate cancer.

(f) Up to \$88,097 to identify and promote treatment and support services for survivors.

(g) Up to \$128,681 to minority oversampling data for information on behavioral risk and cancer rates.

126-A:64 Comprehensive Cancer Plan Oversight Board. There is established a comprehensive cancer plan oversight board to oversee the department of health and human services' allocation of moneys from the comprehensive cancer fund.

I. The members of the board of directors of the comprehensive cancer plan oversight board shall be as follows:

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

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

(c) Two members from the department of health and human services, appointed by the commissioner.

(d) Two members from the American Cancer Society, appointed by that organization.

(e) Two members from the Dartmouth Hitchcock Healthcare System, appointed by that organization.

(f) Two members from the New Hampshire Hospital Association, appointed by the association.

(g) Two members of the public who are cancer survivors, appointed by the American Cancer Society.

II. The board of directors may appoint other members to the comprehensive cancer plan oversight board.

III. Legislative members of the board shall receive mileage at the legislative rate when attending to the duties of the board.

IV. The board shall report to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1 of each year of the appropriation.

98 New Subparagraph; Application of Receipts; Comprehensive Cancer Plan Fund. Amend RSA 6:12, II(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the comprehensive cancer plan fund established under RSA 126-A:63, I.

99 Repeal. The following are repealed:

I. RSA 126-A:63, relative to the comprehensive cancer plan.

II. RSA 126-A:64, relative to the comprehensive cancer plan oversight board.

III. RSA 6:12, II (b)(253), relative to the comprehensive cancer plan fund.

100 Study Required. The board of trustees of the judicial retirement plan under RSA 100-C shall study the inclusion of service of all judges not covered by or not eligible to receive benefits under the judicial retirement plan.

101 Report. The board of trustees shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

102 Hackett Hill Road in the Town of Hooksett; Classification Changed to Class V. The class II portion of Hackett Hill Road in the town of Hooksett, beginning at the junction of Route 3-A continuing to the west approximately 7/10 miles to the present town portion of Hackett Hill Road, shall be reclassified as a class V highway. The reclassification shall not occur until the signing of all agreements necessary to build the proposed improvements and the acceptance of the completed improvements and the roadway by the town of Hooksett and the department of transportation.

103 Securities; Administrative Penalty; Investor Education. Amend RSA 421-B:26, IV to read as follows:

IV. All moneys collected as an administrative penalty under this chapter and all moneys collected pursuant to ***RSA 421-B:31, I(g) and*** RSA 421-B:31, I(h) shall be credited to an investor education fund to be maintained by the state treasurer. Funds in excess of \$725,000 at the end of each fiscal year shall be credited to the general fund. The secretary of state, after deducting administrative costs, shall use moneys credited to that fund to provide information to residents of this state about investments in securities, to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable, or fraudulent offerings, choose their broker-dealers, agents, or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

104 New Hampshire Clean Lakes Program. Amend RSA 487:17 to read as follows:

487:17 Program Established.

I. A program for the preservation and restoration of New Hampshire lakes and ponds eligible under RSA 487:20 shall be established and administered within the department of environmental services. Said program shall function to limit the eutrophication process in New Hampshire lakes by reducing nuisance growths of macrophyton and phytoplankton. It shall reinforce and complement the program authorized by the federal program and shall serve 3 basic purposes:

(a) To diagnose degraded lakes and ponds and implement long-term solutions for the purpose of restoring water quality where such solutions are feasible and cost effective.

(b) To diagnose lakes and ponds and implement methods for long-term preservation of the water quality when such measures can be shown to be feasible and cost effective.

(c) To provide short-term remedial actions which can effectively maintain water quality conditions adequate for public recreation and enjoyment, including, but not limited to, the control ***or eradication*** of exotic aquatic weeds pursuant to paragraphs II and III.

II. The department is directed to prevent the introduction and further dispersal of exotic aquatic weeds and to manage ~~or~~, control, ***or eradicate*** exotic aquatic weed infestations in the surface waters of the state. The department is authorized to:

(a) Display and distribute promotional material and engage in educational efforts informing boaters of the problems with exotic aquatic weed control.

(b) Control ***or eradicate*** infestations of exotic aquatic weeds, according to the following criteria:

(1) The department shall have determined that the exotic aquatic weed can in fact be controlled ***or eradicated*** in the waterbody.

(2) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430. ***Notwithstanding any law or interagency agreement to the contrary, the department's decision to use her-***

bicide applications shall be made in consultation with the fish and game department and shall be implemented only if the department of agriculture, markets and food issues the permit pursuant to RSA 430:33, with or without the concurrence of the department of fish and game.

(c) Develop an emergency response protocol to control ***or eradicate*** small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of safety services, department of safety, restricted use of exotic aquatic weed control areas.

III. After notice and opportunity for hearing and comment, the department may make financial grants to lakefront associations, private businesses, citizens, and local governmental agencies for the management of exotic aquatic weeds where eradication is deemed impossible. All applications for grants by such groups shall be approved by ~~[both]~~ the department ~~[and]~~, ***in consultation with*** the fish and game department, and shall meet state rule requirements.

105 Project Prioritization. Amend RSA 487:18 to read as follows:

487:18 Project Prioritization. Project approval shall be based upon prioritization factors to be established by rules adopted under RSA 541-A. Such rules shall give first priority for expenditure of available funds to the control ***or eradication*** of new infestations of exotic aquatic weeds pursuant to RSA 487:17, II(b). Otherwise, preference shall be given to lakes that have public access or that serve as a public drinking water supply. Implementation measures shall be based upon an assessment of potential success, technical feasibility, practicability, and cost effectiveness. Restoration and preservation projects shall include watershed management plans to control and reduce incoming nutrients wherever possible through best management practices. Repeated short-term solutions shall be discouraged where long-term solutions are feasible and cost effective. Treatments shall be designed to minimize any adverse effect upon fish and wildlife, their habitats, and the environment.

106 Requirements for the Display of Fireworks; Permit Fee. Amend RSA 160-B:7, V to read as follows:

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city, or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief may revoke the permit. ***At least 72 hours prior to the date of display, the operator of the display shall transmit a copy of the completed display permit, with proof of insurance for the display, approved by the town, city, or village district, to the department of safety.***

107 Fireworks Inspector. Amend the introductory paragraph of RSA 160-C:17 to read as follows:

160-C:17 ~~[Permissible]~~ Fireworks Inspector. There is hereby established in the office of the state fire marshal the ~~[seasonal]~~ ***full-time classified*** position of ~~[permissible]~~ fireworks inspector. The ~~[permissible]~~ fireworks inspector ***shall be under the direction and supervision of the state fire marshal and*** shall:

108 Fireworks Inspector; Duties. Amend RSA 160-C:17, I to read as follows:

I. Inspect ~~[permissible]~~ fireworks sales outlets.

I-a. Inspect sites and facilities for the display or storage of display fireworks, as defined in RSA 160-B:1, X.

I-b. Coordinate enforcement activities relative to illegal sales, including the disposal or proper storage of illegal fireworks.

109 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a,

the division of fire safety, under RSA 21-P:12, [~~and~~] the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36, **and the position of fireworks inspector under RSA 160-C:17**. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the bureau of emergency management in the division of emergency services, communications, and management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

110 New Section; Division of Economic Development; Technology Development and Telecommunications Planning. Amend RSA 12-A by inserting after section 50 the following new section:

12-A:51 Technology Development and Telecommunications Planning. There is established within the division of economic development, a technology development and telecommunication planning function, which is intended to promote technology development and telecommunication planning in the state. Under the supervision of the director of the division of economic development, the division shall:

I. Coordinate state telecommunications policy planning initiatives by providing support for the telecommunications planning and development advisory committee established in RSA 12-A:46, maintaining a state telecommunications resource website, and working with regional partners from the private and public sector to coordinate efforts to provide increased interoperable advanced telecommunications systems throughout the state with the goal of providing affordable and accessible broadband to residents of this state.

II. Encourage and facilitate collaboration between public and private research and development efforts in New Hampshire relative to technology development and telecommunications planning.

III. With the assistance of the University of New Hampshire and other partners, seek resources such as grants from government and non profit entities to develop a state technology development and telecommunications plan.

111 Appropriation; Department of Resources and Economic Development; Technology Development and Telecommunications Planning. In addition to any other sums appropriated to the department of resources and economic development, there is hereby appropriated to the department of resources and economic development, division of economic resources, the sum of up to \$20,000 for the fiscal year ending June 30, 2008 for the purpose of securing a grant writer to establish a technology development and telecommunications plan. The governor shall draw a warrant for such sums from any money in the treasury not otherwise appropriated.

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

(f) Approving professional standards of conduct and standard operating procedures of the division of state police.

113 Health and Human Services; Medical Assistance Program.

I. The department of health and human services shall include disposable incontinence supplies as medical assistance under the Medicaid state plan.

II. The department of health and human services shall explore opportunities to utilize innovative purchasing and distribution methodologies such as bulk purchasing and electronic benefit cards to provide disposable incontinence supplies to Medicaid recipients, as in provided in HB 826-FN of the 2007 legislative session.

114 Health and Human Services; Independent Case Management. Independent case management shall be provided to all beneficiaries receiving services under the Home and Community-Based Care for the Elderly and Chronically Ill (HCBC-ECI) waiver program, except beneficiaries living in an assisted living facility licensed in accordance with department of health and human services rule He-P 803. The commissioner of the department of health and human services shall grant waivers to allow independent case management to be provided to the excluded beneficiaries as necessary to protect their health and safety.

115 Department of Health and Human Services; Rate Setting. For the biennium ending June 30, 2009, the commissioner of the department of health and human services shall set rates paid to providers consistent with the operating budget appropriations allotted to pay providers in each program including any rate

increases provided in the operating budget. Notwithstanding any law to the contrary relative to rate setting, the commissioner shall establish rates that reflect appropriations for the current fiscal year by August 1, 2007. Such rates shall reflect legislative decisions to provide specific rate increases as footnoted in the operating budget. The commissioner shall report quarterly to the fiscal committee of the general court, the governor, the speaker of the house of representatives, and the president of the senate concerning the status of appropriations for payments to providers and the rates established by the department.

116 Civil Unions; Rights, Obligations, and Responsibilities; Right to Jointly Adopt. Amend RSA 457-A:6 as inserted by section 1 of HB 437-FN-LOCAL of the 2007 legislative session to read as follows:

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457, ***including the right to jointly adopt pursuant to RSA 170-B.***

117 Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, any budget surplus in excess of \$15,000,000, for the close of the fiscal biennium ending June 30, 2007, shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

118 Education Trust Fund; Transfer to General Fund. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2007, June 30, 2008, and June 30, 2009 shall be transferred to the general fund as undesignated surplus.

119 Tobacco Use Prevention Funds. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2009, no funds shall be deposited into the tobacco use prevention fund established pursuant to RSA 126-K:15 except as provided in RSA 126-A:63.

120 Minimum Hourly Rate; Effective Date. Amend 2007, 24:2 to read as follows:

24:2 Effective Date. This act shall take effect ~~[60 days after its passage]~~ ***September 1, 2007.***

121 Minimum Wage Law; Definitions. Amend RSA 279:1 by inserting after paragraph XI the following new paragraph:

XII. "Tip" means money given to an employee by a customer, in cash or its equivalent, or transferred to the employee by the employer pursuant to directions from a credit card customer who designates a sum to be added to the bill as a tip, or added as a gratuity or service charge to a customer's bill, in recognition of service performed.

122 New Section; Tip Pools. Amend RSA 279 by inserting after section 26-a the following new section:

279:26-b Tip Pools.

I. Tips are wages and shall be the property of the employee receiving the tip and shall be retained by the employee, unless the employee voluntarily and without coercion agrees to participate in a tip pool which is not required and not controlled in any manner by the employer.

II. If the employee agrees to participate, the employer is not precluded from administering a valid tip pool in which participation is voluntary, not coerced, and the employer exercises no control over the manner in which tips are pooled other than for accounting and bookkeeping purposes.

123 Effective Date.

I. Section 5 of this act shall take effect July 1, 2009 at 12:01 a.m.

II. Section 36 of this act shall take effect July 1, 2009.

III. Sections 43, 44, 64, 65, 100, 101, 106-109, and 120-122 of this act shall take effect upon its passage.

IV. Sections 14-23, 45, 46, 62, and 63 of this act shall take effect January 1, 2008.

V. Sections 24, 66, and 118 of this act shall take effect June 30, 2007.

VI. RSA 485-A:17, II-b as inserted by section 29 of this act shall take effect January 1, 2008.

VII. Section 116 of this act shall take effect January 1, 2008 at 12:01 a.m.

VIII. Section 25 of this act shall take effect July 1, 2011.

IX. Section 99 of this act shall take effect June 30, 2011.

X. The remainder of this act shall take effect July 1, 2007.

2007-2050s**AMENDED ANALYSIS**

This bill:

I. Increases the minimum purchase price for agency hardware and software that requires approval by the office of information technology.

II. Increases certain motor vehicle registration fees.

III. Increases the limit for sweepstakes ticket prices from \$20 to \$30.

IV. This bill increases the tobacco tax by 28 cents.

V. Establishes the homeless housing and access revolving loan fund.

VI. Transfers the balance of the long-term care assistance fund on June 30, 2007 to the department of health and human services to support ServiceLink New Hampshire.

VII. Provides that, for the biennium ending June 30, 2009, all revenue from the sale of liquor and from liquor licensing fees shall be deposited in the general fund.

VIII. Changes the name of the Glencliff home for the elderly to the Glencliff home.

IX. Establishes the liability of counties for nursing home costs and removes county liability for payment of certain youth services costs.

X. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2009.

XII. Provides that, for the biennium ending June 30, 2009, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

XIII. 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.

XIV. Directs the department of revenue administration and the department of health and human services to renew the existing memorandum of understanding between the agencies relative to eligibility for public assistance.

XV. Increases certain department of environmental service fees for the review of terrain alteration plans and wetlands or shoreline structure impact fees.

XVI. Revises the laboratory fee schedule for environmental tests.

XVII. Establishes that each municipality shall receive total education grants in an amount that equals the greater of either: a 5 percent increase in the education grant amount received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2006, or 94.6596522 percent of the education grant amount to be received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2007.

XVIII. Decreases the percentage of the road toll used to fund the highway and bridge betterment program until July 1, 2009.

XIX. Directs the New Hampshire retirement system to provide the department of administrative services with certain information relative to retirees for the retiree health benefits program.

XX. Establishes an employee benefit risk management fund and state retiree health plan commission.

XXI. Permits the office of information technology to transfer funds within the office with the approval of the fiscal committee.

XXII. Grants the commissioner of revenue administration authority to place a lien on the property of wholesalers of tobacco products rather than a bond.

XXIII. Establishes a committee relative to LCHIP funding and a commission relative to court security issues.

XXIV. Reduces the Medicaid enhancement tax and the nursing facility quality assessment fee from 6 percent to 5.5 percent.

XXV. Authorizes the commissioner of the department of health and human services to fill any unfunded position for the biennium ending June 30, 2009 within the limits of the appropriations for personal services, permanent, and personal services, unclassified.

XXVI. Requires the developmental disabilities council to assist the department of health and human services in developing any requests for proposal for family mutual support services.

XXVII. Directs the department of health and human services to file a report relative to the calculation of acuity-based rates for nursing facilities with the fiscal committee prior to implementing a rate change.

XXVIII. Establishes an estate administration fund for the department of health and human services to hold estate funds before disbursement by the probate court.

XXIX. Establishes a commission to study the consolidation and centralization at the department of justice of legal services by the department of health and human services and other departments.

XXX. Establishes a game management account.

XXXI. Sets a required minimum moose permit fee for nonresidents and increases the nonresident wild turkey license or permit fee issued by the fish and game department.

XXXII. Repeals the prospective change in motor vehicle fines.

XXXIII. Extends the department of regional community-technical colleges' authority to accept certain funds without the approval of the governor and council and their exemption from a hiring freeze or delay until July 1, 2009.

XXXIV. Extends the prospective repeal of the regional community technical college system's contracting authority with the community-technical college foundation.

XXXV. For the biennium ending June 30, 2009, allows the fish and game department, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

XXXVI. Allows certain limited compensation for retired full-time justices for service after retirement, and makes an appropriation therefor.

XXXVII. Establishes an annual appropriation for Newsline for the Blind.

XXXVIII. Increases the maximum debt limit for the New Hampshire housing finance authority from \$200,000,000 to \$800,000,000 for bonds issued for the purpose of funding certain housing loans and mortgage costs.

XXXIX. Establishes certain protections for state employees who have been laid off as a result of the reorganization or downsizing of state government.

XL. Requires state agencies to utilize training programs offered or sponsored by the division of personnel if appropriate training programs are available.

XLI. Establishes the department of transportation as the agency that accepts funds and provides administrative support to the scenic and cultural byways program.

XLI. Establishes a \$40 surcharge to be added to each civil filing fee.

XLIII. Repeals the credit against the premium tax for payments made by insurance carriers to the workers' compensation administration fund.

XLIV. Repeals the communications services tax exemption for residential customers.

XLV. Establishes the position of deputy commissioner of the department of transportation and renames the division of administration the division of finance, under the supervision of a director of finance.

XLVI. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2009 within the budget of the division of state police.

XLVII. Eliminates the unclassified position of forensic toxicologist in the department of safety and establishes classified toxicologist and chief of policy and planning positions in the department, and authorizes the commissioner of safety to make certain personnel reallocations.

XLVIII. Authorizes the executive director of the fish and game department to transfer funds, employees, and services within the department for the biennium ending June 30, 2009.

XLIX. Repeals the direct approval of charter schools by the state board of education.

L. Permits the department of health and human services to adopt rules under RSA 541-A relative to fees charged by the committee for the protection of human subjects.

LI. Establishes the comprehensive cancer plan fund and oversight board.

LII. Requires the board of trustees of the judicial retirement plan to study and report on the inclusion of service of all judges who are not members of the judicial retirement plan.

LIIL. Reclassifies a portion of Hackett Hill Road as a class V highway.

LIV. Credits certain securities fees to the investor education fund.

LV. Permits the department of environmental services to determine the appropriate method to manage, control, or eradicate exotic aquatic weeds in the surface waters of the state, provided that the department consults with the fish and game department and the department of agriculture, markets and food issues the necessary permit.

LVI. Requires that a fireworks display permit be submitted to the department of safety at least 48 hours prior to the display and makes the position of fireworks inspector a full-time, rather than seasonal, position, responsible for permissible and display fireworks, and funded by the fire standards and training and emergency medical services fund.

LVII. Requires the department of resources and economic development, division of economic development to coordinate and supervise the development of a state technology development and telecommunications plan and makes an appropriation to the department.

LVIII. Makes the director of the division of state police responsible for approving professional standards of conduct and standard operating procedures for the division of state police.

LIX. Requires the department of health and human services to include disposable incontinence supplies under the Medicaid state plan.

LX. Requires that independent case management be provided to all beneficiaries receiving services under the Home and Community-Based Care for the Elderly and Chronically Ill (HCBC-ECI) waiver provision, except beneficiaries living in an assisted living facility licensed in accordance with department rules.

LXI. Establishes criteria for rate setting by the department of health and human services.

LXII. Clarifies that persons who enter a civil union have the right to jointly adopt.

LXIII. Provides that any budget surplus in excess of \$15,000,000, at the close of the fiscal biennium ending June 30, 2007, shall remain in the general fund.

LXIV. Provides that any funds remaining in the education trust fund as of June 30, 2007, June 30, 2008, and June 30, 2009 shall be transferred to the general fund as undesignated surplus.

LXV. Provides that for the biennium ending June 30, 2009, no funds shall be deposited in the tobacco use prevention fund.

LXVI. Provides that the minimum hourly rate shall take effect September 1, 2007, and inserts definitions of "tip" and "tip pools" into the minimum wage law.