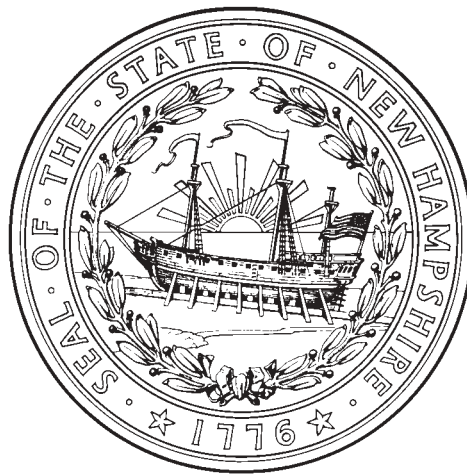


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Legislative

SENATE JOURNAL

ADJOURNMENT - JUNE 9, 2005 SESSION
COMMENCEMENT - JUNE 29, 2005 SESSION

SENATE JOURNAL 21 *(Cont.)*

June 9, 2005

JOURNAL #20 CORRECTION from June 2, 2005

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 48-FN, prohibiting unlawful peering into the dwelling place of another.

SENATE NONCONCURS WITH HOUSE AMENDMENT

SB 48-FN, prohibiting unlawful peering into the dwelling place of another.

Senator Foster moved to nonconcur.

Adopted.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 19, relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Fitzgerald, Manney, Francis Sullivan and Velez.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 28, relative to confidentiality and workers' compensation.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bridle, Infantine, Gorman and Giuda.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 37, relative to disclosure of expert testimony.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sorg, Mooney, Mead and Shurtleff.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 43, relative to the administration of estates of persons presumed dead.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dokmo, Hunt, Shurtleff and Sorg.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dokmo, Mooney, Wall and Sorg.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 70, relative to the powers of special corporations.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hawkins, Ryder, Pilotte and Carl Robertson.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mooney, Dokmo, Lasky and Hunt.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 76, relative to the extension of restraining orders under the domestic violence protection act.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tholl, Welch, Knowles and Villeneuve.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

Senator Morse moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Roberge, Burling.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MacKay, Hogancamp, French and Camm.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

Senator Johnson moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Johnson, Gallus, Hassan.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Currier, Russell, Irish and Cilley.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 124, relative to the regulation of real estate brokers by the real estate commission.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Nowe, Coburn, Hawkins and Irwin.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Chandler, Rausch, Graham and David Campbell.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Nelson Allan, Carl Robertson, Patricia McMahon and Francis Sullivan.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

Senator Morse moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Bragdon, Clegg, Larsen

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Rogers Johnson, Charles McMahon, Donovan and King.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 170, revising the nurse practice act.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 170, revising the nurse practice act.

Senator Kenney moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Kenney, Martel, Fuller Clark.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 170, revising the nurse practice act.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bergin, Dexter, Millham and Houde-Quimby.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 179, requiring hunters to report the death or injury of domestic animals.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert L'Heureux, Phinizy, Knox and Greco.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 216, establishing a commission to study area agencies.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Wendelboe, Charles McMahon, Barry and Schulze.

HOUSE MESSAGE

The House of Representatives has refused to consider the introduction of the following entitled bill sent down from the Senate:

SCR 5, a resolution recognizing the increasing problem of exotic aquatic weeds and species.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 47, regulating the use of computer spyware.

HB 68, relative to the enforcement of disorderly conduct by reason of noise.

HB 173, relative to food service and distribution.

HB 185, establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

HB 215-FN, relative to water management and relative to the membership of the exotic aquatic weeds and species committee.

HB 252, requiring bail hearings for persons arrested for probation violations.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire and exempting swimming rafts from regulation by the department of safety.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission and relative to surety indemnification bonds.

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor.

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act.

HB 539-FN-A-L, relative to land and community heritage investment program administration.

HB 585, relative to grounds for termination of parental rights.

HB 616-FN-L, reducing the education property tax rate and relative to the calculation of equitable education grants.

HB 640-FN, relative to parental rights and responsibilities.

HB 643-FN, establishing an integrated criminal justice information system.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: King, Hager, Stone, W. Douglas Scamman, Wallner.

As Alternates, REPRESENTATIVES: Weyler, Major, Robert Wheeler, Daniel Eaton, Franklin.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

Senator Morse moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Morse, Boyce, Eaton, Clegg, D'Allesandro.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

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

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: King, Hager, W. Douglas Scamman, Wendelboe, Foster.

As Alternates, REPRESENTATIVES: Price, Dodge, Kurk, Marjorie Smith, Wallner.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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

Senator Morse moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Morse, Boyce, Eaton, Clegg, D'Allesandro.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 25-FN-A, making appropriations for capital improvements.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Chandler, Rausch, Graham, Eric Anderson, Cloutier.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 25-FN-A, making appropriations for capital improvements.

Senator Clegg moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Morse, D'Allesandro.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bergin, MacKay, Irwin and Dalrymple.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board.

Senator Kenney moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Odell, Boyce, Larsen

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 145, relative to the healthy kids corporation.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Stepanek, Stella Scamman, DeStefano, Hunt.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 145, relative to the healthy kids corporation.

Senator Morse moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Gatsas, Larsen.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Maxfield, James Garrity, Cali-Pitts and Ryan.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

Senator Odell moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Odell, Bragdon, Burling

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 204-FN, relative to unauthorized video surveillance.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tholl, Stevens, Charron, Knowles.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 204-FN, relative to unauthorized video surveillance.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Johnson, Gottesman, Estabrook.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

And requests a Committee of Conference.

The Speaker, on the p art of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Stohl, Patten, Boyce, Prichard.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Foster, Green.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 326, relative to motorcycle noise levels and mufflers.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Packard, Nedeau, Ferland and John Flanders.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 326, relative to motorcycle noise levels and mufflers.

Senator Letourneau moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Letourneau, Flanders, Fuller Clark

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 357, relative to negligent driving.

And requests a Committee of Conference.

The Speaker, on the p art of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Packard, Nedeau, Ferland, Danforth.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 357, relative to negligent driving.

Senator Letourneau moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Letourneau, Flanders, Burling.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 366, relative to maintenance of voter checklists.

And requests a Committee of Conference.

The Speaker, on the p art of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: O'Brien, Drisko, Boehm, Claudia Chase.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 366, relative to maintenance of voter checklists.

Senator Boyce moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Bragdon, Hassan.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Drisko, Whalley, O'Brien and Weed.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

Senator Boyce moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Bragdon, Hassan

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Currier, Merrow, D.L. Chris Christensen and Spang.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

Senator Morse moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Morse, D'Allesandro

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Knowles, Stevens, Bicknell, Villeneuve.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Foster, Roberge, Gottesman.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 542, making technical corrections to the uniform trust code.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Dokmo, Espieffs and Rowe.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 542, making technical corrections to the uniform trust code.

Senator Flanders moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Flanders, Foster

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 558, relative to the circumstances constituting sexual assault.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Charron, Tholl, Knowles and Hammond.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 558, relative to the circumstances constituting sexual assault.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Green, Foster

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 573, establishing a commission to study automobile recycling issues, including disposal fees.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Babson, Burton Williams, Knox and Merrick.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 573, establishing a commission to study automobile recycling issues, including disposal fees.

Senator Morse moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Letourneau, Clegg, Burling

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Stepanek, Headd, McLeod, Sheila Francoeur.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Flanders, Roberge, Foster.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 586, relative to the periodic review of child support guidelines.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bickford, McRae, Cady, Walz.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 586, relative to the periodic review of child support guidelines.

Senator Martel moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Bragdon, Martel, Fuller Clark.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Coburn, Nelson Allan, Hager and Velez.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Senator Morse moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Johnson, Clegg, Letourneau

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MacKay, Mason, Hogancamp and Schulze.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

Senator Martel moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Flanders, Boyce, Larsen

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 692-FN-L, relative to the county department of corrections.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Weare, Charron, Knowles and Hammond.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 692-FN-L, relative to the county department of corrections.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Johnson, Roberge, Clegg

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 720-FN, relative to special number plates.

And requests a Committee of Conference.

The Speaker, on the p art of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Packard, Nedeau, Ferland, Danforth.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 720-FN, relative to special number plates.

Senator Letourneau moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Letourneau, Flanders, Clegg.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

And requests a Committee of Conference.

The Speaker, on the p art of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Coughlin, Twombly, Heon, Rolston.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Green, Barnes, Fuller Clark.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Paul Smith, Easson, Rollo, Currier.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Letourneau, Estabrook.

HOUSE MESSAGE

The following entitled Bills sent down from the Senate have been retained in Committee within the House of Representatives:

SB 13, relative to placement and removal of political advertising.

SB 64, establishing a committee to study small group health insurance plans.

SB 72, relative to the licensing of public adjusters.

SB 89-FN, relative to financing federally aided highway projects.

SB 104-FN, relative to the tax exemption for water and air pollution control facilities.

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs.

SB 128-FN, relative to the establishment of emissions reduction standards as required by the Clean Power Act.

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.

SB 147-FN-L, relative to eligibility for local assistance.

SB 148, relative to motorcycle inspections and relative to electronic inspection information.

SB 157-FN, relative to all terrain vehicles used for agricultural purposes.

SB 172, establishing a committee to study a medical fee schedule for workers' compensation.

SB 175, requiring insurance coverage for certified midwives.

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.

SB 209-FN, relative to licensing of money transmitters and check cashers.

SB 211-FN, relative to pharmaceutical marketers.

SCR 3, relative to the Boy Scouts of America.

SENATE COMMITTEE OF CONFERENCE CONFeree CHANGES

HB 25-FN-A, making appropriations for capital improvements.

CONFeree CHANGE: SENATOR EATON REPLACED SENATOR CLEGG.

SENATOR MORSE WAS REMOVED FROM HB 25-FN-A.

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

CONFeree CHANGE: SENATOR FLANDERS REPLACED SENATOR HASSAN.

HB 644, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

CONFeree CHANGE: SENATOR D'ALLESANDRO REPLACED SENATOR JOHNSON.

HB 692, relative to the county department of corrections.

CONFeree CHANGE: SENATOR GOTTESMAN REPLACED SENATOR JOHNSON.

CONFeree CHANGE: SENATOR FLANDERS REPLACED SENATOR GOTTESMAN.

HB 720, relative to special number plates.

CONFeree CHANGE: SENATOR GOTTESMAN REPLACED SENATOR CLEGG.

HOUSE COMMITTEE OF CONFERENCE CONFeree CHANGES

SB 216, establishing a commission to study area agencies.

CONFeree CHANGE: REPRESENTATIVE BATULA REPLACED REPRESENTATIVE BARRY.

CONFeree CHANGE: REPRESENTATIVE PRICE REPLACED REPRESENTATIVE MCMAHON.

HB 2, relative to state fees, funds, revenue and expenditures.

CONFeree CHANGE: REPRESENTATIVE MAJOR REPLACED REPRESENTATIVE PRICE (as an Alternate).

HB 366, relative to the presentation of a budget in a joint maintenance agreement.

CONFeree CHANGE: REPRESENTATIVE SPLAINE REPLACED REPRESENTATIVE C. CHASE.

June 7, 2005

2005-1823-EBA

05/01

Enrolled Bill Amendment to SB 38-FN

The Committee on Enrolled Bills to which was referred SB 38-FN

AN ACT relative to school building aid for certain receiving districts.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 38-FN

This enrolled bill amendment makes 2 grammatical corrections.

Enrolled Bill Amendment to SB 38-FN

Amend RSA 198:15-b, I as inserted by section 1 of the bill by replacing line 5 with the following:

districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum

Amend RSA 198:15-b, I as inserted by section 1 of the bill by replacing line 14 with the following:
an education to pupils from one or more sending districts under a contract entered into
Adopted.

June 20, 2005
2005-2024-EBA
06/09

Enrolled Bill Amendment to SB 52

The Committee on Enrolled Bills to which was referred SB 52

AN ACT establishing the state suggestion and extraordinary service award program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 52

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 52

Amend RSA 99-E:7, IX(c) as inserted by section 1 of the bill by replacing line 3 with the following:
 amount of increase as specified under paragraph II.

Amend RSA 99-E:7, IX(d) as inserted by section 1 of the bill by replacing line 5 with the following:
 paragraph II.

Amend RSA 99-E:7, IX(e) as inserted by section 1 of the bill by replacing line 4 with the following:
 savings as specified under paragraph II.

Adopted.

June 7, 2005
2005-1818-EBA
03/01

Enrolled Bill Amendment to SB 66

The Committee on Enrolled Bills to which was referred SB 66

AN ACT establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 66

This enrolled bill amendment clarifies certain references in the bill.

Enrolled Bill Amendment to SB 66

Amend subparagraph I(b) of section 2 of the bill by replacing line 2 with the following:
 house of representatives

Amend paragraph III of section 2 of the bill by replacing line 1 with the following:

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

The Senate refused to adopt.

June 14, 2005
2005-1913-EBA
03/01

Enrolled Bill Amendment to SB 66

The Committee on Enrolled Bills to which was referred SB 66

AN ACT establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 66

This enrolled bill amendment clarifies certain references in the bill.

Enrolled Bill Amendment to SB 66

Amend subparagraph I(b) of section 2 of the bill by replacing line 2 with the following:

house of representatives

Adopted.

June 9, 2005
2005-1892-EBA
05/10

Enrolled Bill Amendment to SB 83

The Committee on Enrolled Bills to which was referred SB 83

AN ACT establishing a commission to study issues relative to the comprehensive shoreland protection act.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 83

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to SB 83

Amend paragraph VI of section 3 of the bill by replacing line 3 with the following:

state's wetlands laws.

Amend section 4 of the bill by replacing line 1 with the following:

Chairperson; Meetings. The members of the commission shall elect a chairperson from among

Amend section 4 of the bill by replacing line 5 with the following:

the chair, or at the request of 3 or more commission members. The shoreland supervisor of the

Adopted.

June 21, 2005
2005-2050-EBA
06/09

Enrolled Bill Amendment to SB 115-FN

The Committee on Enrolled Bills to which was referred SB 115-FN

AN ACT relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 115-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 115-FN

Amend RSA 141-E:14, II as inserted by section 20 of the bill by replacing line 8 with the following:

~~HH.]~~ The notices of violation issued pursuant to ~~[paragraphs]~~ **paragraph** I ~~[and H]~~ of this section shall set
Amend section 26 of the bill by replacing line 2 with the following:

Amend RSA 141-E:23, IV(b) to read as follows:

Adopted.

June 14, 2005
2005-1921-EBA
08/09

Enrolled Bill Amendment to SB 125

The Committee on Enrolled Bills to which was referred SB 125

AN ACT repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 125

This enrolled bill amendment makes technical and grammatical changes.

Enrolled Bill Amendment to SB 125

Amend section 5 of the bill by replacing line 5 with the following:

XII-aa. "Loss information" means the aggregate claims experience and shall include, but not

Amend RSA 420-G:4, I(e)(5) as inserted by section 10 of the bill by replacing line 1 with the following:

(5) The small employer health carrier shall set premium rates for small

Amend RSA 420-K:7, II as inserted by section 12 of the bill by replacing line 3 with the following:
held harmless and be indemnified by the pool against all liability and costs, including the

Adopted.

June 16, 2005
2005-1951-EBA
08/01

Enrolled Bill Amendment to SB 132

The Committee on Enrolled Bills to which was referred SB 132

AN ACT relative to the board of marital mediator certification.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 132

This enrolled bill amendment makes a technical change to amending language and renumbers 2 paragraphs.

Enrolled Bill Amendment to SB 132

Amend section 8 of the bill by replacing lines 2 and 3 with the following:
inserting after paragraph III the following new paragraphs:

IV. Certification of a mediator or a mediator training program shall be valid for 3 years from Amend section 8 of the bill by replacing line 6 with the following:

V. If timely and sufficient application has been made in accordance with board rules for

Adopted.

May 26, 2005
2005-1676-EBA
03/01

Enrolled Bill Amendment to SB 164-FN

The Committee on Enrolled Bills to which was referred SB 164-FN

AN ACT relative to the disposal of real property purchased with highway or turnpike funds.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 164-FN

This enrolled bill amendment incorporates language into RSA 4:40, I previously enacted in HB 540-FN of the 2005 regular session.

Enrolled Bill Amendment to SB 164-FN

Amend RSA 4:40, I as inserted by section 4 of the bill by replacing line 1 with the following:

I. Except as provided in RSA 4:39-a, RSA 4:39-c, ***RSA 228:31-b***, and RSA 204-D, upon recommendation

Adopted.

June 17, 2005
2005-1970-EBA
03/01

Enrolled Bill Amendment to SB 168

The Committee on Enrolled Bills to which was referred SB 168

AN ACT relative to administration of estates.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 168

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to SB 168

Amend RSA 553:32, III as inserted by section 3 of the bill by replacing line 2 with the following: effectively used to cause the estate to conform to the requirements of paragraph [H] ***I***.

Adopted.

June 16, 2005
2005-1952-EBA
05/09

Enrolled Bill Amendment to SB 186

The Committee on Enrolled Bills to which was referred SB 186

AN ACT allowing probate court judges and district court justices to sit on probate or district court cases.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 186

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 186

Amend RSA 502-A:5-a as inserted by section 1 of the bill by replacing line 3 with the following:

supreme court may assign from a precertified list of judges any district court justice to hear cases in the

Adopted.

June 17, 2005
2005-1966-EBA
06/09

Enrolled Bill Amendment to SB 201

The Committee on Enrolled Bills to which was referred SB 201

AN ACT making technical corrections to certain environmental laws and the small business technical assistance program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 201

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to SB 201

Amend RSA 147-A:5, IV(f) as inserted by section 4 of the bill by replacing line 2 with the following:

department-developed multi-media compliance assurance program referred to as an environmental

Adopted.

May 31, 2005
2005-1726-EBA
05/10

Enrolled Bill Amendment to HB 43

The Committee on Enrolled Bills to which was referred HB 43

AN ACT relative to state employees appearing before the legislature.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 43

This enrolled bill amendment inserts a section heading.

Enrolled Bill Amendment to HB 43

Amend RSA 98-F:1 as inserted by section 1 of the bill by replacing line 1 with the following:

98-F:1 State Employee Appearances Before the Legislature. State employees appearing in their official capacity before any legislative meeting or

Adopted.

June 2, 2005
2005-1800-EBA
03/01

Enrolled Bill Amendment to HB 112

The Committee on Enrolled Bills to which was referred HB 112

AN ACT relative to psychiatric evaluations in competency hearings.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 112

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 112

Amend section 2 of the bill by replacing line 1 with the following:

2 Competency Evaluations During Involuntary Commitment Period. RSA 135:17-a, VI is

Adopted.

June 14, 2005
2005-1920-EBA
05/10

Enrolled Bill Amendment to HB 129-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 129-FN-LOCAL

AN ACT establishing a high performance school incentive and relative to the use of system benefits charge funds for school building projects that promote indoor air quality or energy efficiency.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 129-FN-LOCAL

This enrolled bill amendment inserts a contingent renumbering section to avoid duplicating the numbering of an RSA section inserted by SB 38 of 2005 legislative session.

Enrolled Bill Amendment to HB 129-FN-LOCAL

Amend the bill by replacing section 4 of the bill with the following:

4 Contingent Renumbering. If SB 38 of the 2005 legislative session becomes law, RSA 198:15-b, I-a and I-b as inserted by section 1 of this act shall be renumbered to RSA 198:15-b, I-b and I-c, respectively.

5 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

June 23, 2005
2005-2112-EBA
03/01

Enrolled Bill Amendment to HB 170

The Committee on Enrolled Bills to which was referred HB 170

AN ACT relative to unemployment compensation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 170

This enrolled bill amendment clarifies the applicability of certain provisions inserted by the bill and makes technical corrections.

Enrolled Bill Amendment to HB 170

Amend RSA 282-A:46, II as inserted by section 4 of the bill by replacing line 1 with the following:

II. Notwithstanding the filing of an appeal, ***a certifying officer may*** within one year reconsider that part of the

Amend RSA 282-A:91-a, I(a)(1) as inserted by section 6 of the bill by replacing line 3 with the following: management, or control of the 2 employers, then the unemployment experience attributable to the

Amend RSA 282-A:91-a, I(f)(1) as inserted by section 6 of the bill by replacing line 1 with the following:

(f)(1) If a person knowingly violates or attempts to violate subparagraph (a), (b), or (i) or

Amend RSA 282-A:166, I(g)-(i) as inserted by section 7 of the bill by replacing them with the following:

(g) Who attempts to induce any individual to waive any right under RSA 282-A; ***or***

(h) Who fails or refuses to file a mass layoff notice under RSA 282-A:45-a, I; or

(i) Who violates or attempts to violate RSA 282-A:91-a shall be guilty of an offense as provided in paragraph II.

Amend RSA 282-A:32, I(d)(2)(D)-(E) as inserted by section 12 of the bill by replacing line 4 with the following: dependent on him ***or her*** for support[-];

Adopted.

**June 13, 2005
2005-1912-EBA
08/01**

Enrolled Bill Amendment to HB 257

The Committee on Enrolled Bills to which was referred HB 257

AN ACT relative to emergency medical and trauma service protocols and quality assurance program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 257

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 257

Amend section 2 of the bill by replacing line 2 with the following:

Amend RSA 153-A:2 by inserting after paragraph XVI the following new paragraph:

Adopted.

**June 8, 2005
2005-1835-EBA
06/01**

Enrolled Bill Amendment to HB 260-FN

The Committee on Enrolled Bills to which was referred HB 260-FN

AN ACT relative to motor vehicle equipment and registration.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 260-FN

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to HB 260-FN

Amend RSA 228:24-a as inserted by section 3 of the bill by replacing line 8 with the following:

nonprofit corporations operating transportation under contract with the department of
Adopted.

June 2, 2005
2005-1783-EBA
06/09

Enrolled Bill Amendment to HB 315

The Committee on Enrolled Bills to which was referred HB 315

AN ACT relative to best available technology for air pollution control.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEEExplanation to Enrolled Bill Amendment to HB 315

This enrolled bill amendment corrects amending language and renumbers RSA 125-C:10-a, a new section inserted by section 4 of the bill, and references to RSA 125-C:10-a as RSA 125-C:10-b, to avoid duplication with HB 414 (2005, chapter 72) which also inserted RSA 125-C:10-a.

Enrolled Bill Amendment to HB 315

Amend RSA 125-C:4, I(o) as inserted by section 3 of the bill by replacing line 2 with the following: provided in RSA 125-C:10-b, VII(f).

Amend RSA 125-C:4, I(p) as inserted by section 3 of the bill by replacing line 2 with the following: determination is required as provided in RSA 125-C:10-b, IV and VI.

Amend RSA 125-C:4, I(q) as inserted by section 3 of the bill by replacing line 2 with the following: an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.

Amend section 4 of the bill by replacing lines 1-3 with the following:

4 New Section; Air Pollution Control Act; Best Available Control Technology. Amend 125-C by inserting after section 10-a the following new section:

125-C:10-b Best Available Control Technology Required.

Amend section 5 of the bill by replacing line 1 with the following:

5 Rules Required. No permits shall be issued under RSA 125-C:10-b until final adoption of all

Adopted.

May 31, 2005
2005-1744-EBA
06/09

Enrolled Bill Amendment to HB 353

The Committee on Enrolled Bills to which was referred HB 353

AN ACT relative to consent to haul lobster and crab gear of license holders.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEEExplanation to Enrolled Bill Amendment to HB 353

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 353

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing line 4 with the following:
lobster and crabs within the jurisdiction of the state of New Hampshire.

Adopted.

June 2, 2005
2005-1792-EBA
04/09

Enrolled Bill Amendment to HB 424-FN

The Committee on Enrolled Bills to which was referred HB 424-FN

AN ACT prohibiting the receipt of cash gifts by elected officials.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 424-FN

This enrolled bill amendment makes a gender neutral change.

Enrolled Bill Amendment to HB 424-FN

Amend RSA 15-B:2 as inserted by section 3 of the bill by replacing line 15 with the following:
official but for the office he *or she* holds.

Adopted.

June 7, 2005
2005-1816-EBA
04/09

Enrolled Bill Amendment to HB 522

The Committee on Enrolled Bills to which was referred HB 522

AN ACT establishing a committee to study gaming options for New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 522

This enrolled bill amendment makes grammatical corrections and changes a reference to the sweepstakes commission to the state lottery commission.

Enrolled Bill Amendment to HB 522

Amend paragraph I of section 2 of the bill by replacing lines 3-6 with the following:

of representatives, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the remaining member shall be initially undecided.

(b) Five members of the senate, appointed by the president of the senate, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the

Amend section 3 of the bill by replacing subparagraph IV(e) with the following:

(e) The state lottery commission.

Amend paragraph VI of section 3 of the bill by replacing lines 1-2 with the following:

VI. Determine and quantify, to the extent possible, the social and economic effects of casinos in various sites around the state on state, county, and local governments, and on tourism and

Adopted.

June 14, 2005
2005-1918-EBA
04/10

Enrolled Bill Amendment to HB 597-FN-A

The Committee on Enrolled Bills to which was referred HB 597-FN-A

AN ACT relative to the natural heritage inventory program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 597-FN-A

This enrolled bill amendment corrects a reference to the division of forests and lands and to the name of an association.

Enrolled Bill Amendment to HB 597-FN-A

Amend RSA 217-A:3, XIII(k) as inserted by section 1 of the bill by replacing it with the following:

[⊕] **(k)** The New Hampshire Timberland Owners Association.

Amend section 2 of the bill by replacing line 5 with the following:

and lands of the department of resources and economic development which collects and analyzes

Adopted.

June 27, 2005
2005-2117-EBA
03/10

Enrolled Bill Amendment to HB 616-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 616-FN-LOCAL

AN ACT reducing the education property tax rate and relative to the calculation of equitable education grants.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 616-FN-LOCAL

This enrolled bill amendment deletes an unnecessary section heading and makes a technical correction.

Enrolled Bill Amendment to HB 616-FN-LOCAL

Amend section 17 of the bill by replacing lines 1-4 with the following:

17 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

Amend RSA 194-B:11, I(c) as inserted by section 17 of the bill by replacing line 3 with the following:

the distribution of [adequacy] **equitable education** grants under RSA 198:42 or on such other terms as are mutually

Adopted.

May 31, 2005
2005-1748-EBA
03/01

Enrolled Bill Amendment to HB 623-FN

The Committee on Enrolled Bills to which was referred HB 623-FN

AN ACT relative to licensing requirements in the insurance and financial services industries.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 623-FN

This enrolled bill amendment corrects a reference in the bill and makes gender neutral changes.

Enrolled Bill Amendment to HB 623-FN

Amend RSA 402-D:10 as inserted by section 3 of the bill by replacing lines 3-5 with the following:

or guilty of a felony if any other person. Any licensee who in the course of his ***or her*** work as a public adjuster shall misrepresent his ***or her*** identity or the identity of his ***or her*** principal or employer, or who shall wrongfully divulge information coming to him ***or her*** in his ***or her*** capacity as a public adjuster may be subjected

Amend RSA 420-F:3, VI as inserted by section 9 of the bill by replacing line 3 with the following:

granted to him ***or her*** or Delta for whom he ***or she*** acts as agent has been revoked, he ***or she*** shall be guilty of a

Amend RSA 402-J:1, II as inserted by section 11 of the bill by replacing line 3 with the following:

407-C:3; RSA 408:42; RSA 416-A:15; RSA [418:5-a] ***418:31***; RSA 420-A:7; RSA 420-B:18; RSA 420-F:3; and

Adopted.

June 21, 2005
2005-2075-EBA
03/09

Enrolled Bill Amendment to HB 637-FN

The Committee on Enrolled Bills to which was referred HB 637-FN

AN ACT relative to licensure of alcohol and drug abuse professionals.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 637-FN

This enrolled bill amendment clarifies a reference in the bill.

Enrolled Bill Amendment to HB 637-FN

Amend RSA 330-C:9, II(a)(2)(D) as inserted by section 2 of the bill by replacing line 2 with the following:

the requirements under subparagraph (a)(2)(B);

Adopted.

June 6, 2005
2005-1810-EBA
06/09

Enrolled Bill Amendment to HB 691-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 691-FN-LOCAL

AN ACT relative to the medicaid program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 691-FN-LOCAL

This enrolled bill amendment makes technical and grammatical corrections to the bill.

Enrolled Bill Amendment to HB 691-FN-LOCAL

Amend paragraph I of section 1 of the bill by replacing line 4 with the following:

medicaid funding require a more cost-effective system to ensure that the state has the ability to

Amend paragraph II of section 1 of the bill by replacing line 7 with the following:

poor, are without the means for obtaining long-term care services, and are in need of

Amend RSA 167:14-a, VI as inserted by section 9 of the bill by replacing line 7 with the following:

owner or owners shall acknowledge receipt of the department's claim and, provided that there shall

Amend section 19 of the bill by replacing line 2 with the following:

legislation to the speaker of the house of representatives, the senate president, the house clerk, the

Adopted.

June 2, 2005

2005-1788-EBA

04/01

Enrolled Bill Amendment to HJR 3

The Committee on Enrolled Bills to which was referred HJR 3

AN ACT supporting the Portsmouth Naval Shipyard.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HJR 3

This enrolled bill amendment makes grammatical and technical corrections to the bill.

Enrolled Bill Amendment to HJR 3

Amend the resolution by replacing the sixth paragraph after the title with the following:

Whereas, the Portsmouth Naval Shipyard is one of only 2 nuclear-certified public shipyards on the East Coast, making it an asset to the United States Navy and integral to national and homeland security; and

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire general court urges the Base Realignment and Closure Committee to reassess the recommendation and closure plans of the Portsmouth Naval Shipyard, and remove the Portsmouth Naval Shipyard from the base closure list; and

That copies of this resolution be forwarded to the Base Realignment and Closure Committee and the New Hampshire congressional delegation.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 69, relative to large groundwater withdrawals.

HB 125, relative to ignition interlock devices.

HB 132, relative to grounds for dismissal of a teacher.

HB 158, relative to district courts.

HB 248, authorizing semi-annual payments of school building aid and relative to the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings.

HB 259, relative to medical assistance for home care for children with severe disabilities.

HB 261, relative to title to salvage vehicles.

HB 269, establishing a statutory committee for the protection of human research subjects.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors, and relative to bonds and letters of credit for manufactured housing installation licenses.

HB 354, relative to the review, approval, and adoption of agency rules.

HB 415, excepting installation of gas furnace or boiler equipment from regulation by the electrician's board.

HB 437, relative to the disposition of municipal records.

HB 478-FN-A, making an appropriation for "Newline for the Blind."

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library.

HB 557, relative to the submission of data to the department of education.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax.

HB 618-FN-L, relative to persons acting as volunteers to a state agency.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety.

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts.

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program.

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security.

SB 137-FN-A, relative to the Conway Branch railroad.

SB 214, relative to screening panels for medical injury claims.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 205, relative to licensing requirements for certain drivers.

HB 214, permitting the parents of a sexual assault victim to remain with the victim during trial proceedings.

HB 303-FN, relative to the fire standards and training commission.

HB 411, relative to the North Conway water precinct.

HB 420, relative to receiving and addressing complaints against licensees by the board of mental health practice.

HB 421, relative to effective dates.

HB 429, relative to representation by nonattorneys before the board of tax and land appeals and relative to condemnation proceedings conducted by the board of tax and land appeals.

HB 430-FN-A, establishing a one-day resident fishing license.

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects.

HB 472, relative to the definition of recreational program.

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses.

HB 514, establishing the New Hampshire health care quality assurance commission.

HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefor.

SB 23, relative to membership on the public water access advisory board.

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings.

SB 77, relative to the review of proposed health care provider contracts.

SB 78, relative to payment of health care providers by health carriers.

SB 88, relative to emergency medical transportation.

SB 90-FN-A-L, relative to kindergarten construction aid.

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wild-life-related activities.

SB 165-FN, relative to the collection of tax debts from out-of-state debtors.

SB 173, relative to exceptions to licensure for electricians.

SB 187, relative to allowing alternative certified hazardous waste coordinator programs.

SB 215-FN, creating a committee to study alternatives for the disposal of construction and demolition debris.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 260-FN, relative to motor vehicle equipment and registration.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.

HB 522, establishing a committee to study gaming options for New Hampshire.

SB 38-FN, relative to school building aid for certain receiving districts.

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act.

SB 164-FN, relative to the disposal of real property purchased with highway or turnpike funds.

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

Senator Clegg moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 22

June 29, 2005

The Senate met at 9:00 a.m.

A quorum was present.

The Reverend David P. Jones, chaplain to the Senate, offered the prayer.

Lord of dollars and cents, bills and budgets, legislators and lobbyists: give to every person within this sacred space today the right balance of wisdom and humility, resolve and respect, confidence and curiosity, so that in their jumping a rich combination of progress and preservation may come forth from this place on this day to our benefit and Your satisfaction.
Amen

Senator Fuller Clark led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator D'Allesandro (Rule #44).

SUSPENSION OF THE RULES

Senator Roberge moved that the rules of the Senate be so far suspended as to permit the body to sign off on the corrected report of the Committee of Conference on SB 37.

Adopted by the necessary 2/3 vote.

COMMITTEE OF CONFERENCE REPORTS

June 22, 2005

2005-2108-CofC

03/04

Committee of Conference Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Positions Abolished. The following positions are hereby abolished forthwith effective at the close of business of June 30, 2005, or later, as specifically indicated.

Energy and Planning

01-03-04-04-00	10012, 10016, 10017, 10024
01-03-04-09-00	40837
01-03-04-11-00	10020

Board of Tax and Land Appeals

01-09-01-00-00	18248, 41762
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Safety

02-15-01-01-00	16710
02-15-04-03-00	9U518

Fish & Game

03-01-01-02-00	13914
03-01-05-01-00	9T008, 9T009

Resources and Economic Development

03-02-02-10-00	42051
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Environmental Services

03-04-01-02-00	12041, 12110, 18157, 42127
03-04-01-15-00	19000
03-04-02-06-02	16803, 40495
03-04-02-06-08	42161
03-04-02-07-04	18144
03-04-03-02-01	13052, 42217
03-04-03-03-03	40702, 42235
03-04-04-01-01	14618, 14761, 18333, 19522, 19726, 40160, 40507, 42205, 42425
03-04-02-04-00	18765, 19504, 40149

Education

06-03-02-01-02	13195
06-03-02-01-01	30377
06-03-03-01-01	13121, 40246, 41654
06-03-02-05-01	18351

Transportation

04-01-04-04-01	13774, 17077
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7 General Fund Appropriation Reduction; Department of Health and Human Services. The department of health and human services is hereby directed to reduce state general fund appropriations to personnel and benefit lines by \$6,200,000 for the fiscal year ending June 30, 2006 and \$6,200,000 for the fiscal year ending June 30, 2007. Direct care positions shall be exempt from any internal hiring freeze imposed by the commissioner in order to meet these reductions. The department shall provide a bimonthly report of position and benefit reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council.

8 Reduction in Appropriation; Department of Health and Human Services. In the event that estimated revenues in the aggregate are less than budgeted, during the biennium ending June 30, 2007, the total appropriations shall be reduced by the amount of the shortfall in either actual or projected revenue. The commissioner of the department of health and human services shall notify the bureau of accounting, forthwith, in writing, as to precisely which line item appropriation and in what specific amount reductions are to be made in order to fully compensate for the total revenue deficits.

9 Reports by Transportation, Administrative Services, and Legislative Budget Assistant; Transfers to Highway Surplus Account.

I. The general court hereby finds that the current manner of financial reporting for the highway fund results in the fund being reported in a deficit position even though assets exceed liabilities by \$118,000,000. The practice of combining multiple-year construction projects which will be funded primarily by federal funds with the day-to-day operations of the departments of transportation and safety that are funded nearly 100 percent with current-year highway fund revenues results in a financial picture that does not reflect the individual activities that are accounted for in the highway fund. The general court believes, based upon inquiry into this practice by the finance committees, that the operations of the highway fund have generated a surplus ranging from \$60,000,000 to \$100,000,000 as a result of the accounting for construction projects. The general court hereby declares its firm and resolute conviction that any and all available resources in the highway fund be used solely for the construction and reconstruction of the state highways in accordance with the part 2, article 6-a of the New Hampshire constitution. The department of transportation, the department of administrative services, and the office of legislative budget assistant shall examine the accounting for and financial reporting of the highway fund and submit a report every 90 days to the fiscal committee of the general court, the house and senate finance committees, and the governor and council on the results of their examination.

II. Based on the results of the examination required by paragraph I, and subject to the review and approval of the fiscal committee of the general court, all excess, unexpended, and unobligated appropriations, net of related estimated revenues, for construction and reconstruction highway projects shall be transferred to the highway surplus account.

10 General Fund Appropriation Reductions. The department of administrative services shall reduce state general fund appropriations by \$500,000 for the fiscal year ending June 30, 2006, and by \$500,000 for the fiscal year ending June 30, 2007. The department shall provide a report of reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council.

11 General Fund Appropriation Reductions; Vacant Positions. The department of corrections shall reduce state general fund appropriations to personnel and benefit lines by \$3,000,000 for the fiscal year ending June 30, 2006, and by \$2,500,000 for the fiscal year ending June 30, 2007. Such reductions shall be attributable to vacant positions at the department. The department shall provide a bimonthly report of position and benefit reductions made under this section to the fiscal committee of the general court and the house and senate finance committees.

12 General Fund Appropriation Reductions; Department of Resources and Economic Development. The department of resources and economic development shall reduce state general fund appropriations by \$250,000 for the fiscal year ending June 30, 2006, and by \$250,000 for the fiscal year ending June 30, 2007. The commissioner of the department of resources and economic development shall notify the department of administrative services by September 30, 2005, as to the specific amounts to be reduced in specified line item appropriations in functional units in order to comply with this section.

13 General Fund Appropriation Reductions. The department of environmental services shall reduce state general fund appropriations by \$1,465,000 for the fiscal year ending June 30, 2006, and by \$1,465,000 for the fiscal year ending June 30, 2007. Such reductions shall be attributable to a combination of vacant positions, supplanting general fund appropriations with federal funds and other funds that might be available for that purpose, and reductions in specific line item appropriations provided that such reductions do not cause a reduction of services, a reduction of grants or aid to local communities, or an increase in fees. The department shall provide a bimonthly report of reductions made under this section to the fiscal committee of the general court.

14 Department of Health and Human Services; Transportation Brokerage; Medicaid Waiver.

I. The commissioner of the department of health and human services shall submit a request for a waiver under the medicaid program to implement a transportation broker service for the fiscal year beginning July 1, 2006.

II. The commissioner of the department of health and human services shall establish, no later than July 1, 2006, procedures for improved coordination of non-emergency transportation services under the state medicaid plan. Such procedures shall include, to the extent permissible by federal law, establishing transportation broker contracts for the purpose of increased efficiency of providing transportation to medicaid-eligible individuals.

III. If the department of health and human services implements a transportation broker service under paragraph I, the department shall reduce state general fund appropriations for transportation by \$173,000 for the fiscal year ending June 30, 2007, or by a proportional amount based on the period of implementation. On or before June 30, 2007, the department shall provide a report of reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council. If no changes to non-emergency transportation services are implemented by the department, then no reductions are required of the department under this section.

15 Department of Health and Human Services; Administrative Contract Savings. The department of health and human services shall reduce state general fund appropriations for administrative contracts by \$1,000,000 for the fiscal year ending June 30, 2006, and \$1,000,000 for the fiscal year ending June 30, 2007. The department shall provide a report of reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council.

16 Lapse of Legislative Balances Brought Forward.

I. \$1,400,000 of the balances for the house of representatives brought forward from the fiscal year ending June 30, 2005 shall lapse to the general fund on July 1, 2005. The speaker of the house of representatives shall designate the appropriation classification and the amount from the designated classifications which shall lapse in accordance with this section.

II. \$1,000,000 of the balances for the legislative budget assistant brought forward from the fiscal year ending June 30, 2005 shall lapse to the general fund on July 1, 2005. The legislative budget assistant shall designate the appropriation classification and the amount from the designated classifications which shall lapse in accordance with this section.

17 Highway Fund Appropriation Reductions; Vacant Positions. The department of transportation shall reduce state highway fund appropriations to personnel and benefit lines by \$1,035,000 for the fiscal year ending June 30, 2006, and by \$1,035,000 for the fiscal year ending June 30, 2007. Such reductions shall be attributable to vacant positions at the department. The department shall provide a bimonthly report of position and benefit reductions made under this section to the fiscal committee of the general court and the house and senate finance committees.

18 Turnpike Fund Appropriation Reductions; Vacant Positions. The department of transportation shall reduce state turnpike fund appropriations to personnel and benefit lines by \$180,000 for the fiscal year ending June 30, 2006, and by \$180,000 for the fiscal year ending June 30, 2007. Such reductions shall be attributable to vacant positions at the department. The department shall provide a bimonthly report of position and benefit reductions made under this section to the fiscal committee of the general court and the house and senate finance committees.

19 General Fund Appropriation Reductions; Vacant Positions. The office of information technology, in consultation with the department of administrative services, shall reduce personnel, benefit, overtime, contractors, new or replacement equipment, and personal computer replacement lines of the office by an amount that will result in a reduction of state general fund appropriations for class 27 by \$1,500,000 for the fiscal year ending June 30, 2006 and \$1,500,000 for the fiscal year ending June 30, 2007. Any personnel and benefit reductions shall be attributable to vacant positions at the office of information technology. The office shall provide a bimonthly report of position and benefit reductions made under this section to the fiscal committee of the general court.

20 Appropriation. There is hereby appropriated the sum of \$1,000,000 for the fiscal year ending June 30, 2007 to the university system of New Hampshire for the purposes of in-state student tuition reduction. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

21 University System; Lapse of Certain Funds. The \$300,000 appropriated by the footnote to class 90, PAU 06,06,01 in 2003, 318 shall lapse on June 30, 2005.

22 Estimates of Unrestricted Revenue:

<u>GENERAL FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Beer Tax	\$ 12,500,000	\$ 12,600,000
Board and Care Review	13,500,000	14,000,000
Business Profits Tax	230,700,000	245,900,000
Business Enterprise Tax	70,500,000	75,100,000
Estate and Legacy Tax	6,800,000	4,100,000
Insurance Tax	92,600,000	95,300,000
Securities Revenue	30,000,000	31,500,000
Interest and Dividends	70,300,000	73,300,000
Liquor Sales & Distribution	122,500,000	129,000,000
Meals and Rooms Tax	198,700,000	209,900,000
Dog Racing	1,400,000	1,400,000
Horse Racing	2,000,000	2,000,000
Real Estate Transfer Tax	114,400,000	120,700,000
Communications Tax	71,300,000	74,100,000
Tobacco Tax	71,800,000	71,800,000

<u>GENERAL FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Utility Consumption Tax	6,400,000	6,600,000
Court Fines and Fees	30,400,000	30,400,000
Other	58,500,000	61,100,000
Subtotal	1,204,300,000	1,258,800,000
Medicaid Enhancement Revenue	73,000,000	75,800,000
Medicaid Recovery - Regular Care	15,500,000	15,100,000
Medicaid Recovery - Long-Term Care	2,100,000	1,900,000
Total	\$ 1,294,900,000	\$ 1,351,600,000
 <u>HIGHWAY FUND</u>	 <u>FY 2006</u>	 <u>FY 2007</u>
Gasoline Road Toll	\$132,000,000	\$134,200,000
Motor Vehicle Fees	87,200,000	93,900,000
Miscellaneous	10,400,000	10,400,000
Total	\$ 229,600,000	\$ 238,500,000
 <u>FISH AND GAME FUND</u>	 <u>FY 2006</u>	 <u>FY 2007</u>
Fish and Game Licenses	\$ 8,300,000	\$ 8,300,000
Fines and Penalties	170,000	170,000
Miscellaneous Sales	375,000	375,000
Indirect Costs	655,000	655,000
Total	\$ 9,500,000	\$ 9,500,000
 <u>EDUCATION TRUST FUND</u>	 <u>FY 2006</u>	 <u>FY 2007</u>
Business Profits Tax	\$ 49,500,000	\$ 52,700,000
Business Enterprise Tax	140,900,000	150,200,000
Meals and Rooms Tax	7,600,000	7,700,000
Real Estate Transfer Tax	57,200,000	60,300,000
Tobacco Tax	72,700,000	72,700,000
Tobacco Settlement	43,000,000	43,000,000
Utility Property Tax	22,800,000	24,100,000
Transfer from Sweepstakes	75,000,000	78,000,000
State Property Tax	363,000,000	363,000,000
Total	\$831,700,000	\$851,700,000

23 Effective Date. This act shall take effect July 1, 2005.

The signatures below attest to the authenticity of this Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Conferees on the Part of the Senate

Sen. Morse, Dist. 22
 Sen. Boyce, Dist. 4
 Sen. Eaton, Dist. 10
 Sen. Clegg, Dist. 14
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. King, Coos 1
 Rep. Hager, Merr. 12
 Rep. Stone, Rock. 1
 Rep. W. Douglas Scamman, Rock. 13
 Rep. Weyler, Rock. 8
 [Rep. Wallner, Merr. 12]

The question is on the adoption of the Committee of Conference Report on HB 1.

A roll call was requested by Senator Larsen.

Seconded by Senator Green.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, D'Allesandro, Morse, Hassan.

The following Senators voted No: Burling, Estabrook, Fuller Clark.

Yeas: 21 - Nays: 3

Adopted.

June 22, 2005
2005-2106-CofC
05/04

Committee of Conference Report on HB 2-FN-A, an act relative to state fees, funds, revenue, and expenditure.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 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.

2 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2007, the department of fish and game, 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.

3 Collection of Highway Fund Revenue; Reporting Requirement. Amend RSA 9:9-a to read as follows:

9:9-a Collection of Highway Fund Revenue; Reporting Requirement. Pursuant to part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of highway funds by the department of safety shall be deducted by the department before such funds are credited to the highway fund. On or before January 1, the department shall provide an annual accounting of such administration and collection costs to the president of the senate and the speaker of the house of representatives. ***No current fiscal year collection or administration costs shall be expended until the previous year's collection cost report has been received.***

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

I. For the biennium ending June 30, 2007, 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, 2007, 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, 2007 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.

5 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2007, 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.

6 Tobacco Use Prevention Funds Deposited in the Education Trust Fund. Notwithstanding RSA 126-K:15, RSA 198:39 or Chapter 212 of the Laws of 2000, in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state of New Hampshire shall be deposited in the education trust fund. In addition, notwithstanding any other provision of law, the balance of the tobacco use prevention fund as of June 30, 2005, shall lapse to the general fund.

7 Mental Health Low Utilizers and Prior Authorization; Bureau of Behavioral Health, Department of Health and Human Services. For the biennium ending June 30, 2007, 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.

8 County Payments of Funds for Persons Eligible to Receive Nursing Home 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 and June 30, [2005] **2007** exceed:

(a) State fiscal year 2004 - \$60,000,000.

(b) State fiscal year 2005 - \$64,000,000.

(c) State fiscal year 2006 - \$68,000,000.

(d) State fiscal year 2007 - \$70,000,000.

9 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments; Medicare Prescription Drug Benefit Included. Amend RSA 167:18-b, VI to read as follows:

VI. For purposes of this section all expenditures shall include all bills for which the county is liable for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services. **Pharmaceutical services shall include the Medicare Part D drug benefit, authorized by the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108-173.**

10 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II, as amended by 2003, 223:8 and 2004, 260:8, to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, [2005] **2007**.

11 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$50,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$50,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

12 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[-] and Administration of **Federal Aid**. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to

apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. ***All such moneys in excess of \$50,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee.*** In addition to such other instruments, documents, and agreements as may be executed [hereunder] ***under the authority of this section***, such persons or agencies may~~[- whenever the same shall be required as a condition to the receipt of such federal assistance, with the approval of the governor and council]~~ execute indemnification agreements, ***with the approval of governor and council***, in the name of the state with and for the benefit of the United States ***whenever such execution is required as a condition of receipt of such federal assistance.***

13 Health and Human Services; Local Medical Assistance; County Contribution. RSA 167:18-f is repealed and reenacted to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of \$27 per month for each recipient of old age assistance and \$52 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA 167:18-b.

14 New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

CHAPTER 490-D

JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

- I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.
- II. Actions for support or custody for children of unwed parties.
- III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).
- IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169-C:6-a.
- V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.
- VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.
- VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.
- VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.
- IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:

Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.

Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.

Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.

Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.

Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain superior court marital masters as judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

490-D:8 Qualifications of Marital Masters.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior, district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

15 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, ***the needs of the judicial branch family division***, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

16 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request

the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

17 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

18 Repeal. The following are repealed:

I. RSA 490:33 – 490:35, relative to the family division.

II. RSA 491:20-a – 491:20-c, relative to marital masters.

19 Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2006 or June 30, 2007 from the Federal Emergency Management Agency or Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse appropriate costs incurred for emergency response, including but not limited to equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared shall be collected by the appropriate agency and appropriated to the department of transportation, to be distributed to the bureaus that expended funds on the emergency, and shall be allocated 40 percent to class 20 expenditures and 60 percent to class 22 expenditures. The commissioner of the department of transportation shall report any such sums received to the fiscal committee of the general court and to the house and senate finance committees.

20 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126-P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation that provides family mutual support services, as defined in paragraph III and further described in RSA 126-P:2, III and IV.

21 Department of Health and Human Services; Oversight Committee; Finance Members Added. Amend RSA 126-A:13, I to read as follows:

I. There shall be an oversight committee on health and human services consisting of 8 members as follows:

(a) 3 members of the senate, at least one of whom shall be a member of the senate ~~[public institutions/]~~health and human services committee **and one of whom shall be a member of the senate finance committee**, appointed by the president of the senate; and

(b) 5 members of the house ~~[appointed by the speaker of the house]~~ **of representatives, 4 of whom shall be** from the health, human services and elderly affairs committee, **and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.**

22 Land and Community Heritage Investment Program Administrative Fund; Interest Income; Date Change. Amend RSA 227-M:7-a, I to read as follows:

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, ~~[2005]~~ **2007** there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. The total revenues generated to the administrative fund from these 2 sources for each year of said biennium shall not exceed \$335,000.

23 Purpose. Sections 24-52 of this act are increases to current motor vehicle fines contained in the uniform fine schedule which, pursuant to RSA 502-A:19-b, V, may be changed only by statute.

24 Passenger Restraints; Fines. Amend RSA 265:107-a, III(a) and (b) to read as follows:

(a) [~~\$25~~] **\$50** for a first offense.

(b) [~~\$50~~] **\$100** for a second or subsequent offense.

25 New Paragraph; Coasting Fine Added. Amend RSA 265:99 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$100.

26 New Paragraph; Driving on Divided Ways; Fine Added. Amend RSA 265:26 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

27 Approaching Vehicle; Fine Added. Amend RSA 265:17 to read as follows:

265:17 Approaching Vehicles.

I. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 of the main-traveled portion of the roadway as nearly as possible.

II. The fine for a violation of this section shall be \$75.

28 New Paragraph; One-Way Roadways and Roadways and Rotary Traffic Islands; Fine Added. Amend RSA 265:23 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

29 Obedience to Police Officers; Fine Added. Amend RSA 265:3 to read as follows:

265:3 Obedience to Police Officers.

I. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

II. The fine for a violation of this section shall be \$100.

30 New Section; Failure to Stop at Railroad Crossings; Fine. Amend RSA 265 by inserting after section 50 the following new section:

265:50-a Failure to Stop at Railroad Crossings; Fine. The fine for a violation of the provisions of RSA 265:49 or RSA 265:50 shall be \$100.

31 New Paragraph; Following Too Closely; Fine Added. Amend RSA 265:25 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

32 Limitations on Backing; Fine Added. Amend RSA 265:94 to read as follows:

265:94 Limitations on Backing.

I. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled access way.

II. The fine for a violation of this section shall be \$150.

33 New Paragraph; Driving of School Buses; Fine for Improper Operation. Amend RSA 265:57 by inserting after paragraph IV the following new paragraph:

V. The fine for a violation of this section shall be \$250.

34 Improper Use of Evidence of Registration or Title; Fine Added. Amend RSA 261:61 to read as follows:

261:61 Improper Use of Evidence of Registration or Title.

I. No person shall lend to another any certificate of title, registration certificate, number plate, temporary permit or other permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto,

nor shall any person display upon a vehicle any registration certificate, number plate, or permit assigned by the director or authority of any other jurisdiction not issued to such vehicle or otherwise lawfully used under this chapter, or knowingly obscure or permit to be obscured the figures or letters on any number plate attached to any motor vehicle.

II. The fine for a violation of this section shall be \$150.

35 New Paragraph; Interference With Traffic Devices, Signs, or Signals; Fine Added. Amend RSA 265:15 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

36 Misuse or Failure to Display Plates; Fine Added. Amend RSA 261:176 to read as follows:

261:176 Misuse or Failure to Display Plates.

I. Any person who knowingly attaches or permits to be attached to a vehicle a number plate assigned by the department, or authority of any other jurisdiction, to another vehicle or who knowingly obscures or permits to be obscured the figures or letters on any number plate attached to any vehicle or who knowingly and deliberately fails to display on a vehicle the number plates and the registration number duly issued therefor shall be guilty of a violation.

II. The fine for a violation of this section shall be \$150.

37 New Paragraph; Riding Upon Motorcycles; Fine Added. Amend RSA 265:120 by inserting after paragraph IV the following new paragraph:

V. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

38 New Paragraph; Obstruction to Driver's View or Riding Mechanism; Fine Added. Amend RSA 265:95 by inserting after paragraph III the following new paragraph:

IV. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

39 Transporting Alcoholic Beverages; Fine Added. Amend RSA 265:81, IV to read as follows:

IV. A person who violates this section shall be guilty of a violation ***and shall be subject to a fine of \$150.*** In addition, a person who violates paragraph II of this section may have his ***or her*** drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

40 Motorcycle License; Operating Motorcycle Without; Fine. Amend RSA 263:30 to read as follows:

263:30 Motorcycle License.

I. No person to whom a driver's license of any class or category has been issued may drive any registered motorcycle unless he holds a special motorcycle license or endorsement or a motorcycle learner's permit. A person who holds a special motorcycle license or endorsement or a motorcycle learner's permit may drive any registered motorcycle without holding any other class of driver's license.

II. The fine for a violation of this section shall be \$100.

41 Classifications, Endorsements and Restrictions; Fine for Operating Without Correct Class of License Added. Amend RSA 263:92 to read as follows:

263:92 Classifications, Endorsements and Restrictions.

I. Notwithstanding any other provisions of this title, the commissioner may adopt rules under RSA 541-A to establish a commercial driver license classification system, including such endorsements and restrictions as are necessary, that incorporates the requirements of the federal government and of state law.

II. Any driver who operates a motor vehicle in violation of the provisions of the commercial driver license classification system shall be subject to a fine of \$100.

42 New Paragraphs; Basic Rule and Maximum Limits; Fines Added. Amend RSA 265:60 by inserting after paragraph IV the following new paragraphs:

V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:

Miles per hour above the limit specified:

1-10	\$50
11-15	75
16-20	100
21-25	200
26+	Must appear (Minimum \$350)

VI. The fines for violations of subparagraph II(e) shall be as follows:

Miles above the 65 mph limit:

1-5	\$65
6-10	100
11-15	150
16-20	250
21-25	350
26+	Must appear

43 New Paragraph; Stop Signs; Yield Signs; Fines Added. Amend RSA 265:31 by inserting after paragraph III the following new paragraph:

IV. The fine for violation of this section shall be \$100.

44 Uninspected Motor Vehicle; Fines Added. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. ***The fine for a violation of this section shall be \$60.***

45 Registration Required; Fines Added. Amend RSA 261:40 to read as follows:

261:40 Registration Required. Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle of a type required to be registered hereunder, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. ***The fine for a violation of this section shall be \$100.***

46 Fines Added. Amend RSA 265:22 to read as follows:

265:22 Highway Markings.

I. The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

[F-](a) In an emergency; or

[H-](b) To permit ingress or egress to side roads or property adjacent to the highway; or

[H-](c) In case such driver has an unobstructed view and can see the end of the said unbroken painted line.

II. The fine for a violation of this section shall be \$100.

47 Unlawful Possession and Intoxication; Fines Increased. Amend RSA 179:10, I to read as follows:

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of [~~\$250~~] **\$300**. Any second and subsequent offense shall be fined at least [~~\$500~~] **\$600**. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

48 Driving After Revocation or Suspension; Fines Established. Amend RSA 263:64, VII to read as follows:

VII. Except as provided in paragraphs IV, V-a, and VI, any person who violates the provisions of this section shall be guilty of a violation, **and shall be fined a minimum of \$250 for a first offense and \$500 for a second or subsequent offense.**

49 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than [~~\$250~~] **\$500 for the first offense and \$750 for the second offense** nor more than \$1,000 and his or her license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

50 Aggravated DWI; Fine Increased. Amend RSA 265:82-b, I(b)(2) to read as follows:

(2) Fined not less than [~~\$500~~] **\$750**,

51 DWI Second Offense; Fine Increased. Amend RSA 265:82-b, II(a)(2) to read as follows:

(2) The person shall be fined not less than [~~\$500~~] **\$750**.

52 New Paragraph; Controlled Drug Act; Penalties; Minimum Fines. Amend RSA 318-B:26 by inserting after paragraph XII the following new paragraph:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense.

53 Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, any budget surplus for the close of the fiscal biennium ending June 30, 2005 shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

54 Regional Electronic Toll Collection System; Implementation.

I. The commissioner of the department of transportation shall implement use of the regional electronic toll collection system authorized by RSA 237:16-b by September 1, 2005.

II. The commissioner shall make the transponders necessary for use of the system available at the department's cost to purchase them beginning July 16, 2005.

III. The commissioner shall cease selling tokens on all of the turnpikes in the New Hampshire turnpike system on September 1, 2005 and shall cease collecting all tokens as of January 1, 2006.

55 Toll Criteria; Regional Electronic Toll Collection System. RSA 237:11, V is repealed and reenacted to read as follows:

V. Notwithstanding any other provision of law to the contrary, the discount on the established tolls on any of the turnpikes in the system for vehicles using the regional electronic toll collection system shall be 30 percent for passenger vehicles, including motorcycles, and 10 percent for commercial vehicles.

56 Tobacco Tax Increased. 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 [~~52 cents~~] **\$.80** 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.

57 Applicability. Section 56 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, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

58 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who has been laid off between July 1, 2005 and July 1, 2007, as a result of reorganization or downsizing of state government.

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

III. Within 10 days of the effective date of this section, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from July 1, 2005 as of the effective date of this section. Any additional layoffs or reductions shall be reported to the director of personnel as they occur.

IV. Any full-time state employee who was laid off as defined in this section, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of termination of state employment. For the first 3 months of this 6-month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay ½ the cost and the laid-off state employee shall pay ½ the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

59 Lottery Commission Funds; Distribution Expenses. Amend RSA 284:21-jj to read as follows:

284:21-jj Lottery Commission Funds.

I. Notwithstanding any provision of law to the contrary, in order to allow the lottery commission to efficiently handle its funds, the commission is authorized to have service fees paid to banks and sales outlets deducted from lottery receipts and, with the approval of governor and council, to have prizes paid by sales outlets from lottery receipts so long as full accountability is assured. The commission is authorized to enter into agreements with banks as to the charges for services rendered. Lottery funds shall be deposited in commercial banks throughout the state. These funds shall be transferred on a weekly basis to the state treasurer.

II. Notwithstanding any provision of law to the contrary, in order to allow the lottery commission to efficiently distribute instant tickets, the commission may have instant ticket delivery fees deducted from lottery receipts. The commission is authorized to enter into agreements or contracts with third parties for instant ticket delivery service. Such agreements or contracts shall have the prior approval of governor and council.

60 Department of Transportation; Classified Positions.

I. The department of transportation is authorized to convert the classified position of administrator IV, position no. 20016, to the classified position of finance director, at step 2 of labor grade 34.

II. The department of transportation is also authorized to convert the classified position of secretary II, labor grade 9, position no. 17180, to the position of grant program coordinator at labor grade 23.

61 Pilot Program; Department of Transportation and Land and Community Heritage Investment Program.

I. The general court hereby establishes a 2-year pilot program to ensure the most cost effective investment of state highway mitigation funds for purposes of natural, cultural, and historical resource conservation, consistent with the land and community investment program under RSA 227-M.

II. A committee is established to advise on the establishment of a partnership between the department of transportation and the land and community heritage investment program board for the administration of the pilot program. The committee shall consist of the commissioner of transportation, the executive director of the land and community heritage investment authority, 2 senators appointed by the senate president, and 2 house members, appointed by the speaker of the house of representatives.

III. Duties of the committee shall include, but not be limited to, the following:

(a) Recommending a process by which funding decisions shall be made jointly by the commissioner of transportation and the land and community heritage investment program board.

(b) Making recommendations on the establishment of a permanent program for the investment of state mitigation funds using a joint partnership between the department of transportation and the land and community heritage investment program board.

IV. The first meeting of the committee shall be convened within 45 days of the effective date of this act. The first meeting shall be called by the executive director of the land and community investment program board.

V. The committee shall report its recommendations to the president of the senate, the speaker of the house of representatives, and the governor on or before November 1, 2006.

VI. The commissioner of transportation and the land and community heritage investment program board shall, for the biennium ending June 30, 2007, use \$3,500,000 of funds currently available to the department of transportation for purposes of this pilot program, consistent with federal regulations.

62 State Employees Group Health Insurance; Restrictions on Self-Insured Plans; Required Reserve Reduced. Amend RSA 21-I:30-b, I(a) to read as follows:

(a) An amount estimated to be necessary to pay claims and administrative costs for the assumed risk for [~~3 months~~] **one month**; and

63 New Subdivision; Indirect Cost Recovery Program. Amend RSA 21-I by inserting after section 72 the following new subdivision:

Indirect Cost Recovery Program

21-I:73 Definitions. In this subdivision:

I. "Agency" means any agency under RSA 21-G:5, III that receives or provides central support services.

II. "Agency indirect costs" mean all support costs within any agency that cannot be directly charged to any agency program.

III. "Statewide indirect costs" mean all allocated general fund central services costs incurred by any state agency for central support services to any other state agency.

21-I:74 Allocation of Statewide Central Services Costs; Allocation of Statewide Indirect Costs. The commissioner shall allocate statewide indirect costs in a manner consistent with the federally-approved statewide central services cost allocation plan and shall recover such costs from those agencies that benefit from central service support. Agencies shall allocate general fund central services costs incurred by the agency to the appropriate agency funding source for reimbursement to the general fund. Agencies for which internal support costs are appropriated from the general fund shall recover such costs.

21-I:75 Agency Indirect Cost Recovery Plan.

I. An agency that receives outside funding from any source shall prepare and submit to the commissioner for review and approval an indirect cost recovery plan. The plan shall include proposals to recover agency indirect costs, the portion of statewide central service costs (statewide indirect costs) allocated to the

agency under the statewide central services cost allocation plan, and any computation of indirect costs under RSA 124:11. By October 1 of each year, and prior to submission to the approving federal agency, if any, the agency shall submit the completed indirect cost rate proposal and supporting documentation to the commissioner for review and approval.

II. Notwithstanding paragraph I, the commissioner may waive the requirement that the agency file an indirect cost recovery plan if the commissioner determines that the cost of preparing and submitting the plan exceeds the benefit to the state of receiving such a plan.

21-I:76 General Fund Reimbursement. Agencies shall reimburse the general fund no later than 30 days after each quarter for all statewide central services costs and that portion of agency indirect costs attributable to recoveries of general fund expenditures. Agencies shall provide such indirect cost information and documentation as may be required by the commissioner to implement this section.

21-I:77 Exemption. The commissioner may waive any requirement under this subdivision if the commissioner determines that it is in conflict with, or contrary to, state objectives.

64 Federal Aid; Computation of Indirect Costs Required; Role of Administrative Services. Amend RSA 124:11 to read as follows:

124:11 Computation of Indirect Costs Required.

I. Each state agency receiving a federal grant or grants shall compute an agency indirect cost rate for each grant as provided by federal regulation and shall apply the same to each grant it receives. Any state agency making grants of federal funds to any other state agency, either directly or as a pass-through, shall fund the indirect costs for each such grant in the amount of the indirect costs of the state agency to which it has granted the funds in accordance with the indirect cost rate computed as provided by federal regulations by the receiving state agency. All such indirect costs received shall accrue to the state general fund and shall not be available for expenditure by the agency, except that in the case of the departments of transportation and fish and game that proportion of any indirect cost recovery which represents costs of either of said departments as opposed to the state-wide overhead cost portion of the rate shall accrue to the highway fund or the fish and game fund as applicable.

II. *The state agency shall include the indirect cost rate for each federal grant in any cost recovery plan filed with the commissioner of administrative services under RSA 21-I:75 and shall notify the department of administrative services of any negotiation with the federal agency relative to the agency's indirect cost rate proposal. The commissioner of the department of administrative services or the commissioner's designee may participate in such negotiations and shall approve the final agreement relative to the agency's indirect cost rate.*

65 New Section; Federal Proposals; Indirect Costs. Amend RSA 124 by inserting after section 11 the following new section:

124:11-a Federal Proposals; Indirect Costs. Any agency that submits an application for federal funds shall include in such application provisions for reimbursement of the allocated statewide central services cost and any agency indirect costs. If no federal funds are approved for indirect costs, the agency shall provide written notice of that determination to the department of administrative services.

66 State Trooper Salaries; January 6, 2006. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; New Hampshire State Troopers. Commencing January 6, 2006, the salary ranges and health insurance benefits for individuals covered by the collective bargaining agreement between the state of New Hampshire and the New Hampshire Troopers Association, and state trooper command staff shall be as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	20,042.62	20,640.62	21,240.70	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74
02	20,640.62	21,240.70	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36
03	21,240.70	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30
04	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30	28,003.04
05	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30	28,003.04	29,076.84

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
06	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30	28,003.04	29,076.84	30,226.04
07	23,910.64	24,833.12	25,882.48	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48
08	24,833.12	25,882.48	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00
09	25,882.48	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62
10	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38
11	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06
12	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06	38,611.30
13	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06	38,611.30	40,258.66
14	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06	38,611.30	40,258.66	42,032.38
15	32,747.00	34,169.72	35,592.44	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84
16	34,169.72	35,592.44	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90
17	35,592.44	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86
18	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10
19	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92
20	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92	54,536.82
21	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92	54,536.82	56,957.68
22	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92	54,536.82	56,957.68	59,527.52
23	45,724.90	47,747.70	49,919.74	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98
24	47,747.70	49,919.74	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54
25	49,919.74	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08
26	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94
27	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52
28	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52	78,274.04
29	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52	78,274.04	82,017.52
30	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52	78,274.04	82,017.52	85,861.10
31	65,020.54	68,115.06	71,409.52	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28
32	68,115.06	71,409.52	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94
33	71,409.52	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94	98,192.12
34	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94	98,192.12	102,309.22
35	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94	98,192.12	102,309.22	106,403.96

67 State Trooper Salaries; July 7, 2006. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; New Hampshire State Troopers. Commencing July 7, 2006, the salary ranges and health insurance benefits for individuals covered by the collective bargaining agreement between the state of New Hampshire and the New Hampshire Troopers Association, and state trooper command staff shall be as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	20,840.56	21,465.34	22,087.78	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18
02	21,465.34	22,087.78	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94
03	22,087.78	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
04	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66	29,128.06
05	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66	29,128.06	30,250.48
06	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66	29,128.06	30,250.48	31,424.38
07	24,859.90	25,833.60	26,905.06	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88
08	25,833.60	26,905.06	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18
09	26,905.06	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38
10	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10
11	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66
12	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66	40,158.56
13	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66	40,158.56	41,881.32
14	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66	40,158.56	41,881.32	43,704.18
15	34,045.18	35,541.22	37,015.16	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70
16	35,541.22	37,015.16	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76
17	37,015.16	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04
18	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38
19	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86
20	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86	56,708.86
21	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86	56,708.86	59,229.56
22	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86	56,708.86	59,229.56	61,899.50
23	47,547.76	49,668.58	51,916.02	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50
24	49,668.58	51,916.02	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82
25	51,916.02	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64
26	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38
27	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24
28	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24	81,393.00
29	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24	81,393.00	85,287.54
30	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24	81,393.00	85,287.54	89,306.88
31	67,614.82	70,835.96	74,254.96	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04
32	70,835.96	74,254.96	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20
33	74,254.96	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20	102,111.36
34	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20	102,111.36	106,403.96
35	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20	102,111.36	106,403.96	110,672.12

68 New Section; Longevity Payments for New Hampshire State Troopers and State Trooper Command Staff. Amend RSA 99 by inserting after section 5 the following new section:

99:5-a Longevity Payments for New Hampshire State Troopers and State Trooper Command Staff. Any state trooper or eligible state trooper command staff member who has completed 10 years of continuous service for the state shall be paid, in addition to the salary to which he or she is entitled by the classification plan, the sum of \$300 annually and an additional \$300 for each additional 5 years of continuous law enforcement service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit

the recipient from receiving the yearly increments to which he or she may be otherwise entitled within his or her classification ranges. Any state trooper or eligible state trooper command staff member who transfers, without a break in service, to a position in the unclassified system may transfer all time served for purposes of longevity pay.

69 Single Payment Salary Adjustment; New Hampshire State Troopers and State Trooper Command Staff. A single salary adjustment payment of \$500 shall be made to each full-time state trooper and eligible state trooper command staff member on or before July 1, 2005.

70 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 66-69 of this act for the fiscal years ending June 30, 2006 and June 30, 2007:

FY 2006						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$765,518	\$ 27,167	\$0	\$738,351	\$0	\$0	\$0
FY 2007						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$1,462,895	\$ 52,861	\$0	\$1,410,034	\$0	\$0	\$0

71 Salary Wages for Councilors and Commissioners; July 8, 2005. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing July 8, 2005:

	Minimum	Maximum
Governor's councilors		\$12,397
Pari-mutuel commissioners		\$9,400
Sweepstakes commission, chairman		\$14,106
Sweepstakes commission, members		\$7,523

72 Salary Wages for Councilors and Commissioners; January 6, 2006. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing January 6, 2006:

	Minimum	Maximum
Governor's councilors		\$12,645
Pari-mutuel commissioners		\$9,588
Sweepstakes commission, chairman		\$14,388
Sweepstakes commission, members		\$7,673

73 Salary Wages for Councilors and Commissioners; July 7, 2006. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing July 7, 2006:

	Minimum	Maximum
Governor's councilors		\$12,898
Pari-mutuel commissioners		\$9,780
Sweepstakes commission, chairman		\$14,676
Sweepstakes commission, members		\$7,826

74 Judicial Salaries; July 8, 2005. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$132,382
Associate justices, supreme court	\$128,368
Chief justice, superior court	\$128,368

Associate justices, superior court	\$120,346
District court justices prohibited from practice pursuant to RSA 502-A:21	\$120,346
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$120,346

75 Judicial Salaries; January 6, 2006. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$135,029
Associate justices, supreme court	\$130,935
Chief justice, superior court	\$130,935
Associate justices, superior court	\$122,753
District court justices prohibited from practice pursuant to RSA 502-A:21	\$122,753
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$122,753

76 Judicial Salaries; July 7, 2006. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$137,730
Associate justices, supreme court	\$133,554
Chief justice, superior court	\$133,554
Associate justices, superior court	\$125,208
District court justices prohibited from practice pursuant to RSA 502-A:21	\$125,208
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$125,208

77 Judicial Employees; July 8, 2005. All judicial employees shall receive 2 percent salary increases on July 8, 2005.

78 Judicial Employees; January 6, 2006. All judicial employees shall receive 2 percent salary increases on January 6, 2006.

79 Judicial Employees; July 7, 2006. All judicial employees shall receive 2 percent salary increases on July 7, 2006.

80 Legislative Employees; July 8, 2005. Legislative employees shall receive 2 percent salary increases effective July 8, 2005, if such increases are approved by the appointing authority.

81 Legislative Employees; January 6, 2006. Legislative employees shall receive 2 percent salary increases effective January 6, 2006, if such increases are approved by the appointing authority.

82 Legislative Employees; July 7, 2006. Legislative employees shall receive 2 percent salary increases effective July 7, 2006, if such increases are approved by the appointing authority.

83 Compensation for Certain State Officers; Unclassified State Employees; July 8, 2005. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GROUP	MINIMUM	1	2	3	4	MAXIMUM
AA	41,938	44,735	47,532	50,329	53,126	55,922
BB	43,645	46,554	49,463	52,372	55,281	58,190
CC	45,715	48,764	51,812	54,860	57,908	60,957

GROUP	MINIMUM	1	2	3	4	MAXIMUM
DD	48,181	51,391	54,602	57,813	61,024	64,235
EE	51,084	54,490	57,896	61,302	64,708	68,115
FF	54,683	58,329	61,975	65,621	69,267	72,912
GG	59,105	63,044	66,983	70,922	74,861	78,800
HH	64,443	68,737	73,032	77,327	81,622	85,917
II	68,188	72,733	77,278	81,823	86,368	90,911
JJ	71,933	76,728	81,522	86,316	91,110	95,904
KK	73,796	78,715	83,634	88,553	93,472	98,390
LL	-	-	-	-	-	101,303
MM	-	-	-	-	-	104,758
NN	-	-	-	-	-	108,816
OO	-	-	-	-	-	113,560
PP	-	-	-	-	-	119,230
QQ	-	-	-	-	-	126,055

84 Compensation for Certain State Officers; Unclassified State Employees; January 6, 2006. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GROUP	MINIMUM	1	2	3	4	MAXIMUM
AA	42,777	45,629	48,482	51,335	54,188	57,040
BB	44,518	47,485	50,452	53,419	56,386	59,354
CC	46,629	49,739	52,848	55,957	59,066	62,176
DD	49,145	52,420	55,695	58,970	62,245	65,520
EE	52,106	55,580	59,054	62,528	66,002	69,477
FF	55,777	59,495	63,214	66,933	70,652	74,370
GG	60,287	64,305	68,323	72,341	76,359	80,376
HH	65,732	70,113	74,494	78,875	83,256	87,635
II	69,552	74,187	78,822	83,457	88,092	92,729
JJ	73,372	78,262	83,152	88,042	92,932	97,822
KK	75,272	80,289	85,306	90,323	95,340	100,358
LL	-	-	-	-	-	103,329
MM	-	-	-	-	-	106,853
NN	-	-	-	-	-	110,992
OO	-	-	-	-	-	115,831
PP	-	-	-	-	-	121,615
QQ	-	-	-	-	-	128,576

85 Compensation of State Officers; Unclassified State Employees; July 7, 2006; RSA 94:1-a, I(a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GROUP	MINIMUM	1	2	3	4	MAXIMUM
AA	43,633	46,542	49,452	52,362	55,272	58,181
BB	45,408	48,435	51,462	54,489	57,516	60,541
CC	47,562	50,733	53,905	57,077	60,249	63,420
DD	50,128	53,468	56,809	60,150	63,491	66,830
EE	53,148	56,692	60,236	63,780	67,324	70,867
FF	56,893	60,686	64,479	68,272	72,065	75,857

GROUP	MINIMUM	1	2	3	4	MAXIMUM
GG	61,493	65,591	69,689	73,787	77,885	81,984
HH	67,047	71,515	75,983	80,451	84,919	89,388
II	70,943	75,671	80,399	85,127	89,855	94,584
JJ	74,839	79,827	84,815	89,803	94,791	99,778
KK	76,777	81,895	87,013	92,131	97,249	102,365
LL	-	-	-	-	-	105,396
MM	-	-	-	-	-	108,990
NN	-	-	-	-	-	113,212
OO	-	-	-	-	-	118,148
PP	-	-	-	-	-	124,047
QQ	-	-	-	-	-	131,148

86 Department of Justice; Attorney Salaries; July 8, 2005. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on July 8, 2005:

	Minimum	Market anchor	Maximum
	\$38,760		\$93,840
Attorney		\$46,920	
Assistant attorney general		\$64,260	
Senior assistant attorney general		\$79,560	
Associate attorney general		\$87,720	

87 Department of Justice; Attorney Salaries; January 6, 2006. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 6, 2006:

	Minimum	Market anchor	Maximum
	\$39,535		\$95,717
Attorney		\$47,858	
Assistant attorney general		\$65,545	
Senior assistant attorney general		\$81,151	
Associate attorney general		\$89,474	

88 Department of Justice; Attorney Salaries; July 7, 2006. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on July 7, 2006:

	Minimum	Market anchor	Maximum
	\$40,326		\$97,631
Attorney		\$48,816	
Assistant attorney general		\$66,856	
Senior assistant attorney general		\$82,774	
Associate attorney general		\$91,264	

89 Increases in Salary; Other Non-Classified or Unclassified Employees. All other nonclassified or unclassified employees not covered by the provisions for salary increases in this act shall be granted a salary increase of 2 percent effective July 8, 2005, an additional salary increase of 2 percent effective January 6, 2006, and an additional salary increase of 2 percent effective July 7, 2006.

90 Longevity Payments for State Officials; July 8, 2005. RSA 94:4 is repealed and reenacted to read as follows:

94:4 Longevity Pay. Any state official who has completed 10 years of service for the state shall be paid, in addition to his or her statutory salary the sum of \$300 annually and an additional \$300 for each additional 5 years of state service. Any state official who transfers, without a break in service, to a position in the classified system may transfer all time served for purposes of longevity pay.

91 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 71-90 of this act for the fiscal years ending June 30, 2006 and June 30, 2007:

FY 2006						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$2,159,653	\$ 1,776,955	\$89,495	\$187,513	\$17,047	\$9,376	\$79,267
FY 2007						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$4,422,208	\$3,643,493	\$182,105	\$381,552	\$34,687	\$19,078	\$161,293

92 Acquisition of Property by the Department of Regional Community-Technical Colleges.

I. Notwithstanding RSA 12-G:8, V or any other provision of law, the Pease development authority shall transfer the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, to the department of regional community-technical colleges and the department of regional community-technical colleges shall acquire the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, from the Pease development authority for fair market appraised value, not to exceed \$3,800,000. In exchange, the state shall reduce by \$3,800,000 the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. Prior to acquisition by the department of regional community-technical colleges, the Pease development authority shall obtain required federal approval for the sale proceeds to be used to reduce the Pease development authority's outstanding debt to the state.

II. Prior to acquisition by the department of regional community-technical colleges under paragraph I, and notwithstanding RSA 4:39-b or any other provision of law, the department of regional community-technical colleges and the Pease development authority shall negotiate and execute a ground lease for a term of not less than 50 years with an option to extend the term of the lease, for the 12.79 acres on which the building known as 320 Corporate Drive is located. In exchange, the state shall reduce by the amount of the lease payments the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. Ground lease payments shall be calculated as follows:

(a) For years 1 through 10, the annual lease payment amount shall be \$13,000 per acre, which also shall be the "base rate" for years 11 through 15 under subparagraph (b).

(b) For years 11 through 15, and for each 5-year period thereafter, the lease payment shall be a fixed annual payment equal to the base rate for the immediately preceding 5-year period, plus a CPI adjustment for the preceding 5-year period, provided that in no event shall the CPI adjustment be calculated based upon a CPI increase of more than 3 percent for any single year, and the aggregate CPI adjustment shall not exceed 12 percent for any 5-year period. The lease payment shall be adjusted as provided under this subparagraph in years 11, 16, and every 5 years thereafter for the duration of the lease term.

(c) In this paragraph, "CPI" means the Consumer Price Index for All Urban Consumers applicable to the Boston area (all items 1982-1984=100), published by the Bureau of Labor Statistics, Department of Labor.

III. If the department of regional community-technical colleges cannot acquire the building known as 320 Corporate Drive on or before July 1, 2005, then notwithstanding RSA 4:39-b or any other provision of law, and in lieu of the ground lease under paragraph II, the department of regional community-technical colleges and the Pease development authority shall enter into a lease agreement for the entirety of the building and 12.79 acres known as 320 Corporate Drive for the sum of \$675,000 per year. The lease term shall be until such time as the acquisition by the department of regional community-technical colleges is complete. In exchange, the state shall reduce by \$675,000 per year, starting with the commencement of the lease on July 1, 2005, the Pease development authority's outstanding debt to the state relative to start-up

funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. If the department of regional community-technical colleges acquires the building known as 320 Corporate Drive after July 1 but before June 30 in any fiscal year, the debt reduction due to the authority for the sale of the building shall be reduced by prorating the lease payments made in advance during the fiscal year.

93 Transfer of Regional Community-Technical College Campus from Stratham to Pease. On or before July 1, 2009, the department of regional community-technical colleges shall close the Stratham campus and transfer all educational and administrative functions to either the Pease campus, located at 320 Corporate Drive, Portsmouth or other regional community-technical college campuses. The commissioner of the department of regional community-technical colleges and president of the regional community-technical college at Stratham, or their designees, shall meet with the capital budget overview committee within 6 months of the effective date of this act to review and secure preliminary approval of the exit strategy for the Stratham campus. Officials from the department of regional community-technical colleges shall provide the capital budget overview committee with a progress report on the transfer from Stratham to Pease every 6 months, until the transfer is complete. As part of the relocation process, the Stratham campus shall be sold for not less than its fair market appraised value, subject to the approval of the long range capital planning and utilization committee. Proceeds from the sale shall be used, subject to the approval of the capital budget overview committee, to reduce outstanding state bond obligations for capital projects located on the campuses of the regional community-technical colleges.

94 Regional Community-Technical Colleges; Reference Change. Amend RSA 188-F:2 to read as follows:

188-F:2 Department Established. There shall be a department of regional community-technical colleges which shall be governed by a board of trustees. The department shall be a state agency and shall consist of the office of the commissioner; the New Hampshire regional community-technical institute and colleges including, but not limited to, campuses in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, Stratham, **Pease**, and associated off-campus programs; and the police standards and training council.

95 Repeal. 2001, 158:67, relative to lease agreement between the Pease development authority and the department of regional community-technical colleges, is repealed.

96 Judicial Salaries. Amend RSA 491-A:1 to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$[128,488] 129,786
Associate justices, supreme court	\$[124,593] 125,851
Chief justice, superior court	\$[124,593] 125,851
Associate justices, superior court	\$[116,806] 117,986
District court justices prohibited from practice pursuant to RSA 502-A:21,	\$[116,806] 117,986
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$[116,806] 117,986

97 Boiler Inspection Fees; Increase. Amend RSA 157-A:3-a to read as follows:

157-A:3-a Charge for Inspection. The commissioner shall charge [~~\$45~~] **\$100** per hour [~~with a minimum charge of \$45;~~] for inspections performed by employees of the department of labor.

98 Boiler Inspection Fees; Increase. Amend RSA 157-A:9-a, I to read as follows:

I. Subsequent to the inspection of a boiler or pressure vessel, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the inspected object is certifiable and shall communicate the results of such inspection to the owner or the owner's designee. When an object passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of [~~\$25~~] **\$50** shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

99 Elevator Inspection Fees; Increase. Amend RSA 157-B:5, I to read as follows:

I. Subsequent to the inspection of an elevator or accessibility lift, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the el-

evator or accessibility lift is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator or accessibility lift passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of ~~[\$25]~~ **\$50** shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

100 Elevator Inspection Fees; Increase. Amend RSA 157-B:9 to read as follows:

157-B:9 Installation of New Elevators and New Accessibility Lifts; Fees. Detailed plans or specifications of each new or altered elevator or accessibility lift shall be submitted to and approved by the commissioner or the commissioner's authorized representative before the construction of the elevator or accessibility lift may be started. Fee for examination of the plans or specifications is ~~[\$2]~~ **\$4** per \$1,000 of the valuation of the elevator or accessibility lift as covered by the blueprints. The minimum fee is ~~[\$100]~~ **\$200**.

101 Labor Enforcement; Increased Civil Penalties. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed ~~[\$1,000]~~ **\$2,500**, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

102 Insurance Department; Insurance Fraud Prosecutor. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy analyst, a health care statistician, ~~[and]~~ a legal counsel, ~~[who]~~ **and an insurance fraud attorney, each of whom** shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, ~~[and]~~ legal counsel, **and insurance fraud attorney** shall perform such duties and exercise such powers as the commissioner may authorize.

103 Insurance Department; Salaries. Amend RSA 94:1-a, I by inserting the following in group FF:

FF	Insurance department	insurance fraud prosecutor
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104 New Paragraph; Division of Fire Safety; Administration of the Modular Building Standards Program Added. Amend RSA 21-P:12 by inserting after paragraph III the following new paragraph:

III-a. Administration of the modular building standards program under RSA 205-C.

105 New Paragraph; State Fire Marshal; Bureau of Electrical Safety and Licensing. Amend RSA 21-P:12 by inserting after paragraph V the following new paragraph:

VI. Administration, supervision, and enforcement of RSA 319-C regulating electricians. There is hereby established within the division of fire safety a bureau of electrical safety and licensing under the supervision of the state fire marshal, which shall include the electricians' board and staff.

106 Bureau of Electrical Safety and Licensing. RSA 319-C:4, IV is repealed and reenacted to read as follows:

IV. The board shall be within the bureau of electrical safety and licensing, division of fire safety, department of safety, administered and enforced by the state fire marshal.

107 Inspectors. Amend RSA 319-C:5, I to read as follows:

I. The state fire marshal **and the board**, with the ~~[advice and consent of the board]~~ **approval of the commissioner of safety**, shall be empowered to appoint such inspectors as may be necessary to carry out the purposes of this chapter. Any person so employed shall be ~~[located in the office of the state fire marshal and]~~ under the administration and supervisory direction of the state fire marshal.

108 Rulemaking By the Board. Amend the introductory paragraph of RSA 319-C:6-a to read as follows:

The board, **with the approval of the commissioner of safety**, shall adopt rules, pursuant to RSA 541-A, relative to:

109 Electricians; Fees. Amend RSA 319-C:6-b to read as follows:

319-C:6-b Fees. The board, **with the approval of the commissioner of safety**, shall establish fees for examination of applicants, for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fees established by the board

shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. ***Fees collected shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d, and used for the purposes of operating expenses of the electricians' board. Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue.***

110 Disposition of Funds. RSA 319-C:11 is repealed and reenacted to read as follows:

319-C:11 Disposition of Funds. The state fire marshal shall cause to be recorded all receipts and disbursements under this chapter. The state fire marshal or designee shall forward all funds received under this chapter to the state treasurer for deposit in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

111 Department of Health and Human Services; Local Access Program; Lapse Extension. The appropriation made to the department of health and human services in 2003, 318:1, PAU 05-01-04-07, class 90, for the local access program is extended to June 30, 2007, and may be used by the department for administrative costs associated with the medicaid radiology prior authorization program.

112 New Hampshire Vaccine Association; Cost of Vaccines. Amend RSA 126-Q:4, III to read as follows:

III. For any year in which the total ~~[non-federal program cost exceeds 50 percent of the estimated vaccine cost, then the amount to be raised by the association shall be determined by multiplying the ratio of the number of covered lives to the total number of non-elderly New Hampshire residents by 50 percent of the estimated vaccine cost]~~ ***calculated cost to be received is less than the anticipated cost for vaccines, the association shall pay the amount of the increase to the state.***

113 New Hampshire Vaccine Association; Cost Benefit Analysis. The department of health and human services and the vaccine association shall prepare a comprehensive cost benefit analysis of the state vaccine program under RSA 126-Q, including an evaluation of the public and private sector benefits. A report of the analysis shall be provided to the speaker of the house of representatives and the president of the senate by January 1, 2007.

114 Department of Health and Human Services; Study Required.

I. The department of health and human services shall conduct a study of the current reporting and paperwork required from medicaid providers. The purposes of the study are to:

- (a) Identify information required from providers to effectively manage the medicaid program.
- (b) Identify the various reports and submissions required from providers and the purpose of each.
- (c) Make recommendations relative to areas where necessary information could be reduced or provided in a manner more convenient for providers.

II. The study shall result in an identification of reports, documents, and other information currently required from providers that could be:

- (a) Eliminated.
- (b) Reduced by integration with other required submissions.
- (c) Provided in a manner more convenient for providers such as electronic submission versus signed, notarized, multi-part documents.

III. The study shall outline what, if any, actions the department has determined could and shall be taken to reduce the burden on providers of information related to the medicaid program.

IV. In addition to an internal review, the study shall include contacts with organizations representing medicaid providers.

V. The commissioner of the department of health and human services shall make a written report, together with any recommendations, to the speaker of the house of representatives, the president of the senate, and the governor on or before December 31, 2006.

115 New Paragraph; Public Assistance Recovery. Amend RSA 167:14-a by inserting after paragraph II the following new paragraph:

II-a. The commissioner may recover the amount of medical assistance furnished to a dependent child from the child's responsible parents to the extent authorized under Title XXI of the Social Security Act. In such cases, the amount of assistance furnished and subject to reimbursement shall include, but not be limited to, expenditures for medical care and health insurance premiums and other expenditures paid by the state for enrollment or other fees for participation in the program.

116 New Paragraph; Medicaid Hospital Outpatient Rates. Amend RSA 126-A:3 by inserting after paragraph VI the following new paragraph:

VII. Medicaid Hospital Outpatient Services; Designation in Operating Budget. Notwithstanding any other provision of law to the contrary, beginning with the biennium beginning July 1, 2005 and continuing thereafter, the department shall designate in its operating budget requests specific class lines for hospital outpatient services. The department shall not increase expenditures in approved budgets for such outpatient services without prior approval. If expenditures are projected to exceed the annual appropriation, the department may recommend rate reduction for providers to offset the amount of any such deficit. The department of health and human services shall submit to the legislative fiscal committee and to the finance committees of the house and the senate, the rates that it proposes to pay for hospital outpatient services. The rates shall be subject to the prior approval of the legislative fiscal committee.

117 Department of Health and Human Services; Rate Setting. For the biennium beginning July 1, 2005, 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 or the provisions of any rule adopted pursuant to RSA 541-A, concerning rate setting, the commissioner shall establish rates that reflect appropriations for the current fiscal year by August 1. 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.

118 Department of Health and Human Services; Infrastructure Support. The department of health and human services shall apply for federal funding to develop an electronic health information infrastructure that enables performance measurement, care coordination, and case management in the delivery of state-funded, health insurance services. As part of the electronic health information infrastructure, the department may, in conformance with the Health Insurance Portability and Accountability Act (HIPAA) requirements, enter into collaborative agreements with the department of insurance, private health insurance plans, hospitals, clinics, physician's offices, and other health care providers relative to the use of information technology as a means of cost containment and quality improvement in the delivery of such services.

119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium beginning July 1, 2005 and continuing thereafter, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval and additional appropriations from the general court.

120 Duty Added. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. ~~[The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the effect of SB 110 of the 2003 legislative session.]~~ The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include [3] **5** members of the house, appointed by the speaker of the house and [2] **5** senators, appointed by the president of the senate.

121 New Section; Legislative Oversight Committee on Healthy Kids Corporation Reform. Amend RSA 126-H by inserting after section 8 the following new section:

126-H:9 Legislative Oversight Committee.

I. There is hereby established a joint legislative oversight committee on healthy kids corporation reform. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 5 members of the house, appointed by the speaker of the house and 5 senators, appointed by the president of the senate.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house commerce committee and senate insurance committee on November 1 of each year.

122 Appropriation to Revenue Stabilization Reserve Account; Suspension of Payments to Federal Medicare Program.

I. The commissioner of the department of administrative services shall deposit the sum of \$13,470,651 on July 1, 2005 and the sum of \$30,148,637 on July 1, 2006 into the revenue stabilization reserve account established by RSA 9:13-e.

II. For the biennium ending June 30, 2007, no payments shall be made to the federal Medicare program, unless a court has determined that the provisions of Medicare Part D enacted in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, popularly known as "the clawback," are constitutional.

123 Department of Health and Human Services; Care Management Pilot Program.

I. The department of health and human services shall establish and implement a care management pilot program that supports the efficient and effective delivery of primary and specialty care services focused on prevention and each client having a medical home. The department shall accomplish this through 2 complementary, strategies: (a) centrally managing the care of medicaid clients through a care coordination vendor, and (b) working to implement a provider-based primary care case management program, that incorporates pay-for-performance and holds providers accountable for health and financial outcomes.

II. The department shall explore the cost effectiveness of entering into an administrative service contract to provide comprehensive care coordination services for medicaid clients. The scope of services shall bridge financial and clinical management, and include, but not be limited to, the following:

(a) Coordination of the various existing contracts for disease management, case management, and utilization management.

(b) High cost, high complexity case management using predictive modeling and an individualized intervention plan.

(c) Linking patients and providers to various department programs and services to maximize efficiency and reduce redundancy. These services include public health programs, maternal and child health programs, immunization, home visiting, transportation, translation, prevention services for the elderly, and substance abuse treatment.

(d) Coordination of the primary medical care and mental health care of medicaid recipients.

III. The department shall explore the cost effectiveness of entering into contracts to establish a primary care case management methodology for reimbursing providers that holds providers accountable for health and financial outcomes. Such contracts could be made directly with various provider organizations or sub-contracted with providers through an administrative services organization. Primary care case management shall include, but not be limited to:

(a) Establishment of a medical home for medicaid clients. To facilitate greater access to preventive care, and more appropriate utilization of specialty services, each enrollee shall choose or be assigned a primary care provider. Patient education programs, after hours nurse support and triage systems, and recipient incentives may be provided to support the implementation of a medical home.

(b) Increase the utilization of evidence-based medicine and preventive services.

(c) Explore the feasibility of implementing a pay-for-performance reimbursement methodology.

IV. Prior to implementing the plan, the department shall present the plan for approval to the legislative fiscal committee. Not later than December 31, 2007, the commissioner shall submit to the president of the senate, the speaker of the house of representatives, and the governor a report describing the results of the pilot project. The report shall include:

(a) Information regarding:

(1) recipient and provider satisfaction;

(2) recipient access to primary and specialty care services;

(3) recipient outcomes, including health status improvement; and

(4) the fiscal impact to political subdivisions of this state in the areas in which the pilot project is implemented, including any cost savings realized by those entities from the implementation.

(b) Recommendations on whether to implement the pilot project on a state-wide basis.

V. If before implementing any provision of this section the commissioner determines that a waiver or other authorization from a federal agency is necessary for implementation of that provision, the department shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted. The state shall enter into Medicaid waivers from the federal Centers for Medicare and Medicaid Services, subject in each case to a review by the oversight committee on health and human services, established in RSA 126-A:13, which shall make a report to the legislative fiscal committee and the house and senate finance committees. The fiscal committee shall have final approval authority.

124 Medical Assistance; Memorandum of Understanding; 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 enter into a memorandum of understanding for the period of July 1, 2005 through June 30, 2007 under which:

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

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

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

(4) DHHS shall request the DRA verification be furnished to the DHHS by the applicant or recipient;

(5) 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.

125 Department of Health and Human Services; Integration of Medical and Mental Health Care of Medicaid Recipients.

I. The department of health and human services shall explore strategies to integrate the medical care and mental health care of its Medicaid recipients including the following:

(a) Location of a mental health provider within a primary care setting to provide on-site assessment and treatment, or location of a primary care provider within a mental health setting.

(b) Disease management for individuals with severe mental illness including identification of those with severe mental illness and chronic diseases such as diabetes and heart and lung disease, the provision of nurse case management within community mental health centers to coordinate and monitor health care, and the provision of patient education and skills training in illness self-management.

(c) Enhanced collaboration between community mental health centers and community health centers.

II. The department of health and human services shall seek appropriate federal waivers or authority from the Centers for Medicare and Medicaid Services and the Health Resources and Services Administration, United States Department of Health and Human Services.

126 Pharmacists; Definition of Dispense. Amend RSA 318:1, V to read as follows:

V. "Dispense" means to distribute, leave with, give away, dispose of, deliver, or sell one or more doses of a drug ***that will be administered or taken at a later date, time, or location*** and shall include the transfer of more than a single dose of a medication from one container to another and the labeling or otherwise identifying a container holding more than a single dose of a drug.

127 New Paragraph; Pharmacists; Definition of Distributor Added. Amend RSA 318:1 by inserting after paragraph V the following new paragraph:

V-a. "Distributor" means a person or persons who supply or facilitate the supply of prescription drugs to persons other than consumers.

128 Rulemaking; Pharmacy Technicians. Amend RSA 318:5-a, X(e) and (f) to read as follows:

(e) Establishment of the effective period of registration; [~~and~~]

(f) Requirements for renewal of registration; [~~and~~]

(g) Requirements for reinstatement of registration; and

129 Rulemaking; Fees for Pharmacy Technicians. Amend RSA 318:5-a, XI to read as follows:

XI. The establishment of fees for registration of pharmacy technicians, including [~~a fee~~] **fees** for renewal **or reinstatement** of registration.

130 Pharmacists; Disciplinary Action; Registrants, Permittees Added. Amend RSA 318:29 to read as follows:
318:29 Disciplinary Action.

I. The board may undertake disciplinary action against any licensee, permittee, **registrant**, or certificate holder:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which alleges that a licensee, permittee, **registrant**, or certificate holder has committed misconduct under paragraph II or V of this section or any other applicable provision of this chapter or RSA 318-B, and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license, **permit, registration, or certificate** to practice under this chapter;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Any dishonest or unprofessional conduct, or gross or repeated negligent conduct in the practice of pharmacy or in performing activities ancillary to the practice of pharmacy or any particular aspect or specialty thereof;

(d) Behavior which demonstrates a clear conflict with the basic knowledge and competence expected of licensed pharmacists or any particular aspect or specialty of the practice of pharmacy, or any intentional act which demonstrates a clear inconsistency with the health and safety of persons making use of the professional services of any person licensed under this chapter;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him **or her** unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter; or

(g) Willful or repeated violation of any provision of this chapter, any substantive rule of the board, or any other federal, state, or local drug or pharmacy-related law, rule, or regulation.

(h) [Repealed.]

III. [Repealed.]

IV. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation or restriction of a license or probation for any period of time deemed reasonable by the board;

(c) By revocation of license;

(d) By assessing administrative fines in amounts established by the board;

(e) By requiring the person to participate in a program of continuing education in the area or areas in which he **or she** has been found deficient; or

(f) By requiring the licensee to submit to the care, observation or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

V. The board may, after notice and hearing, suspend or revoke a pharmacy permit **or registration** for grounds which include, but are not limited to:

(a) The suspension, revocation, or expiration of the pharmacist license of the pharmacist-in-charge.

(b) Termination of the employment of the pharmacist-in-charge with the pharmacy.

(c) Operation of the pharmacy in a manner that is in violation of federal, state, or local drug or pharmacy-related law, rule, or regulation.

(d) Conviction of the pharmacist-in-charge, an owner, a corporate officer, the corporation, or the pharmacy of a felony, a misdemeanor resulting from a violation of any federal, state, or local drug or pharmacy-related law, rule or regulation, or an act involving moral turpitude or gross immorality.

(e) Unsanitary conditions.

(f) Fraud, intentional misrepresentation or perjury in securing the permit **or registration** or in any hearing before the board.

(g) Unprofessional conduct which includes, but is not limited to, violations of federal, state, or local drug or pharmacy-related laws, rules, or regulations, or other acts or omissions which, in the opinion of the board, pose a threat to the well-being or the safety of the public.

(h) Fee splitting for professional services. This does not prohibit rent payments under a rental or lease agreement for the operation of a pharmacy by a pharmacist or pharmacy to an individual licensed to prescribe medicine.

(i) Any ownership or control of an ownership interest of a pharmacy within the state by an individual licensed to prescribe medicine, or a corporation, professional association or partnership consisting of such prescriber or prescriber's immediate family members, except such corporations as are expressly exempt from income taxation under section 501(c)(3) of the United States Internal Revenue Code. This shall not include ownership of investment securities purchased by the practitioner on terms available to the general public and which are publicly traded. This subparagraph shall not apply to the ownership or control of an ownership interest of an institutional pharmacy operated within the state by or for hospitals, as defined in RSA 151-C:2, XX, licensed by the state pursuant to RSA 151.

(j) The sale, rental, trade, transfer, or release of patient identifiable medical information for the purpose of sales or marketing of services or products without written authorization.

131 Pharmacists; Denial or Revocation of License; Registrants, Permittees Added. Amend RSA 318:29-b to read as follows:

318:29-b Denial or Revocation of License.

I. Upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee, permittee, **registrant**, or certificate holder of the board, or a person applying for a license, permit, **registration**, or certificate, the board may issue an order directing the licensee, permittee, **registrant**, or applicant to appear and show cause why similar disciplinary sanctions or, in the case of an applicant, **why the license, permit, or registration** denial or restriction, should not be imposed in ~~the~~ **this** state. In any such proceeding, the decision of the foreign licensing authority may not be collaterally attacked, but the licensee, permittee, **registrant**, or applicant shall be given the opportunity to demonstrate why a lesser sanction should be imposed.

II. The board may issue any disciplinary sanction or take any action with regard to any pending application pursuant to this section otherwise permitted by this chapter, including sanctions or actions which are more stringent than those imposed by the foreign jurisdiction.

III. The board may adopt summary procedures for handling proceedings brought under this chapter, but shall furnish the respondent at least 10 days' written notice and a reasonable opportunity to be heard. The board may require a licensee, permittee, **registrant**, or certificate holder to suspend practice in this state as a condition of postponing a hearing date established for allegations brought under this section.

132 Pharmacists; Investigatory Powers of the Board; Registrants, Permittees Added. Amend RSA 318:30 to read as follows:

318:30 Investigatory Powers of the Board; Complaints.

I. The board may investigate possible misconduct by licensees, permittees, **registrants**, certificate holders, applicants, and any other matters governed by the provisions of this chapter and RSA 318-B. Investigations may be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and any information obtained by the board pursuant to such investigations shall be exempt from the public disclosure provisions of RSA 91-A, unless such information subsequently becomes the subject of a public disciplinary hearing. However, the board may disclose information obtained in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

II. The board may appoint legal counsel, technical advisors or other investigators to assist with any investigation and with adjudicatory hearings.

III. The board may commence a formal or informal investigation, or an adjudicative hearing, concerning allegations of misconduct and other matters within the scope of this chapter on its own motion whenever it has a reasonable basis for doing so, and the type of procedure chosen shall be a matter reserved to the discretion of the board. Investigations may be conducted on an ex parte basis.

IV.(a) The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents during any formal investigation or adjudicatory hearing. The board may also subpoena patient records, as provided in paragraph V, during informal investigations.

(b) Subpoenas not covered by paragraph V shall be served in accordance with the procedures and fee schedules established by the superior court, except that:

(1) Persons licensed **or registered** by the board shall not be entitled to a witness fee or mileage expenses for travel within the state[;].

(2) Witness fees and mileage expenses need not be tendered in advance if the subpoena is annotated "Fees Guaranteed by the New Hampshire Board of Pharmacy."

(3) The respondent shall be allowed at least 48 hours to comply.

V. The board may at any time subpoena medical and pharmacy records from its licensees **and permittees** and from physicians, dentists, veterinarians, advanced registered nurse practitioners, hospitals, and other health care providers or facilities licensed by or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the licensee's **or permittee's** current license **or permit**, and no witness or other fee shall be required. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this chapter.

VI. Persons holding or applying for licenses or other privileges granted by the board shall keep the board informed of their current business and residence addresses. A licensee, **permittee, or registrant** shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the licensee, **permittee, or registrant**.

VII. Complaints of licensee misconduct shall be in writing and shall be treated as petitions for the commencement of a disciplinary hearing. The board shall fairly investigate all complaints to the extent and in the manner warranted by the allegations. A complaint which fails to state a cause of action may be summarily denied in whole or in part. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If investigation of a complaint results in an offer of settlement by the licensee, **permittee, or registrant**, the board may settle the allegations against the licensee, **permittee, or registrant** without the consent of the complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

VIII. At the commencement of an adjudicatory proceeding, or at any time during a formal or informal investigation, and without issuing a subpoena, the board may mail a statement of the issues being investigated or heard to a licensee or other person who is a proper subject of inquiry and require that licensee or other person to provide a detailed and good faith written response to such statement. The board may also require the licensee or other person to furnish complete copies of appropriate office records concerning any

patient whose treatment is relevant to the matters at issue. The licensee or other person shall respond to such request within a reasonable time period of not less than 15 days, as the board may specify in its written request.

133 Pharmacists; Temporary Suspension Where Imminent Threat; Registrants, Permittees Added. Amend RSA 318:30-a to read as follows:

318:30-a Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a license, **permit, registration, certification**, or privilege granted under this chapter pending hearing for a period of no more than 60 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 318:31, II and RSA 541-A:31, III. Notwithstanding the requirements of RSA 541-A:30, III, the board's hearing may commence as much as 30 days after the date of the order suspending the license, **permit, registration, or certification**. If the board does not commence the hearing within 30 days the suspension order shall be automatically vacated, but a licensee, **permittee, registrant, or certificate holder** shall be allowed additional time to prepare for or to complete a hearing under this section only by agreeing to a further suspension commensurate with the additional time extended.

134 Prescriptions; Electronic Transmission. Amend RSA 318:47-c to read as follows:

318:47-c Prescriptions. A prescription may be written [or], oral, **or electronically transmitted**. All oral prescriptions shall be immediately reduced to writing by the pharmacist **or authorized technician** receiving the oral prescription and shall indicate at least the name of the patient; the name, strength, and quantity of the drug prescribed; any directions specified by the prescriber; the name of the practitioner prescribing the medication; the date the prescription was ordered; a statement that the prescription was presented orally; and the name of the pharmacist who took the verbal order. The pharmacist who dispensed an original prescription shall indicate on the face of the prescription at least the assigned prescription identification number; the date of dispensing; the quantity actually dispensed; and his **or her** name or initials. The prescription shall be filed numerically by the assigned identification number for a period not less than 4 years. Such prescription files shall be open to inspection by the pharmacy board and its agents.

135 Sale of Hypodermic Syringe; Podiatrist Added. Amend RSA 318:52-c, I(a) to read as follows:

(a) Hypodermic syringes, needles or any instrument adapted for the administration of drugs by injection shall not be sold except in registered pharmacies. No person shall sell, furnish, or give to any person, under 18 years of age, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the administration of drugs by injection without the written or oral prescription of a duly licensed physician, dentist, veterinarian, **podiatrist**, or advanced registered nurse practitioner. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed, and the number of instruments prescribed.

136 Controlled Drug Act; Sale by Pharmacists; Electronic Prescriptions. Amend RSA 318-B:9, I to read as follows:

I. A pharmacist, in good faith and in the course of his **or her** professional practice, may sell and dispense controlled drugs exempt under the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and federal food and drug laws from prescription requirements. A pharmacist, in good faith, may sell and dispense controlled drugs requiring prescriptions to any person upon the written **or electronically transmitted** prescription of a practitioner, provided it is properly executed, dated and **when required by law, manually or electronically** signed by the person prescribing on the day when issued and bears the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, or upon oral prescription, in pursuance of regulations promulgated by the Department of Justice of the United States, under the provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended where applicable, provided said oral prescription is promptly reduced to writing by the pharmacist **or authorized technician**, stating the name of the practitioner so prescribing, the date, the full name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed, and, in all instances, the full name, address and registry number under the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, or federal food and drug laws of the person so prescribing. If the prescription is for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall [write] **indicate** the date of filling and his [own signature] **or her name** on the face **or record** of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 4 years so as to be readily accessible for the inspection of any officers engaged in the enforcement of this chapter. The prescription as to a controlled drug may be refilled

pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. The person refilling a prescription for a controlled drug shall record on the prescription **record** the date of refill, the quantity dispensed, and his **or her** initials.

137 Controlled Drug Act; Sale by Pharmacists; Electronic Prescriptions. Amend RSA 318-B:9, III to read as follows:

III. Prescriptions ~~[written]~~ **issued** by practitioners for controlled drugs shall be executed in clear, concise, readable form ~~[and may be typewritten]~~. Each prescription shall contain the following information and comply with the following requirements:

(a) The full name and complete address of the patient or of the owner of the animal for which the drug is prescribed.

(b) The day, month, and year the prescription is issued.

(c) The name of the controlled drug prescribed. Only one controlled drug shall appear on a prescription blank.

(d) The strength of the controlled drug prescribed.

(e) The specific directions for use of the controlled drug by the patient.

(f) No refills shall be authorized for controlled drugs in schedule II of the current chapter 21, Code of Federal Regulations.

(g) The federal Drug Enforcement Administration registration number of the practitioner.

(h) The practitioner shall **manually or electronically** sign the prescription ~~[in ink]~~ on the date of issuance.

(i) The practitioner's full name shall be printed, rubber stamped, or typewritten above or below the ~~[hand-written]~~ **manual or electronic** signature.

(j) A practitioner shall not issue a prescription in order to obtain controlled substances for the purpose of general dispensing to his **or her** patients.

(k) A practitioner shall not issue a prescription to himself **or herself** or his **or her** immediate family which includes a spouse, children or parents.

(l) A prescription shall be deemed invalid if it is not filled within 6 months from the date prescribed.

138 Flunitrazepam; Controlled Drug Act; GHB and Ketamine Hydrochloride Removed. RSA 318-B:1-c is repealed and reenacted to read as follows:

318-B:1-c Flunitrazepam.

I. The legislature intends that the provisions of paragraph III of this section shall remain in effect until such time as flunitrazepam is scheduled by the commissioner of the department of human services in accordance with and pursuant to RSA 318-B.

II. The legislature finds that flunitrazepam, marketed under the trade name rohypnol, which has a sedative, hypnotic, and amnesiac effect, has no acceptable medical uses in the United States and carries a high potential for abuse. Therefore, flunitrazepam meets the criteria for placement on schedule I of controlled drugs.

III. Notwithstanding the provisions of RSA 318-B:1-a, relative to scheduling by rulemaking of the commissioner of the department of health and human services, flunitrazepam shall be scheduled as a schedule I controlled drug:

139 New Section; Department of Revenue Administration; Sham Transactions May Be Disallowed. Amend RSA 21-J by inserting after section 38 the following new section:

21-J:38-a Sham Transactions May Be Disallowed.

I. The commissioner may disallow any sham transaction in ascertaining any taxpayer's tax liability. With respect to transactions between members of a controlled group, the taxpayer shall bear the burden of establishing by a preponderance of the evidence that a transaction or a series of transactions between the taxpayer and one or more members of the controlled group was not a sham transaction. For all other taxpayers, the commissioner shall bear the burden of establishing by a preponderance of the evidence that a transaction or series of transactions was a sham transaction.

II. In administering any tax, the commissioner may apply the doctrines of economic reality, substance over form, and step transaction.

III. If the commissioner disallows a sham transaction under paragraph I, the applicable limitation period for assessing the tax, together with applicable penalties, charges, and interest, shall be extended for a period equal to the applicable limitation period. Nothing in this paragraph shall be construed as extending an applicable limitation period for claiming any refund of a tax.

IV. The commissioner may adopt rules under RSA 541-A that are necessary to administer this section, including rules establishing criteria for identifying sham transactions.

V. In this section:

(a) "Controlled group" means 2 or more person related in such a way that one person directly or indirectly owns or controls the business operation of another member of the group.

(b) "Sham transaction" means a transaction or series of transactions without economic substance because there is no business purpose or expectation of profit other than obtaining tax benefits.

(c) "Tax" includes any tax administered by the commissioner.

(d) "Taxpayer" includes any person or entity subject to a tax.

140 Tobacco Tax; Definition of Tobacco Products; Loose Tobacco. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes, *loose tobacco*, and smokeless tobacco.

141 New Paragraph; County Nursing Facility Beds; Certificate of Need Requirement Eliminated. Amend RSA 151-C:6 by inserting after paragraph III the following new paragraph:

IV. Any nursing home may surrender its license for any nursing home beds and redesignate those beds as mid-level care beds, without being subject to any requirements pursuant to this chapter. Such redesignation shall take effect upon notice to the commissioner. Any such beds so redesignated may be converted back to nursing home beds without being subject to any requirements pursuant to this chapter. Such conversion shall take effect upon notice to the commissioner. Any moratorium on the creation of new nursing home beds shall not apply with respect to beds which are converted back to nursing home beds pursuant to this paragraph.

142 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to real estate transfer taxes under RSA 78-B administered by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest greater than 10 percent per annum shall apply with respect to unpaid taxes reported and paid in full during the period from December 1, 2005, through and including February 15, 2006, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before July 1, 2005.

143 Classified Salaries; July 8, 2005. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing July 8, 2005, shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	15,444.00	15,892.50	16,341.00	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00
02	15,892.50	16,341.00	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50
03	16,341.00	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00
04	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00	21,567.00
05	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00	21,567.00	22,405.50
06	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00	21,567.00	22,405.50	23,263.50
07	18,427.50	19,110.00	19,929.00	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00
08	19,110.00	19,929.00	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50
09	19,929.00	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50
10	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50
11	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
12	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00	29,737.50
13	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00	29,737.50	30,985.50
14	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00	29,737.50	30,985.50	32,370.00
15	25,213.50	26,305.50	27,417.00	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50
16	26,305.50	27,417.00	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50
17	27,417.00	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50
18	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00
19	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00
20	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00	41,983.50
21	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00	41,983.50	43,855.50
22	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00	41,983.50	43,855.50	45,825.00
23	35,197.50	36,757.50	38,434.50	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50
24	36,757.50	38,434.50	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50
25	38,434.50	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00
26	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50
27	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00
28	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00	60,274.50
29	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00	60,274.50	63,160.50
30	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00	60,274.50	63,160.50	66,105.00
31	50,056.50	52,455.00	54,970.50	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50
32	52,455.00	54,970.50	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50
33	54,970.50	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50	75,601.50
34	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50	75,601.50	78,760.50
35	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50	75,601.50	78,760.50	81,919.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

144 Classified Salaries; January 6, 2006. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing January 6, 2006 shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	15,756.00	16,204.50	16,672.50	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50
02	16,204.50	16,672.50	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50
03	16,672.50	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50
04	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50	21,996.00
05	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50	21,996.00	22,854.00
06	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50	21,996.00	22,854.00	23,731.50
07	18,798.00	19,500.00	20,319.00	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50
08	19,500.00	20,319.00	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50
09	20,319.00	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00
10	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50
11	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50
12	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50	30,342.00
13	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50	30,342.00	31,609.50

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
14	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50	30,342.00	31,609.50	33,013.50
15	25,720.50	26,832.00	27,963.00	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00
16	26,832.00	27,963.00	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50
17	27,963.00	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50
18	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50
19	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50
20	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50	42,822.00
21	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50	42,822.00	44,733.00
22	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50	42,822.00	44,733.00	46,741.50
23	35,899.50	37,498.50	39,195.00	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00
24	37,498.50	39,195.00	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00
25	39,195.00	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00
26	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50
27	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50
28	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50	61,483.50
29	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50	61,483.50	64,428.00
30	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50	61,483.50	64,428.00	67,431.00
31	51,051.00	53,508.00	56,062.50	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00
32	53,508.00	56,062.50	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50
33	56,062.50	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50	77,122.50
34	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50	77,122.50	80,340.00
35	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50	77,122.50	80,340.00	83,557.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

145 Classified Salaries; July 7, 2006. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing July 7 2006 shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	16,068.00	16,536.00	17,004.00	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50
02	16,536.00	17,004.00	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50
03	17,004.00	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00
04	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00	22,444.50
05	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00	22,444.50	23,302.50
06	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00	22,444.50	23,302.50	24,199.50
07	19,168.50	19,890.00	20,728.50	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00
08	19,890.00	20,728.50	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50
09	20,728.50	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50
10	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00
11	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50
12	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50	30,946.50
13	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50	30,946.50	32,233.50
14	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50	30,946.50	32,233.50	33,676.50
15	26,227.50	27,378.00	28,528.50	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
16	27,378.00	28,528.50	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00
17	28,528.50	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50
18	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50
19	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50
20	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50	43,680.00
21	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50	43,680.00	45,630.00
22	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50	43,680.00	45,630.00	47,677.50
23	36,621.00	38,239.50	39,975.00	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00
24	38,239.50	39,975.00	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00
25	39,975.00	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50
26	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00
27	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50
28	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50	62,712.00
29	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50	62,712.00	65,715.00
30	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50	62,712.00	65,715.00	68,776.50
31	52,065.00	54,580.50	57,193.50	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00
32	54,580.50	57,193.50	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50
33	57,193.50	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50	78,663.00
34	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50	78,663.00	81,939.00
35	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50	78,663.00	81,939.00	85,234.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

146 Classified Increases; July 8, 2005. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of July 8, 2005, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

147 Classified Increases; January 6, 2006. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of January 6, 2006, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

148 Classified Increases; July 7, 2006. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of July 7, 2006, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

149 Longevity Payments. RSA 99:5 is repealed and reenacted to read as follows:

99:5 Longevity Payment for Regular Classified Employees. Any regular classified employee of the state who has completed 10 years of continuous service for the state other than a law enforcement employee, shall be paid, in addition to the salary to which he or she is entitled by the classification plan, the sum of \$300

annually and an additional \$300 for each additional 5 years of continuous state service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit the recipient from receiving the yearly increments to which he or she may be otherwise entitled within his or her classification ranges. Any regular classified employee who transfers, without a break in service, to a position in the unclassified system may transfer all time served for purposes of longevity pay.

150 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 143-149 of this act for the fiscal years ending June 30, 2006 and June 30, 2007:

FY 2006						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$16,378,079	\$ 9,024,322	\$1,719,698	\$3,609,861	\$327,561	\$180,159	1,516,478
FY 2007						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$32,262,836	\$ 17,776,823	\$3,387,597	\$7,110,990	\$645,256	\$354,892	2,987,278

151 New Section; State House Visitor's Center Revolving Fund. Amend RSA 17-E by inserting after section 6 the following new section:

17-E:7 State House Visitor's Center Revolving Fund. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the state house visitor's center revolving fund which shall be kept separate and distinct from all other funds. The state house visitor's center revolving fund shall be within the oversight of the joint legislative facilities committee established in RSA 17-E:1. Moneys received from the sale of merchandise at the state house visitor's center, including online sales, shall be deposited in such fund and used to purchase merchandise for the visitor's center. The amount in the fund shall not exceed \$50,000 on June 30 of any fiscal year and any moneys in excess of said amount shall be deposited in the general fund as unrestricted revenue.

152 New Subparagraph; Dedicated Fund; State House Visitor's Center Revolving Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

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

153 Support of Kindergarten Programs. There is hereby appropriated the sum of \$1,820,400 for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten programs in the towns of Goffstown, Hampstead, Litchfield, Merrimack, Raymond, South Hampton, Unity, and the towns in the Sanborn regional school district. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

154 New Section; Civil Legal Services Fund; New Hampshire Legal Assistance. Amend RSA 525-A by inserting after section 1 the following new section:

525-A:2 Civil Legal Services Fund. There is established in the office of the state treasurer a separate fund to be known as the civil legal services fund. The money in this fund shall be distributed to New Hampshire Legal Assistance to be used to establish and operate an office in the city of Nashua to provide civil legal services to low-income persons in the city of Nashua and the surrounding area, and to provide additional attorneys, paralegals, or both, to the staff of the New Hampshire Legal Assistance offices in Manchester, Claremont, Portsmouth, and Littleton. These civil legal services shall include services related to such issues as housing, social security and other government benefits, health care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall report semi-annually to the judicial council as to its use of these funds in accordance with RSA 525-A:1.

155 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (235) the following new subparagraph:

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

156 Penalty Assessment; Court Fines and Penalties. Amend RSA 188-F:31 to read as follows:

188-F:31 Penalty Assessment; Waiver of Penalty.

I. Every court shall levy a penalty assessment of \$2 or 20 percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA

title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. ~~[Such penalty assessment shall be divided into the following components, to be designated as follows: 15 percent for the police standards and training council training fund and 5 percent for the victims' assistance fund.]~~

II. If multiple offenses are involved, the penalty assessment shall be imposed on the total fine.

III. If a fine is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under ~~[paragraph I designated for the police standards and training council training fund to the police standards and training council]~~ **paragraphs I-III to the state treasurer for deposit in the following funds.** ~~[The council shall pay over all moneys collected by it under this chapter to the state treasurer for deposit in the police standards and training council training fund. The clerk shall transmit the amount collected under paragraph I for the victims' assistance fund to the state treasurer to deposit in such fund.]~~ **The state treasurer shall deposit 65 percent of the amount collected in the police standards and training council training fund, 20 percent of the amount collected in the victims' assistance fund, and the remainder in the general fund.**

V. If it is determined by a court that the payment of all or any part of a penalty assessment would work a hardship on the person convicted or on such person's immediate family, the court may suspend the payment of all or any part of the assessment.

157 Pilot Project for Serving the "Working Poor." The general court finds that many moderate-income and working class New Hampshire residents are unable to afford to hire a private attorney to assist them with urgent civil legal problems, and that further efforts should be made to provide legal services to this population. Accordingly, for the biennium ending June 30, 2007, New Hampshire Legal Assistance shall conduct a pilot project to serve this group and may use funds provided pursuant to RSA 525-A:2 for this purpose. This pilot project shall include the use of sliding fee scales and shall be limited to clients whose incomes are below 250 percent of the federal poverty guidelines. On or before November 1, 2006, New Hampshire Legal Assistance shall file a report describing this pilot project, the results achieved, and recommendation for future legislative action, if any. This report shall be filed with the governor, the president of the senate, the speaker of the house of representatives, the chairpersons of the house and senate judiciary committees, the attorney general, and the judicial council.

158 Appropriations Reductions; All State Agencies.

I. All state agencies are hereby directed to reduce state general fund appropriations for classes 20, 70, and 80 by 10 percent for the fiscal years ending June 30, 2006 and June 30, 2007.

II. PAUs 01-04-04-05-01 and 01-04-04-05-04 for the department of administrative services shall be exempt from the reduction requirement for class 20 contained in paragraph I of this section.

159 Purpose and Intent.

I. The general court recognizes that the demand upon the medicaid system will increase sharply in the near future due to the rapid aging of the population and the increasing numbers of citizens 85 years of age and older. These facts coupled with an anticipated federal reduction in medicaid funding require a more cost-effective system to ensure that the state has the ability to meet the needs of its citizens while providing quality care to medicaid recipients.

II. The purpose of sections 160-182 of this act is to carry out the proposals contained in the plan for the modernization of the medicaid program administered by the department of health and human services as it relates to the provision of long-term care. Sections 160-182 are written to strengthen the commitment of the state to its people, for the provision of long-term care within an established continuum of care of home and community-based care, intermediate or mid-level care, and nursing facility care. The plan provides for a basic health care system for elderly or disabled persons who are poor, are without the means for obtaining long-term care services, and are in need of transitional or long-term support in order to achieve or maintain an identified degree of independence, self-sufficiency, health, or quality of life. The plan also provides a new emphasis on maintaining our elderly in home and community-based care through the empowerment of consumer choice. A basic intent underlying this proposal is that medicaid funding is reserved for those qualified individuals who need it and those who are not eligible are excluded.

160 Long-Term Care; Eligibility for Nursing Facility Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~the department~~ **registered nurses employed by state or county government using an assessment tool**:

(1) Medical monitoring and nursing care **when the skills of a licensed medical professional are needed to provide safe and effective services**;

(2) Restorative nursing or rehabilitative care **with patient-specific goals**;

(3) Medication administration ~~[or instruction and supervision of self-medication for discharge purposes only]~~ **by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention**; or

(4) Assistance with 2 or more activities of daily living **involving eating, toileting, transferring, bathing, dressing, and continence**; and

161 Long-Term Care; Nursing Facility Services. Amend RSA 151-E:4 to read as follows:

151-E:4 Consumer Choice. A person who has been determined to be medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person **shall be offered and** may choose to receive services in a less restrictive setting if such services are available and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II. Such choice shall be ~~[subject to limitations imposed by federal and state laws and regulations]~~ **offered in accordance with state laws and federal regulations. The department shall take into consideration the family and community supports available to the person, the family's desire and ability to care for the person, and shall ensure that all consideration and support is offered to the family to maintain the person in home and community-based care. Nothing in this section is intended to require the provision of financial assistance or supports by a family member.**

162 Eligibility for Assistance; Asset Transfers. Amend RSA 167:4, I(b) to read as follows:

(b) In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of ~~[property]~~ **assets to an individual** for less than fair market value within ~~[36]~~ **60** months or in the case of ~~[payments from]~~ **transfers of real estate, or transfers of assets to** a trust or portions of a trust that are treated as assets disposed of by the individual within 60 months immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations **and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.**

163 Eligibility for Assistance; Medicaid. Amend RSA 167:4, IV(c) to read as follows:

(c) **Notwithstanding any provision of law to the contrary, for purposes of medicaid eligibility, investment in life insurance policies with cash surrender value in excess of \$1,500 shall be limited to policies that ensure payment to the state of New Hampshire of all the proceeds of the policy in excess of amounts spent on burial up to the total of medicaid expenditures made on behalf of the individual.**

(d) **Contingent upon federal approval, the commissioner shall establish a program to eliminate the resource ceiling for applicants and recipients of medical assistance at the institutional level of care if the applicant or recipient benefits from or will benefit from a conforming long-term care insurance policy. The commissioner shall establish criteria for conforming long-term care insurance policies which, at a minimum, shall provide benefits for at least 36 months of nursing home payments at the average private pay rate for county nursing home facilities, an annual benefit inflation factor of at least 5 percent compounded annually, and coverage for home and community-based care equivalent to the benefit provided in a nursing facility. The estates of recipients of medical assistance for institutional level of care for whom the resource ceiling has been eliminated, shall be exempt from recoveries pursuant to RSA 167:13 and RSA 167:14.**

(e) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this paragraph.

164 Recovery for Assistance Furnished. Amend RSA 167:13, I to read as follows:

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No lien filed in accordance with RSA 167:14 shall be extended to enforce recovery nor shall any sale be forced against the real estate of a recipient of old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

165 Assistance; Claims and Liens. Amend RSA 167:14, I to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance, ***aid to the needy blind***, or aid to the permanently and totally disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property known to the department with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services. The register of deeds shall keep a suitable record of such notices of lien without charging any fee therefore and enter on the record an acknowledgment of satisfaction or release upon written request from the commissioner of the department of health and human services.

166 Recovery of Assistance. Amend RSA 167:14-a, I and II to read as follows:

I. Any person who is a recipient of financial assistance, medical assistance, old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled shall, by his acceptance of such assistance, be deemed to have assigned any claim or right of action against any person or party to the commissioner of health and human services, to the extent that such assistance is furnished.

II. Whenever a recipient of financial assistance, medical assistance, old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled shall have a legally cognizable claim against any person or party for expenses or support and the department of health and human services has already furnished assistance to such recipient, the amount of assistance furnished may be recovered in an action brought in the name of the state from such person or party against whom the recipient has a legally cognizable claim for expenses or support.

167 New Paragraph; Recovery of Assistance; Estates of Recipients. Amend RSA 167:14-a by inserting after paragraph V the following new paragraph:

VI. For purposes of recovering the costs of medical assistance, the estate of a recipient shall include all property, real or personal, which at the time of a recipient's death was held by the recipient in joint tenancy with rights of survivorship, tenancy in common, life estate, or living trust, without regard to the date that such title or interest was established. No sooner than 45 days from the death of the recipient, the department shall provide the other joint owner or owners notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the joint owner or owners shall acknowledge receipt of the department's claim and, provided that there shall not be undue hardship imposed upon the surviving joint

owner or owners, either tender an amount equal to the deceased recipient's interest in the identified property and/or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner or owners refuse to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children.

168 Prescription Drugs; Organization of Drugs. Amend RSA 318:42, XIII to read as follows:

XIII. A nurse licensed under RSA 326-B, who is an employee of a ~~[home health care or hospice agency]~~ **health facility** licensed pursuant to RSA 151:2 and is acting in the course of employment, from organizing the prescription and nonprescription drugs of clients into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession.

169 New Subparagraph; Confidentiality of Records; Disclosure to Department of Health and Human Services. Amend RSA 21-J:14, V(d) by inserting after subparagraph (7) the following new subparagraph:

(8) An officer or employee of the department of health and human services in the performance of duties under RSA 167:14-a, V, which disclosure shall be limited to the report of the trust and a copy of the trust document, including any list of beneficiaries, filed in accordance with RSA 87:20.

170 New Section; Medicaid Waivers. Amend RSA 126-A by inserting after section 4-a the following new section:

126-A:4-b Medicaid Waivers. The state shall enter into medicaid waivers from the federal Centers for Medicare and Medicaid Services, subject in each case to a review by the oversight committee on health and human services, established in RSA 126-A:13, which shall make a report to the legislative fiscal committee which shall have final approval authority. The waivers shall:

(a) Allow the state to begin the penalty period of ineligibility for medicaid services due to transfers of assets for less than fair market value as of the date of application for medical assistance or as of the date that the applicant, but for the transfer of assets for less than fair market value, meets all of the criteria for eligibility for medical assistance, whichever is later.

(b) Allow the state to eliminate the resource ceiling for applicants for medical assistance and to exempt them from actions for recovery against their estates for the cost of medical assistance they receive when they have a long-term care insurance policy that meets the standards established by the legislature and the state.

171 Long-Term Care; Cost Controls; Limitation on Waiver Slots. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for ~~[care]~~ **these** class lines or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county-state finance commission. ***The medicaid rates paid for nursing facility services, mid-level care services, and home and community-based care services shall not be reduced below those levels in effect on the last day of the previous biennium. No transfers may be made from the nursing facility medicaid quality incentive program and all funding derived from that program shall be paid to nursing facilities.***

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. ***No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or***

mid-level services without the prior approval of the commissioner of health and human services.

The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.

172 Applicability. Pending federal Centers for Medicare and Medicaid Services approval required under section 162 of this act and notwithstanding RSA 167:4, I(b) or any other provision of law to the contrary, any applicant for public assistance or medical assistance who has made an assignment or transfer of assets to an individual for less than fair market value or who has transferred real estate or transferred assets to a trust relying on the 3-year or 5-year look back provision under RSA 167:4 and which is in existence on March 14, 2005 shall be grandfathered.

173 Commission Established. There is hereby established a commission to develop a comprehensive state mental health plan as recommended by the President's New Freedom Commission on Mental Health. The purpose of the commission is to create a 5-year strategy to deliver mental health services that are founded on the principles of resiliency and recovery, evidence-based practice, effectiveness and efficiency. The plan shall also focus on the integration of the mental health system with other systems of care, including the developmental services system and the elder care system.

174 Membership and Compensation.**I. The members of the commission shall be as follows:**

(a) Three members of the house of representatives, 2 of whom shall be members of the house committee on health, human services and elderly affairs, appointed by the speaker of the house of representatives.

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

(c) Two members representing community mental health centers, one of whom shall be a board member, appointed by the Community Behavioral Health Association.

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

(e) The director of the division of community-based care services of the department of health and human services, or designee.

(f) The superintendent of New Hampshire hospital.

(g) The superintendent of the Glencliff home for the elderly.

(h) The chief of the bureau of behavioral health, department of health and human services.

(i) The director of the office of consumer affairs, department of health and human services.

(j) The executive director of the National Alliance for the Mentally Ill (NAMI).

(k) The executive director of the governor's commission on disability, or designee.

(l) Two members representing consumers utilizing mental health services, appointed by the governor.

(m) Two members representing families utilizing mental health services, appointed by the governor.

(n) The director, office of alcohol and drug policy, department of health and human services.

(o) A psychiatrist, appointed by the New Hampshire Psychiatric Society.

(p) The medical director, bureau of behavioral health, department of health and human services.

(q) Two members representing peer support agencies, one of whom shall be a board member, appointed by the Consumer Council.

(r) The commissioner of the department of corrections, or designee.

(s) The superintendent of a county house of corrections, appointed by the governor.

(t) A member of the West Institute, appointed by the Dartmouth Psychiatric Research Center.

(u) The dean of the university of New Hampshire, school of health sciences.

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

III. The commission may seek grant funding support to carry out its duties.

175 Duties. The commission shall review and study the mental health service delivery system and make recommendations regarding:

I. The role and mission of New Hampshire hospital and Glencliff home for the elderly.

II. The role and mission of community mental health centers as providers of comprehensive behavioral health services and supports, including a range of residential services.

III. The role and mission of peer support programs.

IV. The role and mission of family mutual support organizations.

V. The integration of services for persons who have both mental illness and problems with substance abuse.

VI. The implementation of evidence-based standards of care and treatment.

VII. The promotion of research to improve the treatment of mental illness.

VIII. The utilization of local community hospitals to provide short-term stabilization of mental health crises.

IX. The development of regional transitional housing.

X. The availability of mental health treatment in prisons and jails.

XI. The integration of mental and physical health care.

XII. Other matters related to the delivery of mental health services.

176 Chairperson; Quorum. 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. Twelve members of the commission shall constitute a quorum. The bureau of behavioral health shall provide administrative support to the commission.

177 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before December 1, 2005 and in a final report on or before December 1, 2006.

178 Oversight Committee on Health and Human Services; Duty Added. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. ***The committee shall monitor the on-going medicaid modernization plan.*** The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

179 New Paragraph; Eligibility for Nursing Services. Amend RSA 151-E:3 by inserting after paragraph II the following new paragraph:

III. The department shall not use a new assessment tool to determine clinical eligibility for nursing facility care until the tool has been reviewed by the county-state finance commission and has been approved by the oversight committee on health and human services established pursuant to RSA 126-A:13.

180 Eligibility for Nursing Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~[registered nurses employed by state or county government using an assessment tool]~~ ***the department.***

(1) Medical monitoring and nursing care [~~when the skills of a licensed medical professional are needed to provide safe and effective services~~];

(2) Restorative nursing or rehabilitative care [~~with patient-specific goals~~];

(3) Medication administration [~~by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention~~] **or instruction and supervision of self-medication for discharge purposes only**, or

(4) Assistance with 2 or more activities of daily living [~~involving eating, toileting, transferring, bathing, dressing, and continence~~]; and

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

I. The department of health and human services may establish one or more pilot programs for the provision of case management services through a program operated by or under contract with a county government to persons receiving services under the medicaid home and community-based care waiver program for the elderly and chronically ill. The cases to be served in the pilot program may be directly assigned to the county program or transferred from the independent case management agencies to which they have already been assigned.

II. The department shall make quarterly reports to the oversight committee on health and human services commencing January 1, 2006 on the operations and results of any pilot program established pursuant to this section, particularly with respect to any comparisons that may be made to the services of independent case management agencies.

182 Rulemaking. Any rules required to be adopted by the department of health and human services under sections 159-181 of this act pursuant to RSA 541-A, shall be produced by the department for review by the oversight committee on health and human services within 180 days after passage of the appropriate section of this act.

183 Plan to Reorganize the Department of Corrections. The general court hereby declares the need to reorganize the department of corrections. The commissioner of the department of corrections shall develop a plan to reorganize the department, which shall be filed with the speaker of the house of representatives and president of the senate no later than November 1, 2005. The reorganization plan shall include, but not necessarily be limited to, the following areas:

I. Classification system for inmates.

II. Inmate treatment, vocational training, and education programs.

III. Offender management systems and alternatives to incarceration.

IV. System accreditation.

V. Equipment and physical plant issues.

VI. Staffing analysis.

VII. Inmate medical protocols.

184 Commission to Study the Location of the Secure Psychiatric Unit Established. There is established a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

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

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

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

(c) The commissioner of the department of corrections, or designee.

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

II. The commission shall study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1. The commission shall also examine the issue of federal reimbursement for the secure psychiatric unit. The commission shall solicit information from any source the commission deems relevant.

III. 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.

IV. 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, 2006.

185 Department of Safety; Emergency Rulemaking Relative to OBD II. The commissioner of safety may adopt emergency rules under RSA 541-A relative to the assessment of costs on inspection stations submitting inspection data on a designated schedule and form pursuant to RSA 266:1, VII-a(a)(2). Any such assessment shall be commensurate with the cost to inspection stations submitting data electronically. Notwithstanding RSA 541-A:18, II, such emergency rules shall be effective for 180 days. After 180 days, the commissioner shall adopt rules pursuant to RSA 541-A.

186 Attorneys General; Witness Fees. Amend RSA 7:12 to read as follows:

7:12 Assistants.

I. With the approval of the joint legislative fiscal committee and the governor and council, the attorney general may employ counsel, attorneys, detectives, experts, accountants and other assistants in case of reasonable necessity, and may pay them reasonable compensation, on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

II. With the approval of the joint legislative fiscal committee and the governor and council, the attorney general may expend funds in excess of budgeted amounts to pay witness fees. Such fees may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

187 Allocation of Unrestricted Revenue From Highway Fund. For the biennium ending June 30, 2007, unrestricted revenue from the highway fund shall not be allocated in the operating budget pursuant to the distribution allocation established in RSA 9:9-b.

188 Information Technology Support Plan. The office of information technology shall develop a plan to begin a unified approach to provide information technology support to those agencies that did not have dedicated information technology staff prior to the creation of the office of information technology. Funds in PAU 01-03-06-01-90 shall be used to develop and implement this plan. No funds shall be encumbered or expended for this purpose without prior approval of the joint legislative information technology oversight committee established pursuant to RSA 4-D:7.

189 Legislative Oversight Committee on Medicaid Outpatient Payments.

I. There is hereby established a joint legislative oversight committee on Medicaid outpatient payments. The committee shall review the state payment system for outpatient hospital services, including reimbursement rates and procedures, and make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house of representatives, appointed by the speaker of the house and 3 senators, appointed by the president of the senate.

II. The committee shall submit an annual report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house commerce committee and senate banks and insurance committee on November 1, 2005 and November 1, 2006, and a final report on or before June 30, 2007.

190 Effective Date.

I. Paragraph II of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 6, 53, and 111 of this act shall take effect June 30, 2005.

III. Sections 71, 74, 77, 80, 83, 86, 89, 90, 143, 146, and 149 of this act shall take effect July 8, 2005.

IV. Sections 66, 72, 75, 78, 81, 84, 87, 144, and 147 of this act shall take effect January 6, 2006.

V. Sections 67, 73, 76, 79, 82, 85, 88, 145, and 148 of this act shall take effect July 7, 2006.

VI. Section 160 of this act shall take effect January 1, 2006.

VII. Section 180 of this act shall take effect July 1, 2007.

VIII. The remainder of this act shall take effect July 1, 2005.

The signatures below attest to the authenticity of this Report on HB 2-FN-A, an act relative to state fees, funds, revenue, and expenditure.

Conferees on the Part of the Senate

Sen. Morse, Dist. 22
Sen. Boyce, Dist. 4
Sen. Eaton, Dist. 10
Sen. Clegg, Dist. 14
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. King, Coos 1
Rep. Hager, Merr. 12
Rep. W. Douglas Scamman, Rock. 13
Rep. Wendelboe, Belk. 1
Rep. Dodge, Rock. 9
~~[Rep. Foster, Hills. 4]~~

2005-2106-CofC

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

V. Provides that, for the biennium ending June 30, 2007, 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.

VI. 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.

VII. Provides that, for the biennium ending June 30, 2007, revenue generated by the liquor commission shall be deposited in the general fund.

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

IX. 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.

X. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

XIV. Appropriates federal emergency assistance funds to the department of transportation.

XV. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVI. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XVII. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XVIII. Increases motor vehicle fines.

XIX. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system by September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

XXIV. Provides for the rehiring of laid off state employees for available state positions.

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director and grant program coordinator for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Establishes salaries for law enforcement employees.

XXXI. Establishes salaries for councilors and commissioners, judges, classified and unclassified employees, and judicial and legislative employees.

XXXII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIII. Increases judicial salaries.

XXXIV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXV. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVI. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXVIII. Extends a prior appropriation to the department of health and human services for a local access program.

XXXIX. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XL. Requires the department of health and human services and the vaccine association to prepare a cost benefit analysis of the vaccine program.

XLI. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLII. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLIII. Requires the commissioner of the department of health and human services to set rates paid to providers consistent with operating budget appropriations.

XLIV. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLV. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVI. Changes the membership and the duties of the joint legislative oversight committee on small group health insurance reform.

XLVII. Establishes a joint legislative oversight committee on healthy kids corporation reform.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the departments of health and human services and revenue administration to enter into a memorandum of understanding relative to financial information exchanged between the 2 agencies for purposes of reviewing eligibility for medical assistance under Social Security and Temporary Assistance of Needy Families.

LI. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LII. Makes various changes to the regulation by the pharmacy board of pharmacists, pharmacy technicians, and the issuing of prescriptions.

LIII. Authorizes the commissioner of revenue administration to disallow sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LIV. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LV. Allows any nursing home to surrender its license for any nursing home beds and redesignate those beds as mid-level care beds without meeting certificate of need requirements.

LVI. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LVII. Establishes the state house visitor's center revolving loan fund.

LVIII. Appropriates funds, for the biennium ending June 30, 2007, to the department of education for the support of kindergarten programs in certain towns.

LIX. Establishes a civil legal services fund for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.

LX. Requires the department of health and human services to conduct a study of the current reporting and paperwork required from medicaid providers.

LXI. Revises the medicaid program, in part, by: clarifying the law regarding eligibility for nursing facility services; clarifying entitlement to nursing facility care; revising the law regarding asset transfers preceding application for public assistance; adding the category of aid to the needy blind for purposes of recovery of assistance; requiring the department of health and human services to seek certain medicaid waivers; and establishing a commission to develop a comprehensive state mental health plan.

LXII. Requires the commissioner of the department of corrections to develop a reorganization plan and establishes a committee to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

LXIII. Authorizes the department of safety to adopt emergency rules relative to the assessment of costs on inspection stations submitting data relative to OBD II inspections.

LXIV. Addresses the authority of the department of justice to pay witness fees.

LXV. Suspends the allocation of unrestricted highway fund revenue under RSA 9:9-b for the biennium ending June 30, 2007.

LXVI. Requires the office of information technology to develop a plan to begin a unified approach to provide information technology support to those agencies who did not have dedicated information technology staff prior to the creation of the office of information technology.

LXVII. Establishes a legislative oversight committee on medicaid outpatient payments.

The question is on the adoption of the Committee of Conference Report on HB 2.

A roll call was requested by Senator Green.

Seconded by Senator Burling.

The following Senators voted Yes: Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Martel, Letourneau, D'Allesandro, Morse, Hassan.

The following Senators voted No: Gallus, Burling, Barnes, Estabrook, Fuller Clark.

Yeas: 19 - Nays: 5

Adopted.

June 23, 2005

2005-2113-CofC

10/09

Committee of Conference Report on HB 25-FN-A, an act making appropriations for capital improvements.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. Armory Renovations	\$1,500,000
B. Armory Kitchen Expansion	2,300,000
Less Federal	-1,725,000
Net state appropriation subparagraph B	575,000
C. Re-Roofing Building F & L	305,000
Less Federal	-40,000
Net state appropriation subparagraph C	265,000
Total state appropriation paragraph I	\$2,340,000

II. Department of Administrative Services.

A. Bureau of Court Facilities.	
1. Laconia District Court Renovation	\$4,116,000
2. Cheshire County Courthouse Design *	250,000

* The appropriation for the design of the Cheshire County courthouse shall not be expended until input is received from the Cheshire County commissioners.

3. Manchester District Court Roof Replacement	97,000
4. Hillsborough County Superior Court-North Roof Replacement	370,000
Total state appropriation subparagraph A	\$4,833,000
B. Bureau of General Services.	
1. State House - Rehab Representatives Hall	\$388,000
2. State Library - Install Fire Suppression System	231,000
3. Londergan Hall - Replace Defective Windows	440,000
4. All State Owned Facilities - Emergency Repairs*	100,000
*Notwithstanding the provisions of RSA 228, any sums expended for emergency repairs under subparagraph 4 shall not require approval by governor and council.	
5. 5 State Owned Buildings - Upgrade Energy Mgmt System	271,000
6. Monadnock Mill - Report Defective Masonry	119,500
7. NH Hospital Campus - Steam Plant Plan	75,000
8. Supreme Court Building - HVAC	230,000
9. Data Center - Replace Computer Room Cooling Units	444,000
10. Legislative Office Building - Replace Chiller	276,000
11. Office Park South, Roadway Design	250,000
12. M.S. Building, Renovation	9,300,000
Total state appropriation subparagraph B	\$12,124,500
Total state appropriation paragraph II	\$16,957,500
III. Community-Technical College System.	
A. Critical Maintenance NH Technical Institute	\$965,000
B. Critical Maintenance Berlin/Laconia	1,500,000
C. Critical Maintenance Nashua/Claremont	1,200,000
D. Critical Maintenance Manchester/Stratham	900,000
E. Nursing Education Center - Design	250,000
F. Library Learning Resource Center- Claremont	1,800,000
G. Health Education and Tech. Center-Manchester	9,100,000
H. Pease Building Renovations	2,835,000
I. Planetarium - Projector	564,000
Total state appropriation paragraph III	\$19,114,000
IV. Department of Corrections.	
A. Electronic Security Upgrades - Men's Prison	\$775,000
B. Roof Repairs - Men's Prison	2,434,000
C. Fire Alarm and Sprinkler System Upgrades - Men's Prison	589,000
D. Upgrade Boiler Rm EPA Control and Replace 3 Smoke Stacks	119,000
Total state appropriation paragraph IV	\$3,917,000
V. Department of Education.	
A. Renovation Regional Career and Tech Ed Center, Concord - State Share	\$4,658,703
B. Renovation Regional Career and Tech Ed Center, Conway - State Share	5,951,550
C. Pre-Engineering Technology	200,000
Total state appropriation paragraph V	\$10,810,253
VI. Department of Environmental Services.	
A. Dam Repairs, Removal and Reconstruction	\$1,270,000
B. Drinking Water SRF Matching Funds	3,150,000
C. Wastewater SRF Matching Funds	3,450,000
D. Bedrock Aquifer Monitoring	103,420
E. Technical Services Bureau - Air Monitoring Program	103,000
F. North Country Gorham Office	175,000
G. Laboratory Clean Room	497,110
Total state appropriation paragraph VI	\$8,748,530
VII. Department of Health And Human Services.	
A. Dolloff Building Electrical/Fire Alarm System Replacement	\$328,000
B. Main Building Fire Sprinkler Replacement	970,000
C. State Office Park South - Electrical System Upgrade	815,000
D. Water Damage Repair of Buildings - Glencliff	600,000
E. Renovation/Moving of Dietary Area - Glencliff	581,000
Total state appropriation paragraph VII	\$3,294,000

VIII. Liquor Commission.

A. Construct Public Restrooms - Store #38 Portsmouth	\$568,000
B. Construct Public Restrooms - Store #34 Salem	229,000
C. HVAC - Store #38 Portsmouth	<u>62,000</u>
Total state appropriation paragraph VIII	\$859,000

IX. Department of Resources and Economic Development.

A. Statewide Radio System	\$400,000
B. Hampton Beach Seawall Repairs	2,000,000
Less Other*	<u>-2,000,000</u>
Net state appropriation subparagraph B	0

* To provide funds for the appropriation in subparagraph B for Hampton Beach seawall repairs, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Notwithstanding the use of funds under RSA 216:3, IV, payments of principal and interest on the bonds and notes shall be made from the Hampton Beach capital improvement fund established in RSA 216:3, IV.

C. Roof Repair and Replacement Statewide	150,000
D. Interior and Exterior Building Repair Statewide	150,000
E. Mount Washington Electrification	540,000
Less Mount Washington Fund*	<u>-300,000</u>
Net state appropriation subparagraph E	240,000

* To provide funds for the appropriation of Mount Washington Funds made in subparagraph E, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$300,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Mount Washington fund established in RSA 227-B:9.

Total state appropriation paragraph IX	\$940,000
X. Office of Information Technology.	
A. Administrative Services, Enterprise Resource Planning	\$200,000
B. Department of Health and Human Services	
MMIS Reprocurement	\$25,000,000
Less Federal	<u>-20,000,000</u>
Net state appropriation subparagraph B	5,000,000
C. Community-Technical College System.	
1. Information Technology - VMS Upgrade to Unix	\$800,000
2. Information Technology - Single Banner Database	581,600
3. Information Technology - Classroom Networks	466,640
4. Information Technology - Data Center Servers	269,280
5. Information Technology - Campus Administrative Servers	<u>147,500</u>
Total state appropriation subparagraph C	\$2,265,020
Total state appropriation paragraph X	\$7,465,020
XI. Secretary of State.	
A. Renovations to Archives Building	<u>\$1,150,000</u>
Total state appropriation paragraph XI	\$1,150,000
XII. Veterans' Home.	
A. HVAC, Tarr Unit Roof, Life Safety Updates	\$2,944,000
Less Federal	<u>-1,913,600</u>
Net state appropriation subparagraph A	<u>\$1,030,400</u>
Total state appropriation paragraph XII	\$1,030,400
XIII. Department Of Transportation	
A. 2 1/2-5 Percent Match for FAA Projects	\$50,835,614
Less Federal	-42,273,824
Less Other	<u>-6,273,286</u>
Net state appropriation subparagraph A	2,288,504

B. Public Transit Bus Replacement	440,000
C. Public Transit Bus Facility Improvements	410,000
D. Supreme Court Road/Security	120,000
E. Railroad Bridge Repairs	800,000
F. Railroad Acquisition, Right of First Refusal	500,000
Total state appropriation paragraph XIII	<u>\$ 4,558,504</u>
Total state appropriation section 1	\$81,184,207

2 Appropriation; University System of New Hampshire.

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering and technology facilities. The sum of \$109,500,000 is hereby committed and appropriated to the university system of New Hampshire (USNH) for the KEEP NH plan, effective July 1, 2005 but limited to the drawdown of funds as stated in this section. The appropriation is for the following capital projects:

- A. DeMeritt Hall renovation and expansion (UNH);
- B. James Hall renovation and expansion (UNH);
- C. Parsons Hall renovation (UNH);
- D. Planning for renovation of Nesmith Hall (UNH), renovation and expansion of Physical Education Center (PSU), and conversion of former Zorn dining commons to academic building (KSC);
- E. Infrastructure work on the Keene State College and Plymouth University campuses;
- F. NHPTV equipment (UNH); and
- G. University Centers that would co-locate USNH and Community-Technical College System programs.

II. The university system board of trustees will determine the timing of the projects and the specific dollar allocation to each from the above sum available, while ensuring the respective campus priorities are addressed. The board of trustees shall report on the progress of the projects in paragraph I to the capital budget overview committee on a quarterly basis. The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

- A. \$4,500,000 through the biennium ending June 30, 2007.
- B. \$39,500,000 through the biennium ending June 30, 2009 (\$35,000,000 in new authorization for the biennium).
- C. \$74,500,000 through the biennium ending June 30, 2011 (\$35,000,000 in new authorization for the biennium).
- D. \$109,500,000 through the biennium ending June 30, 2013 (\$35,000,000 in new authorization for the biennium).

III. In addition to sums appropriated to the university system of New Hampshire in paragraphs I and II, the sum of \$3,000,000 is appropriated beginning July 1, 2007 for the capital project on the UNH campus for the renovation of the stadium and the athletic complex; provided, however, that the \$3,000,000 state appropriation shall not be expended or encumbered until the board of trustees certifies to the capital budget overview committee that by June 30, 2007 the sum of \$30,000,000 in private capital has been raised and committed to the stadium and athletic complex renovation project. The appropriation in this paragraph shall not lapse until July 1, 2009. The board of trustees shall include in the quarterly reports to the capital budget overview committee required under paragraph II a summary of the commitments of private capital for the stadium and athletic complex renovation project.

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are appropriated for the projects specified:

I. Headquarters Roof Replacement	\$185,000
II. Hatchery System Modernization	1,500,000
III. Dam Reconstruction	<u>500,000</u>
Total state appropriation section 3	\$2,185,000

4 Appropriation. Department of Safety and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety.

A. Enhanced Road Toll System	\$1,500,000
B. DMV Storage Building (23 Hazen Drive)	264,000
C. DMV Offices Add Fire and Intrusion Alarms	172,000
D. Milford DMV Office Addition	462,000
E. 33 Hazen Drive Renovations	575,000
F. Radio Maintenance Expansion	500,000
Less Turnpike Fund	<u>-95,000</u>
Net state appropriation subparagraph F	<u>405,000</u>
Total state appropriation paragraph I	<u>\$3,378,000</u>

II. Department of Transportation.

A. Renovation and Addition District 4 Office - Swanzey	\$840,000
B. Renovate Patrol Shed - Franconia	525,000
C. New Patrol Shed - Conway	3,020,000
D. District 5 Office - Hooksett	1,780,000
E. Salt Storage Sheds - Statewide	1,390,000
F. Supreme Court Road/Security	240,000
G. Design Welcome Center - Shelburne and Lebanon	200,000
H. Energy/Environmental Renovations - Statewide	310,000
I. Chesterfield Welcome Center and Antrim Rest Area	<u>700,000</u>
Total state appropriation paragraph II	<u>\$ 9,005,000</u>
Total state appropriation section 4	<u>\$12,383,000</u>

5 Expenditures; General. The appropriation made for the purpose mentioned in section 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 of this act and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 of this act are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered must be advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2 of this act for all or any of the projects listed in section 2, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3 and 4 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the department of environmental services, shall be purchased by the commissioner of department of transportation with the approval of governor and council.

8 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$95,752,207 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the appropriation made in section 2, paragraphs I and II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$109,500,000 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

- (1) \$4,500,000 through the biennium ending June 30, 2007.
- (2) \$39,500,000 through the biennium ending June 30, 2009.
- (3) \$74,500,000 through the biennium ending June 30, 2011.
- (4) \$109,500,000 through the biennium ending June 30, 2013.

III. To provide funds for the appropriation of state funds made in section 2, paragraph III, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,000,000 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

- (a) Section 3 shall be made from the fish and game fund.
- (b) Section 4 shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval or the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall

be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Department of Safety; Capital Appropriation; Boat Facility in Belmont; Bonds Authorized.

I. There is hereby appropriated to the department of safety a sum not to exceed \$870,000 for the purchase of land and buildings at 3 Higgins Drive in the town of Belmont, identified as tax map 126, lot 11, for use as a boat storage, maintenance, and repair facility and office space.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$870,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the navigation safety fund established in RSA 270-E:6-a. The bonds shall be 20-year bonds.

14 Adjutant General; Project Amount Increased; Federal Funds. Amend 2003, 240:1, I, B to read as follows:

B. STARC Armory - Concord	[-9,033,100] 14,570,895
Less Federal	[-6,774,825] 12,312,620
Net state appropriation subparagraph B	2,258,275

15 Appropriation; Community Technical College System; Bonds Authorized.

I. The department of regional community technical colleges is hereby appropriated the following sums for the following capital projects:

(a) Renovation of cafeteria - Nashua	\$297,000
(b) Student wellness center - Nashua	\$6,531,000
(c) Sweeney hall snack bar, patio and auditorium renovations-Concord	\$1,007,000
(d) Residence hall suites - NHTI Concord	\$7,259,000
(e) Little hall dining services renovation - NHTI Concord	\$1,928,000

II. To provide funds for the appropriations made in section I of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,022,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

16 Enterprise Resource Planning; Progress and Implementation.

I. The speaker of the house of representatives shall appoint a house member and the president of the senate shall appoint a senate member for the purpose of monitoring the progress and implementation of the capital appropriation for enterprise resource planning made to the department of administrative services in 2003, 240:1, C, 2 and 240:3, III, A, and as extended by section 25 of this act.

II. The department of administrative services shall report at least every 60 days to the fiscal committee of the general court on the progress and implementation of the capital appropriation for enterprise resource planning.

III. No funds from the capital appropriation for enterprise resource planning made to the department of administrative services in 2003, 240:1, C, 2 and 240:3, III, A, and as extended by this act may be encumbered or expended without the prior approval of the capital budget overview committee. The capital budget overview committee shall report its actions under this paragraph to the fiscal committee of the general court.

17 Capital Appropriation; Department of Health and Human Services; YDC Master Plan; Bonds Authorized. The sum of \$100,000 is hereby appropriated to the department of health and human services for the YDC campus master plan. To provide funds for the appropriation made in this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$100,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the funds received pursuant to RSA 186-C:20.

18 Capital Appropriation; Department of Safety; Fire Marshal Addition; Bonds Authorized. The sum of \$750,000 is hereby appropriated to the department of safety for the construction of the EOC building, fire

marshal addition. To provide funds for the appropriation made in this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$750,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund in RSA 21-P:12-d.

19 Appropriation; Department of Safety. The sum of \$648,000 is hereby appropriated from the fire standards and training and emergency medical services fund in RSA 21-P:12-d to the department of safety for use in the construction of the fire station addition for equipment and vehicle storage.

20 Capital Appropriation; Department of Transportation; Underground Fuel Tank Storage; Bonds Authorized. The sum of \$1,800,000 is hereby appropriated to the department of transportation for underground fuel tank storage/replacement. To provide funds for the appropriation made in this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,800,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the oil discharge and disposal cleanup fund established in RSA 146-D:3.

21 Study Committee Established; SRF Funds.

I. There is established a committee to study the funding of matching funds for the department of environmental services drinking water and wastewater state revolving funds.

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

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

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

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

IV. The committee shall study the funding of matching funds for the department of environmental services drinking water and wastewater state revolving fund as provided in the biennial capital budget.

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

VI. The committee 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, 2006.

22 Study Committee Established; Strengthening Rural Transit Routes.

I. There is established a committee to study the strengthening of state rural transit routes.

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

(a) Two members of the house of representatives, who shall be from the public works and highways committee, appointed by the speaker of the house of representatives.

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

(c) The committee shall have as nonvoting members the commissioner of the department of transportation or designee and the commissioner of health and human services or designee.

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

IV. The committee shall study the strengthening of state rural transit routes.

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

VI. The committee 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, 2006.

23 Community-Technical College System; Oversight and Reporting Required. The community-technical college system shall provide a report every 180 days to the governor and legislative capital budget overview committee on the progress of each of the capital projects funded from the sums appropriated and authorized in paragraphs III and X, C of section 1 of this act, and section 15 of this act, beginning September 30 2005 until the funds appropriated are fully expended. Said reports shall include the method of selecting contractors, the current total project cost, funds encumbered, actual expenditures, and estimated completion date for each project.

24 Bureau of Public Works; Construction Inspection Services. The appropriations for those projects which are managed by the bureau of public works, department of transportation, may be expended to fund temporary personnel for the purpose of providing construction inspection services for those projects included in sections 1, 3, and 4 of this act.

25 Lapse Dates Extended to June 30, 2007. The following appropriations are hereby extended to June 30, 2007.

I. The appropriation made to the adjutant general in 2001, 202:1, I, C, as extended by 2003, 240:34, IV, for army aviation support facility construction – Concord.

II. The appropriation made to the adjutant general in 2003, 240:1, I, A, for armory renovations.

III. The appropriation made to the adjutant general in 2003, 240:1, I, B, for STARC armory - Concord.

IV. The appropriation made to the adjutant general in 2003, 240:1, I, C, for armory kitchen expansions.

V. The appropriation made to the adjutant general in 2003, 240:1, I, D, for joint service training facility design.

VI. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, and 2003, 240:34, XX, for executive/legislative budget system.

VII. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:1, II, A, 1, for architectural and engineering - Hampton district court.

VIII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 1, for 4 and 6 Hazen drive - upgrade security.

IX. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 5, for Londergan hall - replace elevator.

X. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 6, for Londergan hall - replace defective flooring.

XI. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 7, for state house annex - replace defective flooring.

XII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 8, for state house and state house annex - install emergency generator.

XIII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 11, for Monadnock Mill - repair building foundation.

XIV. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 12, for site and design parking garage - executive/legislative.

XV. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 1, for campus wiring.

XVI. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, for enterprise resource planning.

XVII. The appropriation made to the community-technical college system in 2003, 240:1, III, H, for Christa McAuliffe planetarium - Alan B. Shepard memorial wing.

XVIII. The appropriation made to the community-technical college system in 2003, 240:1, III, D, for student residence hall rehabilitation - NHTI.

XIX. The appropriation made to the community-technical college system in 2003, 240:1, III, E, for new academic building - Laconia.

XX. The appropriation made to the community-technical college system in 2003, 240:1, III, G, for critical repairs.

XXI. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, for information technology projects.

XXII. The appropriation made to the department of education in 2003, 240:1, IV, A, for regional career and technical education center match - Portsmouth.

XXIII. The appropriation made to the department of education in 2003, 240:1, IV, B, for regional career and technical education center match - Berlin.

XXIV. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, as extended by 2001, 202:28, LVII, and 2003, 240:34, XXXVI, for the drinking water state revolving match.

XXV. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, as extended by 2001, 202:28, L, and 2003, 240:34, XXXIX, for storage building for emergency response equipment.

XXVI. The appropriation made to the department of environmental services in 2001, 202:1, VIII, A, as extended by 2003, 240:34, XL, for drinking water state revolving fund matching funds.

XXVII. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, as extended by 2003, 240:34, XLI, for wastewater state revolving fund matching funds.

XXVIII. The appropriation made to the department of environmental services in 2003, 240:1, V, A, for hazardous waste superfund match.

XXIX. The appropriation made to the department of environmental services in 2003, 240:1, V, B, for drinking water state revolving fund matching funds.

XXX. The appropriation made to the department of environmental services in 2003, 240:1, V, C, for wastewater state revolving fund matching funds.

XXXI. The appropriation made to the fish and game department in 2003, 240:2, A, for hatchery system modernization.

XXXII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, and 2003, 240:34, LII, for information technology.

XXXIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, as extended by 2003, 240:34, LIV, for asbestos abatement - state office park south.

XXXIV. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, as extended by 2003, 240:34, LVIII, for bridges enhancement.

XXXV. The appropriation made to the liquor commission in 2003, 240:1, VII, B, for design/build new store - Keene.

XXXVI. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, B, replace bath house and septic pump -Pawtuckaway.

XXXVII. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, C, for replace toilet/shower building - Bear Brook.

XXXVIII. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, for Mount Washington electrification.

XXXIX. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, E, for Monadnock campground renovation.

XL. The appropriation made to the department of safety in 2003, 240:3, I, A, finish second floor of DMV building - Hazen Drive.

XLI. The appropriation made to the department of safety in 2003, 240:3, I, D, finish Troop D first floor.

XLII. The appropriation made to the department of safety in 2003, 240:3, I, E, as amended by 2004, 217:1, for emergency operations center/transportation management center.

XLIII. The appropriation made to the department of state in 2003, 240:1, X, A, for archives addition - design and build.

XLIV. The appropriation made to the department of transportation in 1999, 226:4, I, F, as extended by 2001, 202:28, XXXVI, and 2003, 240:34, LXXVII, and amended by 2003, 240:29 for Conway rest area.

XLV. The appropriation made to the department of transportation in 2001, 202:1, XIII, D, as extended by 2003, 240:34, LXXX, for public transit bus replacement.

XLVI. The appropriation made to the department of transportation in 2001, 202:4, II, D, as extended by 2003, 240:34, LXXXII, and as amended by 2002, 106:1, for new garage and testing lab facility.

XLVII. The appropriation made to the department of transportation in 2003, 240:1, XI, A, for 5 - 10 percent match for FAA projects.

XLVIII. The appropriation made to the department of transportation in 2003, 240:1, XI, B, for public transit bus replacement match.

XLIX. The appropriation made to the department of transportation in 2003, 240:3, II, A, for patrol and salt sheds - statewide.

L. The appropriation made to the department of transportation in 2003, 240:3, II, B, for garage and material lab equipment.

LI. The appropriation made to the department of transportation in 2003, 240:3, II, C, for Antrim rest area replacement - design and right-of-way.

LII. The appropriation made to the department of transportation in 2003, 240:3, II, D, for Chesterfield rest area replacement - design and right-of-way.

LIII. The appropriation made to the New Hampshire veterans' home in 2003, 240:1, XII, A, for upgrade fire safety and renovation project.

LIV. The appropriation made to the department of administrative services - financial data management in 2003, 240:3, III, A, for enterprise resource planning.

LV. The appropriation made to the community-technical college system in 2003, 240:1, III, C for ventilation -Berlin.

LVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28 XXXIII, and 2003, 240:34, LXXVI, for acquisition for railroad and airport properties.

26 Effective Date.

I. Section 25 of this act shall take effect June 30, 2005.

II. The remainder of this act shall take effect July 1, 2005

2005-2113-CofC

The signatures below attest to the authenticity of this Report on HB 25-FN-A, an act making appropriations for capital improvements.

Conferees on the Part of the Senate

Sen. Eaton, Dist. 10

Sen. D'Allesandro, Dist. 20

~~[Sen. Clegg, Dist. 14]~~

~~[Sen. Morse, Dist. 22]~~

Conferees on the Part of the House

Rep. Chandler, Carr. 1

Rep. Rausch, Rock. 5

Rep. Graham, Hills. 18

Rep. E. Anderson, Merr. 13

Rep. Cloutier, Sull. 4

The question is on the adoption of the Committee of Conference Report on HB 25.

A roll call was requested by Senator Burling.

Seconded by Senator Larsen.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: Burling.

Yeas: 23 - Nays: 1

Adopted.

June 15, 2005**2005-1928-CofC****05/10**

Committee of Conference Report on HB 83, an act repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 83, an act repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9

Sen. Barnes, Dist. 17

Sen. Burling, Dist. 5

Conferees on the Part of the House

Rep. Stohl, Coos 1

Rep. Dowd, Rock. 5

Rep. Brundige, Hills. 19

Rep. N. Johnson, Straf. 3

Adopted.

June 22, 2005**2055-2099-CofC****08/10**

Committee of Conference Report on HB 168, an act relative to the licensure of electrologists and establishing an electrology advisory committee.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 313-A:1, XI-a as inserted by section 6 of the bill by replacing it with the following:

XI-a. "Operator" means a person age 18 or older who has received training through a program approved by the board in the safe operation of tanning devices, operates the tanning device, controls the length of the exposure to UV light, and instructs the consumer in the proper use of the device. ***A person age 16 or older who, prior to January 1, 2005, has been certified by a program that was subsequently approved by the board shall be an operator under this paragraph.***

The signatures below attest to the authenticity of this Report on HB 168, an act relative to the licensure of electrologists and establishing an electrology advisory committee.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9

Sen. Morse, Dist. 22

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Dalrymple, Rock. 4

Rep. Dexter, Ches. 6

Rep. F. Sullivan, Hills. 12

Rep. Bergin, Hills. 6

[Rep. Pilotte, Hills. 16]

Adopted.

June 21, 2005**2005-2060-CofC****09/01**

Committee of Conference Report on HB 194, an act establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 4 of the bill by inserting after paragraph IV the following:

V. Whether a small incumbent local exchange carrier's alternative regulation plan should include a reasonable and timely transition of the small incumbent local exchange carrier's intrastate access rates to the interstate level.

VI. Whether a small incumbent local exchange carrier should be required to agree to relinquish its rural exemption under the federal Telecommunications Act immediately upon approval of an alternative regulation plan.

VII. Whether an alternative regulation plan should include a proposed wholesale tariff setting forth the rates, terms, and conditions of service available to competitive carriers offering service in the small incumbent local exchange carriers' service territory; including whether the tariff should be approved by the commission and made available on a nondiscriminatory basis to competitive carriers.

VIII. Whether RSA 374:22-f should apply to a small incumbent local exchange carrier with an approved alternative regulation plan.

Amend RSA 374:3-b, III(b) as inserted by section 7 of the bill by replacing it with the following:

(b) The plan provides for maximum basis local service rates at levels prevailing throughout the state as of the effective date of this section plus allowances for inflation and adjustments to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes; provided, that no small incumbent local exchange carrier may increase basic local service rates by more than 10 percent per year in each of the 4 years after a plan is approved;

The signatures below attest to the authenticity of this Report on HB 194, an act establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

Conferees on the Part of the Senate

Sen. Odell, Dist. 8

Sen. Bragdon, Dist. 11

Sen. Burling, Dist. 5

Conferees on the Part of the House

Rep. Maxfield, Merr. 6

Rep. J. Garrity, Rock. 6

Rep. Cali-Pitts, Rock. 16

Rep. Ryan, Merr. 2

Adopted.**Senator Green is in opposition to the Committee of Conference Report on HB 194.**

June 21, 2005

2005-2059-CofC

04/10

Committee of Conference Report on HB 204-FN, an act relative to unauthorized video surveillance.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Breaches of Peace; Violation of Privacy. Amend RSA 644:9 to read as follows:

644:9 Violation of Privacy.

I. A person is guilty of a class A misdemeanor if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses:

(a) Any device for the purpose of observing, photographing, recording, amplifying, broadcasting, or in any way transmitting images or sounds of the private body parts of a person including the genitalia, buttocks, or female breasts, or a person's body underneath that person's clothing; or

(b) In any private place, any device for the purpose of observing, photographing, recording, amplifying or broadcasting, or in any way transmitting images or sounds in such place; or

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, or in any way transmitting images or sounds originating in such place which would not ordinarily be audible or comprehensible outside such place.

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance including public restrooms, locker rooms, *the interior of one's dwelling place*, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.

III. A person is guilty of a class A misdemeanor if that person knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person without the express consent of the other person or persons who appear in the photograph or videotape. In this paragraph, "disseminate" and "sexual activity" shall have the same meaning as in RSA 649-A:2.

IV. A person is guilty of a misdemeanor if such person knowingly enters any residential curtilage, as defined in RSA 627:9, I, or any other private place as defined in paragraph II of this section, without lawful authority and looks into the residential structure thereon or other private place with no legitimate purpose.

[IV] V. Paragraphs I and II shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, nor are paragraphs I and II intended to limit employees of governmental agencies or other entities, public or private, who, in the course and scope of their employment and supported by articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.

2 Effective Date. This act shall take effect January 1, 2006.

The signatures below attest to the authenticity of this Report on HB 204-FN, an act relative to unauthorized video surveillance.

Conferees on the Part of the Senate
Sen. Johnson, Dist. 2
Sen. Gottesman, Dist. 12
Sen. Estabrook, Dist. 21

Conferees on the Part of the House
Rep. Tholl, Coos 2
Rep. Stevens, Carr. 4
Rep. Charron, Rock. 7
Rep. Knowles, Straf. 6

2005-2059-CofC

AMENDED ANALYSIS

This bill amends the definition of private place and establishes a new criminal offense for looking into the residential structure or private place of another with no legitimate purpose.

Adopted.

June 16, 2005

2005-1948-CofC

08/04

Committee of Conference Report on HB 293, an act establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph I as inserted by section 2 of the bill by inserting after subparagraph (e) the following new subparagraphs:

(f) The commissioner of the department of environmental services, or designee.

(g) A member of the Northeast Resource Recovery Association, appointed by such association.

Amend the bill by replacing section 6 with the following:

6 Leaf and Yard Waste; Exemption. RSA 149-M:27, III is repealed and reenacted to read as follows:

III.(a) No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste-to-energy facility. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:15 and 16.

(b) Subparagraph (a) shall not apply to municipalities organized under RSA 53-A or RSA 53-B, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993.

(c) Subparagraph (a) shall not apply to municipalities organized under 1986, 139, or entities with which such municipalities contract until June 30, 2009.

(d) Solid waste landfills and incinerators shall not be in violation of subparagraph (a) if, at a minimum, the facility has implemented any of the following:

(1) Posting signs at the facility providing notice of the prohibition against disposing leaf and yard waste.

(2) Written notification to, or agreements with, the facility's customers providing notice of the prohibition against disposing leaf and yard waste.

(3) Implementation of a procedure for periodically monitoring incoming wastes to detect leaf and yard waste at the facility and a process to notify customers that they have delivered such waste in violation of subparagraph (a).

The signatures below attest to the authenticity of this Report on HB 293, an act establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

Conferees on the Part of the Senate
Sen. Flanders, Dist. 7
Sen. Odell, Dist. 8
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. B. Williams, Graf. 8
Rep. Phinizy, Sull. 5
Rep. O'Connell, Hills. 6
Rep. Babson, Carr. 3

2005-1948-CofC

AMENDED ANALYSIS

This bill establishes a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

This bill also continues an exemption to the ban on the incineration of leaf and yard waste by certain municipalities until July 1, 2009 and provides an exemption for liability to entities with which the municipality may contract.

Adopted.

June 21, 2005

2005-2049-CofC

03/01

Committee of Conference Report on HB 326, an act relative to motorcycle noise levels and mufflers.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 30 days after its passage.

The signatures below attest to the authenticity of this Report on HB 326, an act relative to motorcycle noise levels and mufflers.

Conferees on the Part of the Senate
Sen. Letourneau, Dist. 19
Sen. Flanders, Dist. 7
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. Packard, Rock. 3
Rep. Nedeau, Belk. 3
Rep. Ferland, Sull. 5
Rep. J. Flanders, Rock. 8

Adopted.

June 16, 2005

2005-1940-CofC

03//04

Committee of Conference Report on HB 357, an act relative to negligent driving.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Vehicle Inspection Expiration; Transfer to Dealer. Amend RSA 266:1, II to read as follows:

II. Any vehicle registered under this title, except an OHRV, snow traveling vehicle, moped, or other exempt vehicle, shall be inspected once a year, during the month in which the birth date of the owner is observed, if the owner is a natural person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application. Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates. ***An inspection sticker shall not expire when a vehicle is transferred to a licensed dealer.***

5 Vehicle Inspection; Newly Registered and Transferred Vehicles. RSA 266:1, IV is repealed and reenacted to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snow traveling vehicles, and mopeds, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snow traveling vehicles, and mopeds, the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 30 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate. All other expired motor vehicle inspections shall be subject to the 10-day grace period in RSA 266:5.

6 Nullification; HB 260-FN. If HB 260-FN of the 2005 regular session becomes law on or after the effective date of this section, section 7 of HB 260-FN, which amends RSA 266:1, IV, shall not take effect.

7 Effective Date.

I. Sections 1-3 of this act shall take effect January 1, 2006.

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

The signatures below attest to the authenticity of this Report on HB 357, an act relative to negligent driving.

Conferees on the Part of the Senate
Sen. Letourneau, Dist. 19
Sen. Flanders, Dist. 7
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. Packard, Rock. 3
Rep. Nedeau, Belk. 3
Rep. Ferland, Sull. 5
Rep. Danforth, Merr. 6

2005-1940-CofC

AMENDED ANALYSIS

This bill:

- I. Establishes fines for persons guilty of negligent driving.
- II. Authorizes the department of safety to prorate drivers' license fees for nonresident aliens.
- III. Inserts a reference to the general grace period for motor vehicle inspections into the inspection provision for newly registered and transferred motor vehicles.
- IV. Modifies the inspection requirements applicable to vehicle dealers.

Adopted.

June 22, 2005

2005-2101-CofC

03/05

Committee of Conference Report on HB 381-FN, an act relative to special elections, voter lists, and conduct of elections.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Elections; General Provisions; Terms and Definitions; Electioneer. Amend RSA 652 by inserting after section 16-a the following new section:

652:16-b Electioneer. For the purposes of the election laws, "electioneer" shall mean to act or communicate in any way that a reasonable person would conclude is an attempt to influence how another person may vote at any election on any question or for any office.

Amend the bill by replacing section 5 with the following:

5 Electioneering by Public Employees. Amend RSA 659:44-a to read as follows:

659:44-a Electioneering by Public Employees. No public employee~~[, as defined in RSA 273-A:1, IX,]~~ shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this section, ~~["electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office]~~ **"public employee" means any person employed by a public employer, including any classified, unclassified, nonclassified, part-time, or seasonal employee of the state, except persons elected by popular vote and persons appointed by the chief executive or legislative body of the public employer whose duties imply a confidential relationship to the public employer; and "public employer" means the state and any political subdivision thereof, the judicial branch of the state, any quasi-public corporation, council, commission, agency, or authority, and the state university system.** Any person who violates this section shall be guilty of a misdemeanor.

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

8 New Section; Powers of City Councils; School Board Vacancies. Amend RSA 47 by inserting after section 4 the following new section:

47:4-a School Board Vacancies. A city may amend its charter pursuant to RSA 49-B to call a special election to fill a vacancy on the school board when such vacancy occurs more than 6 months prior to the next city election. If the vacancy occurs less than 6 months prior to the next city election, the city council may either fill the position until the next regular city election or leave the position vacant.

The signatures below attest to the authenticity of this Report on HB 381-FN, an act relative to special elections, voter lists, and conduct of elections.

Conferees on the Part of the Senate
 Sen. Boyce, Dist. 4
 Sen. Bragdon, Dist. 11
 Sen. Hassan, Dist. 23

Conferees on the Part of the House
 Rep. Drisko, Hills. 5
 Rep. Whalley, Belk. 5
 Rep. O'Brien, Hills. 4
 Rep. Weed, Ches. 3

2005-2101-CofC

AMENDED ANALYSIS

This bill:

I. Permits the secretary of state to make voter database record data available to assist in the preparation of jury lists.

II. Permits certain special elections to coincide with regularly-scheduled elections.

III. Modifies state electioneering prohibitions.

IV. Makes technical changes to certain election laws.

V. Permits a city council to amend the city charter to allow a special election to fill a vacant school board position.

The question is on the adoption of the Committee of Conference Report on HB 381.

A division vote was requested.

Yeas: 14 - Nays: 9

Adopted.

June 15, 2005

2005-1925-CofC

05/10

Committee of Conference Report on HB 428, an act relative to the authority of the Pease development authority and the division of ports and harbors.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing section 10 with the following:

10 Pease Development Authority; Additional Powers and Duties; Power to Set and Collect Fees for Mooring and Slip Permits. Amend RSA 12-G:42, VI and VII to read as follows:

VI. Administer and enforce permit programs for the placement and use of moorings and **state-owned** slips in state tidal waters, including waiting lists for such permits.

VII. Set and collect fees for mooring and **state-owned** slip permits and waiting lists for such permits. The authority shall establish fees for **state-owned** slips in ports, harbors, and state tidal waters. Fees shall not be charged for **state-owned** slips [at industrial piers along the Piscataqua River or at state-owned piers] in **ports, harbors, or state tidal waters securing vessels discharging cargo that is subject to the federal Harbor Maintenance Tax imposed pursuant to 26 U.S.C. sections 4461-4462**. The fees for **state-owned** slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.

Amend the bill by replacing section 13 with the following:

13 Pease Development Authority; Additional Powers and Duties; Power to Adopt Rules Relative to the Setting and Collecting of Fees. Amend the introductory paragraph of RSA 12-G:42, XI to read as follows:

XI. Adopt rules, after obtaining prior approval by the fiscal committee of the general court and the board, relative to the setting and collecting of fees authorized under RSA 12-G:38, relating to foreign trade zones; RSA 12-G:42, IV and V, relating to wharfage, dockage, and other marine terminal operations; RSA 12-G:42, VI, relating to moorings, **state-owned** slips, and wait lists; RSA 12-G:42, IX, relating to **state-owned** commercial piers [identified in paragraph IX and other division property] **and associated facilities**; RSA 12-G:49-a, relating to pilotage; and any other matter necessary for the proper administration of

the division with respect to the setting and collecting of fees. The rules adopted under this paragraph shall not be subject to the provisions of RSA 541-A, so as to provide the authority with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Fees established pursuant to this paragraph shall be consistent with the following criteria:

Amend the bill by inserting after section 16 the following and renumbering the original section 17 to read as 18:

17 Administrative Rules Relative to Permits for State-Owned Slips. Amend RSA 12-G:42, X(c) to read as follows:

(c) The terms, conditions, and procedures under which the division shall issue, suspend, revoke, deny, or approve permits required under this chapter for moorings and *state-owned* slips.

The signatures below attest to the authenticity of this Report on HB 428, an act relative to the authority of the Pease development authority and the division of ports and harbors.

Conferees on the Part of the Senate

Sen. Kenney, Dist. 3
Sen. Letourneau, Dist. 19
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House

Rep. Graham, Hills. 18
Rep. Rausch, Rock. 5
Rep. McConkey, Carr. 3
Rep. Benn, Graf. 9

Adopted.

June 21, 2005

2005-2079-CofC

06/05

Committee of Conference Report on HB 433-FN-A, an act relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Seasonal Dock. Notwithstanding RSA 482-A:3, XIII(a) or (c), the owners of lot 15 on Tuftonboro tax map 50 may install one seasonal dock, not to exceed 4 feet wide by 20 feet long, closer than 20 feet from the abutting property lines.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2005.

The signatures below attest to the authenticity of this Report on HB 433-FN-A, an act relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14
Sen. Morse, Dist. 22
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Currier, Merr. 5
Rep. Merrow, Carr. 3
Rep. D. L. Christensen, Hills. 19
Rep. Goyette, Hills. 27
~~[Rep. Spang, Straf. 7]~~

2005-2079-CofC

AMENDED ANALYSIS

This bill appropriates \$1 for 2 plans, one for public access and recreational use and the other for road management in the Connecticut Lakes headwaters working forest.

This bill also authorizes the location of a certain dock within 20 feet of the abutting property lines.

Adopted.

June 16, 2005
2005-1939-CofC
03/04

Committee of Conference Report on HB 513, an act relative to on-board diagnostic system inspections.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 266:59-b, V as inserted by section 3 of the bill by replacing it with the following:

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. ***The department shall adopt rules, pursuant to RSA 541-A, that have the effect of establishing the broadest possible waivers for consumers consistent with 40 C.F.R. sections 51.350 through 51.373. It is the intent of the legislature to provide appropriate waivers to persons for whom the making of OBD II repairs would constitute economic hardship. The committee established in paragraph VII shall make recommendations for such waivers and the department shall consider such recommendations during the rulemaking process required by this paragraph.***

Amend RSA 266:59-b, VII(c)(3) as inserted by section 3 of the bill by replacing it with the following:

(3) Make recommendations for statutory and rules changes to the amounts and types of repair waivers granted in the OBD II testing program.

The signatures below attest to the authenticity of this Report on HB 513, an act relative to on-board diagnostic system inspections.

Conferees on the Part of the Senate
 Sen. Letourneau, Dist. 19
 Sen. Flanders, Dist. 7
 Sen. Burling, Dist. 5

Conferees on the Part of the House
 Rep. Packard, Rock. 3
 Rep. Nedeau, Belk. 3
 Rep. Ferland, Sull. 5
 Rep. O'Neil, Rock. 15

2005-1939-CofC

AMENDED ANALYSIS

This bill:

- I. Modifies the applicability of the OBD II testing requirements.
- II. Requires the department of safety to adopt rules establishing waivers.
- III. Requires notice of an OBD II failure by a motor vehicle seller.
- IV. Establishes an advisory committee to review contracts and recommend legislation and rules relating to OBD II testing.
- V. Exempts certain inspection stations from any electronic data submission requirements.
- VI. Permits an inspection station to be designated as a "motorcycle only" inspection station.

The question is on the adoption of the Committee of Conference Report on HB 513.

A division vote was requested.

Yeas: 18 - Nays: 5

Adopted.

Senators Barnes, Gatsas, Green and Roberge are in opposition to the adoption of the Committee of Conference Report on HB 513.

June 22, 2005
2005-2100-CofC
09/03

Committee of Conference Report on HB 542, an act making technical corrections to the uniform trust code.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 542, an act making technical corrections to the uniform trust code.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17

Sen. Flanders, Dist. 7

Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Hunt, Ches. 7

Rep. Dokmo, Hills. 6

Rep. Espieffs, Ches. 3

Rep. Rowe, Hills. 6

Adopted.

June 21, 2005
2005-2068-CofC
04/10

Committee of Conference Report on HB 558, an act relative to the circumstances constituting sexual assault.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 558, an act relative to the circumstances constituting sexual assault.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9

Sen. Green, Dist. 6

Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Charron, Rock. 7

Rep. Tholl, Coos 2

Rep. Knowles, Straf. 6

Rep. Hammond, Graf. 11

Adopted.

June 16, 2005
2005-1953-CofC
08/09

Committee of Conference Report on HB 580, an act establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

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

The signatures below attest to the authenticity of this Report on HB 580, an act establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district.

Conferees on the Part of the Senate

Sen. Odell, Dist. 8
Sen. Bragdon, Dist. 11
Sen. Burling, Dist. 5

Conferees on the Part of the House

Rep. Babson, Carr. 5
Rep. Phinizy, Sull. 5
Rep. Hansen, Hills. 6
Rep. Merrick, Coos 2

Adopted.

June 21, 2005

2005-2074-CofC

05/01

Committee of Conference Report on HB 586, an act relative to the periodic review of child support guidelines.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 586, an act relative to the periodic review of child support guidelines.

Conferees on the Part of the Senate

Sen. Bragdon, Dist. 11
Sen. Martel, Dist. 18
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House

Rep. Bickford, Straf. 3
Rep. McRae, Hills. 7
Rep. Cady, Rock. 1
Rep. Walz, Merr. 13

Adopted.

June 22, 2005

2005-2095-CofC

10/05

Committee of Conference Report on HB 644-FN, an act transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph V of section 3 of the bill by replacing it with the following:

V.(a) Except as provided in subparagraph (b), as of the date of execution of the memorandum of understanding under subparagraph (c), all personnel under the supervision of the department of health and human services whose function it is to care for and maintain state-owned buildings on the New Hampshire hospital campus as described in RSA 4:39-a shall be transferred to the department of administrative services, division of plant and property management, together with all of the books, papers, payroll, records, equipment, unexpended appropriations for personnel and all building and grounds maintenance functions relating to the New Hampshire hospital campus, or other available funds in any account or subdivision of any account of the department of health and human services related to building and property care and maintenance at the New Hampshire hospital campus.

(b) Personnel under the supervision of the department of health and human services who provide patient care functions and maintenance inside the following buildings and personnel responsible for maintenance of the grounds of the following buildings shall not be transferred to the department of administrative services:

- (1) The acute psychiatric services building.
- (2) The Anna Philbrook center.
- (3) The Tobey School building.
- (4) All transitional housing buildings, including the Howard recreation building.

(c) The commissioner of the department of administrative services shall enter into a memorandum of understanding with the commissioner of the department of health and human services for the purpose of delineating the functions to be assumed by the department of administrative services and the specific buildings, equipment, books, papers, records, payroll, funds, and personnel to be transferred to the department of administrative services. The memorandum of understanding shall include, but shall not be limited to, coordination of activities regarding buildings remaining under the control of the department of health and human services, delineation of areas of responsibility for each department regarding the campus of the New Hampshire hospital as described in RSA 4:39-a, and requirements for cost recording and allocation in order to maximize access to federal funds.

Amend RSA 21-I:11, X as inserted by section 6 of the bill by replacing it with the following:

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

Amend RSA 21-I:73 as inserted by section 9 of the bill by replacing it with the following:

21-I:73 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of administrative services.
- II. "Construction management" means a method of contracting where the state engages the services of a contractor to work with an architect or engineer. The contractor assumes risk for construction and is required to provide design phase consultation, including the evaluation of costs, schedules, implication of alternative designs, systems, and materials.
- III. "Contract construction" means all construction performed in whole or in part by an independent contractor.
- IV. "Cost-plus contract" means a contract under which the payment for the work is the actual cost, plus either a fixed fee or a percentage of the cost as profit.
- V. "Department" means the department of administrative services.
- VI. "Design build" means a method of contracting where the state engages the professional services of a single entity designer/builder who is responsible for the provision of the design and construction of a project. The designer/builder can be either a single firm or a team of architect, engineer, and builder. The designer/builder contracts directly with all subcontractors and is responsible for the delivery of the completed project.
- VII. "Force account basis" means use of a work force directly on the state payroll, rather than an independent contractor.
- VIII. "Registered architect or professional engineer" means a person licensed in the state as an architect or engineer.
- IX. "Project" means any construction, reconstruction, alteration, or maintenance in any building, plant, fixture, or facility. The term shall include those projects relating to buildings, plants, fixture, or facilities formerly administered through the department of transportation, division of public works. The term shall not include construction, reconstruction, alteration, or maintenance of highways, bridges, or other items directly related to transportation, which matters shall be managed by the department of transportation.
- X. "Using agency or institution" means any executive department, commission, independent establishment, public corporation which is an instrumentality of a state board, bureau, division, institution, service, office, officer, authority, administration, or other establishment in the executive branch of the government, which will have the control of the property after the work is completed.

Amend RSA 21-I:75, I(d) as inserted by section 9 of the bill by replacing it with the following:

(d) Notwithstanding any other provision of law, the commissioner is authorized to use the design build and construction management methods of contracting for any buildings that are part of capital projects. The capital budget overview committee shall approve preliminary plans prior to construction.

Amend the bill by replacing all after section 24 with the following:

25 State Mental Health Facilities Other Than New Hampshire Hospital; Rules. Amend RSA 135-C:4 to read as follows:

135-C:4 State Facilities Other Than New Hampshire Hospital; Rules.

I. The commissioner shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who have mental illness or developmental disabilities, ***including those subject to the exception set forth in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at the facility in Concord, known as New Hampshire hospital.*** Such facilities include, but are not limited to, facilities established at Glencliff known as Glencliff home for the elderly[;] ***and*** Laconia, known as Laconia developmental services[; and Concord, known as New Hampshire hospital].

I-a. The commissioner shall have charge of the interior maintenance and grounds of the acute psychiatric services building, the Anna Philbrook center, the Tobey School building, and all transitional buildings including the Howard recreation building, located on the campus of the New Hampshire hospital as described in RSA 4:39-a.

II. The commissioner may enter into contracts relative to services to clients, management, and operation of the facilities as he ***or she*** deems appropriate, ***other than contracts regarding the care and maintenance of the grounds and buildings, or portions thereof, at the facility in Concord known as the New Hampshire hospital which have been assigned to the care of the department of administrative services,*** and may receive, appropriate, control, convey, hold in trust, or invest any funds or real or personal property given or devised to or owned by any facility in any manner as he ***or she*** deems expedient. [He] ***The commissioner*** may determine the name of, the services to be provided at, and the clients, whether under RSA 135-C or RSA 171-A, to be served by any facility.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to eligibility criteria and procedures for admission to state facilities.

26 Repeal. The following are repealed:

I. RSA 21-L:11, relative to the division of public works.

II. RSA 228:1, VIII, relative to the definition of "using agency or institution."

III. RSA 228:3-a, relative to capital projects under \$25,000.

IV. RSA 228:5, relative to client relationship.

V. RSA 228:46-a, relative to planning and design costs.

27 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 644-FN , an act transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 4

Sen. Letourneau, Dist. 19

Sen. D'Allesandro, Dist. 20

[Sen. Johnson, Dist. 2]

Conferees on the Part of the House

Rep. Coburn, Rock. 4

Rep. Bergin, Hills 6

Rep. Hager, Merr. 12

Rep. Velez, Hills. 12

[Rep. N. Allan, Hills. 26]

Adopted.

June 20, 2005

2005-2007-CofC

01/09

Committee of Conference Report on HB 681-FN, an act relative to training, quality assurance, and licensing of assisted living facilities.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Dealing in or Possessing Prescription Drugs. Amend RSA 318:42 by inserting after paragraph XIII the following new paragraph:

XIV. A nurse, licensed under RSA 326-B, who is an employee of a health facility, licensed by the state of New Hampshire, and acting in the course of his or her employment, from organizing the prescription and non-prescription drugs of clients into containers designed to aid clients in carrying out prescriber's directions; provided, that the organizing of the drugs is documented in the client's nursing record and that the original prescriptions will be kept at the facility or client's home and the medication container is set up on a weekly basis.

The signatures below attest to the authenticity of this Report on HB 681-FN, an act relative to training, quality assurance, and licensing of assisted living facilities.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Boyce, Dist. 4

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. MacKay, Merr. 11

Rep. Mason, Rock. 13

Rep. Hogancamp, Ches. 4

Rep. Schulze, Hills. 26

2005-2007-CofC**AMENDED ANALYSIS**

This bill allows residential care facilities to establish proceedings for a quality assurance program. The bill authorizes the department of health and human services to provide training for persons who own or work in a residential care facility. This bill also grants a one-year waiver from annual inspections to certain facilities under certain conditions.

This bill also authorizes a licensed nurse who is an employee of a licensed health facility to assist clients with medication.

Adopted.

June 21, 2005

2005-2056-CofC

01/09

Committee of Conference Report on HB 692-FN-LOCAL, an act relative to the county department of corrections.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Place of Commitment; Expenses of Protective Custody. Amend RSA 30-B:15 to read as follows:

30-B:15 Place of Commitment; Expense of Protective Custody.

I. Any person committed to a county correctional facility for any offense shall be committed to a county correctional facility in the county in which the offense is committed. ***For any person sentenced to a term of imprisonment of up to 12 months, the expense of lodging such person in a county correctional facility shall be a charge upon the county. For persons sentenced to terms of imprisonment in a county correctional facility that exceed 12 months, the first 12-month sentence shall be a charge upon the county. Any sentence exceeding 12 months of imprisonment shall be a charge upon the state.***

II. ~~[The expense of lodging persons in a county correctional facility under the protective custody of a peace officer under RSA 172:15 or RSA 172-B:3 shall be a charge upon the county.]~~ ***Whenever the expense of lodging a person in a county correctional facility is to be a charge against the state under this section, the state shall have the authority to take physical custody of such person.***

The signatures below attest to the authenticity of this Report on HB 692-FN-LOCAL, an act relative to the county department of corrections.

Conferees on the Part of the Senate
 Sen. Clegg, Dist. 14
 Sen. Roberge, Dist. 9
 Sen. Flanders, Dist. 7
~~[Sen. Johnson, Dist. 2]~~
~~[Sen. Gottesman, Dist. 12]~~

Conferees on the Part of the House
 Rep. Weare, Rock. 14
 Rep. Charron, Rock. 7
 Rep. Knowles, Straf. 6
 Rep. Hammond, Graf. 11

Adopted.

June 21, 2005

2005-2047-CofC

03/04

Committee of Conference Report on HB 720-FN, an act relative to special number plates.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Official Cover Plates. Amend RSA 261:90 to read as follows:

261:90 ~~[State Seal on Number]~~ ***Official Cover*** Plates. ~~[On the special number plates issued under the provisions of RSA 261:91 to members of the senate and members of the house of representatives there shall be a reproduction of the seal of the state. If requested,]~~ ***Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of*** United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, ***the*** president of the senate, ***members of the senate, the*** speaker of the house of representatives, ***members of the house of representatives, the attorney general, the*** secretary of state, and ***the*** state treasurer ~~[may have special motor vehicle plates with the reproduction of the state seal thereon]~~. The fee for ~~[such special number]~~ ***official cover*** plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The ***official cover*** plates ~~[with the reproduction of the state seal]~~, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. ***Official cover plates shall have the title of the person requesting the plates, except for members of the governor's council whose plates shall have their council district numbers embossed on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates or the name of the spouse of a member of the general court, or any vehicle being operated by a member of the general court.*** ~~[Said special plates shall be effective for a period of 2 years.]~~ Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. ***Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prison's cost.***

The signatures below attest to the authenticity of this Report on HB 720-FN, an act relative to special number plates.

Conferees on the Part of the Senate

Sen. Letourneau, Dist. 19

Sen. Flanders, Dist. 7

Sen. Gottesman, Dist. 12

[~~Sen. Clegg, Dist. 14~~]*Conferees on the Part of the House*

Rep. Packard, Rock. 3

Rep. Nedeau, Belk. 3

Rep. Ferland, Sull. 5

Rep. Danforth, Merr. 6

Adopted.**June 14, 2005****2005-1919-CofC****05/04**

Committee of Conference Report on HCR 4, an act urging Congress to find that the Piscataqua River and Portsmouth harbor lie within the state of New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the resolution by replacing the seventh paragraph with the following:

Whereas, the legislative boundary commission established by 2003, 103 (HB 343) found in its October 29, 2004 final report that the Piscataqua River in Portsmouth Harbor is not patrolled and laws are not enforced in a manner that ensures the people of New Hampshire the utmost security and protection; now, therefore, be it

The signatures below attest to the authenticity of this Report on HCR 4, an act urging Congress to find that the Piscataqua River and Portsmouth harbor lie within the state of New Hampshire.

Conferees on the Part of the Senate

Sen. Green, Dist. 6

Sen. Barnes, Dist. 17

Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House

Rep. Coughlin, Hills. 4

Rep. Twombly, Straf. 1

Rep. Heon, Straf. 2

Rep. Rolston, Rock. 17

Adopted.**June 21, 2005****2005-2052-CofC****01/09**

Committee of Conference Report on HCR 10, an act recognizing February 8, 2005 as Scouting in New Hampshire Day.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the general court of New Hampshire hereby extends to the Boy Scouts of America the highest accolades and congratulations on 96 years of valuable service to New Hampshire communities and for instilling the qualities of leadership, service, civic responsibility, and values in the youth of New Hampshire; and

The signatures below attest to the authenticity of this Report on HCR 10, an act recognizing February 8, 2005 as Scouting in New Hampshire Day.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17

Sen. Letourneau, Dist. 19

Sen. Estabrook, Dist. 21

Conferees on the Part of the House

Rep. P. Smith, Rock. 3

Rep. Easson, Straf. 3

Rep. Rollo, Straf. 2

Rep. Currier, Merr. 5

Adopted.

June 14, 2005
2005-1923-CofC
04/09

Committee of Conference Report on SB 5, an act establishing a commission to study the state park system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraphs I(a)-(b) as inserted by section 2 of the bill by replacing them with the following:

(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.

The signatures below attest to the authenticity of this Report on SB 5, an act establishing a commission to study the state park system.

Conferees on the Part of the Senate

Sen. Johnson, Dist. 2

Sen. Gallus, Dist. 1

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Currier, Merr. 5

Rep. Irish, Sull. 4

Rep. Sanders, Rock. 7

Rep. Parkhurst, Ches. 4

Adopted.

June 21, 2005
2005-2046-CofC
08/04

Committee of Conference Report on SB 19, an act relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 19, an act relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

Conferees on the Part of the Senate

Sen. D'Allesandro, Dist. 20

Sen. Letourneau, Dist. 19

Sen. Green, Dist. 6

Conferees on the Part of the House

Rep. Fitzgerald, Belk. 4

Rep. Manney, Hills. 7

Rep. F. Sullivan, Hills. 12

Rep. Velez, Hills. 12

Adopted.

June 20, 2005
2005-2000-CofC
01/09

Committee of Conference Report on SB 28, an act relative to confidentiality and workers' compensation.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 28, an act relative to confidentiality and workers' compensation.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Clegg, Dist. 14

Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Bridle, Rock. 15

Rep. Infantine, Hills. 13

Rep. Gorman, Hills. 23

Rep. Giuda, Graf. 5

Adopted.

June 28, 2005

2005-2122-CofC

09/01

Committee of Conference Report on SB 37, an act relative to disclosure of expert testimony.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Disclosure of Expert Testimony. Amend RSA 516:29-b to read as follows:

516:29-b Disclosure of Expert Testimony *in Civil Cases.*

I. A party *in a civil case* shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the New Hampshire rules of evidence.

II. Except as otherwise stipulated or directed by the court, this disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report signed by the witness. The report shall contain a complete statement of:

(a) All opinions to be expressed and the basis and reasons therefor;

(b) The data or other information considered by the witness in forming the opinions;

(c) Any exhibits to be used as a summary of or support for the opinions;

(d) The qualifications of the witness, including a list of all publications authored by the witness within the preceding 10 years;

(e) The compensation to be paid for the study and testimony; and

(f) A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding 4 years.

III. These disclosures shall be made at the times and in the sequence directed by the court. In the absence of other directions from the court or stipulation by the parties, the disclosures shall be made at least 90 days before the trial date or the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 30 days after the disclosure made by the other party. The parties shall supplement these disclosures when required in accordance with the court's rules.

IV. The deposition of any person who has been identified as an expert whose opinions may be presented at trial, and whose testimony has been the subject of a report under this section, shall not be conducted until after such report has been provided.

V. The provisions of this section shall not apply in criminal cases.

2 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 37, an act relative to disclosure of expert testimony.

Conferees on the Part of the Senate
 Sen. Clegg, Dist. 14
 Sen. Roberge, Dist. 9
 Sen. Gottesman, Dist. 12

Conferees on the Part of the House
 Rep. Sorg, Graf. 3
 Rep. Mooney, Hills. 19
 Rep. Mead, Hills. 4
 Rep. Shurtleff, Merr. 10

2005-2122-CofC

AMENDED ANALYSIS

This bill makes the current law regarding disclosure of expert testimony applicable only to civil cases.

Adopted.

June 20, 2005

2005-2009-CofC

01/09

Committee of Conference Report on SB 43, an act relative to the administration of estates of persons presumed dead.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 553:19, II as inserted by section 4 of the bill by replacing it with the following:

II. That the person has been absent for a continuous period of 4 years, during which time he or she has not been heard of or from, and whose absence is not satisfactorily explained after diligent search or inquiry. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

Amend RSA 563:5, V as inserted by section 5 of the bill by replacing it with the following:

V. An individual whose death is not established[;] under the preceding paragraphs who is absent for a continuous period of [7] 4 years, during which time that individual has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry, is presumed to be dead. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

The signatures below attest to the authenticity of this Report on SB 43, an act relative to the administration of estates of persons presumed dead.

Conferees on the Part of the Senate
 Sen. Foster, Dist. 13
 Sen. Green, Dist. 6
 Sen. Gottesman, Dist. 12

Conferees on the Part of the House
 Rep. Dokmo, Hills. 6
 Rep. Hunt, Ches. 7
 Rep. Shurtleff, Merr. 10
 Rep. Sorg, Graf. 3

Adopted.

SENATE RULES

Senator Clegg moved to amend New Hampshire Senate Rule #48 for the purpose of establishing deadlines for the filing of legislation for session year 2006:

I move to add paragraph (g) through (j) after paragraph (f), as published in the Senate Calendar dated June 24, 2005.

Adopted by the necessary 2/3 votes.

June 20, 2005

2005-2013-CofC

10/04

Committee of Conference Report on SB 61, an act relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 493-A:1, I as inserted by section 3 of the bill by replacing it with the following:

I. Any full-time justice of the supreme, superior, district, or probate court who retires or has retired from regular active service prior to age 70 pursuant to RSA 100-C or any predecessor judicial retirement plan or system, may elect to take either senior active status or retired status for the period prior to the time when the justice reaches age 70. A justice who desires to be designated on senior active status shall make such election by providing written notice to the chief justice or administrative justice of the court from which he or she retired. The first such election shall be made not later than 30 days prior to the date the justice's retirement becomes effective and shall be valid for one year from the date of the justice's retirement. Thereafter, a justice who desires to remain in senior active status shall provide a similar notice on an annual basis to the chief or administrative justice of the court from which the justice retired not later than 30 days prior to the anniversary date of the justice's retirement. Judges retired on the effective date of this section shall make the first such election not later than 30 days after the effective date of this section. Each election shall be valid for a period of one year, except that an election made for the year in which the justice reaches age 70 shall terminate on the day before the justice turns 70. A justice who desires to be designated on retired status may do so at any time following his or her retirement from regular active service by providing written notice of this election to the chief or administrative justice of the court from which the justice retired; provided, however, that once a justice elects to be designated on retired status such election shall be final and the justice shall not thereafter be allowed to return to senior active status.

Amend RSA 493-A:1-a as inserted by section 4 of the bill by deleting paragraph IV

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 491:23, relative to appointment of former judges as referees, auditors and masters, is repealed.

The signatures below attest to the authenticity of this Report on SB 61, an act relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

Conferees on the Part of the Senate

Sen. Foster, Dist. 13
Sen. Letourneau, Dist. 19
Sen. Clegg, Dist. 14

Conferees on the Part of the House

Rep. Dokmo, Hills. 6
Rep. Mooney, Hills. 19
Rep. Wall, Straf. 7
Rep. Sorg, Graf. 3

Adopted.

June 14, 2005

2005-1917-CofC

09/01

Committee of Conference Report on SB 62-FN, an act allowing court fees to be paid by credit card.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 490:26-a as inserted by section 2 of the bill by replacing it with the following:

490:26-a Court Fees ***and Fines; Credit Card Payments***. The supreme court shall establish by rule an equitable fee schedule for all courts in the state [by January 1, 1982]. ***All court fees 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 or fine paid by credit card.***

The signatures below attest to the authenticity of this Report on SB 62-FN , an act allowing court fees to be paid by credit card.

Conferees on the Part of the Senate
 Sen. D'Allesandro, Dist. 20
 Sen. Clegg, Dist. 14
 Sen. Odell, Dist. 8

Conferees on the Part of the House
 Rep. Camm, Rock. 8
 Rep. Almy, Graf. 11
 Rep. Jasper, Hills. 27
 Rep. Hinkle, Hills. 19

2005-1917-CofC

AMENDED ANALYSIS

This bill allows court fees and fines paid into any court to be paid by credit card. A \$3 processing fee is added to each fee or fine paid by credit card.

Adopted.

June 20, 2005

2005-2028-CofC

01/09

Committee of Conference Report on SB 70, an act relative to the powers of special corporations.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 292:8-1, II as inserted by section 1 of the bill by replacing it with the following:

II. Change its purpose by a majority vote of said corporation. A written notice of the proposed change shall be provided to the director of charitable trusts, department of justice and the notice of proposed changes shall be published in a newspaper of general circulation by the trustees at least 30 days before the vote is taken. The proposed change shall also be submitted for review by the probate court. If legal cause exists which would prevent the proposed change in purpose, the director of charitable trusts shall have 30 days to notify the corporation of any additional requirements. A certified copy of the vote shall be filed in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$10. Nothing in this paragraph shall be construed to supercede the intent of RSA 7:19 – RSA 7:32-a.

The signatures below attest to the authenticity of this Report on SB 70, an act relative to the powers of special corporations.

Conferees on the Part of the Senate
 Sen. Barnes, Dist. 17
 Sen. Larsen, Dist. 15
 Sen. Roberge, Dist. 9

Conferees on the Part of the House
 Rep. Hawkins, Hills. 18
 Rep. Ryder, Hills. 5
 Rep. Pilotte, Hills. 16
 Rep. C. Robertson, Rock. 13

Adopted.

June 20, 2005

2005-1998-CofC

09/01

Committee of Conference Report on SB 75-FN, an act relative to the statute of limitations for a civil action based upon a sexual assault case.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 508:4-g, I as inserted by section 1 of the bill by replacing it with the following:

I. Seven years of the person's eighteenth birthday; or

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 75-FN , an act relative to the statute of limitations for a civil action based upon a sexual assault case.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14
Sen. Foster, Dist. 13
Sen. Gottesman, Dist. 12

Conferees on the Part of the House

Rep. Mooney, Hills. 19
Rep. Dokmo, Hills. 6
Rep. Lasky, Hills. 26
Rep. Hunt, Ches. 7

Adopted.

June 20, 2005
2005-2016-CofC
05/10

Committee of Conference Report on SB 76, an act relative to the extension of restraining orders under the domestic violence protection act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to any order in effect under RSA 173-B:5, VI and RSA 633:3-a, III-c on the effective date of this act as well as any order entered thereafter.

4 Effective Date. This act shall take effect 30 days after its passage.

The signatures below attest to the authenticity of this Report on SB 76, an act relative to the extension of restraining orders under the domestic violence protection act.

Conferees on the Part of the Senate

Sen. Foster, Dist. 13
Sen. Green, Dist. 6
Sen. Gottesman, Dist. 12

Conferees on the Part of the House

Rep. Tholl, Coos 2
Rep. Welch, Rock. 8
Rep. Knowles, Straf. 6
Rep. Villeneuve, Hills. 18

Adopted.

June 20, 2005
2005-2018-CofC
01/04

Committee of Conference Report on SB 108-FN, an act relative to newborn screening tests and fees for newborn screening tests.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 108-FN, an act relative to newborn screening tests and fees for newborn screening tests.

Conferees on the Part of the Senate

Sen. Boyce, Dist. 4
Sen. Roberge, Dist. 9
Sen. Burling, Dist. 5

Conferees on the Part of the House

Rep. Mackay, Merr. 11
Rep. Hogancamp, Ches. 4
Rep. French, Merr. 5
Rep. Camm, Rock. 8

Adopted.

June 20, 2005
2005-2025-CofC
10/01

Committee of Conference Report on SB 124, an act relative to the regulation of real estate brokers by the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:19, II as inserted by section 12 of the bill by replacing it with the following:

II. Upon receiving a completed renewal application, the required fees, ~~[an affidavit from the sponsor of an accredited program attesting to the successful]~~ **certification of** completion of ~~[the]~~ **required** continuing education ~~[requirements]~~ as set by the commission under RSA 331-A:20 and, in the case of a principal or managing broker licensee, evidence that the required bond is in full force and effect, the executive director shall issue the appropriate license for ~~[an additional]~~ **2 consecutive** years **from the date of expiration.**

The signatures below attest to the authenticity of this Report on SB 124, an act relative to the regulation of real estate brokers by the real estate commission.

Conferees on the Part of the Senate
Sen. Roberge, Dist. 9
Sen. Gallus, Dist. 1
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. Nowe, Rock. 9
Rep. Coburn, Rock. 4
Rep. Hawkins, Hills. 18
Rep. Irwin, Hills. 3

Adopted.

June 14, 2005
2005-1922-CofC
06/09

Committee of Conference Report on SB 142, an act extending the reporting date of the commission to study issues relative to groundwater withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 142, an act extending the reporting date of the commission to study issues relative to groundwater withdrawals.

Conferees on the Part of the Senate
Sen. Johnson, Dist. 2
Sen. Odell, Dist. 8
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Currier, Merr. 5
Rep. Goyette, Hills. 27
Rep. D. L. Christensen, Hills. 19
Rep. Spang, Straf. 7

Adopted.

June 20, 2005
2005-2003-CofC
06/09

Committee of Conference Report on SB 153-FN, an act relative to the administration of certain programs by the department of environmental services.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Revolving Fund; Electronic Media. Amend RSA 21-O:1-a by inserting after paragraph III the following new paragraph:

IV. Producing geologic and other publications in electronic media format. A reasonable charge shall be established for electronic publications.

The signatures below attest to the authenticity of this Report on SB 153-FN, an act relative to the administration of certain programs by the department of environmental services.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14

Sen. Flanders, Dist. 7

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. N. Allan, Hills. 26

Rep. C. Robertson, Rock. 13

Rep. P. McMahon, Merr. 3

Rep. F. Sullivan, Hills. 12

2005-2003-CofC

AMENDED ANALYSIS

This bill transfers the lead abatement licensing and certification program from the department of environmental services to the department of health and human services which administers the rest of the lead paint poisoning prevention program.

This bill authorizes the production of geologic and other publications in electronic media format and a reasonable charge for such publications.

Adopted.

June 21, 2005

2005-2076-CofC

01/09

Committee of Conference Report on SB 163-FN, an act establishing the New Hampshire pharmaceutical assistance program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Certain Prescription Drug Coverage Required. The department of health and human services shall provide "wrap-around" prescription drug coverage to persons who are "dual eligible" for the Medicare and Medicaid programs. For the purposes of this section:

I. On and after the effective date of the Medicare Part D program, no Medicaid prescription drug coverage shall be provided to a Medicaid recipient eligible for Medicare Part D for prescription drugs that are included in the definition of Medicare Part D drugs set forth in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

II. The department of health and human services shall provide "wrap-around" Medicaid coverage for those prescription drugs which are excluded from the definition of Medicare Part D drugs, but are covered by Medicaid prescription drug coverage.

The signatures below attest to the authenticity of this Report on SB 163-FN, an act establishing the New Hampshire pharmaceutical assistance program.

Conferees on the Part of the Senate

Sen. Bragdon, Dist. 11

Sen. Clegg, Dist. 14

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Rogers Johnson, Rock. 13

Rep. C. McMahon, Rock. 4

Rep. Donovan, Sull. 4

Rep. King, Coos 1

Adopted.

June 16, 2005
2005-1959-CofC
08/10

Committee of Conference Report on SB 170, an act revising the nurse practice act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 326-B:4 as inserted by section 1 of the bill by deleting paragraph XIV and renumbering the original paragraph XV to read as paragraph XIV.

Amend the introductory paragraph of RSA 326-B:11, II as inserted by section 1 of the bill by replacing it with the following:

II. An ARNP shall practice within standards consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty. The board shall not approve a new advanced practice specialty category that has not been developed by a national credentialing or certifying body recognized by the National Council of State Board of Nursing without approval of the legislature under RSA 332-G:6. Each ARNP shall be accountable to clients and the board:

Amend the bill by replacing section 14 with the following:

14 Effective Date. This act shall take effect July 1, 2005 at 12:01 a.m.

The signatures below attest to the authenticity of this Report on SB 170, an act revising the nurse practice act.

Conferees on the Part of the Senate

Sen. Kenney, Dist. 3
Sen. Martel, Dist. 18
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House

Rep. Bergin, Hills. 6
Rep. Dexter, Ches. 6
Rep. Millham, Belk. 5
Rep. Houde-Quimby, Sull. 1

Adopted.

June 20, 2005
2005-2021-CofC
08/04

Committee of Conference Report on SB 179, an act requiring hunters to report the death or injury of domestic animals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 179, an act requiring hunters to report the death or injury of domestic animals.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9
Sen. Gatsas, Dist. 16
Sen. Hassan, Dist. 23

Conferees on the Part of the House

Rep. R. L'Heureux, Hills. 19
Rep. Phinizy, Sull. 5
Rep. Knox, Carr. 4
Rep. Greco, Merr. 7

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

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

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committees of Conference to which were referred the following entitled Bills:

HB 25-FN-A, making appropriations for capital improvements.

HB 83, relative to the distribution of brochures on family planning services, fetal alcohol syndrome, and human immunodeficiency virus.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee, and relative to the definition of tanning device operator.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry and establishing procedures for alternative regulation of small incumbent local exchange carriers.

HB 204-FN, prohibiting unlawful peering into the dwelling place of another.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county, and relative to exemptions for disposing of leaf and yard waste.

HB 326, relative to motorcycle noise levels and mufflers.

HB 357, relative to negligent driving, relative to driver's license fees for nonresident aliens, and relative to motor vehicle inspection expiration.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors.

HB 513, relative to on-board diagnostic system inspections and relative to motorcycle inspections.

HB 542, making technical corrections to the uniform trust code.

HB 558, relative to the circumstances constituting sexual assault.

HB 580, establishing a committee to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.

HB 586, relative to the periodic review of child support guidelines.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services, relative to the joint legislative committee on small group health insurance reform, and establishing a joint legislative committee on healthy kids corporation reform.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

HB 692-FN-L, relative to the county department of corrections.

HB 720-FN, relative to special number plates.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

HCR 10, recognizing February 8, 2006 as Scouting in New Hampshire Day.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committees of Conference to which were referred the following entitled Bills:

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 5, establishing a commission to study the state park system.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 19, relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 28, relative to confidentiality and workers' compensation.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 37, relative to disclosure of expert testimony.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 43, relative to the administration of estates of persons presumed dead.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 62-FN, allowing court fees to be paid by credit card.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 70, relative to the powers of special corporations.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 76, relative to the extension of restraining orders under the domestic violence protection act.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 124, relative to the regulation of real estate brokers by the real estate commission.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 170, revising the nurse practice act.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 179, requiring hunters to report the death or injury of domestic animals.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

ANNOUNCEMENTS**RESOLUTION**

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of sending and receiving messages and processing enrolled bill reports and amendments.

Adopted.

In recess to the Call of the Chair.