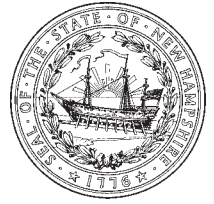


STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us

SENATE JOURNAL 19 (*Cont.*) Part 1



June 5, 2003

Out of Recess.

**June 16, 2003
2003-2127-EBA
03/01**

Enrolled Bill Amendment to SB 73

The Committee on Enrolled Bills to which was referred SB 73

AN ACT establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District.

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 73

This enrolled bill amendment corrects references in the bill.

Enrolled Bill Amendment to SB 73

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

AN ACT establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Corporate Park Tax Increment Financing District.

Amend section 6 of the bill by replacing line 2 with the following:

provisions of RSA 162-K:5, or any other law, the boundaries of the Black Brook Corporate Park Tax

Senator Eaton moved adoption.

Adopted.

COMMITTEE OF CONFERENCE CHANGES

HB 175, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

SENATORS: ROBERGE, CLEGG, D'ALLESANDRO

CONFeree CHANGE: SENATOR FLANDERS REPLACED SENATOR D'ALLESANDRO

HB 608, reducing the education property tax rate and relative to the calculation of adequate education grants.

SENATORS: GREEN, MORSE, BELOW

CONFeree CHANGE: SENATOR GATSAS REPLACED SENATOR GREEN

ALTERNATE: SENATOR O'HEARN

CONFeree CHANGE: SENATOR O'HEARN REPLACED BELOW

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers.

SENATORS: FLANDERS, BARNES, FOSTER

CONFEREE CHANGE: SENATOR BOYCE REPLACED SENATOR FOSTER

HB 135, relative to charter schools.

SENATORS: O'HEARN, JOHNSON, LARSEN

CONFEREE CHANGE: SENATOR FLANDERS REPLACED SENATOR LARSEN

HB 627, relative to domicile for voting purposes and penalties for voter fraud.

SENATORS: ROBERGE, BOYCE, LARSEN

CONFEREE CHANGE: SENATOR FLANDERS REPLACED SENATOR LARSEN

HB 606, establishing a right-to-know study commission.

SENATORS: FLANDERS, ODELL, COHEN

CONFEREE CHANGE: SENATOR BOYCE REPLACED SENATOR COHEN

HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

SENATORS: BOYCE, ROBERGE, COHEN

CONFEREE CHANGE: SENATOR FLANDERS REPLACED SENATOR COHEN

SB 44, relative to penalties for vehicle dealers.

SENATORS: FLANDERS, MORSE, BELOW

CONFEREE CHANGE: SENATOR KENNEY REPLACED SENATOR FLANDERS

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 601, relative to the long-term care insurance act.

HB 690, relative to agricultural vandalism and relative to agricultural liming materials.

HB 725, relative to fraternal benefit societies.

HB 753, establishing the fourth Monday in April as General John Stark Day.

SB 94, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing.

SB 114, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools.

SB 178, relative to guaranty funds.

Senator D'Allesandro moved adoption.

Adopted.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 20

June 24, 2003

The Senate met at 9:00 a.m.

A quorum was present.

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

Great Creator and CFO of our lives, Your love for us is veto proof. Protect us all from seeking, through fear or pride or doubt, to override the good and generous imprint of Your image which You have embedded deep within each one of us that all of our lives expenditures may be pleasing in Your sight. Amen.

Senator Morse led the Pledge of Allegiance.

INTRODUCTION OF GUESTS COMMITTEE OF CONFERENCE REPORTS

June 20, 2003
2003-2275-CofC
01/09

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, 2004, and June 30, 2005.

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:

1.08 Budget Footnotes; General.

A. Data Processing Services. The department of administrative services and the department of health and human services shall, prior to performing data processing services for any department, board, commission, institution, or other agency, enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on both agencies. Any change or modification in the services to be performed shall likewise be agreed to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the department of justice. The provisions of this paragraph shall not permit any state department, board, commission, institution, or other agency to contract for data processing services without the approval of the department of administrative services.

B. Revenue shall be deposited with the state treasurer as unrestricted revenue.

C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The funds in this appropriation are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2005.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2005.

H. The funds in this appropriation shall not be transferred or used for any other purpose and shall not lapse until June 30, 2005. No additions or deletions may be made from those projects authorized for funding from the original maintenance survey except in an emergency situation and then only after consultation with the commissioner of the department of transportation and approval by the commissioner of the department of administrative services.

I. In the event that estimated revenue is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to compensate fully for the total revenue deficits. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

K. The funds in this appropriation are for the lease of state-owned equipment from the department of transportation operations division, mechanical services bureau, and shall not be transferred or expended for any other purpose. Transfers may be made between funds appropriated in class 25 in other PAUs with prior approval of the capital budget overview committee and thereafter the fiscal committee and governor and council.

Amend the bill by replacing all after section 1 with the following:

GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06-06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from other than general funds are hereby appropriated for the use of the agency and may be expended by said agency whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2005, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of the administrative services shall, with the prior approval of the fiscal committee, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, PAU 01-04-04-05-01, for maintenance of state buildings.

4 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 2005, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$5,000,000 for the biennium ending June 30, 2005.

5 Department of Justice; Special Provision. For the biennium ending June 30, 2005, filing fees received by the department of justice pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court.

6 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, drivers licenses, gasoline road tolls, or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuel, including revenue received from fines and forfeitures assessed against any violator of any law of the state, other than RSA 266:18 through 266:26, or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall be paid to

the state treasurer and shall, for the biennium ending June 30, 2005, be available for expenditure as unrestricted general fund revenues of the state. Fines and forfeitures assessed against any violator of RSA 266:18 through 266:26 shall be available as unrestricted highway fund revenue.

7 General Fund Appropriation Reduction; Judicial Branch.

I. The judicial branch shall reduce state general fund appropriations by \$5,474,589 for the fiscal year ending June 30, 2004 and \$5,030,628 for the fiscal year ending June 30, 2005 excluding PAU 02-01-04 district and municipal courts and PAU 02-01-05, class 49, transfers to the department of administrative services for court facilities. The reductions required by this paragraph shall be distributed among such judicial branch program appropriation units; each program appropriation unit shall be reduced by an amount that bears the same proportional relation to total reductions as the unit's appropriations bear to total judicial branch appropriations.

II. The judicial branch shall make no transfers out of PAU 02-01-04 district and municipal courts, and is hereby directed to reduce state general fund appropriations in PAU 02-01-04 by \$500,000 for the fiscal year ending June 30, 2004 and \$500,000 for the fiscal year ending June 30, 2005.

III. The chief justice of the supreme court, or designee, shall, by August 1, 2003, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section for fiscal year 2004.

IV. The chief justice of the supreme court, or designee, shall, by August 1, 2004, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section for fiscal year 2005.

8 Positions Abolished. The following positions are hereby abolished forthwith effective at the close of business on June 30, 2003, or later, as specifically indicated.

State Planning

01-03-05-01-01 41214

01-03-05-02-04 40975

Administrative Services

01-04-02-01-00 10118

01-04-02-02-00 10120

01-04-03-01-00 10274

01-04-04-04-03 10162

01-04-06-01-00 30036, 16693

Revenue Administration

01-07-03-04-00 41799, 41801, 41803, 41804, 41805, 41806, 41807, 41809, 41810, 41811, 41812, 41813

Adjutant General

02-02-01-01-00 16676, 30007

Justice

02-04-02-01-00 9U426, 10348

02-04-03-01-00 12884

Labor

02-12-02-00-00 18082

Safety

02-15-03-04-00 10637

02-15-03-05-00 9U491

02-15-03-17-00 10930, 18446

02-15-04-01-00 10412, 18704

02-15-04-02-00 18073, 18719

02-15-04-03-00 10666, 10695, 10760, 10828, 10847, 10850, 10808, 10864

02-15-04-06-00 16728

02-15-04-07-00 18456

02-15-04-13-00 10517, 10641, 10733, 10822, 10868, 40697, 16712, 10832, 10665

Corrections

02-16-02-03-00 10245, 30358
 02-16-03-02-01 16831, 19261, 12973, 13036, 16307, 16807, 16813, 16826, 16852, 16868, 18466,
 18806, 19253, 19256, 19259
 02-16-03-04-03 18776
 02-16-04-01-00 18869, 19916
 02-16-05-01-00 16339
 02-16-05-02-02 16340, 16927, 18861, 9U335
 02-16-06-01-00 18782
 02-16-07-01-00 15515, 15535, 18856, 19896, 19897, 19913
 02-16-08-01-00 41456, 41457

Employment Security

02-17-01-00-00 11143, 11163, 11232, 11252, 41217

Human Rights Commission

02-19-01-00-00 40306

Fish and Game

03-01-01-04-03 13912
 03-01-01-05-01 19221
 03-01-01-05-02 13875
 03-01-02-02-00 13885
 03-01-03-01-01 13853, 13926
 03-01-03-01-02 13915
 03-01-05-01-00 18306, 18307

Resources and Economic Development

03-03-04-04-00 9U325
 03-03-05-00-00 41615

Environmental Services

03-04-02-01-01 40146
 03-04-02-08-01 11366
 03-04-04-04-02 18327

Education

06-03-02-01-01 13162
 06-03-02-05-01 16942, 18582, 40245
 06-03-03-01-01 18350
 06-03-04-01-01 18880, 41648

Community Technical College

06-04-02-02-01 13352, 40286
 06-04-04-03-00 16628
 06-04-05-01-01 13577
 06-04-05-04-00 18928
 06-04-06-03-00 40262, 40263, 40264, 40265, 40266, 40916, 40917, 40918
 06-04-08-01-01 13694

Health and Human Services

05-01-01-03-01 12156, 40884
 05-01-02-02-00 16364
 05-01-03-01-00 14928, 41110, 41118, 41141
 05-01-04-04-00 30279, 41073
 05-01-06-01-00 41097
 05-01-09-02-01 12613
 05-01-11-04-01 14940

05-01-11-05-01	19647, 30944
05-01-11-06-02	16382, 16517
05-01-11-06-03	16187
05-01-12-01-00	16600
05-01-12-02-00	40630
05-01-13-01-00	16099
05-01-13-02-00	15497
05-01-14-03-02	11642
05-01-14-04-03	11661
05-01-14-04-04	11721, 19464
05-01-14-05-01	16661
05-01-14-05-02	16566, 41618, 41619

9 General Fund Appropriation Reductions; Department of Health and Human Services.

I. The department of health and human services is hereby directed to reduce state general fund appropriations to personnel and benefit lines by \$1,900,000 for the fiscal year ending June 30, 2004 and \$1,900,000 for the fiscal year ending June 30, 2005. 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.

II. In addition to the requirements of paragraph I, the department of health and human services is hereby directed to reduce state general fund appropriations in any line item by an additional \$8,100,000 for the fiscal year ending June 30, 2004 and \$8,100,000 for the fiscal year ending June 30, 2005. All such reductions shall first be subject to the approval of the fiscal committee of the general court and, after such approval, shall be reported to the department of administrative services.

10 Department of Education; Appropriation Adjustments. The department of education is hereby directed (i) to review the increased availability of federal funds appropriated and to be appropriated and allocated to New Hampshire before and during the biennium beginning July 1, 2003, including the material program funding increases under the No Child Left Behind Act, and (ii) to develop recommendations to use the new flexibility allowed under federal law to reform state programs and funding mechanisms in a manner that more effectively and efficiently makes use of the increased federal funding to meet the demands of existing programs. However, under no circumstances shall the department of education use federal funds from the Individuals with Disabilities Education Act for the purposes of this section. The commissioner of the department of education shall by July 1, 2003 notify the commissioner of the department of administrative services in writing as to the specific reform proposals that shall identify excess general fund appropriations of not less than zero dollars in the fiscal year ending June 30, 2004 and \$2,412,380 in the fiscal year ending June 30, 2005. Such notification shall precisely identify the specific line item appropriations and the specific amount of general fund and federal fund adjustments. The commissioner of the department of administrative services has the authority to adjust the line item appropriations and general fund and federal fund adjustments accordingly, with prior approval of the fiscal committee.

11 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, 2005, the total appropriations to the department of health and human services 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.

12 General Fund Appropriation Reduction; Department of Corrections. The department of corrections is hereby directed to reduce state general fund appropriations by \$3,400,000 for the biennium ending June 30, 2005, excluding PAU 02-16-01-01, class 90, correction and supervision services, office of the commissioner, administration. In implementing the reduction, the commissioner shall consider options that include, but are not limited to, the diversion of parole and probation violators to the Academy Program, expanded Academy Program usage, and expanded use of home confinement sentencing alternatives, with a goal of reducing the prison population by 300 inmates and closing the north or south wing of the state prison at Concord. The commissioner shall report to the fiscal committee of the general court at least every 60 days during the biennium on the department's progress in meeting the reductions required by this section.

13 Appropriation Reduction; Department of Health and Human Services, Division for Juvenile Justice Services.

I. The division of juvenile justice services shall reduce total appropriations in PAU 05-01-14-05-02 by \$100,000 for the fiscal year ending June 30, 2004. Appropriations shall be reduced in accordance with the funding source as follows: 25 percent of the reduction shall be from state general funds, 24 percent shall be from private local funds, and 51 percent shall be taken from agency income.

II. The division shall also reduce total appropriations in PAU 05-01-14-05-02 by \$400,000 for the fiscal year ending June 30, 2005. Appropriations shall be reduced in accordance with the funding source as follows: 19 percent of the reduction shall be from state general funds, 22 percent shall be from private local funds, 51 percent shall be taken from agency income, and 8 percent shall be from federal funds.

14 University System of New Hampshire; Self-Insurance Savings. If the university system of New Hampshire participates in the state self-insured group health plan, then no later than July 31, 2005, the university system of New Hampshire shall pay to the state, for deposit into the general fund, an amount equal to the savings realized by the university system during the biennium ending June 30, 2005 from the implementation of the self-insured group health plan.

15 Appropriations Reductions; All State Agencies.

I. All state agencies are hereby directed to reduce state general fund appropriations for classes 20, 26, and 80 by 10 percent for the fiscal years ending June 30, 2004 and June 30, 2005.

II. The department of state and the liquor commission and 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.

16 Health and Human Services; Provider Payments and Recovery of Expenditures.

I. For the biennium ending June 30, 2005, any recovery of expenditures, including, but not limited to, drug rebates, third party liability recoveries, and other recoveries received by the department of health and human services attributable to PAU 05-01-04-05, classes 90 and 92, and PAU 05-01-10-04-01, class 96, shall be deposited into the general fund as unrestricted revenue.

II. Rates paid to providers in PAU 05-01-04-05, classes 90 and 92, and PAU 05-01-10-04-01, class 96, shall not be reduced during the biennium ending June 30, 2005. Said restriction shall not apply to purchases or rates paid for pharmaceuticals. Any change between fiscal year 2004 and fiscal year 2005 shall not be disproportionately imposed upon any provider payment service category.

III. The department of health and human services shall provide to the fiscal committee of the general court a bimonthly report which includes, but is not limited to, year-to-date provider services expenditures by provider service type compared to budgeted appropriations, provider rates by provider service type, and payments made to pharmacists as a separate item.

IV. From the funds appropriated in PAU 05-01-04-05, class 90, and PAU 05-01-10-04-01, class 96, a rate of no less than \$145 for basic life support and \$175 for advanced life support shall be paid to providers of ambulance services effective July 1, 2003.

17 Department of Health and Human Services; Quarterly Reports on Provider Payments. The department of health and human services shall report on provider payments during the fiscal biennium ending June 30, 2005 to the house finance committee and the senate finance committee. Reports shall be made on a quarterly basis and shall include a breakdown by class line and subcategory of all provider payments made during the 3-month period covered by the report for Medicaid, elderly and adult services, developmental disabilities, and mental health.

18 Information Technology Management; Lapse to General Fund. If HB 663-FN-A-LOCAL does not become law during the 2003 regular session, no money shall be expended from PAU 01-03-05-01-09, and any funds appropriated to PAU 01-03-05-01-09 for the biennium ending June 30, 2005 shall lapse to the general fund.

19 Driver Training Program Positions; Funding. The department of safety shall establish a memorandum of agreement with the department of education for the purpose of funding positions 13149 and 13193 in the driver training program. The memorandum shall provide that these positions shall be funded from the driver training fund established in RSA 263:52. The memorandum shall be reviewed annually and may be amended as deemed necessary by consent of both parties.

20 Estimates of Unrestricted Revenue:

GENERAL FUND

	<u>FY 2004</u>	<u>FY 2005</u>
Beer Tax	\$ 12,900,000	\$ 13,200,000
Board and Care Revenue	10,800,000	11,400,000
Business Profits Tax	188,300,000	193,400,000
Business Enterprise Tax	58,400,000	60,000,000
Estate and Legacy Tax	19,400,000	11,400,000
Insurance Tax	82,900,000	85,600,000
Securities Revenue	26,700,000	28,000,000
Interest and Dividends	61,000,000	64,000,000
Liquor Sales & Distribution	108,100,000	114,500,000
Meals and Rooms Tax	176,700,000	184,300,000
Dog Racing	1,750,000	1,750,000
Horse Racing	1,800,000	1,800,000
Real Estate Transfer Tax	80,300,000	82,300,000
Communications Tax	66,500,000	69,000,000
Tobacco Tax	67,500,000	67,500,000
Tobacco Settlement	0	0
Utility Tax	6,100,000	6,200,000
Other	52,900,000	54,400,000
Court Fines and Fees	25,900,000	25,900,000
Federal Flexible Grant	50,000,000	0
Subtotal	1,097,950,000	1,074,650,000
Medicaid Enhancement Revenue	140,900,000	146,600,000
Medicaid Recovery Regular Care	11,700,000	14,100,000
Medicaid Recovery Long Term Care	1,600,000	1,700,000
Net Appropriation for Uncompensated Care Pool	29,300,000	22,800,000
Total	\$ 1,281,450,000	\$ 1,259,850,000

HIGHWAY FUND

	<u>FY 2004</u>	<u>FY 2005</u>
Gasoline Road Toll	\$ 125,100,000	\$ 127,000,000
Motor Vehicle Fees	91,300,000	93,700,000
Miscellaneous	5,500,000	6,100,000
Total	\$ 221,900,000	\$ 226,800,000

FISH AND GAME FUND

	<u>FY 2004</u>	<u>FY 2005</u>
Fish and Game Licenses	\$ 8,300,000	\$ 8,300,000
Fines and Penalties	150,000	150,000
Miscellaneous Sales	475,000	475,000
Indirect Costs	675,000	675,000
Total	\$ 9,600,000	\$ 9,600,000

EDUCATION TRUST FUND

	<u>FY 2004</u>	<u>FY 2005</u>
Business Profits Tax	\$ 40,300,000	\$ 41,500,000
Business Enterprise Tax	116,800,000	120,100,000
Meals and Rooms Tax	6,800,000	6,900,000
Real Estate Transfer Tax	40,200,000	41,200,000
Tobacco Tax	27,400,000	27,400,000
Tobacco Settlement	39,600,000	39,600,000
Utility Property Tax	19,000,000	20,500,000
Transfer From Sweepstakes	69,000,000	71,000,000
State Property Tax	473,300,000	363,400,000
Total	\$ 832,400,000	\$ 731,600,000

21 Estimate of General Fund Undesignated Surplus.

GENERAL FUND
(Dollars in Thousands)

	<u>FY 2004</u>	<u>FY 2005</u>
Balance, July 1	\$ 0	\$ 22,757
Additions:		
Unrestricted Revenue		
Unrestricted Revenue-Net of Medicaid	1,097,950	1,074,650
Medicaid Enhancement Revenues	140,900	146,600
Uncompensated Care	29,300	22,800
Medicaid Recovery-Regular Care	11,700	14,100
Medicaid Recovery-Long Term Care	1,600	1,700
Total Unrestricted Revenue	1,281,450	1,259,850
Appropriations:		
Gross Appropriations (Section 1)	(1,348,409)	(1,383,292)
Legislative Specials	(10,291) 890	
Footnote Reductions/Adjustments	13,608	16,209
Reduction in Judicial Appropriation	5,975	5,531
Total Appropriations	(1,339,117)	(1,360,662)
Less Lapses	39,913	40,807
Lapse Percent	2.98%	3.00%
Net Appropriations	(1,299,204)	(1,319,855)
Adjustments	43,511	28,200
GAAP Adjustment	(3,000)	(3,000)
Current Year Balance	22,757	(34,805)
Reserve Transfers	0	12,048
Balance, June 30	22,757	0

22 Effective Date. This act shall take effect July 1, 2003.

The signatures below attest to the authenticity of this report of HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

Conferees on the Part of the Senate

Sen. Green, Dist. 6
 Sen. Boyce, Dist. 4
 Sen. Clegg, Dist. 14
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Weyler, Rock. 79
 Rep. Whalley, Belk. 31
 Rep. R. Wheeler, Hills. 48
 Rep. Rogers Johnson, Rock. 83
 Rep. Giuda, Graf. 13

Senator Green moved adoption.

Question is on the adoption of the Committee of Conference Report.**A roll call was requested by Senator Peterson.****Seconded by Senator Larsen.**

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Morse, Prescott.

The following Senators voted No: Below, Larsen, Estabrook, Cohen.

Yeas: 20 - Nays: 4**Adopted.**

June 20, 2003
2003-2274-CofC
10/09

Committee of Conference Report on HB 2-FN-A, an act relative to state fees, funds, revenues, and expenditures.
 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 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.

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

III. Repeal of Prior Authorizations. The following are repealed:

(a) 2001, 158:43, relative to additional revenues for the department of health and human services.

(b) 1999, 225:2, relative to additional revenues for the department of health and human services.

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

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

3 Nursing Leveraged Scholarship Loan Program. Amend RSA 188-D:18-a to read as follows:

188-D:18-a Program Established. ***The general court recognizes the shortage of nurses in New Hampshire and recognizes the need to address this shortage by providing scholarship assistance to train registered nurses, licensed practical nurses, licensed nursing assistants, and medication nursing assistants to serve in New Hampshire. Further, the general court recognizes the shortage of qualified instructors to teach these nursing programs at the regional community technical institute and colleges. To address this shortage,*** there is established a nursing leveraged scholarship loan program, to be administered by the postsecondary education commission for the benefit of students pursuing approved programs of nursing study. ***These approved programs of nursing study shall include part-time or full-time programs for registered nurses, licensed practical nurses, licensed nursing assistants, and medication nursing assistants.***

4 Use of Funds by Technical Colleges. Amend RSA 188-D:18-c, III to read as follows:

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

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

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

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

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

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

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

7 Rehiring of Laid Off State Employees.

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

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

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

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

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

CHAPTER 4-C

OFFICE OF STATE PLANNING ***AND ENERGY PROGRAMS***

9 Reference Changes; Office of State Planning Renamed Office of State Planning and Energy Programs. Amend the following RSA provisions by replacing "office of state planning" with "office of state planning and energy programs": RSA 4-C:2; 4-C:3; 4-C:4; 4-C:5; 4-C:6; 4-C:6-a; 4-C:7; 4-C:9; 4-C:9-a; 4-C:10; 4-C:19; 9-A:2;

9-A:4; 12-G:13; 12-K:2, V; 12-K:3; 12-K:6; 12-K:8; 12-K:9; 17-M:2; 21-O:5-a; 21-O:7; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-G:2, VII; 125-G:3; 125-G:5; 125-G:16; 126-A:4; 147-B:4; 162-C:1; 162-H:3; 204-C:8; 227-G:2, XII; 227-M:4; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-E:3; 227-E:6; 233-A:2; 235:23; 238:20; 238:23; 261:153; 270:65; 270:67; 270:68; 270:71; 374:22-j; 384-B:1; 432:19; 483:8; 483:10; 483:10-a; 483-A:6; 483-A:7; 483-B:4; 483-B:5; 483-B:12; 483-B:16; 483-B:19; 485-A:4; 485-C:3; 673:3-a; 674:3; 675:9.

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

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

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

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

- (a) Plan for the orderly development of the state and the wise management of the state's resources.
- (b) Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.
- (c) Encourage and assist planning, growth management, and development activities of cities and towns and groups of cities and towns with the purpose of encouraging smart growth.
- (d) Encourage the coordination and correlation of state planning by agencies of state government.
- (e) Participate in interstate, regional, and national planning efforts.
- (f) Administer federal and state grant-in-aid programs assigned to the office by statute or executive order.
- (g) ~~[When requested by one or more towns under RSA 261:153, V, study the adequacy of the additional fee collected to pay fees for the collection and disposal of motor vehicle wastes. If the office deems it necessary, it shall submit proposed legislation to increase such fees to the speaker of the house, the president of the senate, and the governor.]~~
- ~~(h) Maintain a current list of contractors and facilities approved by the office for the collection and disposal of motor vehicle waste, for distribution to towns.~~
- ~~(i) Participate and advise in matters of land use planning regarding lakes and rivers management programs.~~
- ~~(j) (h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.~~
- (i) Administer the following programs: the coastal zone management program, the New Hampshire estuaries project, the saltmarsh restorability program, the southeast New Hampshire groundwater sustainability program, the statewide comprehensive outdoor recreation plan, the national flood insurance program, the land conservation investment program, the scenic and cultural byways system, fuel assistance contracts and weatherization contracts. The office shall employ necessary personnel to administer these programs.**

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

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

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

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

- (a) Planning assistance to local units of government.
- (b) Preparation of regional plans.
- (c) Contributions to and coordination with ~~[state-wide]~~ **statewide** planning and management activities, including the formulation and updating of the comprehensive state development plan prepared pursuant to RSA 4-C:2.

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

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

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

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

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

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

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

Community Development Block Grant Program

162-L:11 Definitions. In this subdivision:

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

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

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

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

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

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

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

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

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

I. Benefit low and moderate income households.

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

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

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

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

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

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

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

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

162-L:14 Grant of Powers to Municipalities.

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

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

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

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

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

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

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

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

(a) The director of the division of economic development, department of resources and economic development, or designee, who shall serve as chairperson of the committee.

(b) The director of the office of state planning and energy programs, or designee.

(c) The executive director of the New Hampshire housing finance authority, or designee.

(d) The chairperson of the board of directors of the community development finance authority, or designee.

(e) Six public members, at least 3 of whom shall be municipal officials, who shall be appointed by and serve at the pleasure of the governor.

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

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

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

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

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

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

(a) Adopt rules, pursuant to RSA 541-A, relative to:

- (1) The application process.
- (2) Criteria and procedures for evaluating applications submitted by eligible municipalities.
- (3) Procedures for the administration of program activities and funds by grantees.
- (4) Procedures for monitoring grantees and for hearings.

(b) Make final awards of grants and enter into contractual relationships with grantees for administering funds.

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

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

162-L:17 Procedures for Administration.

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

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

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

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

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

162-L:18 Remedies for Noncompliance.

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

(a) Terminate payments to the grantee under this subdivision; or

(b) Limit the availability of payments under this subdivision under such conditions the authority may establish.

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

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

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

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

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

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

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

490:24 Entry Fees.

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

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

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

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

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

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

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

18 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

24 Contingency. If HB 577-FN-A-LOCAL of the 2003 regular session becomes law, then sections 21 and 22 of this act shall take effect July 1, 2003. If HB 577-FN-A-LOCAL of the 2003 regular session does not become law, then sections 21 and 22 of this act shall not take effect.

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

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

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

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

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

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

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

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

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

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

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

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

125-F:8 Radiation User and Laboratory Fees.

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

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

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

(c) Inspections of registrants or licensees;

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

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

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

(g) Radiological response and radiation safety assessments.

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

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

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

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

31 Department of Health and Human Services; Medicaid Program Audit Follow-up.

I. The commissioner of health and human services shall, prior to November 1, 2003, report to the fiscal committee of the general court, the department's process for ensuring provider compliance with RSA 126-A:3, III, requiring providers to charge the lowest fee or rate for eligible medicaid services.

II. The commissioner of health and human services shall report to the fiscal committee of the general court within 90 days of passage, and every 90 days thereafter, the status of the department's efforts to resolve each observation contained in the Medicaid Program Financial and Compliance Audit Report for the Year Ended June 30, 2002 issued by the office of legislative budget assistant.

III. The commissioner of health and humans services is directed to have audits of the department's contracted independent computer service bureaus performed in accordance with Statement on Auditing Standards No. 70, Reports on the Processing of Transactions by Service Organizations (SAS 70) including audits of the department's contracted medicaid fiscal agent and its pharmacy benefits management service provider. The scope of these audits shall include service auditor's reports on controls placed in operation and tests of operating effectiveness for the year ended June 30, 2003.

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

21-I:30-d State Employee Health Insurance; Self-Insured Plan Required. Notwithstanding any provision of law to the contrary, the commissioner of administrative services shall implement a self-insured health plan for all state employees and their families and retired state employees and their spouses. The self-insured health plan shall include the university system of New Hampshire, unless the fiscal committee of the general court determines that it is not financially prudent.

33 State Employee Health Insurance; Administrative Services Reporting. Beginning July 1, 2003, the commissioner of administrative services shall report to the fiscal committee of the general court every 60 days regarding the implementation of the self-insured health plan.

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

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

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

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

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

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

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

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

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

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

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of ~~[4.5]~~ **7** percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state

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

82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-A:4-b, a tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of ~~[4.5]~~ **7** percent of the gross charge when such service is originated in this state and terminated outside this state or originated outside this state and terminated in this state. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

42 Repeal. The following are repealed:

- I. RSA 14:31-a, I(f), relative to performance based budgeting.
- II. RSA 9:8-a, II, relative to performance based budgeting.

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

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

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

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

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

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

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

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

266:2 Fees. The fee for inspection stickers shall be ~~[\$1.50]~~ **\$2.50** for each sticker furnished an approved inspection station. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of ~~[\$1.50]~~ **\$2.50** each, except that unused stickers purchased from the division for a fee of ~~[\$1.50]~~ **\$2.50** shall be refundable at the rate of ~~[\$1.50]~~ **\$2.50** each.

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

CHAPTER 162-N STATE JOBS GRANT FUND

162-N:1 Definitions. In this chapter:

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

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

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

162-N:3 State Jobs Grants.

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

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

(a) Up to \$1,000 but less than \$3,000 per job created at a wage which is at least 1 ¾ times but less than 2 times above the 2003 minimum wage.

(b) At least \$1,000 and up to \$3,000 per job created at a wage which is at least 2 times but less than 2 ¼ times above the 2003 minimum wage.

(c) At least \$3,000 and up to \$5,000 per job created at a wage which is at least 2 ¼ times but less than 2 ½ times above the 2003 minimum wage.

(d) At least \$5,000 and up to \$10,000 per job created at a wage which is at least 2 ½ times but less than 3 times above the 2003 minimum wage.

(e) At least \$10,000 and up to \$15,000 per job created at a wage which is at least 3 times but less than 3 ½ times above the 2003 minimum wage.

(f) At least \$15,000 and up to \$20,000 per job created at a wage which is 3 ½ times or more above the minimum wage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 5-C
VITAL RECORDS ADMINISTRATION

5-C:1 Definitions. In this chapter:

- I. "Department" means the department of state.
- II. "Director" or "registrar" means the director of vital records administration who shall also be known as the registrar of vital records.
- III. "Division" means the division of vital records administration, department of state.

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

I. There is established within the department a division of vital records administration under the supervision of a director of vital records administration. The secretary of state, with the approval of the governor and council, shall appoint the director of vital records administration. In addition to the title of director, the director shall also be known as the registrar of vital records. The director of vital records administration shall be academically and technically qualified to hold the position. The director shall be a citizen of this state or become a citizen of this state within one year of the director's appointment.

II. The director shall:

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

5-C:3 Declaration of Policy and Purpose.

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

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

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

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

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

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

5-C:5 Statistical Forms.

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

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

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

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

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

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

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

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

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

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

5-C:10 Birth Registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) In those instances where an affidavit of paternity is completed by the parents of the child and filed directly with the clerk of the town where the birth occurs, the clerk of the town shall forward a copy of the affidavit of paternity to the department of health and human services, office of child support enforcement

services, at the address indicated on the affidavit of paternity and shall forward the electronic record to the division. Before a mother and a putative father may sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

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

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

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

(a) Sixty days; or

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

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

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

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

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

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

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

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

5-C:14 Birth Registration Cards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5-C:17 Fees for Copies and Verifications.

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

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

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

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

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

5-C:21 Duties and Responsibilities; Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

5-C:22 Decorative Heirloom Certificates.

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

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

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

5-C:23 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for the improvement of the registration, certification, preservation, and management of the state's vital records, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall not be used for rent or electricity expenses or for general clerical or administrative personnel of the division. The secretary of state shall allocate moneys in the fund with the assistance of the advisory committee established under RSA 5-C:24. The fund shall accrue interest and shall be nonlapsing and continually appropriated to the secretary of state.

5-C:24 Advisory Committee.

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

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

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

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

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

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

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

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

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

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

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

(e) The registrar of vital records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bureau of Health Statistics and
Data Management and Institutional Review Board

126:24-a Definitions. In this chapter:

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

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

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

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

126:24-e Institutional Review Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 Repeals. The following are repealed:

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

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

79 Transfer.

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

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

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

81 Public Health Laboratory Transfer.

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

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

82 Department of Safety; Laboratory Renovations. All renovations needed to implement the transfer and consolidation of laboratory functions contained in sections 80 and 81 of this act shall be exempt from the provisions of RSA 228.

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

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

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

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

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

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

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

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

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

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

Delete

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

Insert

FF Department of safety forensic toxicologist

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

611:13 Duty of State Pathologist. Whenever the chief medical examiner or designee requires expert investigation, either chemical or pathological, of any substance or article preserved from an autopsy or for use in any criminal case pending within their respective jurisdictions, such investigation may be made at the ~~[state]~~ **forensic science** laboratory of the department of ~~[health and human services]~~ **safety established in RSA 106-B:2-a**, without charge or expense to the state or county, and the expert making such investigation shall submit a report of the results of the work to the chief medical examiner or designee requesting it.

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

98 Repeal. The following are repealed:

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

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

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

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

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

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

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

102 Department of Safety; Assistant Commissioner. Amend RSA 21-P:5, II to read as follows:

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties. The assistant commissioner shall be responsible for the operations of the ~~[division]~~ **bureau** of hearings and the ~~[bureau]~~ **division** of fire safety **and emergency management**.

103 Department of Safety; Division of Fire Safety and Emergency Management. Amend RSA 21-P:12 to read as follows:

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

I. Investigation of the causes and circumstances of fires.

II. Fire safety regulations and education.

III. Coordination of state agency response to accidents involving hazardous materials, and regulation of liquid propane gas pipelines safety, except propane gas pipelines regulated by the public utilities commission pursuant to RSA 362. The director, with the approval of the commissioner, shall appoint a hazardous materials incident response coordinator who shall assist local incident commanders with command, logistics, and resources, coordinate the training and procedures of the state's regional hazardous materials response teams in all areas of the state, oversee the preparedness of the hazardous materials response teams ~~[to handle bio-terrorism or chemical terrorism attack;]~~ and assist local communities in their efforts to obtain reimbursement for emergency responses pursuant to RSA 154:8-a, II-a.

IV. Carrying out all other functions assigned to him in RSA 153 or any other provision of law.

~~[V. Overseeing the operations of the office of emergency management in accordance with the provisions of RSA 21-P:34 through RSA 21-P:48.]~~

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

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

(a) The conduct of the enhanced 911 commission meetings.

(b) The development of minimum selection, educational, and training standards for emergency public safety answering point personnel.

(c) Procedures for the conduct of investigations authorized under RSA 106-H.

(d) Procedures for the collection and updating of the necessary database.

(e) Procedures for the necessary cooperation and coordination with telephone utilities, municipalities, and the public for the effective implementation of the enhanced 911 system.

(f) Procedures necessary for adequate funding of the enhanced 911 system, including coordination with the public utilities commission for appropriate tariff and billing mechanisms.

(g) Procedures necessary to provide for the proper administration of RSA 106-H.

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

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

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

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

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

21-P:34 Purpose. Because of the possibility of the occurrence of natural and man-made disasters resulting from fire, flood, hurricane, earthquake, prolonged power outages, disruption or contamination of the food or water supply, degradation of critical facilities and vital systems, disruption of communication systems, or other natural, technological or man-made causes, and in order that the state of New Hampshire will be adequately prepared to cope with such disasters; and, generally, in order to preserve the lives and the property of the people of the state, a state ~~[office]~~ **bureau** of emergency management is hereby created under the ~~[direction of the director of fire safety and emergency management]~~ **assistant commissioner**. The emergency management powers provided in this subdivision are conferred upon the governor and upon other executive heads of governing bodies of the state; the creation of local organizations for emergency management in the political

subdivisions of the state is authorized; and provision is made for the rendering of mutual aid among the political subdivisions of the state and between this and other states and to cooperate with the federal government with respect to the carrying out of emergency management functions. It is further declared to be the purpose of this subdivision and the policy of the state that all emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

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

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

I. There is hereby created[~~, within the division of fire safety and emergency management, an office~~] **a bureau** of emergency management under the supervision of the [director of the division of fire safety and emergency management] **assistant commissioner**. The commissioner shall nominate a [coordinator] **chief of the bureau** of emergency management, for appointment by the governor, with the consent of the council. The [coordinator] **chief of the bureau** of emergency management shall be directly responsible to the [director] **assistant commissioner** and shall carry out such duties as are specifically enumerated in this subdivision and as may be assigned to the [coordinator] **bureau chief** by the [director] **assistant commissioner**. The [coordinator] **chief of the bureau** of emergency management shall be academically and technically qualified to hold the position and shall receive the salary specified in RSA 94:1-a for the [coordinator] **chief of the bureau** of emergency management. [Notwithstanding any other provision of law to the contrary, the coordinator of emergency management shall serve at the pleasure of the governor and may be removed, with or without cause, by the governor and council. If any vacancy in the position of coordinator of emergency management exists, and no successor has been nominated by the commissioner within 6 months of the vacancy, the governor may appoint a successor with the consent of the council.] **The chief of the bureau of emergency management shall be nominated by the commissioner of safety, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. If no successor has been appointed with the consent of the council within 6 months of the expiration of the term, the governor shall appoint a successor with the consent of the council.**

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

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

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

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

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

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

(a) The ~~[state coordinator]~~ **chief of the bureau** of emergency management.

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

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

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

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

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

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

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

I. By deleting in Grade EE:

Department of safety, office of emergency management	coordinator of emergency management
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II. By inserting in Grade FF:

Department of safety, bureau of emergency management	bureau chief
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116 Compensation of State Officers. Amend RSA 94:1-a, I(b), Grade FF, by deleting:

Department of administrative services	executive director, bureau of emergency communications
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117 Enhanced 911 System; Definitions Amended. Amend RSA 106-H:2, III to read as follows:

III. "Bureau" means the bureau of emergency ~~[communications, established by the commission under RSA 106-H:3]~~ **management, established pursuant to RSA 21-P:36**.

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

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

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

106-H:3 Commission ~~[and Bureau]~~ Established.

I.(a) There is hereby established an enhanced 911 commission consisting of ~~[14]~~ **16** members, including the chief of the bureau of emergency medical service or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer ~~[and firefighter both]~~ experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

- (1) ~~[New England Telephone Company]~~ **Verizon.**
- (2) New Hampshire Association of Fire Chiefs.
- (3) New Hampshire Association of Chiefs of Police.
- (4) New Hampshire Federation of Fire Mutual Aids.
- (5) New Hampshire Municipal Association.
- (6) New Hampshire Sheriffs Association.
- (7) New Hampshire Telephone Association.

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

(9) A representative of the mobile telecommunications carriers industry.

(10) A representative of the Professional Firefighters of New Hampshire.

(b) ~~[The commission shall establish a bureau of emergency communications which shall administer enhanced 911 services.]~~ The ~~[commission]~~ **chief of the bureau of emergency management** shall oversee the administration of ~~[such]~~ **enhanced 911** services.

120 Enhanced 911 System; Powers and Duties Amended. Amend RSA 106-H:5 to read as follows:

106-H:5 Powers and Duties; **Commission.**

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

(a) ~~[Coordinate and effect the implementation of the enhanced 911 system and administer its services within the state, to become fully operational within 3 years of the effective date of this chapter.~~

~~(b)]~~ Establish technical and operational standards for the creation of a public safety answering point, which utilizes enhanced 911 network features.

~~(c)]~~ **(b)** Require submission of reports and information from those public safety agencies within the state that the bureau determines have information pertinent to the effective functioning of the bureau.

~~(d)~~ Prepare and submit to the commissioner a budget for the bureau's operations which shall be included in the department of administrative services budget.

~~(e)~~ Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this chapter.

~~(f)~~ File no later than June 1, 1993, and annually thereafter, a written report to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, the status of development of operational standards and training programs, the development of the data base, revenue generated from telephone subscribers, budget and revenue projections, the degree of coordination with municipalities, the extent of public use of the service and the quality of service rendered.

~~(g)~~ Establish the duties and qualifications of the director.]

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

(a) Make or cause to be made studies of any aspect of the enhanced 911 system, including but not limited to service, operations, training, data base development, and public awareness.

~~(b)~~ Enter into contracts and do such things as may be necessary and incidental to the administration of the bureau's authority pursuant to this chapter.

~~(c)]~~ **(b)** Undertake any project and engage in any activity which will serve to improve enhanced 911 services.

~~[(d) Accept in the name of the state any and all donations or grants, both real and personal, from any governmental unit or public agency or from any institution, person, firm, or corporation. The bureau shall receive, utilize, and dispose of all donations and grants consistent with the rules of the bureau and the purpose or conditions of the donation or grant.]~~

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

106-H:6 Powers and Duties; Bureau. The chief of the bureau of emergency management, subject to the approval of the commissioner, shall:

(a) Appoint such personnel as may be necessary to perform the duties assigned by the bureau subject to the limits of available funds. Personnel appointed under this section shall be classified state employees as defined by the division of personnel.

(b) Prepare and submit to the commissioner a budget for the bureau's operations which shall be included in the department of administrative services budget, with the advice of the commission.

(c) Enter into contracts and do such things as may be necessary and incidental to the administration of the bureau's authority pursuant to this chapter, with the approval of the commissioner.

(d) Accept in the name of the state any and all donations or grants, both real and personal, from any governmental unit or public agency or from any institution, person, firm, or corporation. The bureau shall receive, utilize, and dispose of all donations and grants consistent with the rules of the bureau and the purpose or conditions of the donation or grant.

(e) Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this chapter.

(f) File a written report on June 1 of each year to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, the status of development of operational standards and training programs, the development of the data base, revenue generated from telephone subscribers, budget and revenue projections, the degree of coordination with municipalities, the extent of public use of the service and the quality of service rendered.

122 Enhanced 911; Fund Established. Amend RSA 106-H:9, I to read as follows:

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

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

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(c) who has 10 years' fire service experience, who is or becomes

the ~~[director of the division of fire safety and emergency management]~~ **state fire marshal**, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of service in that capacity with the fire standards and training commission.

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

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

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

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

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

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

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

VII. The ~~[director or assistant director, office]~~ **chief of the bureau** of emergency management.

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

485:40 Emergency Planning. The department shall develop plans, with the advice and assistance of the ~~[office]~~ **bureau** of emergency management, and of the public water systems of the state, for emergency conditions and situations that may endanger the public health or welfare by contamination of drinking water. Such plans may include potential sources of contaminants and situations or conditions that could place them in the sources of public drinking water, techniques and methods to be used by public water systems to reduce or eliminate the dangers to public health caused thereby, methods and times for analysis or testing during such emergency conditions or situations, alternate sources of water available to public water systems, and methods of supplying drinking water to consumers if a public water system cannot supply such water.

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

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

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

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

131 Repeal. The following are repealed:

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

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

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

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

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

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

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

132 Contingency. The persons holding the positions of state fire marshal and executive director of the bureau of emergency communications upon the effective date of this act shall assume the duties of the chief of the bureau of fire safety and the chief of the bureau of emergency management respectively. Such persons shall remain in these positions until a vacancy occurs or their term expires.

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

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

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

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

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

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

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

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

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

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

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

139 Membership and Compensation.

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

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

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

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

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

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

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

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

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

144 Investor Education Fund Lapse.

I. Notwithstanding RSA 421-B:21, II-c and 421-B:26, IV, all funds received under the global settlement relative to conflicts of interest between research analysts and investment banking, up to \$8,700,000, shall lapse from the investor education fund to the general fund as soon as such funds become available during the fiscal year ending June 30, 2004.

II. Notwithstanding RSA 421-B:21, II-c and 421-B:26, IV, all funds received under the global settlement relative to conflicts of interest between research analysts and investment banking, up to \$200,000, shall lapse from the investor education fund to the general fund as soon as such funds become available during the fiscal year ending June 30, 2005.

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

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

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

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

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

147 Membership and Compensation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 Belknap County Nursing Home; Exemption. The repair and replacement construction project by the Belknap County nursing home required because of roof damage shall be exempt from the provisions of RSA 151-C, provided that this exemption shall not be construed to allow the Belknap County nursing home to add more beds.

154 Operation of Beach Parking Facilities; Hampton Beach Capital Improvement Fund. Amend RSA 216:3 to read as follows:

216:3 Operation of Beach Parking Facilities.

I. The department of resources and economic development shall operate, maintain, and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, including parking violation fines, whichever is determined most practical.

II. The state treasurer shall establish a special nonlapsing fund, which shall only lapse pursuant to paragraph III, for the revenues from ~~[this source which shall be expended to retire 50]~~ **the parking facilities at Hampton Beach. Fifty percent of the payments for principal and interest of bonds and notes that are issued for the project of replacing the steel seawall with a concrete seawall in the Hampton Beach area shall be paid from this fund. If the revenues from the parking facilities at Hampton Beach exceed \$1,025,000 for the fiscal year, all revenues in excess of \$1,025,000 shall be transferred prior to the close of the fiscal year from this fund to the Hampton Beach capital improvement fund established in paragraph IV.**

III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the state park fund.

IV.(a) There is established a nonlapsing revolving fund to be known as the Hampton Beach capital improvement fund in the department of resources and economic development. The revolving fund shall be used for capital improvements for the parking facilities at Hampton Beach.

(b) The commissioner of resources and economic development shall submit a report detailing the activities of the revolving fund annually to the governor and council and the fiscal committee within 60 days of the close of each fiscal year.

155 Savings From the Office of Information Technology; Use of Saved Funds. Beginning on January 1, 2004 and every 90 days thereafter, the department of administrative services shall determine the amount of general fund cost savings resulting from implementation of the office of information technology within the office of the governor and shall report any such savings to the legislative fiscal committee. Any such savings resulting from the implementation of the office of information technology shall be distributed as follows:

I. The first \$11,000,000 in general fund cost savings per biennium shall lapse to the general fund; and

II. Any savings over \$11,000,000 per biennium may be expended by the office of information technology with the prior approval of the legislative fiscal committee.

156 Chief Information Officer; Salary Limit Exemption. Notwithstanding any provision of law to the contrary, the provisions of RSA 94:1-a, III shall not apply to the position of chief information officer established under RSA 4-D:1, I.

157 Contingency. If RSA 4-D is enacted by HB 663-FN-A of the 2003 legislative session or by any other act of the 2003 legislative session, then section 160 of this act shall take effect. If RSA 4-D is not enacted by HB 663-FN-A or by any other act of the 2003 legislative session, then section 160 of this act shall not take effect.

158 Expenditures of the General Court. Amend RSA 14:27-b to read as follows:

14:27-b Expenses of the General Court During Interim. During the period when the legislature is not in session, no expenditure shall be charged against the legislative appropriation for the expenses of the legislature, exclusive of appropriations included therein for the office of the legislative budget assistant to the house and senate finance committees, and the office of the director of legislative services, without the authorization and approval of the president of the senate in the case of expenditures for the senate and the speaker of the house in the case of expenditures for the house. ~~[No expenditure of said funds shall be made without certification by the chairperson or vice chairperson of the senate finance committee in the case of senate expenditures or the chairperson or vice chairperson of the house finance committee in the case of house expenditures that sufficient funds are available in the particular appropriation.]~~ Authority is also granted hereby to the president of the senate and the speaker of the house to purchase supplies and equipment and to cause payment of expenses incidental to the operation and business of the legislature while the legislature is not in session. Such purchasing or payments shall be a charge upon the legislative appropriation, except such expenses as are otherwise specifically provided for by law. ~~[In the event of a vacancy in the office of president of the senate or of the speaker of the house during the period the legislature is not in session, the chairperson of the senate finance committee or the chairperson of the house finance committee respectively shall have and exercise the authority conferred upon the president and the speaker by this section.]~~

159 Personal Care Services; Consumer Choice. Amend RSA 161-I:3 to read as follows:

161-I:3 Consumer Choice. An eligible consumer in need of personal care services shall have the option to receive personal care services, including consumer-directed services, through a home health agency or other qualified agency. An individual not eligible for department programs shall have the option to receive personal care services, including consumer-directed services, through a **provider of personal care certified under**

RSA 161-I, home health care provider, **other qualified provider**; or other facility licensed under RSA 151, or through a private arrangement between individuals. Such choice shall be subject to those limitations imposed by federal and state laws, rules, and regulations.

160 Distribution Schedule of Adequate Education Grant; Dates Changed. Amend RSA 198:42, I to read as follows:

I. The adequate education grant determined in RSA 198:41 shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on ~~[August]~~ **September 1**, 20 percent on ~~[September]~~ **November 1**, 30 percent on January 1, and 30 percent on ~~[April]~~ **March 1** of each school year; provided that for a dependent school district, the grant determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

161 Joint Legislative Committee on Administrative Rules; Staff. Amend RSA 541-A:2, II to read as follow:

II. The joint legislative committee on administrative rules shall meet at least once each month and more often as necessary for the prompt discharge of its duties. The director of legislative services shall provide services ~~[and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services. Changes in services or staffing in the division shall be made by the joint committee on legislative facilities only after receiving the recommendation of the director of legislative services, after consultation with the chair and vice-chair of the joint legislative committee on administrative rules]~~ **to the committee**. The joint legislative committee on administrative rules shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

162 Public Hearing and Comment. Amend RSA 541-A:11, I to read as follows:

I. Each agency shall hold at least one public hearing on all proposed rules and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice and the provisions of this section. The ~~[legal counsel designated to the committee]~~ **office of legislative services** shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV **in a form and manner determined by the director of the office of legislative services**. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the hearing. For rules proposed by a board or commission, a period of at least 10 days after the hearing shall be provided for the submission of materials in writing or in electronic format, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of such materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least 10 days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of materials in writing or in electronic format shall be extended.

163 Filing Final Proposal. Amend RSA 541-A:12, I and I-a to read as follows:

I. After fully considering public comment and any committee **comments** or ~~[designated legal counsel]~~ comments **by the office of the legislative services** received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the agency shall file the final proposal no earlier than 21 days and no later than 150 days after the date of publication of the notice in the rulemaking register. If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal. The agency shall file the final proposal with the director of legislative services. Final proposals filed no later than 14 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than 14 days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting.

I-a. If an agency chooses to receive and respond to comments before the committee meeting as specified in RSA 541-A:13, II(a) and (b), the agency shall file the final proposal with a request that the final proposal

be reviewed by the ~~[committee legal counsel]~~ **office of legislative services** and placed on the agenda for the next regularly scheduled committee meeting or special meeting that is at least 28 days but no more than 60 days after the date that the final proposal is filed. The final proposal and request shall be filed at least 14 days prior to the first regularly scheduled committee meeting at which the request may be considered. The committee shall notify the agency in writing of its approval or denial of the request.

164 Review by the Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, II(a) to read as follows:

II.(a) If an agency has filed a final proposal and the committee has granted the agency's request, pursuant to RSA 541-A:12, I-a, the director of legislative services shall notify the agency of any potential bases for committee objection identified by ~~[committee legal counsel]~~ **the office of legislative services** by forwarding a copy of the final proposal with the counsel's comments noted thereon at least 14 days prior to the committee meeting at which the proposal will be considered.

165 Procedures, Committee Objections. Amend RSA 541-A:13, V(a) to read as follows:

(a) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, it shall so inform the agency. In lieu of a preliminary objection, the committee may vote to conditionally approve the rule with an amendment, provided that the committee specifies in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the ~~[committee legal counsel]~~ **office of legislative services** determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the ~~[committee legal counsel]~~ **office of legislative services** shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

166 Interim Rules. Amend RSA 541-A:19, VIII(a) to read as follows:

(a) The director of legislative services shall notify the agency of any potential bases for committee objection ~~[identified by committee legal counsel]~~ by forwarding a copy of the proposed interim rule with ~~[counsel's]~~ comments noted thereon to the agency at least 7 days prior to the committee meeting at which the rule will be considered. Following receipt of the comments an agency may amend its interim rule to address the noted potential bases for objection. The agency may present the amended proposal to the committee for approval at the committee meeting. The committee may approve the rule as originally proposed or as amended.

167 Salary; Executive Director of Judicial Council. Amend RSA 94:1-a, I(b) by inserting in grade CC the following:

CC Judicial council executive director

168 County Attorney; Duties. Amend RSA 7:34 to read as follows:

7:34 Duties. The county attorney of each county shall be under the direction of the attorney general, and, in the absence of the latter, he **or she** shall perform all the duties of the attorney general's office for the county. **If no other representation is provided**, under the direction of the county commissioners he **or she** shall prosecute or defend any suit in which the county is interested. [He] **The county attorney** shall tax all costs arising in state or county suits in his **or her** county for the consideration of the court.

169 Defense and Indemnification; Representation by County Attorney. Amend RSA 29-A:2 to read as follows:

29-A:2 Defense and Indemnification. If any claim is made or any civil action is commenced against any present or former officer, trustee, official, or employee of any county, or any agency thereof, seeking equitable relief or claiming damages for the negligent or wrongful acts of any such person and said officer, trustee, official, or employee requests the county to provide representation for him **or her** and the county commissioners, or, in the case of a claim or civil action commenced against the county commissioners, the county convention, determine that the acts complained of were committed by said officer, trustee, official, or employee

while acting within the scope of official duty for the county and that said acts were not wanton or reckless, ***in the absence of other legal representation***, the county attorney shall represent and defend such person with respect to such claim or civil action throughout such action or shall, with the consent of the county commissioners, retain outside counsel so to represent or defend such person; and the county shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the county shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from said claim or suit. The county commissioners or county convention shall not be required to consider the request of such person that representation be provided for [him] ***the person*** unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he ***or she*** shall deliver the original or a copy thereof to the county commissioners or, in the case of an action against the county commissioners, to the clerk of the county convention. No property either real or personal of any county shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the county created under this chapter. Upon entry of final judgment in any action brought under this chapter the county commissioners shall present such judgment to the county convention for the requisite appropriation. The county attorney or outside counsel retained under this chapter shall have the authority, with the concurrence of the county commissioners, to settle any claim brought under this chapter by compromise; and the county commissioners shall present said settlement to the county convention for the requisite appropriation.

170 New Paragraph; Restrictions on Self-Insured Plans; Reserve Amount. Amend RSA 21-I:30-b by inserting after paragraph III the following new paragraph:

IV. The total amount required to be maintained in reserve pursuant to this section may be met within a reasonable period of time after the establishment of a reserve fund under RSA 21-I:30-c. The commissioner of administrative services shall ensure that during the time the state is working toward meeting the required reserves the state is able to pay the risk assumed in administering a self-insured group health plan.

171 Land and Community Heritage Investment Program Administrative Fund; 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, [2003] ***2005*** 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.

172 Judicial Conduct Commission. Amend RSA 494-A:1 to read as follows:

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. ***All complaints made against judges, as defined in RSA 494-A:2, IV, and clerks, as defined in RSA 494-A:2, I, shall be directed to the commission.*** The commission shall be administered by an executive director, appointed under RSA 494-A:3.

173 New Section; Lobbyists. Amend RSA 15 by inserting after section 1 the following new section:

15:1-a Prohibited Activities.

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other monies shall not be sufficient.

174 Tobacco Use Prevention Funds Deposited in General Fund. Notwithstanding RSA 126-K:15, in each year of the biennium ending June 30, 2005, \$3,000,000 of the tobacco settlement funds received by the state of New Hampshire shall not be deposited in the tobacco use prevention fund. In addition, notwithstanding any other provision of law, the balance of the tobacco use prevention fund as of June 30, 2003, shall lapse to the general fund.

175 Effective Date.

I. Sections 12, 25, 34, 134, 135, 171, and 174 of this act shall take effect June 30, 2003.

II. Sections 21 and 22 of this act shall take effect as provided in section 24 of this act.

III. Sections 31, 99-132, 133, 138-143, and 146-150 of this act shall take effect upon its passage.

IV. Sections 80-98, and 172 of this act shall take effect January 1, 2004.

V. Section 152 of this act shall take effect June 30, 2005.

VII. Section 156 of this act shall take effect as provided in section 159 of this act.

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

The signatures below attest to the authenticity of this Report on HB 2-FN-A, an act relative to state fees, funds, revenues, and expenditures.

Conferees on the Part of the Senate

Sen. Green, Dist. 6

Sen. Boyce, Dist. 4

Sen. Clegg, Dist. 14

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Weyler, Rock. 79

Rep. R. Wheeler, Hills. 48

Rep. Whalley, Belk. 31

Rep. Giuda, Graf. 13

Rep. Rogers Johnson, Rock. 83

2003-2274-CofC

AMENDED ANALYSIS

This bill:

I. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2005.

II. Provides that, for the biennium ending June 30, 2005, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services.

III. 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.

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

V. Extends the nursing leveraged scholarship loan program to provide scholarship assistance to nursing students who will serve in New Hampshire and to provide grants to the regional community-technical colleges.

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

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

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

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

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

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

XII. Amends fees charged by the secretary of state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XXVII. Establishes the permanent rate of communications services taxes at 7 percent of the gross charge.

XXVIII. Repeals performance based budgeting.

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

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

XXXI. Increases the motor vehicle inspection sticker fee.

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

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

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

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

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

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

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

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

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

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

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

XLIV. Lapses certain global settlement funds from the investor education fund to the general fund.

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

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

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

XLVIII. Exempts the Belknap County nursing home from requirements of RSA 151-C for certain repairs.

XLIX. Transfers certain Hampton Beach parking revenue to a Hampton Beach capital improvement fund.

L. Requires the department of administrative services to determine the cost savings resulting from the implementation of the office of information technology and report any such savings to the legislative fiscal committee.

LI. Requires that the first \$11,000,000 in cost savings lapse to the general fund and allows any amount over \$11,000,000 to be expended by the office of information technology with prior approval from the legislative fiscal committee.

LII. Exempts the chief information officer from statutory salary limitations.

LIII. Removes the requirement to seek approval from the chair of the finance committee before funds may be expended for legislative business when the general court is not in session.

LIV. Provides that an eligible consumer may choose personal care services from a certified personal care provider or other qualified provider.

LV. Changes the dates adequate education grant payments are distributed from the education trust fund.

LVI. Changes the staffing requirements for the joint legislative committee on administrative rules.

LVII. Establishes a salary for the executive director of the judicial council.

LVIII. Provides that certain duties of the county attorney apply only in cases when no other representation is provided.

LIX. Permits a reasonable time for the state to meet the required reserves for a self-insured group health plan.

LX. Extends the land and community heritage program administrative fund's inclusion of interest income.

LXI. Clarifies the jurisdiction of the judicial conduct commission.

LXII. Restricts lobbyists from using state funds for lobbying.

LXIII. Provides that in each year of the biennium ending June 30, 2005, \$3,000,000 of New Hampshire's tobacco settlement funds shall not be deposited in the tobacco use prevention fund, and the balance of the fund as of June 30, 2003 shall lapse to the general fund.

Senator Green moved adoption.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Morse, Prescott.

The following Senators voted No: Below, Larsen, Estabrook, Cohen.

Yeas: 20 - Nays: 4

Adopted.

June 18, 2003
2003-2223-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 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 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	\$ 300,000
B. STARC Armory - Concord	9,033,100
Less Federal	- 6,774,825
Net state appropriation subparagraph B	2,258,275
C. Armory Kitchen Expansions	975,000
Less Federal	- 731,250
Net state appropriation subparagraph C	243,750
D. Joint Service Training Facility Design	3,388,700
Less Federal	- 3,388,700
Net state appropriation subparagraph D	0
Total state appropriation paragraph I	\$ 2,802,025

II. Department of Administrative Services.

A. Bureau of Court Facilities.

1. Architectural and Engineering - Hampton District Court.	\$ 165,000
Total state appropriation subparagraph A	165,000

B. Bureau of General Services.

1. 4 and 6 Hazen Drive - Upgrade Security	106,000
2. Renovate State Laboratory - Final Phase	5,447,000
Less Federal	- 3,947,000
Net state appropriation subparagraph 2	1,500,000
3. 4 and 6 Hazen Drive - Install Fire Suppression System	806,000
4. Storrs Street Warehouse - Replace Leaky Roof	92,000
5. Londergan Hall - Replace Elevator	283,000
6. Londergan Hall - Replace Defective Flooring	101,000
7. State House Annex - Replace Defective Flooring	531,000
8. State House and State House Annex - Install Emergency Generator	381,000
9. State House Annex - Replace Freight Elevator	286,000
10. 18 State Owned Buildings - Asbestos and Hazardous Material Survey	152,000
11. Monadnock Mill - Repair Building Foundation	140,000
12. Site and Design Parking Garage - Executive/Legislative	200,000
13. New Hampshire Hospital Campus - Redevelopment Plan	100,000
14. State House - Rehabilitate Representatives Hall	665,000
Total state appropriation subparagraph B	5,343,000

Notwithstanding the provisions of section 10 of this act, if the federal funds for the State Laboratory - Final Phase project authorized in subparagraph B, 2 are not eligible for use in the project, the commissioner of administrative services shall certify to the capital budget overview committee by letter not later than September 15, 2003 the amount of the federal funds not eligible, and shall request the amount of additional state general fund bond authority required for the project. Within 10 days of the receipt of such letter, the capital

budget overview committee shall act on the request for additional state general fund bond authority required for the project. The additional bond amount shall be authorized upon the receipt by the commissioner of administrative services of approval from the capital budget overview committee.

C. Financial Data Management.

1. Campus Wiring	1,525,000
2. Enterprise Resource Planning	15,000,000

Total state appropriation subparagraph C	16,525,000
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Total state appropriation paragraph II	\$ 22,033,000
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III. Community-Technical College System.

A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
B. Library Addition - Design - Claremont	125,000
C. Ventilation - Berlin	307,000
D. Student Residence Hall Rehabilitation -NHTI	270,000
E. New Academic Building – Laconia	5,500,000
F. MacRury Hall Addition – Dental Facility	1,500,000
G. Critical Repairs	1,252,000
H. Christa McAuliffe Planetarium – Alan B. Shepard Memorial Wing	6,200,000
Less Federal	- 4,900,000

Net state appropriation subparagraph H	1,300,000
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I. Police Standards and Training – Storage Building Expansion	95,000
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Total state appropriation paragraph III	\$ 12,722,000
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The sum appropriated in subparagraph E for the academic building in Laconia shall not be spent, obligated, or encumbered until the department has received approval of the master plan process from the capital budget overview committee. In addition to the approval of the master plan process, the department shall submit the program and design development drawings which include cost estimates, design criteria, and square footage requirements for the project in subparagraph E to the capital budget overview committee for its review and approval.

No state funds may be expended for the Shepard memorial wing project in subparagraph H until all the federal funds for the project have been received.

IV. Department of Education.

A. Regional Career and Technical Education Center Match - Portsmouth	\$ 4,500,000
B. Regional Career and Technical Education Center Match – Berlin	1,676,000
C. Regional Career and Technical Education Center Match – Nashua	4,500,000

Total state appropriation paragraph IV	\$ 10,676,000
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V. Department Of Environmental Services.

A. Hazardous Waste Superfund Match	1,805,000
B. Drinking Water SRF Matching Funds	4,968,320
C. Wastewater SRF Matching Funds	8,044,208
D. Estuary Wastewater Project Study	1,000,000

Total state appropriation paragraph V	\$ 15,817,528
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VI. Department of Health and Human Services.

A. Update Sprinkler System - Glencliff	\$ 88,000
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Total state appropriation paragraph VI	\$ 88,000
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VII. Liquor Commission.

A. Administration Building Life Safety	\$ 128,000
B. Design/Build New Store – Keene	2,000,000

Total state appropriation paragraph VII	\$ 2,128,000
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The sum appropriated in subparagraph B for the construction of the new store in Keene shall not be spent, obligated, or encumbered until the commission has received approval of the plan from the capital budget overview committee.

VIII. Department Of Resources and Economic Development.

A. Replace Septic Systems - Franconia	\$ 250,000
B. Replace Bath House and Septic Pump – Pawtuckaway	250,000
C. Replace Toilet/Shower Building – Bear Brook	250,000

D. Mount Washington Electrification	2,000,000
Less Park Fund *	- 2,000,000
Net state appropriation subparagraph D	0
E. Monadnock Campground Renovation	980,000
F. Statewide Radio System	575,200
Less Federal	- 100,000
Net state appropriation subparagraph F	475,200
Total state appropriation paragraph VIII	\$ 2,205,200

*To provide funds for the appropriation of State Park Funds made in subparagraph D 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. Payments of principal and interest on the bonds and notes shall be made from the state park fund established in RSA 216-A:3-i.

IX. Department of Safety.

A. Lab Expansion	\$ 390,600
Total state appropriation paragraph IX	\$ 390,600

X. Department of State.

A. Archives Addition – Design and Build	\$ 2,549,330
Less Federal	- 1,000,000
Net state appropriation paragraph A	1,549,330
Total state appropriation paragraph X	\$ 1,549,330

XI. Department Of Transportation.

A. 5 – 10 Percent Match for FAA Projects	\$ 3,515,000
B. Public Transit Bus Replacement Match	200,000
Total state appropriation paragraph XI	\$ 3,715,000

XII. Veterans Home.

A. Upgrade Fire Safety and Renovation Project	\$ 2,571,000
Less Federal	- 1,671,150
Net state appropriation subparagraph A	899,850
Total state appropriation paragraph XII	\$ 899,850

The fire safety and renovation project in subparagraph A shall include the purchase of a sander truck.

Total state appropriation section 1	\$ 75,026,533
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2 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Hatchery System Modernization	\$ 2,000,000
B. Dam Reconstruction and Repair	100,000
Total state appropriation section 2	\$ 2,100,000

3 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department Of Safety.

A. Finish Second Floor of DMV Building - Hazen Drive	\$ 370,000
B. Addition to DMV Building on Hazen Drive – Design/Build	3,900,000
C. Lab Expansion	167,400
D. Finish Troop D First Floor	589,000
Less Other	- 111,910
Net state appropriation subparagraph D	477,090
Total state appropriation paragraph I	\$ 4,914,490

The sum appropriated in subparagraph B for the construction of the DMV Building addition shall not be spent, obligated, or encumbered until the department has received approval of the plan from the capital budget overview committee.

II. Department Of Transportation.

A. Patrol and Salt Sheds - Statewide	\$ 4,132,000
B. Garage and Material Lab Equipment	500,000

C. Antrim Rest Area Replacement - Design and Right-of-Way	100,000
D. Chesterfield Rest Area Replacement - Design and Right-of-Way	100,000
Total state appropriation paragraph II	\$ 4,832,000
III. Department of Administrative Services, Financial Data Management.	
A. Enterprise Resource Planning	\$ 3,800,000
Total state appropriation paragraph III	\$ 3,800,000
Total state appropriation section 3	\$ 13,546,490

4 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 2, 3, and 11 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.

5 Land Acquisition. Any land acquired under the appropriations made in sections 1, 2 and 3 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$90,673,023 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 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 2 of this act shall be made from the fish and game fund.

(b) Section 3 of this act shall be made from the highway fund.

8 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, 2, 3, and 11 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 for projects under sections 1, 2, and 3 the amount of bonding authorized by section 6 shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 11 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 is completed and accepted, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

10 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3, and 11 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 6 shall be reduced by the amount that the appropriation in sections 1, 2, and 3 of state funds is reduced pursuant to this section.

11 Capital Appropriation; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. The sum of \$30,264,597 is hereby appropriated to the department of health and human services for the purpose of the construction of a new architecturally secure facility for committed and detained juveniles on the grounds of the youth development center.

II. The source of funds for the project shall be as follows:

(a) \$10,925,000 in federal funds from the Violent Offender Incarceration/ Truth-in-Sentencing (VOI/TIS) grant program; and

(b) \$19,339,597 from the proceeds from bonds issued pursuant to section 12.

III. The remainder of the funding for this project is provided by the \$2,475,000 balance of the \$13,400,000 federal funds from the VOI/TIS grant program, which amount was previously accepted by the department and is budgeted in PAU 05, 01, 14, 06, 01 of the 2004 – 2005 operating budget, and \$260,000 from an original \$1,000,000 capital appropriation authorized for use by the department as state match for the VOI/TIS grant by the long range capital planning and utilization committee, as provided in 1997, 349:1, XVI, D as amended by 1998, 372:3 and 1999, 226:15; and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII.

IV. The department shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the project to the capital budget overview committee as soon as possible on or after the effective date of this act.

V. The appropriations in this section shall not lapse until July 1, 2007.

VI. The co-generation phase of the project may be executed through the design build method of contracting.

12 Bonds Issued; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. To provide funds for the appropriation made in section 11, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$19,339,597 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; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$9,339,597 in the biennium ending June 30, 2005.

(b) \$19,339,597 in the biennium ending June 30, 2007.

II. Payments of principal and interest on the bonds and notes authorized in paragraph I shall be made from the general fund of the state.

13 Purpose Amended; Appropriation Reduced; YDC New Facility Design. Amend 1997, 349:1, XVI, D as amended by 1998, 372:3 and 1999, 226:15, and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, to read as follows:

D. Construction and Renovations – YDC, <i>New Facility Design</i>	[\$1,000,000]	\$260,000
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14 Capital Budget; 1997 Total Adjusted. Amend 1997, 349:8 as amended by 1999, 226:25 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 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 [~~\$68,178,937~~] **\$67,438,937** 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 the provisions of RSA 6-A.

15 Capital Budget; 1997 Section 1 Total Adjusted. Amend 1997, 349:1, total state appropriation section 1, as amended by 1999, 226:28, to read as follows:

Total state appropriation section 1	[\$52,318,937]	\$51,578,937
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16 Capital Appropriation Reduced; Totals Adjusted. Amend 1999, 226:1, XV, D, as extended by 2001, 202:28, LXI, and the total state appropriation paragraph XV and the total state appropriation section 1, to read as follows:

D. Phase I – preparation for agency networking *	[225,000]	217,128
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Total state appropriation paragraph XV	[\$707,000]	\$699,128
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Total state appropriation section 1	[\$41,311,314]	\$41,303,442
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17 Purposes Amended; Appropriations Reduced. Amend 2001, 202:1, XV, A and B to read as follows:

A. King Cottage Renovations - Const. YDS	[\$415,000]	\$23,275
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B. ADA Compliance and Sprinkler/Fire Detection - Const.	[500,000]	0
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18 Total Adjusted. Amend 1999, 226:8 and amended by 2000,132:4 to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 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 [~~\$60,025,314~~] **\$60,479,567** 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 the provisions of RSA 6-A.

19 Total State Appropriation Adjusted. Amend the total state appropriation section 1 of 2001, 202:1, as amended by 2002, 26:11 and 2002, 244:3, to read as follows:

Total state appropriation section 1	[\$55,021,200]	\$54,129,475
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20 Total Adjusted; Bonds Authorized. Amend 2001, 202:8, I, as amended by 2002, 26:12 and 2002, 244:4, to read as follows:

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 [~~\$73,101,700~~] **\$72,209,975** 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.

21 Walker Building; Payment of Bonds and Notes. Amend 2000, 283:2, II to read as follows:

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 \$12,600,000 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 rents to be paid by non-general fund agencies occupying the Walker building. The bonds shall be 20-year bonds.~~] ***The payment of principal and interest on the bonds and notes under this paragraph shall be a direct charge against the rents paid by state agencies occupying the Walker building to the extent available. To the extent that rents are insufficient for the payment of principal and interest, the remaining payment shall be a charge against general funds of the state.***

22 Appropriation for Walker Building Operation. The sum of \$165,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2004 for the purpose of the operation of the Walker building facilities while state agencies are relocating to the Walker building from leased space. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Capital Appropriation Increased. Amend 2001, 202:16 to read as follows:

202:16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of [~~\$1,500,000~~] **\$2,300,000** is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

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 [~~\$1,500,000~~] **\$2,300,000** 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 technical institute private fund.

24 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Student Residence Hall; Berlin.

I. The sum of \$1,600,000 is appropriated to the department of regional community-technical colleges for the purpose of the construction of a student residence hall on the Berlin campus.

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 \$1,600,000 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 student residence fees.

25 Purpose Amended; Adjutant General. Amend 2001, 202:1, I, B to read as follows:

B. Reroofing Plymouth and Franklin Armories, <i>and Armory Renovations Statewide</i>		410,000
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26 Purpose Amended; State Rail Lines; Department of Transportation. Amend 2001, 202:1, XIII, B as amended by 2002, 26:9 to read as follows:

B. Repair State Rail Lines <i>and Design Lowell to Nashua Commuter Rail</i>	[600,000]	1,500,000
Less Federal	[-300,000]	-1,200,000
Net state appropriation subparagraph B		300,000

27 Purpose Amended; 1991 Appropriation; Port Authority. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1, 2000, 15:1 and 2000, 292:10 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, renovation of any commercial fish piers that may be transferred to the port authority, and the rip-rap project on River Street in Seabrook. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
Total state appropriation section 5	\$18,300,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. The remaining \$14,600,000 is designated for construction, renovation, and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000. ***In addition, for the biennium beginning July 1, 2003, the sum of \$1,000,000 shall be expended for the dredging of Hampton - Seabrook harbor; provided that the Army Corps of Engineers takes responsibility for completion and funding of future harbor dredging projects.***)

28 Purpose Amended; Pease Development Authority; Ports and Harbors. Amend 1999, 226:1, XI, A to read as follows:

A. Building improvements; <i>Design, Engineering, and Permitting for Relocation of Office and Scale House</i>	\$ 320,000
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29 Capital Appropriation Increased; Conway Rest Area. Amend 1999, 226:4, I, F to read as follows:

F. Conway rest area	[500,000]	<i>962,125</i>
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30 Totals Adjusted; 1999 Capital Budget. Amend 1999, 226:4, I total state appropriation paragraph I to read as follows:

Total state appropriation paragraph I	[\$ 7,625,000]	<i>\$ 8,087,125</i>
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31 Totals Adjusted; 1999 Capital Budget. Amend 1999, 226:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4	[\$8,819,000]	<i>\$9,281,125</i>
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32 Appropriation Purpose Amended. Amend 2001:202:1, IX, A to read as follows:

A. Patient Res. ADA & Fire Sys/Transitional Housing – State Office Park South <i>and Burbank Replacement</i>	\$433,750
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33 Contingency; HB 663; Enterprise Resource Planning. If HB 663-FN-A-LOCAL, relative to county and state funding of long-term care medicaid programs and relative to transferring state information technology management to the governor's office of information technology, of the 2003 regular legislative session does not become law, then funds appropriated in paragraph II, C, 2 of section 1 of this act and paragraph III, 1 of section 3 of this act for enterprise resource planning shall not be made available, transferred, or appropriated by this act.

34 Lapse Dates Extended to June 30, 2005. The following appropriations are hereby extended to June 30, 2005:

I. The appropriation made to the adjutant general in 1999, 226:1, I, C, as extended by 2001, 202:28, XLVII, for renovation of state armories.

II. The appropriation made to the adjutant general in 2001, 202:1, I, A, as amended by 2002, 239:5, for armory renovations - statewide.

III. The appropriation made to the adjutant general in 2001, 202:1, I, B, as amended by section 21 of

this act, for reroofing Plymouth and Franklin armories and armory renovations - statewide.

IV. The appropriation made to the adjutant general in 2001, 202:1, I, C, for army aviation support facility construction – Concord.

V. The appropriation made to the department of administrative services in 2000, 283:2, as extended by 2001, 202:28, X, for renovation to the Walker building.

VI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII and 2001, 202:28, XII for emergency repairs, contingency fund.

VII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII and 2001, 202:28, XIII for the life safety, renovations – health and human services building.

VIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 1, for state laboratory – complete HVAC repairs.

IX. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 2, for E-911 install ventilation unit.

X. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 6, for state house annex – upgrade elevators.

XI. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 7, for 6 Hazen drive – replace state laboratory roof.

XII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 8, for state house – upgrade elevators.

XIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 9, for state house – repoint exterior granite and caulk windows.

XIV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 11, for state house annex – mailroom lift.

XV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 13 for Storrs street garage – parking garage repairs.

XVI. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 1, for Carroll county courthouse construction.

XVII. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 2, for roof – Nashua district court.

XVIII. The appropriation made to the department of administrative services, in 2001, 130:14, I, for information technology projects.

XIX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 2, as extended by 2001, 202:28, VIII, for state lab electrical wiring/panel replacement.

XX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, for executive/legislative budget system.

XXI. The appropriation made to the community-technical college system in 1999, 226:1, IV, C, as extended by 2001, 202:28, XLVIII, for maintenance/critical repairs.

XXII. The appropriation made to the community-technical college system in 2001, 202:1, IV, A, for system maintenance – statewide.

XXIII. The appropriation made to the community technical college system in 2001, 202:1, IV, C, for new academic building design – Laconia.

XXIV. The appropriation made to the community-technical college system in 2001, 202:1, IV, D, mezzanine instruction renovation – Manchester.

XXV. The appropriation made to the community-technical college system in 2001, 202:1, IV, E, for computer system upgrades.

XXVI. The appropriation made to the community-technical college system in 2001, 202:1, IV, F, for mobile equipment center design/child care – Berlin.

XXVII. The appropriation made to the community-technical college system in 2001, 202:1, IV G, for

student residence – Berlin design.

XXVIII. The appropriation made to the community-technical college system in 2001, 202:16, I, as amended by section 23 of this act, for addition to student center – Concord.

XXIX. The appropriation made to the community-technical college system in 2001, 202:1, IV, H, Christa McAuliffe Planetarium-Alan B. Shepard memorial wing.

XXX. The appropriation made to the community-technical college system in 2001, 130:14, VI, for information technology project.

XXXI. The appropriation made to the community-technical college system in 2001, 158:73, for Claremont computer system upgrades.

XXXII. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II (g), 1992, 149:2, I, 1993, 359:20, I, 1995, 309:33, I, and 2001, 202:28, LI, for upgrading state-owned flood retardation structures at small watershed program sites.

XXXIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, C, as extended by 1997, 349:34, XXI and 2001, 202:28, LII, for the superfund program.

XXXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, A, as extended by 1999, 226:32, XXIX, and 2001, 202:28, LIV, for the wastewater state revolving fund match.

XXXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B, as extended by 1999, 226:32, XXX, and 2001, 202:28, LV, for the drinking water state revolving fund match.

XXXVI. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, as extended by 2001, 202:28, LVII, for the drinking water state revolving match.

XXXVII. The appropriation made to the department of environmental services in 1999, 226:1, VII, B, as extended by 2001, 202:28, LVIII, for the wastewater state revolving fund match.

XXXVIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, C, as extended by 2001, 202:28, LIX, for the hazardous waste superfund match.

XXXIX. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, as extended by 2001, 202:28, L, for the storage building for emergency response equipment.

XL. The appropriation made to the department of environmental services in 2001, 202:1, VIII, A, for the drinking water state revolving fund matching funds.

XLI. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, for the wastewater state revolving fund matching funds.

XLII. The appropriation made to the department of environmental services in 2001, 130:14, III for information technology projects.

XLIII. The appropriation made to the fish and game department in 2001, 202:3, A, for statewide fish hatchery capital improvement study.

XLIV. The appropriation made to the fish and game department in 1999, 226:3, A, as extended by 2001, 202:28, LXIII, for broodfish facility – Milford.

XLV. The appropriation made to the fish and game department in 1999, 226:3, B, as extended by 2001, 202:28, LXIV, for repair and replace fish rearing containers.

XLVI. The appropriation made to the fish and game department in 1999, 226:3, C, as extended by 2001, 202:28, LXV for water line repair/replacement.

XLVII. The appropriation made to the fish and game department in 1999, 226:3, E, as extended by 2001, 202:28, LXVI, and as amended by 2002, 133:2, for Barry conservation camp building replacement.

XLVIII. The appropriation made to the fish and game department in 1995, 309:3, A and B, as extended by 1997, 349:34, XXXV, 1999, 226:32, XLIV, and 2001, 202:28, LXVIII, for roof repairs and concrete repair/replacement – hatcheries.

XLIX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII, 1999, 226:32 XI, and 2001, 202:28, XL, for RSA 171-B, for mentally retarded criminal offenders.

L. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A, as extended by 2001, 202:28, XLII, for laboratory safety improvements.

LI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, as extended by 2001, 202:28, XLIII, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

LII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, for information technology.

LIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, A, as amended by section 30 of this act, for patient residence, ADA and fire system/ transitional housing and Burbank replacement.

LIV. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, for asbestos abatement – state office park south.

LV. The appropriation made to the department of health and human services in 2001, 202:1, IX, E, as amended by 2002, 244:2, for Laconia MR offenders new building.

LVI. The appropriation made to the department of health and human services in 2001, 202:1, IX, F, patient care network.

LVII. The appropriation made to the department of health and human services in 2001, 202:1, IX, G, for laboratory information tracking system.

LVIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, for bridges enhancement.

LIX. The appropriation made to the department of health and human services in 2001, 202:1, IX, I, for DFA new heights enhancements.

LX. The appropriation made to the department of health and human services in 2001, 202:1, IX, J, for public health laboratories replacement equipment.

LXI. The appropriation made to the department of health and human services in 2001, 130:14, IV, for information technology projects.

LXII. The appropriation made to the department of youth development services in 1997, 349:1, XVI, D, as amended by 1997, 351:68, 1998, 372:2, 3, 1999, 226:15, and section 13 of this act, as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, for construction and renovations – YDC new facility design.

LXIII. The appropriation made to the department of youth development services in 1999, 226:1, XV, D, as amended by section 16 of this act, and as extended by 2001, 202:28, LXI, for phase I preparation for agency networking.

LXIV. The appropriation made to the youth development services in 2001, 202:1, XV, A, as amended by section 17 of this act, for King cottage renovations – construction – YDS.

LXV. The appropriation made to the youth development services in 2001, 202:1, XV, B, as amended by section 17 of this act, for ADA compliance and sprinkler/fire detection – construction.

LXVI. The appropriation made to the judicial branch in 2001, 130:14, VII, for information technology projects.

LXVII. The appropriation made to the supreme court in 2001, 202:1, XII, A, for computer system upgrade.

LXVIII. The appropriation made to the liquor commission in 2001, 202:1, X, A, for renovation store #38 and parking lot – Portsmouth.

LXIX. The appropriation made to the liquor commission in 2001, 202:1, X, B, for renovation store #34 – Salem and new HVAC.

LXX. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, as extended by 2001, 202:28, V, for ADA compliance for parks facilities, new toilet facilities– Hampton, septic gray water system-Mount Washington, and install power-Crawford Notch.

LXXI. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, B, for exterior repairs, roofing – statewide.

LXXII. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, C, for road repairs/parking lot maintenance - statewide.

LXXIII. The appropriation made to department of safety in 1999, 226:4, II, B, as extended by 2001, 202:28, XXVII, for paving and roofing at troop/stations.

LXXIV. The appropriation made to the department of safety in 2001, 202:4, I, B, for radio system – county tie-in.

LXXV. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X, 1999, 226:32, IV, and 2001, 202:28, XXIX, for land acquisition for navigation beacons.

LXXVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28, XXXIII, for acquisition for railroad and airport properties.

LXXVII. The appropriation made to the department of transportation in 1999, 226:4, I, F, as extended by 2001, 202:28, XXXVI, and as amended by section 29 of this act, for Conway rest area.

LXXVIII. The appropriation made to the department of transportation in 2001, 202:1, XIII, B, as amended by 2002, 26:9 and section 26 of this act, for repair state rail lines and design Lowell to Nashua commuter rail.

LXXVIX. The appropriation made to the department of transportation in 2001, 202:1, XIII, C, ADA compliance projects – state parks, Hayes building restrooms, New Hampshire hospital.

LXXX. The appropriation made to the department of transportation in 2001, 202:1, XIII, D, for public transit bus replacement.

LXXXI. The appropriation made to the department of transportation in 2001, 202:4, II, C, for replacement of shop cranes – mechanical services - statewide.

LXXXII. The appropriation made to the department of transportation in 2001, 202:4, II, D, as amended by 2002, 106:1, for new garage and testing lab facility.

LXXXIII. The appropriation made to the New Hampshire veterans home in 2001, 202:1, XIV, B, for parker tubs.

LXXXIV. The appropriation made to the department of education in 2001, 202:1, VII, A for education statistics system.

LXXXV. The appropriation made to the department of education in 2001, 202:1, VII, B for grants management.

LXXXVI. The appropriation made to the department of education in 2001, 202:1, VII, C for vocational rehabilitation case management system.

LXXXVII. The appropriation made to the department of education in 2001, 202:1, VII, D for career development system.

LXXXVIII. The appropriation made to the department of education in 2001, 202:1, VII, E for regional vocational center instruction – Keene.

LXXXIX. The appropriation made to the department of education in 2001, 202:1, VII, F for regional vocational center – Nashua.

XC. The appropriation made to the department of education in 2001, 130:14, II for information technology projects.

XCI. The appropriation made to the department of education in 1999, 226:1, VI, A for computer applications expansion replacement.

XCII. The appropriation made to the department of revenue administration in 2001, 130:14, IX, for information technology projects.

XCIII. The appropriation made to the New Hampshire port authority in 1999, 226:1, XI, A, as amended by section 28 of this act, for building improvements and design, engineering, and permitting for relocation of office and scale house.

XCIV. The appropriation made to the department of cultural resources in 2001, 202:1, VI, A for statewide union catalog hardware.

XCV. The appropriation made to the department of cultural resources in 2001, 130:14, VIII for information technology projects.

35 Effective Date.

I. Section 34 of this act shall take effect June 30, 2003.

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

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. Clegg, Dist. 14
Sen. Morse, Dist. 22
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. E. Smith, Ches. 26
Rep. Leber, Merr. 35
Rep. Rausch, Rock. 77
Rep. Dodge, Rock. 80
Rep. C. Bouchard, Merr. 39

Senator Clegg moved adoption.

Adopted.

June 18, 2003

2003-2254-CofC

04/09

Committee of Conference Report on HB 608-FN-LOCAL, an act reducing the education property tax rate and relative to the calculation of adequate education grants.

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 all after the enacting clause with the following:

1 Statement of Purpose; Legislative Findings.

I. The general court recognizes the inherent imprecision and subjectivity involved in determining the cost of providing the opportunity for an adequate education. In the exercise of its constitutional authority and discretion, to provide the opportunity for pupils to obtain an adequate education, the general court has adopted an average costing methodology. The general court recognizes that this costing methodology may produce spending pressures and results that may not accurately reflect the cost of continuing to provide adequate educational opportunity over time. As a result, the general court finds that changing the base cost per pupil by reference to the consumer price index is the most appropriate way to calculate changes in the cost of an adequate education.

II. The general court further finds that the local portion of the cost of education is primarily funded through a local tax on property. Resident homeowners use personal income to pay their property tax bills. In municipalities that have less industry, and fewer rental properties or vacation homes, resident homeowners bear most of the burden in paying the local property tax. Targeted education grants will assist those municipalities that have less other property and less income in relation to home values in providing additional education services.

2 Education Property Tax; Fiscal Year 2004 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 New Subparagraph; School Money; Definitions. Amend RSA 198:38, VII by inserting after subparagraph (d) the following new subparagraph:

(e) Each pupil who is home educated pursuant to a program approved under RSA 193-A shall be added as follows:

(1) 0.1 for each home educated pupil participating in a public school activity; and

(2) An additional 0.15 for each academic course taken in a public school, provided that no co-curricular activity, as defined by the department of education, shall count as an academic course under this subparagraph.

4 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation. For the 2004 fiscal year, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

5 School Money; Determination of Per Pupil Adequate Education Cost and Adequate Education Grant. Amend RSA 198:40, III to read as follows:

III. For the 2004 fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding [70] **100** percent of [total statewide] transportation costs **as defined in RSA 198:38, XI**.

6 School Money; State Aid for Educational Adequacy. Amend RSA 198:38, XI to read as follows:

XI. "Transportation costs" means the [costs] **cost** of transporting pupils **in kindergarten through grade 8, except for educationally disabled children as defined in RSA 186-C:2, I**, to and from school [and other school activities] **as** reported by school districts on the [MS-25] **DOE-25** form.

7 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, I(b) to read as follows:

(b) Add to the product of subparagraph (a), [70] **100** percent of the municipality's apportioned transportation [cost] **costs as defined in RSA 198:38, XI**;

8 New Section; Targeted Education Grants. Amend RSA 198 by inserting after section 45 the following new section:

198:45-a Targeted Education Grants.

I. In this section:

(a) "Median family income" and "median home value" shall be as defined in the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce. County values shall be used for unincorporated places not reported in the census data.

(b) "Total equalized valuation" shall mean the most recent available total equalized valuation, including utilities and railroads, as determined by the department of revenue administration.

(c) "Adjustment percentage" shall mean the percentage which will result in a total targeted education grant distribution in a fiscal year that will match, as nearly as possible without exceeding, the appropriation in such fiscal year for targeted education grants.

II. The department of education shall annually calculate each municipality's targeted education grant as set forth in this paragraph.

(a) The department of education shall calculate the statewide average per pupil target amount as follows:

(1) Multiply the statewide median family income by 0.5 percent; and

(2) Divide the product by the statewide median home value; and

(3) Multiply the result by the statewide total equalized valuation and divide the product by the statewide average daily membership in residence. The result shall be the statewide average per pupil target amount.

(4) Multiply the statewide average per pupil targeted amount by 2 and multiply the result by the adjustment percentage.

(b) The department of education shall calculate the local valuation per pupil as follows:

(1) Multiply the average median family income in the municipality by 0.5 percent; and

(2) Divide the product by the median home value in the municipality; and

(3) Multiply the result by the total equalized valuation in the municipality and divide the product by the average daily membership in residence in the municipality. The result shall be the local per pupil amount.

(c) Subtract the amount obtained in subparagraph (b) from the amount obtained in subparagraph (a) and multiply the difference by the adjustment percentage. The result, if greater than zero, shall be multiplied by the average daily membership in residence in the municipality and shall be distributed to the municipality as a targeted education grant.

III. The sum of \$10,000,000 for the 2004 fiscal year, shall be appropriated to the education trust fund established in RSA 198:39 for the purpose of providing targeted education grants to school districts. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. Targeted education grants made under this section shall be distributed in accordance with RSA 198:42.

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

189:1-d Definitions. In this chapter:

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

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

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

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

10 Purpose Statement.

I. Previously, state funding of education has relied primarily on a formula establishing a base cost per pupil, which was then distributed to school districts based on the number of pupils. The general court is adopting an alternative approach in order to account for the diversity of communities present in our state. The general court is the branch of government that is closest to the people, and the branch of government that most clearly understands the specific local factors that support or hinder local efforts to administer schools. Specifically, the general court finds family income, family educational achievement, the existence of crime, existing educational infrastructure, as well as intangible factors such as social capital, affect the ability of local schools to provide educational opportunity to their students. The general court finds that local property values reflect these factors.

II. Accordingly, in order to ensure that all local school districts provide pupils with an opportunity to acquire an adequate education the general court, in the exercise of its broad discretion, adopts this education funding distribution formula that expressly recognizes the difficulties faced by communities with low property values. Accordingly, the general court has determined that the most equitable method to provide educational opportunity to our children is to target aid to those communities with low property values. The general court has further determined that targeting additional aid to those districts that face challenges related to poverty, the provision of special education services, the need for English as a second language instruction is the most appropriate manner in which to provide educational opportunities.

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

76:3 Statewide Enhanced Education Tax. An annual statewide enhanced education tax at the uniform rate of \$3.24 on each \$1,000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

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

76:3 Statewide Enhanced Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the uniform statewide enhanced education tax rate shall be set at a rate which shall raise \$363,677,547 based on the most recent available state equalized valuation, and such rate shall be imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F. The commissioner of the department of revenue administration shall set the rate which shall be effective for the fiscal year in which the calculation is made.

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

76:8 Commissioner's Warrant.

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

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess **statewide enhanced** education tax payment due pursuant to RSA 198:46, directing them

to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

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

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

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

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

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

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

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

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

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

198:38 Definitions. In this subdivision:

I. "Municipality" means a city, town, or unincorporated place.

II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.

III. "Elementary school" means a school with any of the grades kindergarten through 8.

IV. "High school" means a school with any of the grades 9 through 12.

V. "Department" means the department of education.

VI. "Educationally disabled child" or "educationally disabled pupil" means an educationally disabled child as defined in RSA 186-C:2, I.

VII. "Average daily membership in attendance" means average daily membership in attendance as defined in RSA 189:1-d, III.

VIII. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV, except that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day. Children who are home schooled pursuant to a home education program approved by the department in accordance with RSA 193-A shall not be included in this definition.

IX. "Transportation cost" means the cost of transporting pupils in grades kindergarten through grade 8 to and from school as reported by school districts on the DOE-25 form.

X. "Free or reduced-price meal" means the number of pupils in a school district in grades 1 through 12 who are eligible to receive a free or reduced-priced meal.

XI. "Calculated rate" means the total revenue raised statewide by the local education tax multiplied by 1000, and then divided by the total statewide equalized valuation.

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

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

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

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

III. Eligibility for local equalization aid under this paragraph shall be determined as follows:

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

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

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

198:40-a Targeted Per Pupil Aid.

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

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

(b)(1) For the 2005 fiscal year, the per pupil amount calculated in paragraph I, less \$300, shall be multiplied by the average daily membership in residence eligible to receive a free or reduced-price meal in grades 1 through 12 in the school district. This amount shall be available as targeted aid for pupils eligible to receive a free or reduced-price meal in the municipality.

(2) For the 2006 fiscal year and every fiscal year thereafter, the per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in residence eligible to receive a free or reduced-price meal in grades 1 through 12 in the school district. This amount shall be available as targeted aid for pupils eligible to receive a free or reduced-price meal in the municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

198:40-c Total State Aid for Education.

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

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

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

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

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

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

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

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

198:41 Determination of Education Grants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Committee Established. There is established a committee to study and make recommendations concerning the method of distribution of education aid under existing law and any additional methods of distribution as may be deemed necessary by the committee.

29 Membership and Compensation.

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

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

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

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

30 Duties. The committee shall study and make recommendations concerning the method of distribution of education aid under existing law and any additional methods of distribution as deemed necessary by the committee.

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

32 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 15, 2005.

33 Severability.

I. If any provision of sections 1-9 of this act is declared to be contrary to the New Hampshire constitution or the applicability thereof to any agency, person, or circumstance is held invalid, then the provisions of sections 10-27 shall take effect immediately upon the determination of such invalidity and shall remain in effect thereafter.

II. If any provision of sections 10-27 of this act is declared to be contrary to the New Hampshire constitution or the applicability thereof to any agency, person, or circumstance is held invalid, then the provisions of sections 1-9 shall take effect immediately upon the determination of such invalidity and shall remain in effect thereafter.

34 Repeal. RSA 198:45-a, relative to targeted education grants, as inserted by section 8 of this act, is repealed.

35 Effective Date.

I. Sections 1-9 shall take effect July 1, 2003.

II. Section 12 of this act shall take effect July 1, 2005.

III. The remainder of this act shall take effect July 1, 2004.

The signatures below attest to the authenticity of this Report on HB 608-FN-LOCAL, an act reducing the education property tax rate and relative to the calculation of adequate education grants.

Conferees on the Part of the Senate

Sen. Gatsas, Dist. 16
Sen. Morse, Dist. 22
Sen. O'Hearn, Dist. 12

Conferees on the Part of the House

Rep. King, Coos 1
Rep. Hess, Merr. 37
Rep. Major, Rock. 79
Rep. J. Gilbert, Rock. 83

2003-2254-CofC

AMENDED ANALYSIS

This bill:

I. Provides that the calculation of the statewide cost of an adequate education shall be indexed to the north-east regional consumer price index for all urban consumers for the 4 immediately preceding calendar years.

II. Reduces the education property tax rate from \$5.80 to \$4.92 for the 2004 fiscal year and from \$4.92 to \$3.24 for the 2005 fiscal year, and establishes a formula for calculating the tax rate for the 2006 fiscal year and thereafter.

III. Changes the payment for transportation costs for fiscal year 2004 to include 100 percent of the total cost of transporting pupils in kindergarten through grade 8 to and from school.

IV. Changes the definition of average daily membership in residence for the purpose of calculating state aid for educational adequacy.

V. Provides \$10,000,000 on targeted education grants shall be made to municipalities in the 2004 fiscal year.

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

VII. Beginning July 1, 2005, establishes a new procedure for determining the statewide cost of an adequate education.

Senator Gatsas moved adoption.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Estabrook.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Green, Flanders, Odell, Roberge, Eaton, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Morse, Prescott, Cohen.

The following Senators voted No: Boyce, Below, Peterson, Foster, Larsen, Estabrook.

Yeas: 18 - Nays: 6

Adopted.

June 17, 2003

2003-2215-CofC

10/01

Committee of Conference Report on HB 663-FN-A-LOCAL, an act relative to county and state funding of long term care medicaid programs.

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 167:18-b, IV(a) and (b) as inserted by section 6 of the bill by replacing it with the following:

(a) State fiscal year [1999]	2004	—	[\$54,000,000]	\$60,000,000.
(b) State fiscal year [2000]	2005	—	[\$57,000,000]	\$64,000,000.

Amend RSA 84-C:1, IV as inserted by section 9 of the bill by replacing it with the following:

IV. "Net revenues" means revenues earned on an accrual basis of accounting, net of deducted amounts for bad debts, charity care, and payer discounts, by a nursing facility for non-medicare services provided to residents as provided for in 42 CFR 433.68(d)(1)(iii).

Amend RSA 84-C:2 as inserted by section 9 of the bill by replacing it with the following:

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

Amend RSA 84-C:11 as inserted by section 9 of the bill by replacing it with the following:

84-C:11 Contingencies.

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

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

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

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

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

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

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

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

Amend RSA 151-E:13 as inserted by section 11 of the bill by replacing it with the following:

151-E:13 Medicaid Quality Incentive Program.

I. The department shall implement a medicaid quality incentive program to assist all non-state owned nursing facilities with expenditures for medicaid residents to maintain and enhance their quality of care. The funds available to support this program shall be from the nursing facility trust fund established in RSA 151-E:14.

II.(a) For governmental facilities, the medicaid quality incentive paid to a facility shall be based on the percentage of the facility's medicaid bed days to the facility's total bed days, weighted by the facility's medicaid bed days. The resultant bed days as a percentage of all facility medicaid bed days weighted in this same fashion for all facilities is the basis of allocation. The total amount to be allocated among the non-governmental facilities shall be determined by the allocation method for governmental facilities described in this paragraph. These amounts shall be totaled for all the non-governmental facilities and shall then be allocated among the non-governmental facilities as described in subparagraph (b).

(b) For non-governmental facilities, the medicaid quality incentive payment shall be based upon the facility's medicaid bed days as a percentage of all medicaid bed days in non-governmental facilities.

(c) Notwithstanding RSA 151-E:13, II(a) or (b), if the obtaining of federal approval of the assessment or the maintaining of the ongoing validity of the medicaid quality incentive program can be effectuated only by such action, the fiscal committee of the general court is authorized to establish that the medicaid quality

incentive payment to both governmental and non-governmental facilities shall be done according to the following formula, and such payments shall thereafter be made in accordance with this formula: the medicaid quality incentive paid to a facility shall be based on the percentage of the facility's medicaid bed days to the facility's total bed days, weighted by the facility's medicaid bed days. The resultant bed days as a percentage of all facility medicaid bed days weighted in this same fashion for all facilities is the basis of allocation.

III. Within 15 days after the close of each quarter the commissioner of administrative services shall certify to the governor and the commissioner of health and human services the amount available to support the medicaid quality incentive program. The amounts certified are hereby appropriated to the department of health and human services for the purpose of implementing the medicaid quality incentive program and the governor is authorized to draw warrants for said sums out of any money in the treasury not otherwise appropriated. The department of health and human services shall designate a specific budget class line for the medicaid quality incentive program.

IV. When the funds for the medicaid quality incentive program are made available, the department of health and human services shall immediately distribute them to eligible facilities together with any matching federal funds that may be available to support the program. The medicaid quality incentive program funds shall be distributed no later than 30 days after the close of each quarter.

V. Notwithstanding the obligation of the counties to fund services pursuant to RSA 167:18-b, the counties shall not contribute toward the cost of the medicaid quality incentive program.

Amend the bill by inserting after section 23 the following and renumbering the original section 24 to read as 25:

24 Initial Appointment of Chief Information Officer. Notwithstanding RSA 4-D:1, I as inserted by section 15 of this act, the person designated by the governor as the chief information officer as of the effective date of this section shall continue to serve as such chief information officer under RSA 4-D. Any subsequent appointment of a chief information officer shall be in accordance with RSA 4-D:1, I.

The signatures below attest to the authenticity of this Report on HB 663-FN-A-LOCAL, an act relative to county and state funding of long term care medicaid programs.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Flanders, Dist. 7
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. J. Gilbert, Rock. 83
Rep. Gibson, Hills. 58
Rep. O'Neil, Rock. 85
Rep. Kurk, Hills. 48

Senator Odell moved adoption.

Adopted.

June 17, 2003
2003-2199-CofC
10/04

Committee of Conference Report on HB 79, an act relative to the regulation of the installation and servicing of fire suppression systems.

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 New Paragraphs; Plumber's Board; Water Treatment System Installers. Amend RSA 329-A:2 by inserting after paragraph V the following new paragraphs:

VI. "Water treatment system" means any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus.

VII. "Water treatment technician" means any person who installs, maintains, or repairs water treatment systems.

VIII. "Water treatment trainee" means any person who is engaged in learning about and assisting in installing, maintaining, or repairing water treatment systems under the direct supervision of a water treatment technician certified under this chapter.

2 Fees. Amend RSA 329-A:5-a to read as follows:

329-A:5-a Fees. The board shall establish fees for examination of applicants, for licensure and for renewal of licensure to practice under this chapter, ***for certification and renewal of certification 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. ***The fee for the annual renewal of certification issued to persons certified as water treatment technicians shall not be more than the fee for the annual renewal of licenses issued to journeyman plumbers.***

3 Examinations and Licenses. Amend RSA 329-A:7 to read as follows:

329-A:7 Examinations; Licenses ***and Certificates***. The board shall have authority to examine and license master plumbers and journeyman plumbers, ***and to certify water treatment technicians***. When issued, such license shall be valid throughout the state, and the licensee shall be entitled to perform the work of a master or journeyman plumber, as the case may be, anywhere within the state without any payment or additional fee. Each applicant for a license shall present to the secretary of the board on a blank furnished by the board a written application for license, containing such information as the board may require, accompanied by the required fee. Such examinations shall be held at such times and places as the board shall determine. The scope of such examinations and the methods of procedure shall be prescribed by the board, ***provided that the scope of examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems and the provisions of this chapter and the rules adopted by the board that relate to water treatment systems.***

4 Licenses; Master Plumbers. Amend RSA 329-A:8 to read as follows:

329-A:8 Licenses; Master Plumbers. Any person who, having held a journeyman plumber's license for at least 6 months, shall, upon the payment of a fee established by the board, be entitled to an examination and, if found qualified by a majority of the board members, be licensed as a master plumber. A license issued under this section shall be publicly displayed at the licensee's principal place of business for as long as such business continues. Any person refused a license may be reexamined ~~[at any subsequent meeting of the board within one year of the time of the refusal without additional fee and thereafter may be examined]~~ as often as ~~[he]~~ ***such person*** may desire upon payment of a fee established by the board.

5 Licenses; Journeyman Plumbers. Amend RSA 329-A:9 to read as follows:

329-A:9 Licenses; Journeyman Plumbers. Any person who, having successfully completed his ***or her*** apprenticeship in plumbing, has received an official completion certificate from the organization conducting the program shall, upon payment of a fee established by the board, be entitled to examination and, if found qualified by a majority of the board members, be licensed as a journeyman plumber. A license issued under this section shall be carried on the person licensed and displayed at any time upon request. Any journeyman plumber refused a license may be reexamined ~~[at any subsequent meeting of the board within one year of the time of the refusal without additional fee and thereafter may be examined]~~ as often as he ***or she*** may desire upon payment of a fee established by the board.

6 New Section; Water Treatment Technicians; Examinations. Amend RSA 329-A by inserting after section 9 the following new section:

329-A:9-a Certification of Water Treatment Technicians; Examinations.

I. Any person who has acted as a water treatment trainee for a period of not less than one year shall, upon payment of a fee established by the board, be entitled to examination and, upon achieving the passing score on the examination, be certified as a water treatment technician. A certificate issued under this section shall be carried on the person and displayed at any time upon request. Any person failing to achieve the passing score on the examination may be examined as often as he or she may desire upon payment of a fee established by the board. The scope of such examination and the methods of procedure shall be prescribed by the board, provided, however, that the scope of the examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems and the provisions of this chapter and the rules adopted by the board that relate to water treatment systems.

II. The title “certified water treatment technician” shall be used only by persons certified under this chapter. No person shall continue to represent himself or herself as a certified water treatment technician after certification has been revoked or nonrenewed under this chapter.

III. The board may issue certification without examination to a corporation, partnership, limited liability company, or other business entity that installs, maintains or repairs water treatment systems, provided the entity designates one employee certified under this chapter who is responsible for the entity’s compliance with this chapter and the rules adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee certified under this chapter, the entity shall not represent itself as employing certified water treatment technicians until some other employee has obtained certification. Notwithstanding any other provision of this chapter, the board shall not require an additional fee for an entity that installs, maintains, or repairs water treatment systems where the person certified under this chapter is the sole owner of the entity.

7 Water Treatment Technician Certification; Renewal. Amend RSA 329-A:11 to read as follows:

329-A:11 Expiration and Renewal. Notwithstanding any outstanding license **or certification** to the contrary, all licenses **or certificates** issued by the board shall expire on the last day of the month of the licensee’s **or certificate holder’s** birth, but may be renewed during the following month, retroactive to the first day of the month. The fee for renewal of all licenses **or certificates** issued under this chapter shall be established by the board. Upon failure to pay the renewal fee within the required period, a licensee **or certificate holder** may renew his **or her** license **or certificate** by submitting the required fee plus \$10 before the last day of the second month following the month of his **or her** birth. Any application received thereafter shall be rejected, unless accompanied by proof of successful completion of the examination required under RSA 329-A:7.

8 Disciplinary Action; Certification Added. Amend RSA 329-A:12 to read as follows:

329-A:12 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person licensed **or certified** by the board has committed misconduct under paragraph II 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 **or certificate** to practice under this chapter;
- (b) Conviction of a felony or any offense involving moral turpitude;
- (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;
- (d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee **or certificate holder**;
- (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;
- (g) Willful or repeated violation of the provisions of this chapter; or
- (h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. 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 license **or certification** for a period of up to 5 years;
- (c) By revocation of license **or certification**; or
- (d) 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.

9 Exceptions. Amend RSA 329-A:13, V to read as follows:

V. To persons engaged in the installation of any heating, cooling, air conditioning or domestic water heating systems, whether solar, oil, gas or electric, and persons engaged in the installation and servicing of ~~[water softeners or]~~ **water treatment systems or** swimming pools.

10 New Paragraph; Penalties. Amend RSA 329-A:18 by inserting after paragraph I the following new paragraph:

I-a. Any person, corporation, partnership, limited liability company or other legal entity that represents itself as being certified water treatment technicians without first having obtained certification issued under this chapter or procures any such certificate wrongfully or by fraud, shall be guilty of a violation.

11 New Paragraph; Exceptions. Amend RSA 329-A:13 by inserting after paragraph VI the following new paragraph:

VII. To employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment.

12 New Paragraph; Rulemaking. Amend RSA 329-A:14 by inserting after paragraph II the following new paragraph:

II-a. The application procedure for certification as a water treatment technician, and the renewal procedure for such certification;

13 Committee Established. There is established a committee to study the regulation of the installation and servicing of fire detection and suppression systems and to study the licensure of water treatment technicians.

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

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

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

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

III. The committee shall study the industry need for:

(a) Regulation of the installation and servicing of fire detection and suppression systems.

(b) Licensure of water treatment technicians.

IV. 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. Three members of the committee shall constitute a quorum.

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

14 Effective Date.

I. Section 13 of this act shall take effect upon its passage.

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

The signatures below attest to the authenticity of this Report on HB 79, an act relative to the regulation of the installation and servicing of fire suppression systems.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. Kenney, Dist. 3

Sen. Estabrook, Dist. 21

Conferees on the Part of the House

Rep. O'Neil, Rock. 85

Rep. Hall, Hills. 58

Rep. N. Allan, Hills. 63

Rep. DeJoie, Merr. 39

2003-2199-CofC

AMENDED ANALYSIS

This bill regulates water treatment equipment installers by the plumber's board. The bill also establishes a committee to study the regulation of the installation and servicing of fire detection and suppression systems and the licensure of water treatment technicians.

Senator Prescott moved adoption.

Adopted.

June 13, 2003
2003-2119-CofC
09/01

Committee of Conference Report on HB 81-FN-A, an act setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005.

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

Conferees on the Part of the Senate

Sen. D'Allesandro, Dist. 20

Sen. Gallus, Dist. 1

Sen. Odell, Dist. 8

Conferees on the Part of the House

Rep. Roessner, Rock. 83

Rep. Griffin, Rock. 76

Rep. C. Pappas, Hills. 49

Rep. D. Eaton, Ches. 24

Senator D'Allesandro moved adoption.

Adopted.

June 12, 2003
2003-2094-CofC
04/05

Committee of Conference Report on HB 135-FN-LOCAL, an act relative to charter schools.

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 194-B:3-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The proposed charter school application shall be presented for approval directly to the state board of education by the applicant for the prospective charter school. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb). The department of education shall notify an applicant of any missing information within 10 days of the initial filing. The applicant shall file any missing information before the department reviews the application.

Amend RSA 194-B:3-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The state board of education shall either approve or deny an application based on the criteria set forth in RSA 194-B:1-a. Approval of an application constitutes the granting of charter status and the right to operate as a charter school. The state board of education shall notify all applicants of its decision, and shall include in any notice of denial a statement that the applicant may reapply under RSA 194-B:3, RSA 194-B:4, or under this section in a subsequent year.

The signatures below attest to the authenticity of this Report on HB 135-FN-LOCAL, an act relative to charter schools.

Conferees on the Part of the Senate

Sen. O'Hearn, Dist. 12

Sen. Johnson, Dist. 2

Sen. Flanders, Dist. 7

Conferees on the Part of the House

Rep. Alger, Graf. 14

Rep. Laurent, Ches. 24

Rep. Snyder, Straf. 67

Rep. Dodge, Rock. 80

Senator O'Hearn moved adoption.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator O'Hearn.

Seconded by Senator Foster.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.

The following Senators voted No: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

Yeas: 17 - Nays: 6

Adopted.

June 12, 2003

2003-2074-CofC

04/09

Committee of Conference Report on HB 139, an act relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to deadlines for submitting certain reports to the department of education.

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 all after the enacting clause with the following:

1 Delivery of an Adequate Education; Reporting of Certain Data. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Delivery of an Adequate Education.

I. Annually, beginning with the 2002-2003 school year, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The department of education shall develop a reasonable schedule to phase-in the reporting of new data required by federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school pupils and annual drop-out rates for pupils in grades 7 and 8.

(c) School environment indicators, such as safe-schools data.

(d) Number and percentage of graduating pupils going on to post-secondary education, military service, and advanced placement participation.

(e) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(f) Expulsion and suspension rates, including in-school and out of school suspensions, which shall be reported for each school year.

(g) Number and percentage of classes taught by highly qualified teachers.

(h) Teacher and administrative turnover rates at the school and district levels.

II. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

III. Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own statewide improvement and assessment performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be

provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and ethnic groups.

V. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I and all enrollment and cost data related to determining the cost of an adequate education.

2 Statistical Reports. RSA 189:28 is repealed and reenacted to read as follows:

189:28 Statistical Reports; Failure to File Report.

I. School boards of every school district, city, or the board of trustees of approved public academies, shall, on or before August 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the fall enrollment, drop-outs, teacher and administrator census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15.

II. The information needed to determine compliance with performance or accountability measures of the school district, city, or public academy under RSA 193-E:3 or federal law, shall be submitted to the department of education in a timely manner as determined by the department of education. The state board of education shall ensure the accuracy and completeness of such data and shall take enforcement or other actions when necessary, including verification checks, for the purpose of enforcing the provisions of this section. If the department of education requests verification of information relevant to reports submitted, the school district, city, or public academy shall provide corrected information or verification within 10 business days of such request. A school district, city, or public academy shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission. The state board of education shall have access to such records, data, and information for the purpose of ensuring the accuracy of reported information.

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."

IV. The commissioner of the department of education may grant a school district, city, or public academy up to a 30-day extension of the reporting deadline set forth in paragraph I. The commissioner of the department of education shall notify the governing body of the school district, city, or public academy that all state aid to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

3 Submission of Data. Amend RSA 198:45 is repealed and reenacted to read as follows:

198:45 Submission of Data. School boards of every school district or city and the board of trustees of approved public academies shall submit all records, data, or other information required under this subdivision in accordance with the provisions of RSA 189:28.

4 Penalty for Failure to File Report. RSA 198:4-f is repealed and reenacted to read as follows:

198:4-f Penalty for Failure to File Report. A school district, city, or public academy shall file the report due under RSA 198:4-d, III no later than September 1 of each year. For just cause, the commissioner of the department of education may grant a school district, city, or public academy up to a 30-day extension to this reporting deadline. The commissioner may further extend the deadline when unusual or unforeseen circumstances prevent a school district, city, or public academy from submitting the required report before the expiration of the extension provided in this section. The commissioner shall notify the governing body of the school district, city, or public academy that all state aid to education shall be withheld until complete and accurate information is submitted.

5 Policy and Purpose. The general court hereby establishes a statewide accountability system to ensure that public schools are providing all students an opportunity to receive an adequate public education as set forth in RSA 193-E:1-2. A comprehensive, statewide educational accountability system should include:

- I. Statewide performance targets for all schools.
- II. Systematic measurement of school performance at the state and local level using multiple valid measures.
- III. Reporting on pupil performance at the school, school district, and state levels.
- IV. The opportunity for schools that are not making satisfactory progress toward statutory statewide performance targets to receive assistance from the state, including assistance with the development, implementation, and evaluation of local education improvement plans designed to meet statewide performance targets and any performance targets developed locally to meet identified educational needs.
- V. A statewide system of recognition of achievement for schools that meet or exceed statewide performance targets and strategic responses for schools that do not meet these targets.

6 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G
SCHOOL PERFORMANCE AND ACCOUNTABILITY

193-G:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "Highly qualified teacher" means a person who is certified by the local school board and who has demonstrated, through a process approved by the department of education, teaching skills in the core subjects of instruction.
- IV. "Statewide assessment" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-G:2 Statewide Performance Targets.

- I. On or before the 2013-2014 school year, schools shall ensure that all pupils are performing at the basic level or above on the statewide assessment as established in RSA 193-C.
- II. In addition to the requirements of paragraph I, schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in rules adopted by the state board of education pursuant to RSA 541-A.
- III. Schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to the statewide assessment.
- IV. Schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to attendance rate.
- V. Schools shall meet statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, established in the rules adopted by the state board of education pursuant to RSA 541-A, relative to the percentage of pupils who graduate with a regular diploma from an approved high school.
- VI. Notwithstanding RSA 541-A, the state board of education shall receive approval from the legislative oversight committee established in RSA 193-C prior to the submission of any rules to the joint legislative committee on administrative rules relative to statewide performance targets required under this section.

193-G:3 Identification and Public Disclosure of Schools in Need of Improvement.

- I. The commissioner shall annually compile and disseminate to the governor and council, the president of the senate, the speaker of the house, local school boards, superintendents of schools, the public, and shall make available on the department website, a list of schools that are not meeting the statewide performance targets established in RSA 193-G:2.

II. A school or school district designated by the commissioner as not meeting statewide performance targets shall have 30 days from the date of the report to appeal such designation to the state board of education.

193-G:4 Local Education Improvement Plan; Strategic Responses.

I.(a) A school or school district shall have one year from the date that a school or school district has been designated as in need of improvement pursuant to RSA 193-G:3 to take action to remedy identified problems at the local level. The school or school district shall create a plan that identifies actions that it intends to correct the areas of concern. This plan shall be submitted to the state board within 90 days of the date that the school or school district was designated as in need of improvement. If the plan does not sufficiently address the areas of concern, the state board shall disapprove the plan within 30 days. If the state board disapproves the plan, the state board's designee shall work with the school or school district to amend the plan so that it meets state board approval. One year following the designation, if the school or school district is not making satisfactory progress in implementing its plan, the commissioner of education shall issue a notice to the school or school district and shall initiate a process for providing assistance pursuant to paragraph II; or

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department of education. The department shall provide technical assistance to those schools that request assistance under this section.

(c) On or before the one year anniversary of being designated as a school or school district in need of improvement, the commissioner shall designate a progress review team to evaluate the implementation of the improvement plans and the progress toward state performance targets. The progress review team shall deliver a report to the state board. This report shall include evidence of satisfactory implementation and progress towards state performance targets or lack thereof and recommendations regarding future actions pursuant to II(b).

II. The department of education and the state board of education shall work cooperatively with the school or school district to provide assistance as follows:

(a) Within 30 days of a school district's request for assistance pursuant to paragraph I(b), the commissioner of education may appoint a peer review team to review the educational programming and effectiveness of the school or school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board. This report shall be issued within 30 days of the team's appointment. Based on this report, the school or school district and superintendent shall, within 90 days of the issuance of the report, prepare a corrective action plan and submit it to the state board for approval. If the plan is not approved, the school or school district may revise the plan and resubmit it to the state board. The school or school district may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(b) If the state board does not approve a corrective action plan in accordance with paragraphs I(a) or II(a), or upon the state board's adoption of a progress review team recommendations, the commissioner of education shall work with the school or school district to revise the corrective action plan. If the school or school district does not revise the corrective action plan within 60 days or the state board does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board for approval. The state board shall direct the school board to implement the plan pursuant to RSA 186:5.

III. At a minimum, the corrective action plan filed by the commissioner shall:

(a) Identify the area in which the school failed to meet the annual statewide performance targets established under RSA 193-G:2.

(b) Identify and describe the strategy the school intends to implement to improve its performance.

(c) Establish and explain a strategy designed to promote family and community involvement.

(d) Detail how the school district budget reflects the goals of the local education improvement plan.

IV. In addition to the provisions of subparagraph I(b), each plan may include the following elements:

(a) The school's curriculum including curricular priorities and instructional materials.

(b) Instructional models that incorporate research-based practices that have been proven to be effective in improving student achievement.

- (c) Formal and informal opportunities to assess and monitor each child's progress.
- (d) Evidence of data-based decisions.
- (e) Structural reform strategies that may include schedule, organization, support mechanisms, and resources.
- (f) Shared leadership structure to support school improvement.
- (g) Professional development that is aligned with school improvement goals.
- (h) External support and resources based on their effectiveness and alignment with school improvement plan.
- (i) Extended learning activities for students.

193-G:5 Powers of the Department of Education. Nothing in this chapter shall be construed to permit either the department of education or the state board of education to take control of the daily operations of any local public school.

7 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be developed by the department as part of a statewide assessment system.

(j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law.

8 Statewide Education Improvement and Assessment; Duties of the Legislative Oversight Committee. RSA 193-C:8-9 are repealed and reenacted to read as follows:

193-C:8 Duties of the Legislative Oversight Committee. The committee shall:

I. Review the development and implementation of the school performance and accountability program set forth in RSA 193-G to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review.

II. Review the provisions of RSA 193-G and submit a report of such review annually to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Propose legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter and under RSA 193-G, including any changes necessitated by federal law.

IV. Confer with the commissioner and the state board of education to identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability.

VI. Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-G:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually or more frequently as needed, as determined by the committee and the commissioner.

VII. Review and approve statewide performance targets required under RSA 193-G:2 developed by the department of education and recommended to the legislative oversight committee by the state board of education.

VIII. Receive reports from the state board of education including rules recommended by the department to be adopted by the state board of education under RSA 541-A relative to statewide performance targets required under RSA 193-G:2. The legislative oversight committee shall propose legislation to be submitted to establish such statewide performance targets in state statute during the legislative session following the approval of any recommendations which the state board of education is required to make.

193-C:9 Local Education Improvement and Assessment Plan; Local Education Improvement Fund.

I. There is hereby established a local education improvement fund in the state treasury for the purpose of providing assistance to local school districts. This fund shall be nonlapsing.

II.(a) The department of education is authorized to use the amount transferred to the education improvement fund, in addition to any available federal funds for similar purposes, for any of the following purposes:

- (1) To support and administer the local education improvement plan program.
- (2) To collect, analyze, and report the demographic and educational improvement data.
- (3) To assist local school staff with the analysis and use of school performance data.
- (4) To provide grants as available to school districts for local school improvement.
- (5) To provide a system of annual recognition to identify best practices and promote school improvement.

(b) For the biennium beginning July 1, 2003, and every biennium thereafter, appropriations from the fund shall be authorized by the legislative fiscal committee and the governor and council.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

III. The priority for the use of any state funds shall be given to lower-performing non Title I schools.

9 Repeal. The following are repealed:

I. RSA 194:23-d, relative to state financial aid.

II. Section 10 of this act, relative to the department of education investigation of gains-based testing.

10 Department of Education; Gains-Based Testing. The commissioner of the department of education shall investigate the feasibility of gains-based testing in meeting the needs of a statewide testing program. The commissioner shall report all findings and recommendations to the house and senate education committees no later than November 1 of each year.

11 School Accountability; Appropriation. The commissioner of the department of education is authorized to expend funds appropriated in fiscal years 2004 and 2005 under PAU 06, 03, 02, 02, 02, class 97 for local education improvement to implement the school performance and accountability program in sections 6-10 of this act.

12 Effective Date.

I. Paragraph II of section 9 of this act shall take effect June 30, 2005.

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

The signatures below attest to the authenticity of this Report on HB 139, an act relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to deadlines for submitting certain reports to the department of education.

Conferees on the Part of the Senate

Sen. O'Hearn, Dist. 12

Sen. Green, Dist. 6

Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. S. L'Heureux, Merr. 37

Rep. Naro, Graf. 15

Rep. Carson, Rock. 75

Rep. M. Carter, Hills. 44

2003-2074-CofC

AMENDED ANALYSIS

This bill provides for the collection and reporting of certain school drop-out, suspension, and expulsion data and makes certain changes to the deadlines for school districts and cities to submit certain reports to the department of education. This bill also establishes a statewide education accountability system which includes school performance standards, the creation of an education improvement fund, and the development of a local school improvement plan in each school district.

Senator O'Hearn moved adoption.

Adopted.

June 13, 2003

2003-2120-CofC

09/01

Committee of Conference Report on HB 173, an act making technical corrections relative to the exception from the meals and rooms tax for gratuities.

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 173, an act making technical corrections relative to the exception from the meals and rooms tax for gratuities.

Conferees on the Part of the Senate
 Sen. D'Allesandro, Dist. 20
 Sen. Gallus, Dist. 1
 Sen. Odell, Dist. 8

Conferees on the Part of the House
 Rep. Roessner, Rock. 83
 Rep. Hughes, Rock. 88
 Rep. Ingram, Rock. 76
 Rep. C. Hamm, Merr. 34

Senator D'Allesandro moved adoption.

Adopted.

June 17, 2003
2003-2204-CofC
10/03

Committee of Conference Report on HB 175, an act relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

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 amended by the House.

The signatures below attest to the authenticity of this Report on HB 175, an act relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

Conferees on the Part of the Senate
 Sen. Roberge, Dist. 9
 Sen. Clegg, Dist. 14
 Sen. Flanders, Dist. 7

Conferees on the Part of the House
 Rep. Rowe, Hills. 47
 Rep. Haytayan, Hills. 46
 Rep. J. Pratt, Ches. 24
 Rep. Mock, Carr. 4

Senator Roberge moved adoption.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Peterson.

Seconded by Senator Larsen.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Clegg, Barnes, Martel, Morse, Prescott.

The following Senators voted No: Below, Peterson, O'Hearn, Foster, Larsen, Gatsas, Sapareto, D'Allesandro, Estabrook, Cohen.

Yeas: 13 - Nays: 10

Adopted.

June 10, 2003
2003-2042-CofC
01/04

Committee of Conference Report on HB 185, an act relative to pretermitted heirs.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 185, an act relative to pretermitted heirs.

Conferees on the Part of the Senate
 Sen. Peterson, Dist. 11
 Sen. Roberge, Dist. 9
 Sen. Foster, Dist. 13

Conferees on the Part of the House
 Rep. Rowe, Hills. 47
 Rep. J. Pratt, Ches. 24
 Rep. Haytayan, Hills. 46
 Rep. Sorg, Graf. 11

Senator Peterson moved adoption.

Adopted.