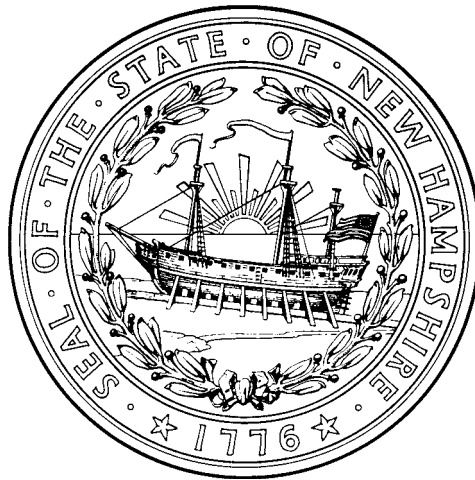


**June 3, 2009
Nos. 17-18**

STATE OF NEW HAMPSHIRE

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



161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 27, 2009 SESSION
COMMENCEMENT – JUNE 3, 2009 SESSION**

SENATE JOURNAL 17 *(continued)*

May 27, 2009

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 26, relative to degree granting authority for St. John International University.

SB 53, establishing professional guardians and removing the oath requirement in annual reports of the guardian.

SB 54, eliminating the reference to per diem compensation of probate judges presiding over involuntary admissions hearings.

SB 68, relative to the use of state vehicles.

SB 69, relative to design build contracting for transportation projects.

SB 70, authorizing the office of mediation and arbitration within the judicial branch to provide pre-suit alternative dispute resolution services.

SB 87, changing the timing of payment of fine revenue from district court clerks to municipalities.

SB 88, relative to recommendations of marital masters.

SB 92, relative to the commission to study access to consumer credit for people in New Hampshire.

SB 118, relative to assistance in voting.

SB 130, prohibiting the advertising and conducting of certain live musical performances or productions.

SB 173, authorizing the commissioner of corrections to accept certain gifts.

SB 174, relative to state recoveries of public assistance caused by fraud.

HB 34, prohibiting writing a text message while driving.

HB 44, relative to the use of alternates by local land use boards.

HB 48, establishing a committee on agriculture in the classroom.

HB 97, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association.

HB 98, relative to reinstatement of lapsed licenses of speech-language pathologists.

HB 107, making technical corrections to the law on taxation of farm structures and land under farm structures.

HB 115, relative to licenses for the operation of motor vehicle recycling yards and junk yards.

HB 142, relative to extending municipal leases.

HB 193, establishing a fee for certification of reduced ignition propensity cigarettes.

HB 247, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws.

HB 273, relative to submission of electronic data by municipal and county inspection stations.

HB 302, relative to the New Hampshire real estate practice act.

HB 338, relative to definitions of electronic waste.

HB 387, relative to observation of voter registration.

HB 423, requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste.

HB 437, relative to the operation of the Chesterfield welcome and information center.

HB 460, relative to the system of visitor centers.

HB 485, establishing a committee to study enforcement of walking disability placard violations.

HB 635, relative to raw milk yogurt.

HB 667, relative to misrepresenting the origin of a campaign call and relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote.

Sen. D'Allesandro moved adoption of Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

May 22, 2009
2009-1804-EBA
04/01

Enrolled Bill Amendment to SB 159-FN

The Committee on Enrolled Bills to which was referred SB 159

AN ACT relative to broadband technology planning and development.

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 159-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 159-FN

Amend the bill by replacing section 1 with the following:

1 Telecommunications Planning and Development Advisory Committee; Member Added.

Amend RSA 12-A:46, II(g)-(h) to read as follows:

(g) The chief information officer, or designee; ~~and~~

(h) The following persons nominated by the commissioner of resources and economic development and appointed by the governor and council:

- (1) Two members representing residential telecommunications customers;
- (2) One member representing large business telecommunications customers;
- (3) One member representing small business telecommunications customers;
- (4) One member representing educators providing distance learning;
- (5) One member representing municipal government;
- (6) One member representing county government;

(7) One member representing a regional economic development organization or a regional planning commission; and

(8) Up to 7 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, Internet service providers, cable, long distance providers, and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the commissioner[-]; **and**

(i) The director of broadband technology planning and development in the division of economic development.

Adopted.

May 27, 2009
2009-1918-EBA
03/09

Enrolled Bill Amendment to SB 201-FN

The Committee on Enrolled Bills to which was referred SB 201-FN

AN ACT relative to classification of misdemeanor offenses.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 201-FN

This enrolled bill amendment corrects the amending language of section 2 of the bill.

Enrolled Bill Amendment to SB 201-FN

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

2 Classification of Crimes. Amend the introductory paragraph of RSA 625:9, VII to read as

Adopted.

May 26, 2009
2009-1873-EBA
05/09

Enrolled Bill Amendment to HB 63

The Committee on Enrolled Bills to which was referred HB 63

AN ACT relative to the use of the term “farmers’ markets” in corporation names.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 63

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to HB 63

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

Amend RSA 292:3, II by inserting after subparagraph (e) the following new subparagraph:

Adopted.

May 27, 2009
2009-1924-EBA
03/01

Enrolled Bill Amendment to HB 148

The Committee on Enrolled Bills to which was referred HB 148

AN ACT relative to the sale and vaccination of animals.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 148

This enrolled bill amendment makes gender neutral changes.

Enrolled Bill Amendment to HB 148

Amend RSA 437:4 as inserted by section 5 of the bill by replacing line 4 with the following:

any animal or bird in his *or her* care or possession or under his *or her* control.

Adopted.

May 26, 2009
2009-1874-EBA
06/10

Enrolled Bill Amendment to HB 315

The Committee on Enrolled Bills to which was referred HB 315

AN ACT clarifying a law relative to junkyards within industrial areas.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 315

This enrolled bill amendment makes a technical change.

Enrolled Bill Amendment to HB 315

Amend RSA 236:103 as inserted by section 1 of the bill by replacing line 4 with the following:
interstate system[, the federal aid primary system,] and the turnpike system which are within 1,000

Adopted.

May 19, 2009
2009-1702-EBA
06/09

Enrolled Bill Amendment to HB 345-FN

The Committee on Enrolled Bills to which was referred HB 345-FN

AN ACT allowing physical therapists to practice on animals.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 345-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 345-FN

Amend RSA 328-A:15-b, VI, as inserted by section 2 of the bill by replacing line 1 with the following:

V. An animal physical therapist treating an animal shall provide to the referring

Adopted.

May 19, 2009
2009-1708-EBA
03/01

Enrolled Bill Amendment to HB 464-FN

The Committee on Enrolled Bills to which was referred HB 464-FN

AN ACT relative to certain duties of the department of administrative services and relative to credit card contracts for state agencies.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 464-FN

This enrolled bill amendment corrects a typographical error.

Enrolled Bill Amendment to HB 464-FN

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

4 New Section; Contracts for Use by More than One Agency. Amend RSA 21-I by inserting

Adopted.

May 28, 2009
2009-1966-EBA
06/01

Enrolled Bill Amendment to HB 570-FN-A

The Committee on Enrolled Bills to which was referred HB 570-FN-A

AN ACT requiring the department of transportation to convey ownership of Skyhaven airport to the Pease development authority.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 570-FN-A

This enrolled bill amendment makes 2 grammatical corrections.

Enrolled Bill Amendment to HB 570-FN-A

Amend section 2 of the bill by replacing line 3 with the following:

rail, and transit for the maintenance and for the purpose of operating Skyhaven airport on the effective

Amend section 13 of the bill by replacing line 1 with the following:

13 Prior Environmental Impacts. Notwithstanding any other provision of law, the

Adopted.

May 28, 2009
2009-1963-EBA
06/01

Enrolled Bill Amendment to HB 585-FN

The Committee on Enrolled Bills to which was referred HB 585-FN

AN ACT relative to outdoor lighting efficiency.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 585-FN

This enrolled bill amendment changes the numbering of RSA 9-D to RSA 9-E in the event HB 464-FN becomes law.

Enrolled Bill Amendment to HB 585-FN

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 464-FN of the 2009 legislative session becomes law, RSA 9-D as inserted by section 1 of this act shall be renumbered as RSA 9-E and the reference to RSA 9-D:3 in RSA 9-D:2 as inserted by section 1 of this act shall be renumbered RSA 9-E:3.

Adopted.

May 27, 2009
2009-1930-EBA
06/09

Enrolled Bill Amendment to HB 600-FN

The Committee on Enrolled Bills to which was referred HB 600-FN

AN ACT relative to dedicated funds maintained by the state treasurer.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 600-FN

This enrolled bill amendment makes grammatical and technical corrections and incorporates a change made to RSA 6:12-d by HB 674-FN-A of the 2009 legislative session, if HB 674-FN-A becomes law.

Enrolled Bill Amendment to HB 600-FN

Amend RSA 6:12, III(f) as inserted by section 5 of the bill by replacing line 3 with the following:

control of a person, the trustee, who is responsible for administering it, with specific instructions

Amend RSA 6:12-d, II(m) as inserted by section 7 of the bill by replacing it with the following:

(m) The agriculture escrow account of the department of agriculture, markets, and food.

Amend RSA 6:12-f, III as inserted by section 9 of the bill by replacing line 6 with the following:

~~of representatives]~~ ***chairpersons of the ways and means committees of the senate and house of***

Amend the bill by replacing all after section 10 with the following:

11 Custodial and Escrow Accounts. Amend RSA 6:12-d, II(j) to read as follows:

(j) The water resources [~~council~~] ***project*** accounts of the department of environmental services.

12 Contingency. If HB 674-FN-A of the 2009 legislative session becomes law, section 11 of this act shall take effect at 12:01 a.m. on the effective date of section 7 of this act. If HB 674-FN-A does not become law, section 11 of this act shall not take effect.

13 Effective Date.

I. Section 11 of this act shall take effect as provided in section 12 of this act.

II. Section 12 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 18

June 3, 2009

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jason Wells, Grace Episcopal Church, Concord, guest chaplain to the Senate, offered the following meditative thoughts and prayer:

A Hebrew proverb goes like this: "Better is a dinner of vegetables where love is than a fatted ox and hatred with it." This wisdom bears very little resemblance to the American proverb from Benjamin Franklin that "Nothing but money is sweeter than honey." I like the Hebrew wisdom better. It recognizes that good times and bad times, fat times and lean times, come and go. But whether it is season for meat or for vegetables, nothing can take away, destroy, or leave hungry the love that we feast on when family, friends and neighbors join at our homes and tables. Nothing can take away from those things that are truly important to us. Let us pray:

Heavenly Father, in due season Your hand provides vegetables and meat. Strengthen us to help all of our many and diverse families feast always on love.

Amen

Sen. Merrill led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Reynolds introduced Amanda Charles and Justina Marro, students from Woodsville High School, serving as Senate Pages for today's session.

Sen. Hassan introduced friend and constituent Denise Landis, longtime recipe tester for *The New York Times* and author of "Dinner for Eight."

Craig Family recognized. Sen. D'Allesandro welcomed former House Representative William Craig, current House Representative James Craig, visitors in the gallery. Sen. Gatsas recognized, and the Senate body warmly applauded, Majority Director "Willie" Craig.

SPECIAL ORDER

Without objection, President Larsen moved that today's committee reports will be Special-Ordered in the following order: Finance; Energy, Environment and Economic Development; Judiciary; Public and Municipal Affairs; Capital Budget; and then returning to the regular order of the remaining Calendar.

COMMITTEE OF CONFERENCE REPORT

HB 73, relative to the solemnization of marriage.

May 29, 2009

2009-1995-CofC

05/09

Committee of Conference Report on HB 73, an act relative to the solemnization of marriage.

Recommendation:

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

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

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

1 New Paragraph: Affirmation of Freedom of Religion in Marriage. Amend RSA 457:37 by inserting the following introductory paragraph:

Each religious organization, association, or society has exclusive control over its own religious doctrine, policy, teachings, and beliefs regarding who may marry within their faith.

2 New Paragraphs; Affirmation of Freedom of Religion in Marriage. Amend RSA 457:37 by inserting after paragraph II the following new paragraphs:

III. Notwithstanding any other provision of law, a religious organization, association, or society, or any individual who is managed, directed, or supervised by or in conjunction with a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual if such request for such services, accommodations, advantages, facilities, goods, or privileges is related to the solemnization of a marriage, the celebration of a marriage, or the promotion of marriage through religious counseling, programs, courses, retreats, or housing designated for married individuals, and such solemnization, celebration, or promotion of marriage is in violation of his or her religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods, or privileges in accordance with this section shall not create any civil claim or cause of action or result in any state action to penalize or withhold benefits from such religious organization, association, or society, or any individual who is managed, directed, or supervised by or in conjunction with a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society.

IV. The marriage laws of this state shall not be construed to affect the ability of a fraternal benefit society to determine the admission of members pursuant to RSA 418:5, and shall not require a fraternal benefit society that has been established and is operating for charitable or educational purposes and which is operated, supervised, or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the fraternal benefit society's free exercise of religion as guaranteed by the First Amendment of the United States Constitution and part I, article 5 of the New Hampshire constitution.

V. Nothing in this chapter shall be deemed or construed to limit the protections and exemptions provided to religious organizations under RSA 354-A:18.

3 Obtaining Legal Status of Marriage. Amend RSA 457:46, I to read as follows:

I. Notwithstanding the provisions of RSA 457-A, no new civil unions shall be established on or after January 1, 2010. Two consenting persons who are parties to a valid civil union entered into prior to January 1, 2010 pursuant to this chapter may apply and receive a marriage license and have such marriage solemnized pursuant to RSA 457, provided that the parties are otherwise eligible to marry under RSA 457

and the parties to the marriage are the same as the parties to the civil union. Such parties may also apply by January 1, 2011 to the clerk of the town or city in which their civil union is recorded to have their civil union legally designated and recorded as a marriage, without any additional requirements of payment of marriage licensing fees or solemnization contained in RSA 457, provided that such parties' civil union was not previously dissolved or annulled. Upon application, the parties shall be issued a marriage certificate, and such marriage certificate shall be recorded with the division of vital records administration. Any civil union shall be dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate.

4 Contingency. If HB 436-FN-LOCAL and HB 310-FN of the 2009 regular legislative session become law, sections 1, 2, and 3 of this act shall take effect January 1, 2010 at 12:02 a.m. If HB 436-FN-LOCAL and HB 310-FN of the 2009 regular legislative session do not become law, sections 1, 2, and 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1, 2, and 3 of this act shall take effect as provided in section 4 of this act.

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

The question is on the adoption of Committee of Conference Report Amendment 1995-CofC.

Sen. Reynolds moved adoption.

Sen. Barnes moved the question.

Without objection, President Larsen closed debate.

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

A roll call was requested by Sen. Barnes, seconded by Sen. Letourneau.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Committee of Conference Report adopted on HB 73.

COMMITTEE REPORTS

SPECIAL ORDER: FINANCE COMMITTEE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011. Finance. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the Committee.

(**Note:** Committee Amendment 2009-1994s to HB 1-A will be printed in its entirety in the 2009 Session of the *Journal of the Senate*.)

Senate Finance

May 29, 2009

2009-1994s

04/01

Amendment to HB 1-A

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

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, 2011.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2011.

H. The funds in this appropriation shall not be transferred or used for any other purpose and shall not lapse until June 30, 2011. 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 administrator 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 fully compensate 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 accounting units with prior approval of the capital budget overview committee and thereafter the fiscal committee and governor and council.

2 General Fund and Total Appropriation Limits. The amounts included in section 1, (higher education fund), all university system 06-50 accounts, under estimated source of funds from general funds shall be the total appropriation from general funds for such accounting units 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, 2011, 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 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, account 01-14-14-141510-2040 for maintenance of state buildings.

4 Lottery Commission; Authority Granted. For the biennium ending June 30, 2011, in order to provide sufficient funding to the lottery commission to carry out lottery 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 lottery 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 \$6,000,000 for the biennium ending June 30, 2011.

5 Positions Abolished.

I. The following positions are hereby abolished effective at the close of business on June 30, 2009, or later, as specifically indicated:

Office of Energy and Planning

01-02-02-024010-6400 16666

Department of Revenue Administration

01-84-84-840010-7884 43314, 43323

01-84-84-841010-5413 30529

01-84-84-8405-1301 14514

Board of Tax and Land Appeals

01-89-89-890010-1241 14588

Department of Justice

02-20-20-200510-2610 9U271, 9U275

Department of Safety

02-23-23-231010-3110 16713

Department of Corrections

02-46-46-463010-7120 13038

02-46-46-465010-8231 40892

02-46-46-463010-8232 12977, 12824

02-46-46-465010-8234 16264, 19904, 16266

02-46-46-467010-8238 12913, 13005, 16336, 16816, 16819, 16829, 16834, 16839, 16841, 16866, 16883, 16892, 18468, 18788, 18823, 18825, 19264, 19547, 19899, 19903, 19908, 19911, 19912, 19924, 19927, 19943, 19944, 19945, 19946, 19949, 19951, 30340, 30344, 30934, 40177, 40180, 40203, 40710, 40711, 40714, 40715, 40716, 40718, 40720, 40721, 40722, 40723, 40731, 40733, 40734, 40735, 40739, 40745, 40750, 40753, 40754, 40755, 40757, 40760, 40761, 42258, 42259, 16261, 16881, 19937, 40751, 40752, 40756

02-46-46-463010-7141 19907

Department of Resources & Economic Development

03-35-35-351010-3530 11485

Department of Environmental Services

03-44-44-443010-5495 42724

II. The following positions are hereby abolished effective at the close of business on August 31, 2009, or later, as specifically indicated:

Department of Health and Human Services

05-95-95-958210-5822 11632, 11665, 11670, 11732, 11737, 14947, 16529, 16533,

16537, 16541, 16543, 16544, 16545, 16550, 16555, 16556,

16557, 16559, 16560, 16564, 16565, 16568, 16572, 16573,

16576, 16578, 16639, 16648, 18594, 18599, 18601, 18602,

18603, 18604, 18606, 18607, 18608, 18609, 19446, 19447,

19456, 19457, 40788, 9U469

05-95-94-940010-8410 11708, 16354, 16462, 40378

6 Department of Health and Human Services; Reduction in Appropriation. In the event that estimated revenues in the aggregate are less than budgeted, during the biennium ending June 30, 2011, 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.

7 Department of Health and Human Services; Division of Child Support Services; Payments to the Administrative Office of the Courts. The appropriation in account 05-95-95-957010-6128, class 49, includes funds for payment to the administrative office of the courts in accordance with the cooperative agreement between the division of child support services and the administrative office of the courts. The division of child support services and the administrative office of the courts shall, prior to payment of such funds, enter into a cooperative agreement specifying in detail the services to be performed by the administrative office of the courts and the estimated costs of such services. Any change or modification in the services to be performed shall likewise be agreed to in writing and specify the change and the adjustment to the costs. Funds appropriated for these purposes shall be paid only after demonstration by the administrative office of the courts that it consistently transmits court orders to the division of child support services in accordance with the cooperative agreement.

8 Department of Transportation; Highway Fund Reporting. For the biennium ending June 30, 2011, the commissioner of the department of transportation shall submit a report detailing the status of the highway fund balance to the fiscal committee of the general court and governor and council on a quarterly basis.

9 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations from any line by \$7,359,331 for the fiscal year ending June 30, 2010, and \$12,199,900 for the fiscal year ending June 30, 2011. Any direct services to New Hampshire citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of the general court or the governor and council. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

10 Legislative Branch; Lapse of Appropriation Reductions. The legislative branch shall lapse \$478,000 to the general fund on June 30, 2010.

11 Department of Revenue Administration; General Fund Appropriation Reductions; Vacant Positions. The department of revenue administration shall reduce state general fund appropriations to personnel and benefit lines by \$460,000 for the fiscal year ending June 30, 2010 and by \$250,000 for the fiscal year ending June 30, 2011. Such reductions shall be attributable to vacant positions at the department. The department shall provide a bimonthly report of position and benefit reductions made under this section to the fiscal committee of the general court.

12 Department of Information Technology; General Fund Appropriation Reductions. The department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in reductions of general funded agencies' appropriations for class 27 totaling \$1,000,000 for the fiscal year ending June 30, 2010 and \$1,000,000 for the fiscal year ending June 30, 2011.

13 Department of Health and Human Services; Glencliff Home; Reduction. The department of health and human services is hereby directed to reduce state general fund appropriations for the Glencliff home by \$300,000 for the fiscal year ending June 30, 2010, and by \$300,000 for the fiscal year ending June 30, 2011. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

14 Department of Justice; Special Provision. For the biennium ending June 30, 2011, 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.

15 Department of Agriculture, Markets, and Food; Report Required. The commissioner of the department of agriculture, markets, and food shall make a report detailing the expenditures and revenue associated with the 4 weights and measures inspector positions established in section 1 of this act, including recommendations to further enhance revenues associated with the bureau of weights and measures to the president of the senate, the speaker of the house of representatives, the chairperson of the senate wildlife, fish and game and agriculture committee, and the chairpersons of the house and senate finance committees on or before November 1, 2010.

16 Appropriation; State Matching Funds for Federal Emergency Management Agency Flood Mitigation Assistance Grants. In response to May 2006 and April 2007 flood damage sustained by the neighborhoods of Riverside Drive and Albin Avenue in the town of Allenstown, subject to the approval of the governor and council, a sum not to exceed \$650,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2009, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the "Mothers Day Flood" of May 2006 and the flood of April 2007. With prior approval of the fiscal committee of the general court, the department of safety, bureau of emergency management shall distribute the funds appropriated by this section to the town of Allenstown. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2011.

17 Community College System; Payments for Centralized Business Services. The board of trustees of the community college system of New Hampshire shall pay the department of administrative services the sum of \$1,000,000 in fiscal year 2010 and the sum of \$1,000,000 in fiscal year 2011 for deposit in the general fund for the provision of centralized business services.

18 Judicial Branch; General Fund Appropriation Reductions. The judicial branch shall reduce state general fund appropriations by \$1,000,000 for the fiscal year ending June 30, 2010 and by \$1,000,000 for the fiscal year ending June 30, 2011. The accounting unit 02-10-10-100010-1880, class 049, transfer to the department of administrative services for court facilities, shall not be reduced unless the reduction is agreed to by the commissioner of administrative services and the chief justice of the supreme court.

19 Department of Cultural Resources; General Fund Appropriation Reductions. The department of cultural resources shall reduce state general fund appropriations by \$150,000 for the fiscal year ending June 30, 2010 and by \$150,000 for the fiscal year ending June 30, 2011. The department shall provide a bimonthly report of reductions made under this section to the fiscal committee of the general court.

20 Estimates of Unrestricted Revenue.

<u>GENERAL FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Business Profits Tax	\$271,800,000	\$274,100,000
Business Enterprise Tax	68,800,000	69,500,000
Subtotal	\$340,600,000	\$343,600,000
Meals & Rooms Tax	228,000,000	232,700,000
Tobacco Tax	58,200,000	52,000,000
Transfer from Liquor Commission	117,300,000	127,900,000
Interest & Dividends Tax	100,000,000	107,000,000
Insurance Tax	85,800,000	86,300,000
Communications Tax	82,000,000	85,000,000
Real Estate Transfer Tax	53,400,000	58,100,000
Court Fines & Fees	13,884,000	14,084,000
Securities Revenue	34,000,000	34,000,000
Utility Consumption Tax	6,600,000	6,600,000
Board & Care Revenue	19,900,000	20,500,000
Beer Tax	12,800,000	12,800,000
Racing & Games of Chance	3,700,000	3,700,000
Other	71,779,000	71,916,000
Gaming	70,000,000	115,000,000
Tobacco Settlement Funds	9,400,000	10,000,000
Subtotal	\$1,307,363,000	\$1,381,200,000
Medicaid Enhancement Tax	99,300,000	109,600,000
Medicaid Recoveries	22,300,000	23,100,000
Total	\$1,428,963,000	\$1,513,900,000
<u>EDUCATION TRUST FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Business Profits Tax	\$49,800,000	\$50,400,000
Business Enterprise Tax	137,700,000	139,100,000
Subtotal	\$187,500,000	\$189,500,000

Meals & Rooms Tax	7,000,000	7,300,000
Tobacco Tax	137,000,000	133,800,000
Real Estate Transfer Tax	26,600,000	29,100,000
Transfer from Lottery Commission and Charitable Gaming	75,700,000	79,100,000
Tobacco Settlement Funds	40,000,000	40,000,000
Utility Property Tax	25,000,000	26,000,000
State Property Tax	363,000,000	363,000,000
Total	<u>\$861,800,000</u>	<u>\$867,800,000</u>

<u>HIGHWAY FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Road Toll	\$126,500,000	\$126,500,000
Motor Vehicle Fees	111,200,000	105,100,000
Miscellaneous	19,200,000	19,200,000
Total	<u>\$256,900,000</u>	<u>\$250,800,000</u>

<u>FISH AND GAME FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Fish & Game Licenses	\$8,300,000	\$8,300,000
Fines & Miscellaneous	2,170,000	2,950,000
Total	<u>\$10,470,000</u>	<u>\$11,250,000</u>

21 Effective Date. This act shall take effect July 1, 2009.

The question is on the adoption of Committee Amendment 1994s.

Committee Amendment 1994s adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Hassan, Dist.23

Sen. Sgambati, Dist. 4

Sen. DeVries, Dist. 18

Sen. Lasky, Dist. 13

Sen. Gilmour, Dist. 12

Sen. Cilley, Dist. 6

June 3, 2009

2009-2057s

01/09

Floor Amendment to HB 1-A

Amend the bill by replacing section 20 with the following:

20 Estimates of Unrestricted Revenue.

<u>GENERAL FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Business Profits Tax	\$231,800,000	\$284,100,000
Business Enterprise Tax	68,800,000	69,500,000
Subtotal	<u>\$300,600,000</u>	<u>\$353,600,000</u>
Meals & Rooms Tax	228,000,000	232,700,000
Tobacco Tax	58,200,000	52,000,000
Transfer from Liquor Commission	117,300,000	127,900,000
Interest & Dividends Tax	100,000,000	107,000,000
Insurance Tax	85,800,000	86,300,000
Communications Tax	82,000,000	85,000,000
Real Estate Transfer Tax	53,400,000	58,100,000
Court Fines & Fees	13,884,000	14,084,000
Securities Revenue	34,000,000	34,000,000
Utility Consumption Tax	6,600,000	6,600,000
Board & Care Revenue	19,900,000	20,500,000
Beer Tax	12,800,000	12,800,000
Racing & Games of Chance	3,700,000	3,700,000

Other	71,779,000	71,916,000
Gaming	90,000,000	115,000,000
Tobacco Settlement Funds	9,400,000	10,000,000
Subtotal	\$1,287,363,000	\$1,391,200,000
Medicaid Enhancement Tax	99,300,000	109,600,000
Medicaid Recoveries	22,300,000	23,100,000
Total	<u>\$1,408,963,000</u>	<u>\$1,523,900,000</u>

<u>EDUCATION TRUST FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Business Profits Tax	\$49,800,000	\$50,400,000
Business Enterprise Tax	137,700,000	139,100,000
Subtotal	\$187,500,000	\$189,500,000
Meals & Rooms Tax	7,000,000	7,300,000
Tobacco Tax	137,000,000	133,800,000
Real Estate Transfer Tax	26,600,000	29,100,000
Transfer from Lottery Commission and Charitable Gaming	75,700,000	79,100,000
Tobacco Settlement Funds	40,000,000	40,000,000
Utility Property Tax	25,000,000	26,000,000
State Property Tax	363,000,000	363,000,000
Total	<u>\$861,800,000</u>	<u>\$867,800,000</u>

<u>HIGHWAY FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Road Toll	\$126,500,000	\$126,500,000
Motor Vehicle Fees	111,200,000	105,100,000
Miscellaneous	19,200,000	19,200,000
Total	<u>\$256,900,000</u>	<u>\$250,800,000</u>

<u>FISH AND GAME FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Fish & Game Licenses	\$8,300,000	\$8,300,000
Fines & Miscellaneous	2,170,000	2,950,000
Total	<u>\$10,470,000</u>	<u>\$11,250,000</u>

The question is on the adoption of Floor Amendment 2057s.

Recess/Out of Recess.

The question is on the adoption of Floor Amendment 2057s.

Floor Amendment 2057s adopted.

Senators Carson, Gatsas and Barnes are in opposition to the adoption of Floor Amendment 2057s.

Sen. Bradley offered a floor amendment.

Sen. Bragdon, Dist. 11

Sen. Gallus, Dist. 1

Sen. Bradley, Dist. 3

Sen. Roberge, Dist. 9

Sen. Carson, Dist. 14

Sen. Gatsas, Dist. 16

Sen. Barnes, Dist. 17

Sen. Letourneau, Dist. 19

Sen. Downing, Dist. 22

June 2, 2009

2009-2046s

01/10

Floor Amendment to HB 1-A

Amend the bill by inserting after section 19 the following and renumbering the original sections 20-21 to read as 21-22, respectively:

20 Reduction In General Fund Appropriation.

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 2.78 percent in fiscal year 2010 and 2.73 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments, the Veteran's Home, and the department of corrections shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. The purpose of these reductions to offset the elimination of the proposed suspension of the business enterprise tax credit against the business profits tax from HB 2-FN-A-LOCAL of the 2009 legislative session.

V. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

The question is on the adoption of Floor Amendment 2046s.

Sen. Reynolds moved the question.

Without objection, President Larsen closed debate.

The question is on the adoption of Floor Amendment 2046s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Floor Amendment 2046s failed.

Luncheon Recess/Out of Recess.

AFTERNOON SESSION COMMITTEE REPORTS, RESUMED

(Finance HB 1-A, continued)

Sen. Barnes offered a floor amendment.

**Sen. Gallus, Dist. 1
Sen. Bradley, Dist. 3
Sen. Roberge, Dist. 9
Sen. Bragdon, Dist. 11
Sen. Carson, Dist. 14
Sen. Gatsas, Dist. 16
Sen. Barnes, Dist. 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22**

June 2, 2009

2009-2049s

01/04

Floor Amendment to HB 1-A

Amend the bill by inserting after section 19 the following and renumbering the original sections 20 and 21 to read as 23 and 24, respectively:

20 General Fund Appropriation; Revenue Sharing. The sum of \$25,612,057 for the fiscal year ending June 30, 2010 and the sum of \$25,612,057 for the fiscal year ending June 30, 2011 are hereby appropriated to the treasurer for the purpose of funding state revenue sharing under accounting unit 01-38-38-380010-8023. These appropriations are in addition to any other funds appropriated to the treasurer. The governor is authorized to draw a warrant for said sums out of, any money in the treasury not otherwise appropriated.

21 Reduction in General Fund Appropriation.

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 1.78 percent in fiscal year 2010 and 1.75 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments, the veteran's home, and the department of corrections shall be excluded from the total-general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. The purpose of the reductions required by paragraph I is to support the restoration of the revenue sharing appropriation, the suspension of which is required by section 6 of HB 2-FN-A-LOCAL of the 2009 regular legislative session.

V. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

22 Section 6 of HB 2-FN-A-LOCAL of the 2009 legislative session, relative to the suspension of revenue sharing, shall not take effect.

The question is on the adoption of Floor Amendment 2049s.

A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.

The following Senators voted Yes: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Floor Amendment 2049s failed.

Sen. Letourneau offered a floor amendment.

Sen. Gallus, Dist. 1

Sen. Bradley, Dist. 3

Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11

Sen. Carson, Dist. 14

Sen. Gatsas, Dist. 16

Sen. Barnes Jr., Dist. 17

Sen. Letourneau, Dist. 19

Sen. Downing, Dist. 22

June 2, 2009

2009-2051s

01/04

Floor Amendment to HB 1-A

Amend the bill by inserting after section 19 the following and renumbering the original sections 20-21 to read as 21-22, respectively:

20 Reduction In General Fund Appropriation.

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 2.45 percent in fiscal year 2010 and 2.10 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments, the Veteran's Home, and the department of corrections shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. The purpose of these reductions is to offset the elimination of the proposed increase in the tobacco tax as contained in HB 2-FN-A-LOCAL of the 2009 legislative session.

V. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

The question is on the adoption of Floor Amendment 2051s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Floor Amendment 2051s failed.

Sen. Bradley offered a floor amendment.

**Sen. Gallus, Dist. 1
Sen. Bradley, Dist. 3
Sen. Roberge, Dist. 9
Sen. Bragdon, Dist. 11
Sen. Carson, Dist. 14
Sen. Gatsas, Dist. 16
Sen. Barnes Jr., Dist 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
June 2, 2009
2009-2050s
01/04**

Floor Amendment to HB 1-A

Amend the bill by inserting after section 19 the following and renumbering the original sections 20-21 to read as 21-22, respectively:

20 Reduction In General Fund Appropriation.

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 1.39 percent in fiscal year 2010 and 1.36 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments, the Veteran's Home, and the department of corrections shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. The purpose of these reductions is to offset the elimination of the proposed increase in the meals and rooms tax from HB 2-FN-A-LOCAL of the 2009 legislative session.

V. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

The question is on the adoption of Floor Amendment 2050s.

Sen. Reynolds moved the question.

Without objection, President Larsen closed debate.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Floor Amendment 2050s failed.

Sen. Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

Sen. DeVries, Dist. 18

Sen. D'Allesandro, Dist. 20

June 3, 2009

2009-2065s

09/01

Floor Amendment to HB 1-A

Amend the bill by inserting after section 19 the following and renumbering the original sections 20 and 21 to read as 21 and 22, respectively:

20 Revenue Sharing. In addition to any other sums appropriated to the state treasurer, the sum of \$1 for the fiscal year ending June 30, 2010 and the sum of \$1 for the fiscal year ending June 30, 2011 are hereby appropriated to the state treasurer for revenue sharing. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

The question is on the adoption of Floor Amendment 2065s.

A roll call was requested by Sen. Barnes, seconded by Sen. Sgambati.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Floor Amendment 2065s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1-A.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 15 - Nays: 9

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. Finance Committee. Ought to Pass with Amendment, Vote 5-1. Sen. D'Allesandro for the committee.

Senate Finance

May 29, 2009

2009-1996s

01/09

Amendment to HB 2-FN-A-LOCAL

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

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

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

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

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

IV. Notwithstanding any other provision of law, the state shall hold harmless, defend, and indemnify any state officer, any person with responsibility and authority for the custody or investment of the assets of the NHMMJUA, any member of the board of directors of the NHMMJUA, and any attorney, accountant, advisor, consultant, or actuary who shall have been employed or retained by or shall have advised such persons against any claim, demand, suit, action, proceeding, or judgment arising out of or in connection with any transaction pursuant to this section; provided that such person or entity shall, within 7 days after the date on which such person or entity is served with or receives actual notice of any writ, complaint, petition, process, notice, demand, claim, or pleading, give notice thereof in writing to the attorney general. Upon such notice the attorney general shall determine whether the acts complained of were committed within the scope of official duty for the state, and that such acts were not fraudulent, taken in bad faith, wanton, or reckless; and if so determined, the attorney general shall represent and defend such person or entity with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person; and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising therefrom, provided such person or entity cooperates fully with such representation or defense.

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.33~~] **\$1.78** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

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

4 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows:

78-A:6 Imposition of Tax.

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

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

- (a) Three cents for a charge between \$.36 and \$.37 inclusive;
- (b) Four cents for a charge between \$.38 and \$.50 inclusive;
- (c) Five cents for a charge between \$.51 and \$.62 inclusive;
- (d) Six cents for a charge between \$.63 and \$.75 inclusive;
- (e) Seven cents for a charge between \$.76 and \$.87 inclusive;
- (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

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

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

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

5 Meals and Rooms Tax; Distributions to Cities and Towns. Notwithstanding any provision of law, for each fiscal year of the biennium ending June 30, 2011, the state treasurer shall fund the distribution of revenue to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year 2009 level of distribution.

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

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

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

I. ~~[In the event of a general fund unreserved, undesignated deficit at the close of fiscal year 2009 as determined by the official audit performed pursuant to RSA 21-I:8, I(h),]~~ The commissioner of administrative services shall transfer appropriation authority and expenditures from the general fund to the capital fund related to the school building aid program pursuant to 2007, 262, PAU 06-03-02-02-02, in an amount equal to ~~[the lesser of:~~

(a) \$40,000,000~~;~~ or

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

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

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

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

II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent, and ***notwithstanding RSA 91-A shall require*** payment by the insurance company or authorized agent of a fee of ~~[\$8]~~ ***\$12 for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests***, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

9 Motor Vehicle Record Fees. The provisions of section 8 of this act, relative to fees charged to insurance companies and authorized agents for copies of motor vehicle records, shall not affect fees charged by the department of safety under RSA 260:14, XIII or XV(b).

10 Fees Collected from Drivers. Amend RSA 263:42, II to read as follows:

II. For every certified copy of a registration, license, or driving record, ~~[\$10]~~ ***\$15***, except that the commissioner shall waive the fee for local, state, and federal law enforcement and criminal justice agencies requesting such information for investigative purposes and may, for good cause, waive the fee in cases involving other government agencies or the public defender if the commissioner determines that such a waiver is in the public interest.

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

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

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

14 Department of Health and Human Services; Department of Revenue Administration; Medical Assistance; Memorandum of Understanding.

I. For the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and eligibility for Temporary Assistance to Needy Families (TANF), the commissioner of the department of health and human services (DHHS) and the commissioner of the department of revenue administration (DRA) shall renew the existing memorandum of understanding for the period of July 1, 2009 through June 30, 2011 under which:

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

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

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

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

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

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

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

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

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

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2009-~~2010~~ **2012**:

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

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

(3) State fiscal year 2011, \$105,000,000.

(4) State fiscal year 2012, \$105,000,000.

(b) The caps on total billings for fiscal years after fiscal year ~~2010~~ **2012** shall be established by the legislature ~~[on a biennial basis]~~.

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

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

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

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

20 Department of Health and Human Services; Medicaid State Plan Amendment; Medicaid Provider Classification for Certain Critical Access Hospitals. The department of health and human services shall submit a state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos county to allow for differentiated reimbursement for maternity-related labor and delivery services to assure uninterrupted access to such services consistent with 42 C.F.R. section 447.253(b)(1)(ii)(C).

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

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

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

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

24 Department of Health and Human Services; Unclassified Positions Established.

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

Department of health and human services	chief pharmacist
Department of health and human services	pharmacist (1)
Department of health and human services	pharmacist (2)
Department of health and human services	pharmacist (3)
Department of health and human services	pharmacist (4)
Department of health and human services	pharmacist (5)
Department of health and human services	pharmacist (6)

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

III. The following classified positions are abolished no later than December 31, 2009 to allow for transition of these classified positions into the unclassified positions established by paragraph I:

chief pharmacist #15719

pharmacist #15704

pharmacist #15706

pharmacist #15741

pharmacist #15810

pharmacist #15831

pharmacist #16360

IV. The incumbents in the classified positions abolished by paragraph III shall be offered the opportunity to transfer into the unclassified positions established by paragraph I.

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

XVI. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than ~~[5 percent of the amount appropriated in fiscal year 1994 and not less than 6 percent in each fiscal year thereafter,]~~ **4.5 percent of the annual amount appropriated** to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

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

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

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

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

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

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

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

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

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

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

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

32 Suspension. The following are suspended for each fiscal year of the biennium ending June 30, 2011:

- I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.
- II. RSA 167:11, relative to funeral expenses to recipients of public assistance.
- III. RSA 165:20, relative to reimbursement for aid to assisted persons.

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

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

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2011, 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, with the exception of class 60 transfers.

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

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

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

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

(b) A sum equal to ~~one~~ **2** percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the costs of administering the state water pollution control and drinking water revolving loan funds. The funds set aside shall be deposited in nonlapsing water pollution control and drinking water loan administration funds and shall be continually appropriated to the department exclusively for the purposes of this section. ***If the sum of the administrative charge plus interest charge as established by rules of the department of environmental services based on market rates is less than 2 percent for a loan, then the administrative charge shall be equal to this sum and no interest charge shall be assessed on the loan.***

37 Department of Environmental Services; Fees; Subsurface Systems Fund and Septage Management Fund. Amend RSA 485-A:30, I and I-a to read as follows:

I. Any person submitting plans and specifications for a subdivision of land shall pay to the department a fee of ~~[\$150]~~ **\$300** per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee of ~~[\$140]~~ **\$290** for each system. Said fee shall be for reviewing such plans and speci-

fications, making site inspections, the administration of sludge and septage management programs, and for establishing a system for electronic permitting for waste disposal systems, subdivision plans, and for permits and approvals under the department's land regulation authority. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited ~~[with the treasurer as unrestricted revenue]~~ **in the subsurface systems fund established in paragraph I-b.** For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

I-a. In addition to fees required under paragraph I, any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee of \$10 for each system ~~[- Said fee shall be for supporting a general funded position at the department to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. In the event and to the extent the department is able to use funds from sources other than the general fund to support the position, it shall receive from the general fund an amount equivalent to the fees collected under this paragraph, in addition to any other appropriations.]~~ for use in the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. **Until July 1, 2010,** the fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited ~~[with the state treasurer as unrestricted revenue]~~ **in the subsurface systems fund established in paragraph I-b. After July 1, 2010, the fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited in the septage management fund established in paragraph I-c.**

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

I-c. There is hereby established the septage management fund into which the fees collected under paragraph I-a shall be deposited. The fund shall be a separate, nonlapsing fund, continually appropriated to the department for the purpose of paying costs associated with the septage handling and treatment facilities grant program or for research, engineering analysis, or septage sampling and analysis by the department to advance septage management in the state of New Hampshire.

38 Permit Eligibility; Exemption. Amend RSA 485-A:35 to read as follows:

485-A:35 Permit Eligibility; Exemption.

I.(a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for them and who has a permit issued by the department to perform the work. The department shall issue a permit to any person who applies to the department, and pays a fee of \$80 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The department shall require an oral or written examination or both to determine who may qualify for a permit. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b). A permit issued to any person may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the department. An appeal from a decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541. **All fees shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-b.**

(b) Permitted designers shall complete a minimum of 3 hours annually of continuing education approved by the department.

II. Any person who desires to submit plans and specifications for a sewage or waste disposal system for the person's own domicile shall not be required to obtain a permit under this paragraph provided that the person attests to eligibility for this exemption in the application for construction approval. The commissioner shall adopt rules, prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire, pursuant to RSA 541-A, relative to requiring a permit holder to be a licensed professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. All fees collected pursuant to this ~~[paragraph]~~ **section** shall be deposited ~~[with the state treasurer as unrestricted revenue]~~ **in the subsurface systems fund established in RSA 485-A:30, I-b.**

39 System Installer Permit. Amend RSA 485-A:36, I(a) to read as follows:

I.(a) No person shall engage in the business of installing subsurface sewage or waste disposal systems under this subdivision without first obtaining an installer's permit from the department. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The department shall issue an installer's permit to any person who submits an application provided by the department, pays a fee of \$80 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read approved waste disposal plans. The department shall require an oral or written examination or both to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems for at least 12 months prior to January 1, 1980, shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b). The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. All fees shall be deposited ~~[with the state treasurer as unrestricted revenue]~~ **in the subsurface systems fund established in RSA 485-A:30, I-b.**

40 New Subparagraphs; Dedicated Funds; Subsurface Systems Fund and Septage Management Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraphs:

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

(278) Moneys deposited in the septage management fund, under RSA 485-A:30, I-c.

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

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

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

CHAPTER 125-S MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

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

125-S:2 Definitions. In this chapter:

I. "Department" means the department of environmental services.

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

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

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

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

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

266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.25** for each sticker furnished an approved inspection station. ***The division shall transfer \$.25 of each fee collected under this section to the motor vehicle air pollution abatement fund established by RSA 125-S:3 and \$.25 of each fee collected under this section to the general fund.*** All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of [~~\$2.50~~] **\$3.25** each, except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable at the rate of \$2.50 each.

44 New Hampshire Retirement System; Member Contribution Rates. Amend RSA 100-A:16, I(a) to read as follows:

I. MEMBER ANNUITY SAVINGS FUND.

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

Employees <i>of employers other than the state</i>	5.00
<i>Employees of the state hired on or before June 30, 2009</i>	5.00
<i>Employees of the state hired after June 30, 2009</i>	7.00
Teachers	5.00
Permanent Policemen	9.30
Permanent Firemen	9.30

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

45 New Paragraph; Retirement System; Definitions. Amend RSA 100-A:1 by inserting after paragraph XXXI the following new paragraph:

XXXII. "Extra or special duty" means member work activities or details for which the employer bills or charges another entity, in whole or in part, for the work activities or details provided.

46 Employer Contributions; State Payment; Group II Extra or Special Duty. Amend RSA 100-A:16, II(b)-(c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that any employer, other than the state, shall pay [~~65~~] **70** percent of such total contributions ***for state fiscal year 2010***, and [~~35~~] **30** percent thereof shall be paid by the state ***for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that***

beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer shall pay the full amount of such total contributions; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that, in the case of teachers, any employer, other than the state, shall pay [65] **70** percent of such total contributions *for state fiscal year 2010*, and [35] **30** percent thereof shall be paid by the state *for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state;* and provided further that in case of teacher members employed by the state the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

47 New Paragraph; Employer Report; Extra or Special Duty. Amend RSA 100-A:16 by inserting after paragraph V the following new paragraph:

VI. Every employer shall report monthly to the retirement system all compensation of group II members that is attributable to extra or special duty. When an employer provides extra or special duty services, the employer shall include in its billing or charge to the entity for whom the extra or special duty is being provided the full amount of contributions required under RSA 100-A:16, II(b) attributable to the extra or special duty. Notwithstanding any provision to the contrary, the employer shall be responsible for the full amount of employer contributions required under RSA 100-A:16, II(b) attributable to extra or special duty.

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

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount.

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

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

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

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

Rockingham County

I. PORTSMOUTH DISTRICT. The Portsmouth district shall consist of the city of Portsmouth and the towns of Newington, Greenland, Rye, and New Castle. The district court for the district shall be located in Portsmouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Portsmouth District Court.

II. HAMPTON-EXETER DISTRICT. The Hampton-Exeter district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, Seabrook, Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

II-a. [Repealed.]

III. DERRY DISTRICT. The Derry district shall consist of the towns of Derry, Londonderry, Chester, and Sandown. The district court for the district shall be located in Derry, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Derry District Court.

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

V. SALEM DISTRICT. The Salem district shall consist of the towns of Salem and Windham in Rockingham county and the town of Pelham in Hillsborough county. The district court for the district shall be located in Salem, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Salem District Court.

VI. PLAISTOW DISTRICT. The Plaistow district shall consist of the towns of Plaistow, Hampstead, Kingston, Newton, Atkinson, and Danville. The district court for the district shall be located in Plaistow, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plaistow District Court.

Strafford County

VII. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth-Durham district shall consist of the cities of Dover and Somersworth and the towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require.

VIII. ROCHESTER DISTRICT. The Rochester district court shall consist of the city of Rochester and the towns of Barrington, Milton, New Durham, Farmington, Strafford, and Middleton. The district court for the district shall be located in Rochester, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Rochester District Court.

Belknap County

IX. LACONIA DISTRICT. The Laconia district shall consist of the city of Laconia and the towns of Meredith, New Hampton, Gilford, Belmont, Alton, Gilmanton, Center Harbor, and Barnstead. The district court for the district shall be located in Laconia, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Laconia District Court.

Carroll County

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

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

Merrimack County

XII. CONCORD DISTRICT. The Concord district shall consist of the city of Concord, and the towns of Loudon, Canterbury, Dunbarton, Bow, Hopkinton, Pittsfield, Chichester, and Epsom. The district court for the district shall be located in Concord, holding sessions regularly there and elsewhere in the district as justice may require. The name of the court shall be Concord District Court.

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

XIV. FRANKLIN DISTRICT. The Franklin district shall consist of the city of Franklin and the towns of Northfield, Danbury, Andover, Boscawen, Salisbury, Hill, and Webster in Merrimack county and the towns of Sanbornton and Tilton in Belknap county. The district court for the district shall be located in Franklin, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Franklin District Court.

XV. HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, *Sutton*, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the city or town in which it is located.

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

~~XVII. [Repealed.]]~~

Hillsborough County

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

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

~~[XX.]~~ XVIII. MERRIMACK-MILFORD DISTRICT. The Merrimack-Milford district shall consist of the towns of Merrimack, Litchfield, [and] Bedford, *Milford, Brookline, Amherst, Mason, Wilton, Lyndeborough, and Mont Vernon*. The district court for the district shall be located in Merrimack, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the Merrimack District Court.

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

~~[XXII.]~~ XIX. JAFFREY-PETERBOROUGH DISTRICT. The Jaffrey-Peterborough district shall consist of the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county and the towns of Jaffrey, Dublin, Fitzwilliam, and Rindge in Cheshire county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

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

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

Cheshire County

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

~~[XXVI.]~~ **XXIII.** JAFFREY-PETERBOROUGH DISTRICT. The Jaffrey-Peterborough district shall consist of the towns of Jaffrey, Dublin, Fitzwilliam, ~~[Troy]~~ and Rindge in Cheshire county and the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

Sullivan County

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

~~[XXVII-a. [Repealed.]]~~

Grafton County

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

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

~~[XXX.]~~ **XXVII.** LITTLETON DISTRICT. The Littleton district shall consist of the towns of Littleton, Monroe, Lyman, Lisbon, Franconia, Bethlehem, Sugar Hill, and Easton. The district court for the district shall be located in Littleton, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Littleton District Court.

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

Coos County

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

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

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

51 Committee Established. There is established a committee to evaluate the physical consolidation of the Claremont and Newport district courts and family division sites.

52 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) Two 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.

53 Duties. The committee shall evaluate the physical consolidation of the Claremont and Newport district courts and family division sites.

54 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named 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.

55 Report. The committee shall report its findings and any recommendations for proposed legislation regarding the physical consolidation of the Claremont and Newport district courts and family division sites to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

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

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

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

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

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

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

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

57 Department of Administrative Services; Suspension of Bumping Rights. The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011. The procedure for layoffs of permanent employees pursuant to administrative rule Per 1101.02 (d), prohibiting the layoff of permanent employees while there are temporary fill-in, part-time, or probationary employees serving in the same class of position within the same division of the agency, is hereby suspended from the effective date of this section to June 30, 2011.

58 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2009 and June 30, 2011, 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, if he or she meets the minimum qualifications for the position, and if the laid off employee does not receive a promotion as a result of the rehire.

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

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

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

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

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, the assistant commissioner, **the deputy commissioner**, the internal auditor, the financial data manager and the senior operational analyst. The division directors, the assistant commissioner, **the deputy commissioner**, the internal auditor, the financial data manager and the senior operational analyst shall each serve for a term of 4 years.

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

21-I:3-b Deputy Commissioner.

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

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

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

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

Delete:

GG Department of administrative services director of plant and property management

Insert:

HH Department of administrative services director of plant and property management

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

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

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

VII. Provide notice ~~[in a publication of the commission sent by U.S. mail]~~ to all persons licensed under this chapter of any proposed rulemaking undertaken by the commission, any changes to administrative rules adopted by the commission, and any pertinent changes in New Hampshire law. ~~[The funds necessary for the printing, postage, and mailing of such notice shall be expended from funds of the commission not otherwise appropriated.]~~

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

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

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

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

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

III. The position of the director of policy and administration shall be unclassified. The salary of the director shall be determined after assessment and review of the appropriate temporary letter grade allocation for the position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

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

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

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

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

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

237:50 Acquisition; Authority Granted.

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

II. The bureau of turnpikes shall operate and maintain this section of highway, which shall become part of the eastern New Hampshire turnpike under RSA 237:17 and the Blue Star turnpike under RSA 237:18.

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

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

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

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

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

(a) Improvements to the Blue Star memorial highway.

RSA 237:2, I, IX.

[~~55,800,000~~] **70,000,000**

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

(k) Toll collection equipment. RSA 237:2, VIII, IX.

[39,000,000] **119,000,000**

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

(m) Construction of a second barrel from exits 12 to 16

on the Spaulding Turnpike with related interchange

improvements from exits 11 to 16. RSA 237:2, IX.

[138,200,000] **160,000,000**

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

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

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

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

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

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

X. Acquire, expand, and make improvements to the eastern New Hampshire turnpike from the northerly expansion joint of the Interstate Route 95 bridge over the Spaulding turnpike, U.S. Route 4 and N.H. Route 16 (bridge No. 197/122) north to a point on the New Hampshire-Maine border in the city of Portsmouth, said improvements to include the installation of open road tolling for the toll currently on Interstate Route 95 in the town of Hampton.

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

IV. The commissioner may enter into discussions with other state jurisdictions to create reciprocal agreements for the enforcement and collection of tolls and administrative fees due under the E-Z Pass system. The departments of transportation and safety may release driver's and owner's information to other jurisdictions relative to enforcement or collection of tolls and may take such other action as is necessary to effectuate the reciprocal enforcement agreements.

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

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

79 State Government Waste Reduction, Recycling, and Recycled Products Purchase; Plan for State Recycling Program. Amend 2008, 359:1 to read as follows:

359:1 Plan for State Recycling Program. This act is a plan for the state recycling program and shall not mandate the expenditure of funds during the 2008-2009 [biennium] **and 2010-2011 bienniums**.

80 Boards, Commissions, and Councils; Expiration Date.

I.(a) Except as provided in subparagraph (b), all non-regulatory boards, commissions, councils, advisory committees, and task forces in state government created by statute or administrative rule shall expire on June 30, 2011, unless reinstated by the general court. The office of legislative services shall provide a list of all such boards, commissions, councils, advisory committees, and task forces in state government created by statute or administrative rule to the speaker of the house of representatives, the senate president, and the governor on or before September 30, 2009.

(b) The McAuliffe-Shepard discovery center commission shall be exempt from the provisions of subparagraph (a).

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

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

II.(a) There is established a committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces under paragraph I.

(b) The members of the committee shall be as follows:

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

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

(c) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(d) The committee shall study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces under paragraph I and shall make recommendations relative to which such entities shall be eliminated.

(e) 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

(f) The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

81 Committee on Consolidation of Boards, Commissions, and Councils Established.

I. There is established a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.

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

(a) Six members of the house of representatives, 3 of whom shall be members of the finance committee and 3 of whom shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, one of whom shall be a member of the finance committee and one of whom shall be a member of the executive departments and administration committee, appointed by the president of the senate.

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

IV. The committee shall study how to enhance the administrative efficiency of occupational licensing boards. In conducting the study, the committee shall consider how greater efficiency can be achieved in the following areas:

(a) The relationship between the boards and the agencies to which the boards are attached;

(b) The relationship between the administrative prosecutions unit, department of justice, and the boards and the development of uniform access to investigative assistance and legal assistance with prosecutions;

(c) The relationship between the civil bureau, department of justice, and the boards and the development of uniform access to legal assistance with board procedural issues;

(d) The relationship between the rules and procedures unit, department of administrative services, and the boards;

(e) Consolidation of or uniformity in the administrative functions of the boards, including but not limited to, purchasing, personnel management, database design, and website design;

(f) Physically grouping some boards together with shared staff and office and meeting space;

(g) Creating a new department of professional regulation that includes all occupational licensing boards;

(h) Any other areas deemed necessary by the committee.

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

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

82 New Section; Department of Resources and Economic Development; Workforce Development. Amend RSA 12-A by inserting after section 2-i the following new section:

12-A:2-j Workforce Development. The commissioner of the department of resources and economic development shall plan, develop, and administer workforce investment activities, programs, and grants under the federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, and shall discharge the day-to-day operational responsibilities and obligations of the New Hampshire Workforce Opportunity Council established under RSA 12-A:60. The commissioner shall coordinate with the New Hampshire Workforce Opportunity Council to promote state and local investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

83 New Paragraph; Powers of the Director of Economic Development. Amend RSA 12-A:22 by inserting after subparagraph IX the following new paragraph:

X. Plan, develop, and administer programs to assist in the implementation of the Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, implement the state plan established by the governor and the Workforce Opportunity Council, and perform the following additional functions:

(a) Through the Youth Council, select youth providers of training services in the local areas.

(b) Identify eligible providers of training services in the local area.

(c) Identify eligible providers of intensive services, if not otherwise provided by the One-Stop operator.

(d) Develop a budget for carrying out the duties of the Workforce Opportunity Council, subject to the approval of the commissioner.

(e) Oversee local programs of youth activities, local employment, and training service.

(f) Establish, in conjunction with the commissioner, local performance measures.

(g) Assist the commissioner in developing statewide employment statistics systems described in the Wagner-Peyser Act.

(h) Coordinate workforce investment activities authorized and implemented within the state with economic development strategies, and develop the employer linkages with such activities.

(i) Make available to the public, on a regular basis through open meetings, information regarding Workforce Opportunity Council activities including information regarding the state plan prior to its submission, and information regarding membership, the designation and certification of One-Stop operators and the award of grants or contracts to eligible providers of youth activities and, as requested, minutes of formal meetings of the Workforce Opportunity Council.

(j) Review the operation of programs and the availability, responsiveness, and adequacy of state services, and make recommendations to the governor, appropriate chief elected officials, service providers, the legislature, and general public with respect to steps to improve the effectiveness of these services and programs.

(k) Review plans of all state agencies providing employment training, and related services, and provide comments and recommendations to the governor, the legislature, the state agencies and appropriate federal agencies on the relevancy and effectiveness of employment and training and related services delivery system in the state.

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

New Hampshire Workforce Opportunity Council

12-A:60 New Hampshire Workforce Opportunity Council.

I. There is established a New Hampshire Workforce Opportunity Council.

II. Membership of the council shall be as set forth in section 111(b) of the Workforce Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time. Members of the council shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall select a chairperson for the council from among the members of the council, in accordance with 29 U.S.C. section 2821(c).

III. The council shall meet no less frequently than semi-annually, shall have the powers and responsibilities of the state workforce investment board under the Workforce Investment Act of 1998, and shall assist the governor in:

(a) Development of the state plan required under section 112 of the Workforce Investment Act of 1998.

(b) Development and continuous improvement of a statewide system of activities that are funded under this subdivision or carried out through a One-Stop delivery system described in section 134c of the Workforce Investment Act of 1998, that receives funds under that act, including:

(1) Development of linkages in order to assure coordination and non-duplication among the programs and activities described in section 121(b) of the Workforce Investment Act of 1998; and

(2) Review of local plans under the Workforce Investment Act of 1998, if any.

(c) Commenting at least once annually on the measures taken pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. section 2323(b)(3).

(d) Designation of local areas as required in section 116 of the Workforce Investment Act of 1998.

(e) Development of the allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

(f) Development and continuous improvement of comprehensive state performance measures including state adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the state as required under section 136(b) of the Workforce Investment Act of 1998.

(g) Preparation of the annual report to the United States Secretary of Labor described in section 136(d) of the Workforce Investment Act of 1998.

(h) Development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act.

(i) Development of an application for an incentive grant under 20 U.S.C. section 9273.

12-A:61 New Hampshire Workforce Opportunity Fund.

I. There is hereby established the New Hampshire workforce opportunity fund which shall be nonlapsing, continually appropriated to, and administered by the commissioner of the department of resources and economic development. Said fund shall be for the purpose of receiving financial assistance under the Workforce Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

II. The fund shall be distributed or expended by the commissioner after consultation with the New Hampshire Workforce Opportunity Council established in RSA 12-A:60 and the approval of the governor and council for any of the following purposes:

- (a) Workforce Investment Act Adult and Dislocated Worker programs.
- (b) Workforce Investment Act Youth programs.
- (c) Workforce Investment Act Senior Community Service Employment programs.
- (d) Workforce Investment Act Disability programs.
- (e) Workforce Investment Act Regional Innovation and National Emergency grant programs.

(f) Other projects, programs or grants recognized as being beneficial to workforce development initiatives and consistent with the goals of the Workforce Investment Act.

III.(a) The department may accept gifts, grants, donations, or other moneys for the purposes of this section. Said moneys shall be deposited into the New Hampshire workforce opportunity fund.

(b) The commissioner may enter into contracts and agreements and may take other actions that may be necessary or desirable to effect the transfer to it of operations currently conducted by The Workforce Opportunity Council, Inc. or the New Hampshire Workforce Opportunity Council under the Workforce Investment Act, and to effect the transfer of assets utilized by them in doing so; and, the commissioner may assume, bear, and agree to perform those contracts of the Workforce Opportunity Council, Inc. or the New Hampshire Workforce Opportunity Council that may be necessary or desirable for carrying out the purposes of this section.

IV. The commissioner of the department of resources and economic development shall have the authority to enter into such agreements for leasing real property, acquiring goods, and engaging services to perform Rapid Response activities in accordance with this subdivision. The commissioner shall provide the governor and council an information item not less frequently than semi-annually describing all such agreements and amounts expended pursuant thereto. Such agreements shall be made pursuant to forms of agreement that shall be approved by governor and council which forms of agreement have been reviewed by the attorney general and the commissioner of the department of administrative services.

V. In accordance with RSA 12-A:51-58, the commissioner of resources and economic development shall have the authority to make grants to New Hampshire employers for the purpose of training employees in accordance with this chapter, such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant year the sum of \$70,000, unless first approved by governor and council. The commissioner shall provide the governor and council an information item not less frequently than semi-annually describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a form of agreement that shall be approved by governor and council after review by the attorney general and the commissioner of the department of administrative services.

85 New Subparagraph; Application of Receipts; Workforce Opportunity Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited into the New Hampshire workforce opportunity fund established in RSA 12-A:61.

86 Training Fund. Amend RSA 282-A:138-a to read as follows:

282-A:138-a Training Fund.

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by the commissioner of ~~[employment security]~~ **resources and economic development** in accordance with rules and guidelines adopted by the commissioner **of resources and economic development**, for funding training under the job training program for economic growth, established under RSA 12-A:51-58. Rulemaking authority relative to administration of the grant award process shall ~~[remain]~~ **be** with the commissioner of resources and economic development pursuant to RSA 12-A:54, II(a).

II. The commissioner of ~~[employment security]~~ **resources and economic development** shall act as the fiscal agent for moneys deposited in the training fund. All costs incurred by the commissioner acting as fiscal agent of the training fund shall be paid from such fund.

III. Any interest earned on the moneys in this fund shall ~~[be deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by that section, and not for any other purpose]~~ **remain in the fund and shall be expended as provided in paragraph I .**

IV. Any moneys paid into the training fund during a calendar year, which are either not obligated by June 30 of the following year or spent by June 30 of the year thereafter, shall ***be continually appropriated and shall not*** lapse ~~[and be deposited into the fund established by RSA 282-A:140 and shall be expended only as provided by that section and not for any other purpose].~~

87 Repeal. 2000, 317:2, relative to membership on the workforce investment board, is repealed.

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

89 Legislative Branch; Revised Health Benefit Plan. The legislative branch shall lapse \$57,975 during the fiscal year ending June 30, 2010 and \$125,613 during the fiscal year ending June 30, 2011 in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

90 Judicial Branch; Revised Health Benefit Plan. The judicial branch shall lapse \$258,818 during the fiscal year ending June 30, 2010 and \$560,772 during the fiscal year ending June 30, 2011 in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

91 New Section; Real Estate Commission; Fees Collected Electronically; Handling Charge. Amend RSA 331-A by inserting after section 24-a the following new section:

331-A:24-b Handling Charge. If the real estate commission collects a fee electronically for any license, any document, or any other purpose under this chapter, the commission shall collect a handling charge for each fee paid electronically, including by Internet or facsimile, by adding 2 percent to the total collected.

92 Horse and Dog Racing; Employees. Amend RSA 284:3 to read as follows:

284:3 Employees. At least [85] **70** percent of the persons employed by a person, association, or corporation conducting a racing plant ***or simulcasting*** under the provisions hereof shall have resided in this state for a period of not less than one year. The provisions of this section shall not apply to the construction of a racing plant or its equipment.

93 Horse and Dog Racing; Racing and Charitable Gaming Commission; Rulemaking. Amend RSA 284:12, III to read as follows:

III. The operation of race tracks on which running or harness horse or dog races or meets ***or simulcastings*** are held.

94 Horse and Dog Racing; License Required; Investigation Fees. Amend RSA 284:12-a to read as follows:

284:12-a License Required; Investigation Fees.

I. No person, association, corporation, or any other type of entity shall hold ***or simulcast*** any running or harness horse or dog race or meet at ***or for*** which pari-mutuel pools are sold without a license from the commission.

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, [and] RSA 284:20-b, ***RSA 284:22, and RSA 284:22-a***. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.

95 License; Live Running or Harness Horse Racing. Amend the introductory paragraph of RSA 284:15, I to read as follows:

I. Any person, association, or corporation desiring to hold ***or simulcast*** a running or harness horse race or meet for public exhibition, at ***or for*** which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

96 Requirements; Simulcast Dog Racing. Amend RSA 284:15-a to read as follows:

284:15-a Requirements. Any person, association, or corporation desiring to hold **or simulcast** a dog race for public exhibition at **or for** which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the information set forth in RSA 284:15. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, markets, and food, shall be entitled to one special 6-day racing license annually.

97 Issuance of Licenses; Simulcast Racing. Amend RSA 284:16 to read as follows:

284:16 Issuance of Licenses. If the commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets **or simulcastings** are to be held, and the time and number of days during which racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a running or harness horse race or meet for public exhibition without a new license.

98 Issuance of Licenses; Simulcasting Races. Amend RSA 284:16-a to read as follows:

284:16-a Issuance of Licenses. If the greyhound racing commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets **or simulcastings** are to be held, and the time and number of days during which racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a dog race or meet for public exhibition without a new license. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, markets, and food, shall be entitled to one special 6-day license annually to hold a dog race meet.

99 Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness Horse Racing. Amend RSA 284:22-a, I(c) to read as follows:

(c) "Licensee" means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a race meet, **or if the election is made pursuant to RSA 284:22-a, II(c), "licensee" means any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 284 to conduct simulcasting at a facility at which live running or harness horse racing or live dog racing was conducted in 2008.**

100 New Subparagraph; Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness Horse Racing. Amend RSA 284:22-a, II by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live racing provided such person or entity makes such election with the approval of the commission and such person or entity either held a license on January 1, 2009 under this chapter to conduct a race meet or seeks to conduct simulcasting without conducting live racing at a facility at which live racing was authorized to be conducted in 2009.

101 Department of Revenue Administration; Position of Chief Multi-State Auditor Established.

I. There is established the unclassified position of chief multi-state auditor for the department of revenue administration. The salary for the position shall be as set forth in RSA 94:1-a.

II. The commissioner shall appoint a qualified person, who shall serve at the pleasure of the commissioner, to the position established in paragraph I.

102 Unclassified Officers; Chief Multi-State Auditor Added. Amend RSA 94:1-a, I(a) as follows:

Insert:

DD Department of revenue administration chief multi-state auditor

103 New Section; Supreme Court; Judicial Branch Information Technology Fund. Amend RSA 490 by inserting after section 26-g the following new section:

490:26-h Judicial Branch Information Technology Fund.

I. Except as provided in paragraph IV:

(a) Fourteen percent of each entry fee collected in the judicial branch family division and in the supreme, district, superior, and probate courts and 16.67 percent of the penalty assessment collected pursuant to RSA 188-F:31 shall be deposited in the judicial branch information technology fund.

(b) Moneys in the fund shall be nonlapsing and continually appropriated to the supreme court for maintenance and infrastructure renewal of judicial branch information technology, including both hardware and software, as recommended by the director of the administrative office of the courts and approved by the supreme court.

II. The state treasurer shall establish procedures for deposits to and expenditures from the judicial branch information technology fund. The fund shall be a dedicated fund for the improvement of judicial branch information technology.

III. The funds on deposit in the judicial branch information technology fund shall be invested by the state treasurer in obligations of the United States government, in government agency obligations, in obligations which are legal investments for savings banks and trust companies, and in all types of savings accounts or certificates of deposit of both state or federally chartered institutions.

IV. On or before September 1 of each year, the judicial branch shall submit a written report of the income and expenditures of the judicial branch information technology fund to the fiscal committee of the general court and the state treasurer. If such report is not submitted, any balance in the fund shall lapse to the general fund and the percentage of each entry fee which is designated for the judicial branch information technology fund under paragraph I shall be deposited in the general fund.

104 Penalty Assessment. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [20] **24** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked.

105 Penalty Assessment. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit [65] **54.17** percent of the amount collected in the police standards and training council training fund, [20] **16.67** percent of the amount collected in the victims' assistance fund, **16.67 percent of the amount collected in the judicial branch information technology fund**, and the remainder in the general fund.

106 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

I. For the benefit 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. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h**. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

107 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12, II to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the judicial branch family division for the benefit of the state. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

108 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

109 District Court Entry Fees. Amend RSA 502-A:28, II to read as follows:

II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

110 Probate Court Entry Fees. Amend RSA 548:23-a, II to read as follows:

II. The register shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

111 New Subparagraph; Application of Receipts; Judicial Branch Information Technology Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the judicial branch information technology fund established under RSA 490:26-h.

112 Uniform Fines; Judicial Branch Information Technology Fund; Credit Cards. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of the division of motor vehicles within 30 days of the date of the summons. **The director of the division of motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is credited as agency income and not out of the penalty assessment charged by the district court.** The director of the division of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund **and the judicial branch information technology fund** in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the ~~treasurer for deposit in the highway fund, or to such department or agency of the state as the law provides,~~ **state treasurer, and shall be credited as agency income by the department of safety** within 14 days of their receipt.

113 Beverage. Amend RSA 175:1, VIII to read as follows:

VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit juices and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. **The commission may approve any cider greater than 6 percent.**

114 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

115 Purchase of Supplies; Exemptions; Liquor Commission. RSA 21-I:18, I(b) is repealed and reenacted to read as follows:

(b) The liquor commission is completely exempted from the provisions of this chapter, provided that the liquor commission uses competitive bidding when acquiring consumable supplies, materials, goods, and services that are necessary for, incidental to, or related to the operation of the liquor commission.

116 Divisions and Directors. RSA 176:8 is repealed and reenacted to read as follows:

176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of unclassified division directors. The directors shall be appointed by the commission and serve at the pleasure of the commission based on good behavior and competence. There shall be a division of marketing, merchandising, and warehousing, a division of administration, and a division of enforcement and licensing.

117 Liquor Commission Funds. Amend RSA 176:16 to read as follows:

176:16 Funds.

I. Except as provided in paragraph II, ***the state treasurer shall credit*** all gross revenue derived by the commission from the sale of liquor, or from license fees, ~~[shall be deposited into the general funds of the state. The expenses of administration and all other expenditures provided for in this title shall be paid by the state treasurer on warrants of the governor with the advice and consent of council.]~~ ***and interest received on such moneys, to a special fund, to be known as the liquor commission fund, from which the treasurer shall pay all expenses of the commission incident to the administration of this title. Any balance left in such fund after such expenses are paid shall be deposited in the general fund on a daily basis.***

II. Fifty percent of the amount by which the current year gross profits exceed fiscal year 2001 actual gross profit, but not more than 5 percent of the current year gross profits derived by the commission from the sale of liquor and other revenues, shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1.

III. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the commission, the commission may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize the transfer of funds from the liquor commission fund for expenses related to retirement and health benefits.

IV. The commission may transfer funds totaling up to 5 percent of the operating budget in any fiscal year for any specific purposes to funds for other purposes within and among the appropriations for the operation of the commission. The commission shall report on a semi-annual basis to the fiscal committee of the general court all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

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

177:1 State Stores. The commission may lease, purchase, and equip, in the name of the state, such stores, warehouses, supplies, materials, equipment, products, and other marketing and merchandising requirements for the sale or promotion of liquor and related products as are necessary to carry out the provisions of this chapter. The commission may lease, in the name of the state, space in state stores for the purpose of installing automated teller machines. No newly established state store shall be operated within 200 feet of any public or private school, church, chapel, or parish house.

119 Closing of State Liquor Stores. RSA 177:2, I is repealed and reenacted to read as follows:

I. The commission may close any state liquor store to improve profitability and efficiency. In determining net operating profit or loss, the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request. The commission shall provide public notice 30 days prior to closing any state liquor store.

120 References Changed. Amend RSA 178:11, V to read as follows:

V. Liquor/wine/beverage warehouseurs shall submit a monthly report both to the liquor commission enforcement ***and licensing*** division and the ~~[warehouse and transportation]~~ ***marketing, merchandising, and warehousing*** division of the commission by the tenth day of the following month indicating the quantity, type, size, and brands of all product received, stored, or shipped on their premises.

121 New Section; Combination Conditional License. Amend RSA 178 by inserting after section 17 the following new section:

178:17-a Combination Conditional License.

I. At its discretion, the commission may combine license types and issue a combination conditional license to a licensee that holds or is seeking more than one license for a single establishment. In issuing a combination conditional license, the commission may suspend or modify any existing licensing requirement established under title XIII and may impose additional conditions. The commission may deny, in its discretion, any license under this section that constitutes a risk to public health, safety, or welfare of any community.

II. The commission shall issue a combination conditional license in accordance with RSA 541-A:39.

III. This section shall not be interpreted to create a license category that does not exist in statute.

122 Location of Agency Liquor Stores. Amend RSA 177:11 to read as follows:

177:11 Location of Agency Liquor Stores.

I. The commission may license an agency liquor store only when the following requirements are met:

(a) The proposed agency liquor store is located in a municipality which has voted in favor of the operation of state liquor stores under RSA 175:7.

(b) The proposed agency liquor store is located in a municipality where there is no state liquor store.

(c) Neither the proposed agency liquor store nor any state liquor store is within 5 road miles of an existing state liquor store or an existing agency liquor store.

II. The commission may not replace a state liquor store which closes with an agency liquor store, unless the state liquor store was closed under the provisions of RSA 177:2.

III. In the event that a proposed agency liquor store will replace a state liquor store, the commission shall make reasonable efforts to provide state employees other positions, if available.

III-a. In determining the location of a proposed agency store, the commission shall consider its effect on the economy, availability of liquor, and customers within the surrounding relevant market. For the purposes of this section, "surrounding relevant market" means the geographic area that is reasonably intended to be served by the agency store.

IV. The commission shall issue a license for an agency liquor store within a municipality by the following procedure:

(a) The commission shall, in accordance with RSA 541-A, give public notice that agency liquor stores may be established in a particular municipality ***to serve persons located in that municipality and in the surrounding relevant market. The public notice shall identify the surrounding relevant market that the agency store is intended to serve and all municipalities, or portions thereof, included therein. A copy of the public notice shall at the same time be forwarded by certified mail by the commission to the governing body of the municipality in which the agency store may be established and to the governing body of any additional municipalities located, in whole or in part, in the surrounding relevant market that the agency store is intended to serve.*** The commission shall request all parties in the municipality, interested in establishing an agency liquor store there, to apply to the commission.

(b) The commission shall provide all applicants with the necessary information for the establishment of agency liquor stores.

(c) Upon receipt of all applications for agency liquor stores licenses in a municipality, the commission shall notify the ~~[municipal officers]~~ ***governing body*** of that municipality ***and of any additional municipalities located, in whole or in part, in the surrounding relevant market*** of the proposed location of each applicant ~~[at least 15 days before the final selection of an applicant or applicants by the commission]~~ ***and shall suspend all action on such applications for 30 days in order to allow the affected municipalities and any other interested person to submit written comments to the commission on the proposed location of a new agency store in a municipality.***

(d) ~~[The commission shall issue a license to all persons qualifying under the commission's rules.]~~ ***Upon the written request of the municipality in which the proposed agency store may be located, or of any municipality located in the surrounding relevant market as identified by the commission, that***

is received by the commission within 14 days of the date of the public notice forwarded to such a municipality under subparagraph (a), the commission shall in accordance with RSA 541-A publish notice and schedule a hearing on the proposed location of an agency store in such municipality. Any public hearing shall be held within 45 days of the close of the public comment period in the municipality in which the agency store may be located.

(e) The commission shall ~~notify~~ **provide written notice by certified mail to all applicants, to the municipality in which the agency store is to be located, and to any other municipality located in the surrounding relevant market of the final selection of an applicant or applicants, and shall provide** any applicant denied a license **written notification of** the reasons for the denial by certified mail to the mailing address given by the applicant in ~~his~~ **the** application for an agency liquor store license.

(f) The commission shall issue a license to all persons qualifying under the commission's rules.

V. Any applicant aggrieved by a decision made by the commission may appeal the decision in accordance with RSA 541. **For purposes of rehearing and appeal, the date of the written notice of final selection of an applicant or applicants shall constitute the decision of the commission.**

123 Department of Health and Human Services and Department of Safety Agreement Relative to Fee for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the commissioner of the department of safety and the commissioner of the department of health and human services shall negotiate a reduced fee for performing a state criminal record check of department of health and human services employees, service providers, and licensed and license-exempt child day care providers.

124 New Subparagraph; Rulemaking Exemption; Fee for Criminal Record Check. Amend RSA 541-A:21, I by inserting after subparagraph (bb) the following new subparagraph:

(cc) RSA 106-B:14, I-a, relative to the fee for criminal record checks of department of health and human services employees, service providers, and licensed and license-exempt child day care providers.

125 Annulment of Criminal Records. Amend RSA 651:5, IX to read as follows:

IX. When a petition for annulment is timely brought, the court shall require the department of corrections to report to the court concerning any state or federal convictions, arrests or prosecutions of the petitioner and any other information which the court believes may aid in making a determination on the petition. The department shall charge the petitioner a fee of \$100 to cover the cost of such investigation unless the petitioner demonstrates that he **or she** is indigent, or ~~he~~ has been found not guilty, or ~~his~~ **the** case has been dismissed or not prosecuted in accordance with paragraph II. **The department of safety shall charge the successful petitioner a fee of \$100 for researching and correcting the criminal history record accordingly, unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with paragraph II.** The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit them to be heard regarding the interest of justice in regard to the petition.

126 Great Bay; Reference to Saltwater License. Amend RSA 211:17-b to read as follows:

211:17-b Operation of Motor Vehicles, Snowmobiles, or OHRVs on Ice on Great Bay. No person shall drive a motor vehicle, snowmobile, or OHRV on the ice on Great Bay, except that any person who holds a New Hampshire ~~fishing~~ **recreational saltwater** license **under RSA 214:9, XVI** may do so, provided that he **or she** does not drive or park his **or her** vehicle any closer than 300 feet to any occupied so-called bob-house, fishing shanty, or fishing hole other than the one ~~he~~ **the person** occupies. The provisions of this section shall not apply to any person engaged in emergency rescue operations or public service of any description. No person driving a motor vehicle, snowmobile, or OHRV on the ice on Great Bay shall operate said vehicle at a speed greater than 10 miles per hour. Whoever violates any provision of this section shall be guilty of a violation.

127 New Paragraph; Licenses; Application; Recreational Saltwater License. Amend RSA 214:9 by inserting after paragraph XV the following new paragraph:

XVI.(a) If the applicant is 16 years of age or older and wishes to take, possess, or transport finfish from coastal and estuarine waters under the restrictions of this title, the applicant shall pay the fee according to the schedule in subparagraph (e), and the agent shall thereupon issue a recreational saltwater license which shall entitle the licensee to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title, provided that any person participating in a recreational saltwater fishing opportunity on a for-hire vessel, which is licensed under subparagraph (b), shall be exempt from the license requirement of this subparagraph.

(b) A resident or nonresident owner or operator of a for-hire vessel who wishes to provide recreational saltwater fishing opportunities for persons taking finfish from coastal and estuarine waters, shall pay a fee for each charter boat and each party boat according to the schedule in subparagraph (e), which shall entitle the owner or operator of the licensed for-hire vessel to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title.

(c) A nonresident holding a valid recreational saltwater license or a for-hire charter or party boat saltwater license from Maine or Massachusetts, shall be allowed to take, possess, or transport finfish from New Hampshire coastal and estuarine waters, provided that the state in which such person purchased a recreational saltwater license or in which the for-hire vessel is registered allows an angler with a New Hampshire recreational saltwater license or a saltwater for-hire vessel with a for-hire license from New Hampshire to recreationally take, possess, or transport finfish in that state's coastal and estuarine waters.

(d) In this paragraph:

(1) "Coastal and estuarine waters" means all waters within the rise and fall of the tide, and water below any fishway or dam which is normally the dividing line between tide water and fresh water, or below any tidal bound which has been legally established in streams flowing into the sea under the jurisdiction of the state.

(2) "For-hire vessel" means a party boat, charter boat, dive boat, head boat, or other boat hired by persons to engage in recreational saltwater fishing opportunities.

(3) "Recreational saltwater fishing" means taking of any marine finfish, by any means for personal use only and which are not sold.

(4) "Charter boat" means a vessel less than 100 gross tons (90.8 metric tons) that meets the requirements of the U.S. Coast Guard to carry 6 or fewer passengers for hire.

(5) "Party boat" or "head boat" means a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire.

(e) The following fees shall apply:

(1) \$15 for resident and nonresident individuals.

(2) \$75 for charter boats and other for-hire vessels, except party boats.

(3) \$150 for party boats.

(f) The executive director shall adopt rules under RSA 541-A on the further definitions, criteria, and requirements for obtaining the licenses under this paragraph.

128 License Required; Marine Species Added. Amend RSA 214:1 to read as follows:

214:1 License Required. No person, except as hereinafter provided, shall at any time fish, hunt, trap, shoot, pursue, take or kill freshwater fish, ***marine and estuarine finfish species***, saltwater smelt, saltwater shad, saltwater salmonoids, wild birds, or wild animals in this state, without first procuring a proper and valid license to do so, and then only in accordance with the terms of such license and subject to all the provisions of this title. The licensee shall carry such license on his ***or her*** person when so engaged, and the license shall be subject to inspection on demand of any person.

129 Licenses for Aged Persons. Amend RSA 214:6 to read as follows:

214:6 Licenses for Aged Persons. Any resident of this state who is over 65 years of age and who is receiving public aid may, upon presentation of proof of such aid, make application to the executive director of fish and game for a special license to ~~[fish]~~ ***take***, and to transport fish ~~[and saltwater smelt]~~, under the restrictions of this title. Such license shall be marked in such manner as the executive director may designate and there shall be no fee for such license.

130 Fishing License; Saltwater Species Removed. Amend RSA 214:9, II to read as follows:

II. If the applicant is a resident of this state and wishes to fish, \$33, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, ~~[saltwater smelt, saltwater shad, and saltwater salmonoids]~~ under the restrictions of this title.

131 One-Day Fishing License; Saltwater Species Removed. Amend RSA 214:9, II-b to read as follows:

II-b. If the applicant is a resident of this state and wishes to fish for one day, \$8, and the agent shall thereupon issue a one-day resident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish[~~-, saltwater smelt, saltwater shad, and saltwater salmonoids~~], for said time only, under the restrictions of this title.

132 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, III to read as follows:

III. If the applicant is a resident of this state and wishes to hunt and fish, \$44, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by use of traps, and to transport wild birds, wild animals, **and** all species of freshwater fish[~~-, saltwater smelt, saltwater shad, and saltwater salmonoids~~] under the restrictions of this title.

133 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, VI-a to read as follows:

VI-a. If the applicant is a nonresident and wishes to hunt and fish, \$139, and the agent shall thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, **and** all species of freshwater fish[~~-, saltwater smelt, saltwater shad, and saltwater salmonoids~~] under the restrictions of this title.

134 Nonresident Fishing License; Saltwater Species Removed. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish[~~-, saltwater smelt, saltwater shad, or saltwater salmonoids~~], \$51, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish[~~-, saltwater smelt, saltwater shad, and saltwater salmonoids,~~] under the restrictions of this title, provided that:

135 References Changed; Special License for Persons Over 68 Years of Age. Amend RSA 214:7-a to read as follows:

214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over may make application, to any authorized agent of the state for the sale of **freshwater** fishing, hunting or trapping licenses, for a special license to fish[~~;~~] **in freshwaters and** hunt or trap, under the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow and arrow. The license shall be marked in such manner as the executive director may designate, and there shall be no fee, including the agent's fee, for such license. The license shall be effective for the resident during the remainder of the resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

136 Lifetime Licenses. Amend RSA 214:9-c, I(a) to read as follows:

I.(a) The executive director, at the department of fish and game headquarters only, shall issue lifetime hunting, **freshwater** fishing, or combination hunting and **freshwater** fishing licenses similar to that issued on an annual basis under RSA 214:9, III to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II.

137 Repeal. The following are repealed:

- I. RSA 211:47, relative to an exception for fishing from the Piscataqua river.
- II. RSA 214:1-a, relative to ice fishing on Great Bay.

138 Registration Fees. Amend RSA 270-E:5, I to read as follows:

I. The registration fees for commercial, private, and pleasure vessels, including rentals and airboats shall be as follows:

(a) Up to and including 16 feet	[§12] \$24
(b) 16.1 feet to 21 feet	[§17] \$34
(c) 21.1 feet to 30 feet	[§26] \$52
(d) 30.1 feet to 45 feet	[§36] \$72
(e) 45.1 feet and over	[§46] \$92

139 Lake Restoration and Preservation Fee. Amend RSA 270-E:5, II(a) to read as follows:

(a) ~~[\$5]~~ **\$7.50** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

140 Agent Fee. Amend RSA 270-E:5, II(c) to read as follows:

(c) ~~[\$1.50]~~ **\$5** for each registration processed by an authorized agent of the department who is not an employee of the department. The fees collected under this subparagraph shall be collected and retained by the authorized agent as compensation for processing the registration.

141 Transfer Fee. Amend RSA 270-E:10 to read as follows:

270-E:10 Notice of Transfer; Destruction or Abandonment. The owner shall furnish the department written notice of the transfer of all or any part of his *or her* interest, other than the creation of a security interest, in a vessel registered in this state pursuant to this chapter or the destruction or abandonment of such vessel within 15 days of its transfer, destruction, or abandonment. Such transfer, destruction, or abandonment shall terminate the certificate of numbers for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's rights to operate such vessel, the transfer shall not terminate the certificate of numbers. If a vessel is transferred, the original number shall be retained by the new owner. A person who transfers the ownership of a vessel, upon filing a new application, may have another boat registered in his *or her* name for the remainder of the period for which the vessel is registered for ~~[\$3]~~ **\$5**.

142 Commercial Vessels; Penalty and License Fees. Amend RSA 270-E:22 and RSA 270-E:23 to read as follows:

270-E:22 Commercial Vessels; Penalty.

I. Any person who shall use any commercial vessel or commercial outboard motor on any public waters in this state without a certificate of inspection, or shall act as captain, master, pilot, engineer or operator on any such boat or launch without having ***passed an examination administered by the department and having*** been ~~examined and~~ certified ***by the department*** in that capacity, or shall so act when his *or her* certificate has been revoked or suspended, or who shall violate any rule adopted by the department with reference to the inspection, equipment, or operation of such vessels or launches, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. The commissioner, after hearing, may revoke or suspend the certificate of any captain, master, pilot, or engineer of any commercial vessel for violation of RSA 270 or the rules and regulations prescribed thereunder.

III. All licenses to operate a commercial vessel shall expire ~~[the second December 31 following]~~ **5 years from** the date of issuance.

IV. A person who possesses a valid license issued by the federal government shall be deemed to comply with this section.

270-E:23 License Fees. There shall be paid to the commissioner for every ~~[general]~~ certificate of captain, master, pilot, or engineer, ~~[\$4]~~ **\$15**; ~~and for every limited certificate of captain, master, pilot, or engineer, \$2].~~ A ~~[general]~~ certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; ~~a limited certificate shall entitle the holder to act in such capacity only on a particular vessel named in the certificate].~~ Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons. ***If a person fails the examination required by RSA 270-E:22, I, the person may retake the examination for a fee of \$10 paid to the commissioner.*** The fees paid ***for re-examinations and*** for certificates issued under this section shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

143 Addition to Boat Fee. Amend RSA 487:25, I to read as follows:

I. The fee of ~~[\$5]~~ **\$7.50** collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, ~~[\$1.50]~~ **\$3** of the fee for the control of exotic aquatic weeds, and ~~[\$3]~~ **\$4** of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the ~~[\$3]~~ **\$4** into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

144 New Section; Outdoor Advertising; Liquor Stores. Amend RSA 236 by inserting after section 73-a the following new section:

236:73-b Liquor Stores. The department of transportation shall design, locate, and erect along state highways suitable signs to advertise nearby state liquor stores.

145 Chartered Public Schools; Average Daily Membership in Attendance Limited.

I. For the fiscal year ending June 30, 2010, the average daily membership in attendance (ADMA) as defined in RSA 198:38, I for all chartered public schools approved pursuant to RSA 194-B:3-a shall not exceed 850 pupils. During the fiscal year, the commissioner of the department of education may adjust enrollments on a school-by-school basis, and within the ADMA limit established in this paragraph, as necessary for the efficient administration of available chartered public school seats.

II. For the fiscal year ending June 30, 2011, the average daily membership in attendance (ADMA) as defined in RSA 198:38, I for all chartered public schools approved pursuant to RSA 194-B:3-a shall not exceed 950 pupils. During the fiscal year, the commissioner of the department of education may adjust enrollments on a school-by-school basis, and within the ADMA limit established in this paragraph, as necessary for the efficient administration of available chartered public school seats.

146 Chartered Public Schools. No new chartered public schools shall be approved by the state board of education under the provisions of RSA 194-B:3-a between July 1, 2009 and June 30, 2011.

147 Department of Health and Human Services; Division of Family Assistance; Employment Support Program; Transportation. The department of health and human services, division of family assistance, shall withdraw its request for proposals for transportation for the employment support program for the biennium ending June 30, 2011 issued prior to the effective date of this section. The division shall issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011 after evaluating the feasibility of an ownership option that involves providing down payments for purchases of new motor vehicles.

148 Department of Health and Human Services; Medicaid Classification. The department of health and human services shall submit a Medicaid state plan amendment creating a Medicaid provider classification for approval by the Centers for Medicare and Medicaid Services that recognizes Children's Hospital at Dartmouth-Hitchcock as the state's children's hospital providing comprehensive pediatric specialty and subspecialty services. Diagnostic related group (DRG) rates shall be differentiated from other hospital rates and shall reflect the uniqueness and intensity of pediatric services provided and the need to preserve the availability of such services to the Medicaid population.

149 Department of Health and Human Services; Catastrophic Aid Program. The department of health and human services shall submit to the federal Centers for Medicare and Medicaid Services a Medicaid state plan amendment for the purpose of defining the criteria by which catastrophic claims payments will be made to reflect only those claims with diagnostic related group (DRG) weights greater than 4.0 and lengths of stay greater than 30 days to support the most medically complex/high acuity cases. Funds are to be used to provide for additional inpatient payments outside of the DRG system where the DRG payment plus any other insurance is below 25 percent of hospital charge. The total funds available for catastrophic claims shall equal 3.3 percent of the projected annual inpatient expenditure. Reimbursement shall be limited to 65 percent of charges, reduced by prior payments, DRG allowed amounts, and third party insurance. The state shall expend half of the catastrophic fund no later than December 31 of each year and the second half no later than June 30 of each year. Claims shall be submitted to the New Hampshire Medicaid program by December 15 and June 15 for the respective 6-month periods in order to be considered for catastrophic payment. Claims shall be paid based upon date of service until catastrophic funds for that 6-month period are exhausted. No claims or portions of claims shall be carried over into the subsequent 6-month period, nor shall excess funds be carried over into the subsequent 6-month period.

150 Bureau of Elderly and Adult Services; Nursing Services. For the fiscal year ending June 30, 2009, the appropriations contained in 2007, 262:1 in PAU 05-01-08-04-01, class 90 nursing services and class 87 home health services shall be nonlapsing, and any balance remaining at the end of the fiscal year shall be paid to nursing homes and home health services providers as additional rates. The additional rates shall be based on the rate-setting methodology in effect on the effective date of this section. The commissioner shall file a report with the fiscal committee of the general court by October 1, 2009 which details the balance carried forward from fiscal year 2009 and the amounts to be paid as additional rates.

151 Committee to Study the Transfer of Liquor Enforcement Functions to the Department of Safety.

I. There is established a committee to study the transfer of liquor enforcement functions to the department of safety.

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

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

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

(b) 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 transfer of liquor enforcement functions to the department of safety.

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 senate 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 president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2009.

152 New Paragraphs; Certification of Reduced Ignition Propensity Cigarettes. Amend RSA 339-F:6 by inserting after paragraph III the following new paragraphs:

IV. If a manufacturer has certified a cigarette pursuant to paragraph II, and thereafter makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standard under RSA 339-F:3, such cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards in RSA 339-F:3 and maintains records of the retesting as required by RSA 339-F:5. Any altered cigarette that does not meet the performance standard in RSA 339-F:4 shall not be sold in this state.

V. For each cigarette listed for certification a manufacturer shall pay a fee of \$250 to the department of safety for deposit in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d for the purpose of providing fire safety education pursuant to RSA 153:10-c.

VI. For each cigarette re-certified under this chapter a manufacturer shall pay a fee of \$250 to the department of safety for deposit in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d for the purpose of providing fire safety education pursuant to RSA 153:10-c.

153 Tobacco Tax; Definition of Tobacco Products. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes, loose tobacco, [and] smokeless tobacco, ***snuff, and cigars, but shall not include premium cigars.***

154 New Paragraph; Definition of Premium Cigars. Amend RSA 78:1 by inserting after paragraph XX the following new paragraph:

XXI. "Premium cigars" means cigars which are made entirely by hand of all natural tobacco leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more than 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.

155 Tobacco Tax Imposed on Tobacco Products Other Than Cigarettes. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [19] ***48.59*** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. ***No such tax shall be imposed on premium cigars.***

156 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding any provision of law to the contrary, departments, agencies, and branches may transfer moneys from any class line, except from personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

157 Department of Information Technology; Transfers Among Accounts. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the department of information technology may, subject to the approval of the fiscal committee of the general court, transfer funds within and among all accounting units within said department as necessary for the efficient management of the department.

158 Representation of Defendants. Amend RSA 604-A:1 to read as follows:

604-A:1 Representation of Defendants. The purpose of this chapter is to provide adequate representation for indigent defendants in criminal cases, as a precondition of imprisonment, and indigent juveniles charged with being delinquent in any court of this state. ***Representation of juveniles shall include all court ordered representation and shall be paid from funds appropriated for indigent defense pursuant to this chapter.*** Representation shall include counsel and investigative, expert and other services and expenses, including process to compel the attendance of witnesses, as may be necessary for an adequate defense before the courts of this state.

159 Neglected or Abused Children. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. ***In cases involving a neglected or abused child, when an attorney is appointed to represent a parent determined to be indigent pursuant to RSA 169-C:10, II, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter.***

160 New Paragraph; Department of Corrections; Internal Organizational Units. Amend RSA 21-H:4 by inserting after paragraph VI the following new paragraph:

VII. The division of community corrections, under the supervision of a director of community corrections, who shall:

(a) Direct and oversee departmental services for inmates preparing for release from institutional settings into the community.

(b) Direct and oversee departmental services for individuals under probation or parole supervision in order to achieve stability within the community and reduce recidivism.

(c) Operate and administer all transitional work and housing units where inmates are assigned for minimum security and work release.

(d) Serve as the primary liaison between the department and community-based service providers, state courts, and municipal, county, and state entities with common issues and responsibilities, including substance abuse and mental health issues.

(e) Work with the department of justice and other state and federal agencies to identify, secure, and manage grant funds to supplement services available to offenders under departmental supervision, including but not limited to housing and employment assistance, substance abuse treatment, mental health treatment, and medical and prescription services.

161 New Paragraph; Commissioner and Other Department Officials; Appointment. Amend RSA 21-H:6 by inserting after paragraph IV the following new paragraph:

IV-a. The commissioner shall nominate for appointment by the governor, with the consent of the council, a director of community corrections who shall serve at the pleasure of the commissioner.

162 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend RSA 21-H:7, I to read as follows:

I. The commissioner, assistant commissioner, professional standards director, director of security and training, ***director of community corrections***, and the division directors of the department shall be qualified to hold such positions by reason of education and experience.

163 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend RSA 21-H:7, III to read as follows:

III. The salaries of the commissioner, assistant commissioner, professional standards director, director of security and training, ***director of community corrections***, and the division directors of the department shall be as specified in RSA 94:1-a.

164 Department of Corrections; Status in Retirement System. Amend RSA 21-H:8-a to read as follows:

21-H:8-a [~~Assistant Commissioner;~~] Status in Retirement System. For purposes of classification under RSA 100-A, the assistant commissioner, professional standards director, **director of community corrections**, and director of security and training of the department of corrections shall be considered permanent policemen if such individuals were permanent police members of group II for at least 10 years prior to appointment in their respective positions, and continue to be certified as police officers under RSA 188-F:26 and 188-F:27.

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

Delete:

HH Department of corrections warden, Lakes Region facility

Insert:

GG Department of corrections director of community corrections

166 Department of Corrections; Director of Community Corrections. The commissioner of the department of corrections shall make a report detailing statistical information related to the implementation of the division of community corrections to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate finance committees on or before November 1, 2010. The report shall include, but not be limited to statistical information detailing the impact on inmate population, recidivism, and savings attributable to the implementation of the division of community corrections.

167 New Paragraph; Court Fees. Amend RSA 490:26-a by inserting after paragraph II the following new paragraph:

II-a. The supreme court may establish by rule an equitable fee of not less than \$25 to be added to a fine whenever a court extends the time for the payment of the fine. An equitable fee assessed by a court under this paragraph shall be paid prior to or simultaneously with the payment of the fine.

168 Judicial Branch Family Division; Sullivan County. Amend RSA 490-D:4, IX and X to read as follows:

IX. The [~~courthouses~~] **courthouse** in Sullivan county which will house the judicial branch family division shall be [~~the Newport District Court and the Claremont District Court~~] **a court facility in Newport**.

X. [~~(a)~~] Matters arising in municipalities located within the **Claremont**-Newport district [~~and the New London district in Merrimack county~~] shall be heard in [~~the Newport District Court~~] **a court facility in Newport**.

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

169 Department of Safety and Department of Health and Human Services; Transfer of Federally Funded Employees. Upon the request of the commissioner of the department of health and human services, the commissioner of the department of safety is authorized, with approval of the fiscal committee of the general court and governor and council, to transfer to the department of health and human services any or all employees currently employed at the department of safety, division of homeland security and emergency management, funded by federal funds and engaged in duties related to bioterrorism and public health emergency planning along with their associated appropriations, supplies, and equipment as the commissioners mutually agree would enhance the efficiency and effectiveness of the program.

170 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I to read as follows:

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such

application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town **or city** granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$20]~~ **\$100**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

171 Vanity Number Plates. Amend RSA 261:89 to read as follows:

261:89 Vanity Number Plates. The director is hereby authorized to design and to issue, under such rules as ~~he shall deem~~ **the director deems** appropriate, vanity number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. Such number plates or a changeable designation of the effective period thereof, as the director shall determine, shall be issued only upon application therefor and upon payment of a special **vanity plate service** fee of ~~[\$25]~~ **\$40**, said special fee to be in addition to the regular motor vehicle registration fee and any other number plate manufacturing fee otherwise required by law for the particular vehicle. **Plates shall be renewed on an annual basis for \$40 per set.** All special fees collected under this section shall be paid to the state treasurer and distributed as provided by RSA 263:52.

172 New Subparagraph; Registration Fees; Vanity Number Plates. Amend RSA 261:141, III by inserting after subparagraph (bb) the following new subparagraph:

(cc) For each vanity number plate set—\$40.

173 Fees to be Collected. Amend RSA 261:141, VII(d) to read as follows:

(d) For vanity plate service fee—~~[\$25]~~ **\$40**.

174 Driver Training Fund. Amend RSA 263:52, I-II to read as follows:

I. The proceeds from original license fees as provided in RSA 263:42 and ~~[\$5 from every special]~~ **the vanity plate service** fee ~~[for vanity number plates]~~ collected in accordance with RSA 261:89, plus ~~[such additional portion of]~~ the ~~[\$25 special]~~ fee for ~~[vanity number plates or]~~ the renewal of the use of such plates ~~[as is needed to fully fund the driver training program for each fiscal year as determined by the general court pursuant to paragraph H]~~, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. After all costs of administration of the program each year of the biennium have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of secondary schools to receive moneys from the fund established by this section.

II. ~~[Of]~~ The ~~[\$25 special]~~ **\$40 vanity plate service** fee ~~[for]~~ **and the fee for renewal of** vanity number plates~~[-, \$5]~~ shall automatically be credited to the driver training fund~~[- The remaining part of the fee shall be deposited and accumulate in the vanity plate fund]~~ until all fees in such fund equal the amount of money estimated by the general court as available for expenditure for the driver training program from that fund for that fiscal year, which shall include \$150 for each pupil who has completed the driver education program. Once the legislative estimates have been matched for the current fiscal year, the balance of all such fees shall be transferred to the general fund and shall be available as unrestricted revenue.

175 Repeal. RSA 263:52, III, relative to transfers from the vanity plate fund, is repealed.

176 School Building Authority; State Guarantee. Amend RSA 195-C:2 to read as follows:

195-C:2 State Guarantee. Upon the receipt of a report from the authority containing a recommendation that bonds or notes of a school district should be guaranteed by the state, the governor with the advice and consent of the council may award an unconditional state guarantee with respect to such bonds or notes in accordance with the authority's recommendation or in some lesser amount or percentage, or on the alterna-

tive basis of guarantee, as the best interests of the state may require. The full faith and credit of the state are and shall be pledged for any such guarantees, and the total outstanding amount of the principal of and interest on such bonds and notes which has been guaranteed by the state under this section shall at no time exceed [\$30,000,000] **\$95,000,000**. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. In the event that any state funds shall be so used, the state may recover the amount thereof as provided in RSA 530.

177 New Section; State Bonds; Build America Bonds; Refundable Credit Payments. Amend RSA 6-A by inserting after section 13 the following new section:

6-A:14 Build America Bonds; Refundable Credit Payments. If the state treasurer issues any bonds of the state under this chapter or under RSA 237-A as "Build America Bonds," as defined in section 54AA of the Internal Revenue Code of 1986, and elects to receive on behalf of the state the credit provided in section 6431 of the Internal Revenue Code of 1986, the state treasurer shall allocate such credit, when received, to the appropriate accounts pertaining to said bonds of the state, as determined by the state treasurer.

178 Duties of Clerks; Disposition of Fines. RSA 502-A:8 is repealed and reenacted to read as follows:

502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. The clerk of any district court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with the treasurer and not out of the penalty assessment charged by a district court. The clerk shall forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund and fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the general fund within 14 days. The clerk shall separately indicate which fines were for violations of title XXI. Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6 through RSA 105:7, shall be remitted monthly to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

179 Department of Health and Human Services; Manufacture and Sale of Beverages; Rulemaking. Amend 143:6, II(a) to read as follows:

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

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

143:12 Registration by Nonresident Vendors. No beverage or beverage concentrate, for retail sale, manufactured out of the state, shall be sold or offered for sale within the state unless the same has first been registered by its manufacturer or by the manufacturer's agent with the department of health and human services. Such registration shall be in form similar to that provided in RSA 143:11 and shall be issued subject to suspension, revocation, and cancellation as elsewhere specified in this subdivision for licenses. An annual registration fee ~~[of \$140]~~ **established by rule under RSA 143:6, II(a)**, to defray the cost of inspection and analysis of all the products of the same manufacturing plant, shall be paid to the department of health and human services by the manufacturer, importer, agent, or vendor.

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

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

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

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

183 Heath Facilities; Licensure; Fees. RSA 151:5 is repealed and reenacted to read as follows:

151:5 Licenses.

I. Licenses issued hereunder shall expire one year after the date of issuance. Licenses shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises. Fees for an annual license shall be as follows:

- (a) Hospitals; \$31 per licensed bed.
- (b) Specialty hospital-psychiatric; \$31 per licensed bed.
- (c) Specialty hospital-rehabilitation; \$31 per licensed bed.
- (d) Nursing homes; \$31 per licensed bed.
- (e) Acute psychiatric residential treatment programs; \$31 per licensed bed.
- (f) Residential treatment and rehabilitation facilities; \$31 per licensed bed.
- (g) Hospice houses; \$31 per licensed bed.
- (h) Licensed community residences; \$31 per licensed bed.
- (i) Adult family care homes; \$31 per licensed bed.
- (j) Residential and supported residential care; \$18 per licensed bed.
- (k) Home health hospice providers; \$305.
- (l) Home health care providers; \$305.
- (m) Personal care providers:
 - (1) Less than 10 clients; \$122.
 - (2) Ten (10) or more clients; \$305.
- (n) Outpatient clinics; \$611.
- (o) End stage renal dialysis centers; \$611.
- (p) Ambulatory surgical centers; \$611.
- (q) Educational health centers; \$611.
- (r) Freestanding emergency rooms; \$611.
- (s) Health promotion clinics; \$611.
- (t) Collecting stations; \$305.
- (u) Adult day care centers; \$244.
- (v) Birthing centers; \$183.
- (w) Case management agencies; \$183.
- (x) Laboratories; \$183 per year for each category of testing licensed.

II. When an applicant first applies for an initial license the department of health and human services shall conduct one in-office consultation meeting, one initial on-site licensing visit and, if applicable, one initial on-site life safety code visit at no cost over and above the licensing fee set forth in paragraph I. If at the time of the initial licensing visit the applicant is not in compliance with licensing rules or, if applicable, life safety code provisions, such that an additional licensing visit or life safety code visit must take place, the applicant shall be charged an additional amount equal to 50 percent of the licensing fee set forth in paragraph I per additional visit.

184 Department of Health and Human Services; Prior Authorization of Wheelchair Van, Non-Emergency Ambulance, Occupational Therapy Services, and Methadone Clinic Services. The commissioner of health and human services shall submit Title XIX Medicaid state plan amendments to the federal Centers for Medicare and Medicaid Services to implement prior authorization of wheelchair van services, non-emergency ambulance services, occupational therapy services, and methadone clinic services effective July 1, 2009. Upon approval

of said state plan amendments, and as of the effective date of the state plan amendments, all claims for wheelchair van services, non-emergency ambulance services, occupational therapy services, and methadone clinic service shall have an approved prior authorization prior to being paid with Medicaid funds. The commissioner shall adopt rules pursuant to RSA 541-A consistent with this section.

185 Department of Health and Human Services; Contract for Medical Supplies and Equipment. The department of health and human services shall explore and implement opportunities to procure medical equipment and/or medical supplies in a manner that is cost efficient and maintains adequate access under the Medicaid state plan. This may include competitive procurement of certain items, redesigning the reimbursement structure to reflect commonly accepted methodologies, and other opportunities as identified.

186 Community Mental Health Centers; Administrative Requirements Suspended. The commissioner of the department of health and human services shall submit a report to the oversight committee on health and human services established in RSA 126-A:13 by September 30, 2009, detailing administrative and reporting requirements for community mental health centers which may be suspended for the biennium ending June 30, 2011, without jeopardizing the public's health and safety. The oversight committee on health and human services shall review and approve the report prior to the implementation of any of the report's recommendations. The oversight committee may require revisions to the report as deemed necessary. The commissioner shall provide copies of the approved report to the chairpersons of the house and senate finance committees. Said report shall include, but not be limited to, the statutory or regulatory basis for each requirement, an assessment of the continued need, if any, for the requirement, an assessment of any potential impact on the clients served, and proposals for alternative ways to accomplish the original intent without further burdening the community mental health centers.

187 Uncompensated Care Fund; Analysis and Report Required.

I. The commissioner of the department of health and human services is hereby directed to perform an analysis of options for altering the operation of the uncompensated care fund to more fully and effectively support providers of uncompensated care in New Hampshire on the basis of their uncompensated care costs. For purposes of this section, uncompensated care costs may include: charity care costs, any portion of Medicaid patient care costs that are unreimbursed by Medicaid payments, and any portion of bad debt costs that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the federal Social Security Act. The commissioner shall develop recommendations regarding reimbursement of the uncompensated care costs of those hospitals that are subject to the tax liability imposed under RSA 84-A and that participate in the New Hampshire Medicaid program. The commissioner's analysis shall be structured in such a manner as to:

(a) Reduce, to the greatest extent practicable, the disproportionate impact among hospitals of uncompensated care costs;

(b) Permit maximum available federal financial participation for these payments in accordance with Title XIX of the federal Social Security Act; and

(c) Be consistent with all federal laws and regulations governing Title XIX disproportionate share hospital payment adjustments and permissible sources of state financial participation as provided for under 42 C.F.R. part 433.

II. In developing the recommendations required by this section, the commissioner shall seek input from the chair of the senate health and human services committee, the chair of the house health, human services and elderly affairs committee, the insurance department, and representatives of hospitals currently participating in the uncompensated care program. The commissioner shall present a report detailing all the options and making recommendations to the oversight committee on health and human services, established under RSA 126-A:13, not later than November 30, 2009.

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

II. The program shall be funded from \$.03 per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph. ***The program shall be additionally funded by \$10 of each original driver's license or driver's license renewal deposited in the highway and bridge betterment account pursuant to RSA 263:42, I.***

189 Driver's License Fees. Amend RSA 263:42, I to read as follows:

I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle or motorcycle- ~~[\$50]~~ **\$60**; for each youth operator's license and examination- ~~[\$10]~~ **\$12** per year, not to exceed ~~[\$50]~~ **\$60**; for each license issued to a nonresident alien for less than 5 years- ~~[\$10]~~ **\$12** per year or portion thereof; for each original commercial driver license and examination or commercial driver license renewal- ~~[\$60]~~ **\$70**; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; for each special motorcycle original license and examination or special motorcycle license renewal- ~~[\$50]~~ **\$60**; for each original motorcycle endorsement- \$25; for each motorcycle endorsement renewal- no charge. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. ***For each original driver's license or driver's license renewal, \$10 shall be credited to the highway and bridge betterment account established in RSA 235:23-a.*** Except as provided in RSA 263:14 and RSA 263:39-a, III, every license shall expire on the licensee's birth date in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

190 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, I to read as follows:

I. Every person not registered as a distributor who transports motor fuel or products subject to the fees stipulated in RSA 146-A, ***to a point or points outside the state from a point or points within the state***, to a point or points within the state from a point or points outside the state, ***or to a point or points within the state from a point or points within the state***, every common carrier or contract carrier who transports motor fuel or petroleum products, and every licensed distributor who transports motor fuel or petroleum products exclusive of the carrier's own product shall be licensed with the commissioner as a motor fuel and petroleum products transporter.

191 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, V to read as follows:

V. The transporter shall report to the commissioner on forms prescribed by the commissioner, not later than the twentieth of the succeeding calendar month, subject to prosecution for unsworn falsification, all deliveries of motor fuel and petroleum products made ***to or from*** points within the state during the previous calendar month. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the commissioner may require. A report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than the employees of the department who have a legitimate need to know the information for the purposes of enforcement of this subdivision, or fuel tax officials of another state as required by RSA 260:56, I, in which case the officials shall be required by the commissioner to agree to a similar limitation on disclosure before such information is furnished.

192 Continuation of Executive Orders. Executive Order 2008-1, directing a freeze of executive branch hiring, equipment purchases, and out-of-state travel and Executive Order 2008-8, directing a freeze of executive branch purchases, shall remain in effect until June 30, 2011, unless earlier terminated by order of the governor.

193 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium ending June 30, 2011, the commissioner of the department of transportation is authorized to enter into agreements to lease-purchase vehicles and equipment.

194 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2010 or June 30, 2011 from the Federal Emergency Management Agency or Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse costs incurred for emergency response, including, but not limited to, equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared shall be collected by the appropriate agency and appropriated to the department of transportation.

195 Election Fund. Amend RSA 5:6-d, II and III to read as follows:

II. The treasurer shall deposit in the election fund all monies received by the state pursuant to the Help America Vote Act of 2002, Public Law 107-252 ~~[and all civil or administrative fines or penalties or filing fees collected by the secretary of state pursuant RSA 655; RSA 659; and RSA 664]~~. The treasurer shall also deposit in the election fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes of conducting elections, voter and election official education, election law enforcement, and related information technology projects and improvements, and shall credit any interest or income earned on monies on deposit to the fund.

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology. ~~[The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 20 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.]~~

196 Availability of Checklist and Voter Information. Amend RSA 654:31, V to read as follows:

V. Except for fees collected on behalf of a city or town, fees collected by the secretary of state under this section shall be deposited in the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**. Fees collected by a town or city or by the secretary of state on behalf of a city or town under this section shall be for the use of the town or city.

197 Filing Fees. Amend RSA 655:19, II to read as follows:

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by the secretary of state in the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

198 Administrative Assessment; Primary Petitions; Nomination Papers. Amend RSA 655:19-c, II to read as follows:

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by the secretary of state into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

199 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, III(b) to read as follows:

(b) The written notice shall be served in hand or sent by registered or certified mail to the last known address of such person. The person shall have 30 days to pay any civil penalty assessed under this section to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

200 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, IV to read as follows:

IV.(a) Whoever violates any of the provisions of this section shall be subject to a civil penalty not to exceed \$1,000.

(b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 659:43 a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

(c) The attorney general shall have authority to notify suspected violators of this section of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

201 Election Procedures; Prohibited Acts; General Provisions. Amend RSA 659:45 to read as follows:

659:45 General Provisions. It shall be the responsibility of the moderator to report any violation occurring under RSA 659:34 through RSA 659:44 to the attorney general. All fines imposed under RSA 659:35 through RSA 659:44 shall be paid to the county in which the offense was committed. All penalties assessed under RSA 659:34 shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

202 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, but in no event later than 14 days after the formation of the committee. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access

to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer or agent, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

203 Political Expenditures and Contributions; Enforcement; Penalty. Amend RSA 664:21, II to read as follows:

II. Any fine assessed under the provision of this section shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

204 Political Expenditures and Contributions; Enforcement; Penalty. Amend RSA 664:21, VI(b)-(c) to read as follows:

(b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

(c) The attorney general shall have authority to notify suspected violators of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

205 Impersonation of Candidates. Amend RSA 666:7-a, II(b)-(c) to read as follows:

(b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 666:7-a a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

(c) The attorney general shall have authority to notify suspected violators of this section of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6-d]~~ **general fund**.

206 Board of Tax and Land Appeals; Requirements for Caseload and Efficiencies Analysis Report. The board of tax and land appeals shall prepare a report analyzing the mission of the board, matters handled by the board, staffing of the board, changing caseloads, and proposals to achieve efficiencies in board operations and costs. The board of tax and land appeals shall submit its report on caseloads and efficiencies to the speaker of the house of representatives and the president of the senate by December 15, 2009.

207 Business Profits Tax; Credit Suspended. For fiscal years 2010 and 2011, the credits accrued for business enterprise taxes paid pursuant to RSA 77-E against the business profits tax under RSA 77-A:5, X shall not be utilized. However, beginning July 1, 2012, the credits accrued in fiscal years 2010 and 2011 may, notwithstanding the provisions of RSA 77-A:5, X, be carried forward for a 10-year period.

208 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, the department of administrative services shall transfer from the workers' compensation fraud fund and workers' compensation safety inspection fund a total of \$500,000 to the general fund on July 1, 2009.

209 New Chapter; Video Lottery Machines. Amend RSA by inserting after chapter 284 the following new chapter:

CHAPTER 284-A VIDEO LOTTERY MACHINES

284-A:1 Definitions. In this chapter:

I. "Applicant" means any person, officer, director, or key employee, who on his or her own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under the provisions of this chapter. In cases in which the applicant is a corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited partnership, association, or any other form of legal business entity, the lottery commission shall determine the associated persons whose qualifications must be provided and reviewed as a precondition to the licensing of the applicant.

II. "Central computer system" means a central monitor and control system provided and monitored by the lottery commission to which video lottery terminals communicate for purposes of information retrieval, retrieval of the win and loss determination from video lottery machines, and programs to activate and disable video lottery machines.

III. "Facility location" means any north country facility location or any pari-mutuel licensee location and the portion of such facility approved for video lottery machine operations.

IV. "Key employee" means any individual who is employed in a director or department head capacity and who is authorized to make discretionary decisions that regulate video lottery machine operations, including the general manager and assistant manager of the operator licensee or technology provider, director of operations, director of cage and/or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, and any employee who supervises the operations of these departments or to whom these department directors or department heads report and such other positions which the lottery commission shall determine based on detailed analyses of job descriptions as provided in the internal controls of the licensee. All other gaming employees shall be considered as non-key employees.

V. "Net machine income" means all cash or other consideration utilized to play a video lottery machine, less all cash or other consideration paid to players of video lottery machines as winnings. Non cashable promotional credits shall be excluded from the calculation.

VI. "North country facility location" means one of no more than 2 facilities selected and approved by the lottery commission pursuant to this chapter, one of which shall be located in Grafton county and one of which shall be located in Coos county.

VII. "Operator applicant" means the applicant applying for an operator's license to operate video lottery machines at a facility location.

VIII. "Operator's license" means the license issued by the lottery commission to an operator licensee which allows the operator licensee to possess, conduct, and operate video lottery machines in accordance with this chapter.

IX. "Operator licensee" means an operator applicant who is issued a license by the lottery commission to procure and operate video lottery machines pursuant to this chapter.

X. "Pari-mutuel licensee" means an entity licensed and authorized to conduct live horse racing as provided in RSA 284:16 or live dog racing as provided in RSA 284:16-a for at least the number of days as required in RSA 284:22-a, II(a)(3) at a pari-mutuel licensee location.

XI. "Pari-mutuel licensee location" means the facility at which a pari-mutuel licensee is located and where a pari-mutuel licensee was authorized to conduct live horse racing or live dog racing as of January 1, 2009 for at least the number of days as required in RSA 284:22-a, II(a)(3), and any real estate in which a pari-mutuel licensee had an interest as of January 1, 2009 which is adjacent to the real estate on which a pari-mutuel licensee is authorized to conduct live horse racing or live dog racing as of January 1, 2009.

XII. "Progressive jackpot" means a prize that increases over time or as video lottery machines that are linked to a progressive system are played. Upon conditions established by the lottery commission, a progressive jackpot may be paid by annuity.

XIII. "Progressive system" means one or more video lottery machines linked to one or more common progressive jackpots.

XIV. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for sale or lease to the operator licensees, and which are for use by an operator licensee for conducting video lottery games in accordance with this chapter.

XV. "Technology provider license" means the license issued by the lottery commission to a technology provider licensee which allows the technology provider licensee to design, manufacture, install, distribute, or supply video lottery machines for sale or lease to the operator licensees.

XVI. "Technology provider licensee" means a technology provider that is licensed by the lottery commission.

XVII. "Token" means the coin or coupon, which is not legal tender, sold by a cashier in a face amount equal to the cash paid by a player for the sole purpose of playing a video lottery machine at a facility location or paid to a player of a video lottery machine, which can be exchanged for cash at a facility location.

XVIII. "Video lottery" means any lottery conducted with a video lottery machine or linked video lottery machines with an aggregate progression prize or prizes. Video lottery conducted pursuant to this chapter shall not be considered a state-run lottery.

XIX. "Video lottery machine" means an electronic, mechanical, or computerized machine which, upon the insertion of bills, coins, tokens, or any representative of value is available to be played where, by chance or skill, or both, the player may receive cash, cash equivalents, or tokens. Video lottery machines include, but are not limited to, slot machines, video poker machines, and other lottery machines. A machine shall be considered a video lottery machine notwithstanding the use of an electronic credit system making the deposit of bills, coins, or tokens unnecessary. Video lottery machines do not include any redemption slot machines or redemption poker machines as defined in RSA 647:2 or video poker machines or other similar machines used for amusement purposes only.

284-A:2 Video Lottery Oversight.

I. No license shall be issued to any person under this chapter without prior approval of the lottery commission pursuant to this chapter and RSA 284:21-w. The lottery commission shall only issue licenses to persons who operate video lottery machines at a facility location after meeting the requirements of RSA 284-A:6.

II. The lottery commission shall have general responsibility for the implementation of this chapter and shall adopt rules under RSA 541-A relative to:

(a) Hearing and deciding all license applications or recommendations for the suspension or revocation of any license issued under this chapter.

(b) Conducting all investigations required under this chapter with regard to the application of any applicant for any license.

(c) Conducting hearings pertaining to civil violations, rules, and penalties required under this chapter.

(d) Establishing standards and a reasonable fee structure for the licensing and renewal of licenses for employees and operators, technology providers, and operator licensees consistent with RSA 284-A:5, I(e) and II(e).

(e) Establishing technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as deemed necessary to protect the public from fraud or deception and to insure the integrity of the operation.

(f) Establishing standards for licensing under RSA 284-A:6.

(g) Establishing standards for reviewing any structure at a facility location.

(h) Ensuring that all licensees update the lottery commission with regard to any change in ownership or material change in information or data regarding the licensee that the commission determines is necessary and appropriate.

III. Pending the adoption of rules under RSA 541-A, the lottery commission shall adopt interim rules pursuant to RSA 541-A:19 after public hearing and within 90 days after enactment of RSA 284-A. Such interim rules shall implement the provisions of RSA 284-A including an approval process for selecting the provider of the central computer system.

IV. The lottery commission shall provide and operate a single central monitor and control system into which all licensed video lottery machines shall be connected.

(a) The central monitor and control system shall be capable of:

(1) Continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery machines;

(2) Allowing the lottery commission to account for all money inserted in and payouts made from any video lottery terminal;

(3) Disabling from operation or play any video lottery machine as the lottery commission deems necessary to carry out the provisions of this chapter;

(4) Supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and

(5) Providing any other function that the lottery commission considers necessary.

(b) The central monitor and control system shall employ a widely accepted gaming industry communications protocol, as approved by the Gaming Standards Association, to facilitate the ability of video lottery machine manufacturers to communicate with the statewide system.

(1) Except as provided in subparagraph (2), the lottery commission shall not allow an operator licensee to have access to, or obtain information from, the central monitor and control system.

(2) If the access does not in any way affect the integrity or security of the central monitor and control system, lottery commission may allow an operator licensee to have access to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of its video lottery.

V. The lottery commission may issue subpoenas and compel the attendance of witnesses, and may administer oaths and require testimony of witnesses under oath.

VI. No later than November 1 in each calendar year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines. Such report may include recommendations for future legislation.

VII.(a) The lottery commission shall keep a written record of all proceedings of public meetings of the commission.

(b) The lottery commission shall keep and maintain a list of all applicants for licenses it receives under this chapter together with a record of all actions taken with respect to such applicants. A file and record of the actions by the lottery commission shall be open to public inspection provided, however, that the information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after 5 years from the date of such action.

(c) The lottery commission shall maintain such other files and records as the commission determines is necessary. All records maintained by the lottery commission may be maintained in digital or other format provided that such information can be produced in written form upon the request of the commission.

(d) All information and data required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) All information and data pertaining to an applicant's or key employee's criminal record, finances, family, and background furnished to or obtained by the lottery commission from any source shall be considered confidential and shall be withheld in whole or in part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency.

(f) Notice of the contents of any information or data to be released, except to a duly authorized law enforcement agency pursuant to subparagraphs (d) or (e), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission so that the applicant, registrant, or licensee has the opportunity to object to such release.

VIII. The lottery commission, the attorney general, and the state police gaming enforcement unit may from time to time contract for such financial, economic, or security consultants, and any other technical and professional services as the lottery commission deems necessary for the discharge of its duties.

IX. The lottery commission shall establish standards for reviewing, selecting, and granting approval for no more than 2 north country facility locations. Selection standards shall specify the process and fees for seeking approval and the criteria which shall be met by applicants. Applications requesting review and approval of any north country facility location must be received by the lottery commission by July 1, 2010 or no approval shall be granted for any north country facility location under this chapter. Criteria shall include:

(a) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, rooms and meals, utilities, law enforcement, and mental health services.

(b) The immediate and long range financial feasibility of the applicant's proposed project.

(c) The character and fitness of the owners of the facility.

(d) Whether the applicant has obtained the approval of the municipality in which the project is proposed by local referendum.

(e) A minimum capital investment of \$10,000,000 in the construction or renovation of the facility location.

(f) An agreement with an operator to operate video gaming at the proposed north country facility location consistent with this chapter.

(g) The availability of space in the facility for charitable gaming to take place under RSA 287-D.

X. A north country facility location shall commence construction of the gaming facility within 12 months of receiving approval of the facility location pursuant to paragraph IX, and a pari-mutuel licensee location shall commence any necessary construction or renovation of the area intended for operation of video lottery machines within 12 months of the pari-mutuel licensee or its operator applicant filing an application for an operator's license pursuant to RSA 284-A:5.

284-A:3 Authorization for Video Lottery Machines.

I. An operator licensee may install, operate, and conduct video lottery machines at a facility location in accordance with the provisions of this chapter.

II. A facility location may enter into one or more agreements with an operator licensee to manage or participate in the operation of video lottery machines at its approved or in the case of a pari-mutuel licensee its licensed facility location in accordance with the provisions of this chapter.

284-A:4 Licenses; Number of Video Lottery Machines.

I. No person shall engage in the ownership, possession, or operation of a video lottery machine unless:

(a) Such person is licensed in accordance with the provisions of this chapter;

(b) Local approval as provided in RSA 284-A:9 has been obtained; and

(c) Such person provides adequate space to accommodate charitable gaming as permitted under RSA 287-D.

II. Any operator or technology provider shall be licensed by the lottery commission prior to engaging in any operation of video lottery machines.

III. Each operator licensee operating video lottery machines at a pari-mutuel licensee location at which live dog racing is conducted shall be limited to a maximum of 2,000 video lottery machines in operation at each such pari-mutuel licensee location.

IV. Each operator licensee operating video lottery machines at a pari-mutuel licensee location at which live horse racing is conducted shall be limited to a maximum of 5,000 video lottery machines in operation at each such pari-mutuel licensee location.

V. Each operator licensee operating video lottery machines at a north country facility location shall be limited to a maximum of 2,000 video lottery machines in operation at each such approved location.

284-A:5 License Requirements for Operators and Technology Vendors.

I.(a) A pari-mutuel licensee or other operator applicant shall obtain an operator's license from the lottery commission to possess, conduct and operate video lottery machines at a facility location. In the event that a pari-mutuel licensee enters into an agreement with another person or entity to manage and operate video lottery machines at its pari-mutuel licensee location, that person or entity shall apply as the operator licensee applicant. An applicant must complete and sign an application on forms prescribed by the lottery commission, and include information regarding the applicant's criminal history background, civil judgments, and financial affairs. The application shall include the full name, address, date of birth, and other personal identifying information of the applicant and all key employees, and if a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity. The lottery commission shall not accept applications from an operator applicant after December 31, 2010, unless the operator applicant has an agreement with a facility location that has previously maintained video lottery machine operations consistent with this chapter.

(b) If the applicant or any owner has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency which sets forth the experience of that agency with the applicant, the applicant's associates and gaming operations, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

(c) The attorney general shall conduct a background review of each operator applicant and any of its owners and key employees consistent with RSA 284-A:6. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of the operation of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. If the applicant is a pari-mutuel licensee and the attorney general has conducted a background investigation pursuant to RSA 284:15-b, within the 12 months prior to the application filing, the attorney general may rely on the results of the previous investigation to the extent the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to RSA 284-A:5, I(b). The attorney general shall report the results of the background review to the lottery commission within 60 days. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with participation in the ownership or management of the operation of video lottery machines in this state. The attorney general may conduct such review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

(d) In any review conducted pursuant to subparagraph (c), the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

(e)(1) The lottery commission shall impose an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference. In the event that a pari-mutuel licensee makes an agreement pursuant to RSA 284-A:3, II and the operator applicant applies for the operator's license, then the amount of the fee shall be the greater of \$100,000 or the actual costs incurred by the lottery commission.

(2) The attorney general shall impose an investigation fee of \$50,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$50,000, the applicant shall pay the difference. In the event that a pari-mutuel licensee makes an agreement pursuant to RSA 284-A:3, II and that the operator applicant applies for the operator's license, then the amount of the fee shall be the greater of \$50,000 or the actual costs incurred by the attorney general.

(3) Upon approval of a pari-mutuel licensee or operator licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for a pari-mutuel licensee or operator licensee where live horse racing takes place, \$20,000,000 for a pari-mutuel licensee or operator licensee where live dog racing takes place, and \$10,000,000 for an operator licensee at a north country facility location. The lottery commission shall charge a license fee of \$1,000,000 to renew a license to a pari-mutuel licensee or an operator's licensee where live horse racing takes place, \$500,000 where live dog racing takes place, and \$500,000 for an operator licensee at a north country facility location, however, such person seeking renewal of his or her license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the operator's license.

II.(a) A technology provider licensee applicant shall secure a technology provider license from the lottery commission. An applicant shall complete and sign an application on forms prescribed by the lottery commission, and include information regarding the applicant's criminal history background, civil judgments, and financial affairs. The application shall include the full name, address, date of birth, and other personal identifying information of the applicant and all key employees, and if a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity.

(b) If the applicant or any owner has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency which sets forth the experience of that agency with the applicant, the applicant's associates and gaming operation, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

(c) The attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the distribution of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to subparagraph (b). The attorney general shall report the results of the review to the lottery commission within 60 days. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with the distribution of video lottery machines in this state. The attorney general may conduct a background review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

(d) In any review conducted pursuant to subparagraph (b), the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

(e)(1) The lottery commission shall charge the technology provider applicant an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(2) The attorney general shall charge the technology provider applicant an investigation fee of \$25,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$25,000, the applicant shall pay the difference.

(3) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. The lottery commission shall charge a fee of \$50,000 to renew a license to a technology provider licensee provided, however, such person seeking renewal of its license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the operator's license.

284-A:6 Licensure Requirements.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it complies with the provisions of this section. The lottery commission shall consider as evidence any letter of reference or sworn statement of good standing submitted pursuant to RSA 284-A:5, I(b) or RSA 284-A:5, II(b):

(a) The applicant's financial stability, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, business and personal accounting records, check records, and ledgers.

(b) The trustworthiness of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, and other evidences of indebtedness of the applicant.

(c) The applicant's good character, honesty, and integrity, considering, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional, and personal associates, covering at least the 10-year period immediately preceding the filing of the application.

(d) The applicant's business ability and experience in the operation of video lottery machines, as appropriate, so as to establish the likelihood of a successful and efficient operation.

II. No license shall be issued by the lottery commission to any applicant unless the applicant proves that each director, officer, or key employee and each direct or indirect owner complies with the criteria for licensure contained in this section.

III. No license shall be issued by the lottery commission to any operator or technology provider applicant if the applicant, any key employee, or any individual who has an ownership or financial interest in or with the applicant or its facility location is an elected official of the general court or executive branch of the state of New Hampshire or the attorney general's office or lottery commission on a full or part-time or contractual basis at any time during the previous 2 years. If any such applicant, key employee, or any individual who has an ownership or financial interest in the applicant becomes such an elected official, the applicant shall be subject to sanctions pursuant to RSA 284-A:14.

IV.(a) No license shall be issued by the lottery commission to an operator applicant at a pari-mutuel license location unless the operator applicant is a pari-mutuel licensee seeking to operate video lottery machines at a pari-mutuel licensee location, or, if not a pari-mutuel licensee, the operator applicant submits proof of an agreement to manage and operate video lottery machines at a pari-mutuel licensee location.

(b) No license shall be issued by the lottery commission to an operator applicant at a north country facility location unless the operator applicant is the owner of the north country facility location seeking to operate video lottery machines at the north country facility location, or, if not the owner of the north country facility location, the operator applicant submits proof of an agreement to manage and operate video lottery machines at the north country facility location.

V. No licensee or any individual or entity that is an owner of, or has a financial interest in or with the licensee or facility location shall be permitted to make a political contribution as defined by RSA 664:2, VIII.

VI. The lottery commission shall grant or deny a license under this chapter within 180 days of receiving a completed application, notwithstanding the adoption of interim or final rules.

VII. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliate, intermediary subsidiary, or holding company for an operator or technology vendor license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may issue an operator or technology vendor license to an applicant who holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdictions, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed, the lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

284-A:7 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine authorized by this chapter. Each violation of this section shall be punishable by a fine of no more than \$20,000 and shall be payable by such person who violates this section.

II. No operator licensee shall knowingly permit any person under 21 years of age to play or participate in any aspect of the play of a video lottery machine. Each violation of this section shall be punishable by a fine of no more than \$20,000 and shall be payable by the operator licensee.

284-A:8 Distribution of Net Machine Income.

I. Forty-nine percent of the net machine income generated by video lottery machines shall be paid as follows:

(a) Forty percent of the net machine income generated by video lottery machines shall be paid to the state from which the state shall pay for the costs of regulation, administration, and enforcement of this chapter under RSA 21-P:11-b, the operation of the central computer system, and the balance shall be deposited in the general fund of the state.

(b) Three percent of the net machine income generated by video lottery machines operated by an operator licensee in any specific municipality shall be paid to the municipality in which the operator licensee operates video lottery machines.

(c) One percent of the net machine income generated by video lottery machines operated by an operator licensee in any specific county shall be paid to the county in which the operator licensee operates video lottery machines.

(d) Two percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to treat problem gambling.

(e) One percent of the net machine income generated by video lottery machines shall be paid to the state treasurer and credited to the division of travel and tourism development, department of resources and economic development for the purpose of promoting tourism in the state.

(f) One percent of the net income generated by all video lottery machines shall be paid equally to the police standards and training council training fund established in RSA 188-F:30 and the fire standards and training and emergency medical services fund established RSA 21-P:12-d to be used for reimbursement of expenses incurred for certification training and salaries.

(g) One percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the racing and charitable gaming commission for the purpose of enhancing live racing purses at pari-mutuel licensees. The racing and charitable gaming commission shall adopt rules under RSA 541-A to implement this subparagraph.

II. The balance of the funds from the net machine income from video lottery machines shall be retained by the operator licensee that operates such video lottery machines.

III. The operator licensee shall deliver the amounts payable to the state or municipality as provided in paragraph I in immediately available funds of the United States on a weekly basis on the first business day of each week. At the time payment is delivered, the operator licensee shall provide a written accounting of net machine income generated from the video lottery machines by the operator licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a), (d), (e), (f) and (g), the amount due the municipality pursuant to subparagraph I(b), the amount due to the county pursuant to subparagraph I(c), and the balance of net machine income retained by the operator licensee. The operator licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the county on time.

284-A:9 Procedures for Adoption by Local Community.

I. Any municipality in which a facility location is situated may adopt the provisions of RSA 284-A, to allow the operation of video lottery machines, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the questions shall be placed on the warrant of an annual or special town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon request of a facility location to authorize the operation of video lottery machines within the municipality in accordance with the provisions of RSA 284-A, the governing body shall place the question on the ballot to be voted upon at the next regularly scheduled municipal or biennial election unless such election is more than 90 days from the request. In such circumstance, the governing body shall place the question on the ballot for a special election called for the purpose of voting on said question and which special election shall occur within 75 days after the request is made. Such special election shall be held at the usual ward polling places by the regular election officials.

(c) If a majority of those voting on the question vote "Yes", RSA 284-A shall apply in such town or city and the operation of video lottery machines shall be permitted within such town or city in accordance with RSA 284-A. If a majority of those voting on the question vote "No" the question may be voted on at a subsequent time in accordance with RSA 284-A:9, I and II provided, however, the town may consider the question at no more than one special meeting and the annual town meeting in the same calendar year after a "No" vote. A city or town subject to RSA 284-A:9, II may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a "No" vote.

(d) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 284-A allowing the operation of video lottery machines at [insert the name of the facility location] located within the town?"

II. When a facility location requests a town or city to act under RSA 284-A:9, I, the facility location shall pay all costs associated with carrying out the actions under this section.

284-A:10 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating.

I. The lottery commission shall, periodically test video lottery machines installed at a facility location. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

II. Any person who purposely manipulates the outcome, payoff, or operation of any video lottery machine by physical, electronic, or mechanical means, shall be guilty of a felony.

284-A:11 Video Lottery Machines.

I. An operator licensee shall provide to the lottery commission and the racing and charitable gaming commission, by diagram or narrative, a description of:

- (a) The location of each video lottery machine available for play by the public.
- (b) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (c) A description of all security measures to be taken for the safeguarding of video lottery machines.
- (d) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.
- (e) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines.
- (f) All internal control systems as required by RSA 284:21-w.
- (g) All of the above shall be approved by the lottery commission prior to commencing the operation of any video lottery machines.

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a facility location by any person unless such machine has permanently affixed to it an identification number or symbol authorized by the lottery commission and prior notice of any such movement has been given to the lottery commission.

III. Each operator licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a facility location or removed from an video lottery machine, locked or unlocked, except at such specific times and such places and according to such procedures as the lottery commission may require to safeguard such boxes and devices and their contents.

V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission.

VI. All video lottery machines in operation at a facility location shall provide a pay off of an average of at least 87 percent.

VII. All tickets given as prizes or winnings from video lottery machines shall be redeemed for cash within one year after the date of winning. Upon the expiration of such one-year period, the value of such unredeemed tickets shall be considered net machine income of the issuing operator licensee.

VIII.(a) An operator licensee who operates video lottery machines at a pari-mutuel licensee location shall not be restricted in the days of operation of such machines, provided the pari-mutuel licensee has scheduled at least the number of days of racing as required by RSA 284:22-a, II(a)(3).

(b) An operator licensee who operates video lottery machines at a north country facility location shall not be restricted in the days of operation of such machines.

IX. Video lottery machines shall be operated only at times when the public is allowed access to the locations. No automatic teller machines shall be located within 50 feet of video lottery machines.

284-A:12 Term of License. Any operator's license or technology provider's license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the lottery commission. The lottery commission shall adopt procedures for license renewal that take into consideration whether the applicant has been previously licensed in good standing under this chapter.

284-A:13 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any facility location at which video lottery machines are operated at all times when the facility is open to the public. The operator licensee may be required by the lottery commission or gaming enforcement division of the department of safety to provide such office space and equipment which the commission shall determine is reasonably necessary or proper.

284-A:14 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have the sole and exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the lottery commission adopted under the provisions of this chapter as follows:

- (a) Revocation or suspension of a license.
- (b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.
- (c) Order restitution of any moneys or property unlawfully obtained or retained by a person.
- (d) Issue a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.
- (e) Issue letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.
- (f) Impose any or all of the foregoing sanctions in combination with each other.

II. In determining appropriate sanctions in a particular case, the lottery commission shall consider:

- (a) The risk to the public and to the integrity of video lottery machine operations created by the conduct of the person.
- (b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the racing and charitable gaming commission or the lottery commission.
- (c) Any justification or excuse for such conduct.
- (d) The prior history of the person involved.
- (e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.
- (f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.
- (g) In the event that a person receives 3 civil penalties during the term of such person's license, the lottery commission may subject such person to enhanced fines or other disciplinary action.

284-A:15 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. Pursuant to section 2 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being Chapter 1194, 64 Stat 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-A:16 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce, approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

210 New Section; Lottery Commission; Administration of Video Lottery. Amend RSA 284 by inserting after section 21-v the following new section:

284:21-w Video Lottery; Duties of the Lottery Commission; Administration of Video Lottery.

I. The lottery commission shall:

- (a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-A.

(b) Certify net machine income by inspecting records, conducting audits, having its agents on site, or by any other reasonable means.

(c) Establish a central computer system located at the office of the lottery commission linking all video lottery machines to insure control over video lottery machines. The lottery commission shall establish a selection procedure for such contracts and ensure that the central computer system uses a widely adopted communications protocol approved by the Gaming Standards Association.

(d) Require all holders of an operator's license issued by the lottery commission pursuant to RSA 284-A to maintain a system of internal control. At a minimum, the operator licensee's proposed system of internal controls shall:

(1) Safeguard its assets and revenues, including, but not limited to the recording of cash and evidences of indebtedness related to the video lottery machines.

(2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a video lottery machine.

(3) Ensure that each video lottery machine directly provides or communicates all required activities and financial details to the central computer system.

(4) Provide for accurate and reliable financial records.

(5) Ensure any financial event that occurs in the operation of a video lottery machine is performed only in accordance with the management's general or specific authorization.

(6) Ensure that any financial event that occurs in the operation of a video lottery machine is recorded adequately to permit proper and timely reporting of net machine income and the calculation thereof and the related fees and taxes.

(7) Ensure that access to assets is permitted only in accordance with management's specific authorization.

(8) Ensure that recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(9) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by qualified personnel.

(e) Establish technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of their operation.

II. The lottery commission may employ certain assistants to carry out the provisions of this section and RSA 284-A, and may employ such additional assistants and employees as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel, however, such compensation shall be funded by proceeds paid to or received by the lottery commission pursuant to RSA 284-A. No employee of the lottery commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any facility location or licensee licensed under RSA 284-A.

III. The lottery commission shall have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and to require testimony under oath.

IV. No later than March 31 in each calendar year, the lottery commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of video lottery machines by pari-mutuel licensees or operator licensees.

V. With regard to meetings, minutes, and records of the lottery commission:

(a) The lottery commission shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the lottery commission. A verbatim transcript of those proceedings shall be prepared by the lottery commission upon the request of any commissioner or upon the request of any other person and the payment by that person of the costs of preparation. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing the copy.

(b) The lottery commission shall maintain such other files and records as the lottery commission determines is necessary.

(c) All information and data required by the commission, to be furnished to the commission, or which may otherwise be obtained, shall be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(d) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the lottery commission from any source shall be confidential and shall be withheld in whole or in part. Such information shall be released only upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subparagraphs (c) or (d), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission.

(f) All records, information, or data maintained or kept by the lottery commission shall be maintained or kept at the office of the gaming enforcement unit.

211 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 11-a the following new sections:

21-P:11-b Division of State Police; Gaming Enforcement Unit.

I. There is established within the department of safety, division of state police, a gaming enforcement unit under the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the unit shall:

(a) Investigate violations of RSA 284 or RSA 284-A and the rules adopted under the provisions of RSA 284 or RSA 284-A and initiate proceedings before the lottery commission for such violations.

(b) Report the results of any investigation conducted to the lottery commission.

(c) Participate in any hearing conducted by the lottery commission.

(d) Investigate crimes that occur on the premises of a facility location.

II. The commissioner of the department of safety shall organize the unit as the commissioner deems necessary. The commissioner of safety may employ such state police personnel as the commissioner deems necessary to fulfill the responsibilities of the gaming enforcement unit.

21-P:11-c Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety may authorize the transfer of general funds as authorized in RSA 284-A:8, I(a) to the department of safety to implement and enforce RSA 21-P:11-b, RSA 284, and RSA 284-A.

212 New Section; Racing and Charitable Gaming Commission; Duties. Amend RSA 284 by inserting after section 6-a the following new section:

284:6-b Duties of the Racing and Charitable Gaming Commission.

I. The racing and charitable gaming commission shall:

(a) Provide to the lottery commission all records pertaining to the licensing of a pari-mutuel licensee under RSA 284-A within 30 days after the racing and charitable gaming commission receives a request.

(b) Hear and make recommendations to the lottery commission in reasonable order on all license applications for a license under RSA 284-A:6.

II. The racing and charitable gaming commission shall make its recommendations to the lottery commission in writing.

III. With regard to minutes and records of the racing and charitable gaming commission:

(a) The racing and charitable gaming commission shall keep a written record of all proceedings of public meetings of the commission pursuant to this chapter. A verbatim transcript of those proceedings shall be prepared by the racing and charitable gaming commission upon the request of any commissioner or upon the request of any other person and the payment by that person of the costs of preparation. A copy of a transcript shall be made available to any person upon request and payment of the costs of preparing the copy.

(b) The racing and charitable gaming commission shall keep and maintain a list of all notices it receives under RSA 284-A, together with a record of all actions taken with respect to such notices. A file and record of the racing and charitable gaming commission's actions shall be open to public inspection provided, however, that the information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after 5 years from the date of such action.

(c) The racing and charitable gaming commission shall maintain such other files and records as the commission determines is necessary.

(d) All information and data required by the racing and charitable gaming commission to be furnished to it, or which may otherwise be obtained, shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the racing and charitable gaming commission from any source shall be considered confidential and shall be withheld in whole or in part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency.

(f) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subparagraphs (d) or (e), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the racing and charitable gaming commission.

(g) All records, information or data maintained or kept by the racing and charitable gaming commission shall be maintained or kept at the office of the lottery commission.

213 License Restricted. RSA 284:16-c is repealed and reenacted to read as follows:

284:16-c License Restricted.

I. Notwithstanding any other provision of law, the racing and charitable gaming commission shall not issue a license to conduct live thoroughbred horse racing or live harness horse racing pursuant to RSA 284:16 to any applicant if the place where such races or race meets are to be held is within a radius of 40 miles of the place where live horse races or race meets for at least the number of days as required in RSA 284:22-a, II(a)(3) have already been licensed pursuant to RSA 284:16, provided however, that the racing and charitable gaming commission may issue a license to conduct live harness racing to the holder of a license to conduct live thoroughbred racing if the live harness racing is conducted at the same place where the live thoroughbred racing is being conducted.

II. Notwithstanding any other provision of law, the racing and charitable gaming commission shall not issue a license to conduct live dog racing pursuant to RSA 284:16-a to any applicant if the place where the races or race meets are to be held is within a radius of 40 miles of the place where such races or race meets have already been licensed pursuant to RSA 284:16-a.

214 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, and RSA 284-A, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission or the racing and charitable gaming commission.

215 New Paragraph; Pari-Mutuel Licensee; Cocktail Lounge License. Amend RSA 178:20, by inserting after paragraph V the following new paragraph:

VI. The commission may issue a special license to a person holding a pari-mutuel license or an operator's license at a pari-mutuel licensee location under the provisions of RSA 284-A provided the pari-mutuel licensee location has an existing liquor license. Such special license shall allow the sale of liquor, wine, and beverages within the pari-mutuel licensee location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 284-A. A person licensed under this section shall comply with RSA 179:44, which prohibits providing free alcoholic beverages to members, patrons, or guests.

216 New Subparagraph; Authorized Video Lottery Machines. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 284-A.

217 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol, and drug abusers, and work towards the prevention of, and assist in the control of, **gambling**, alcohol, and drug abuse within the state through education, treatment, community organization, and research.

218 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of Commissioner. The commissioner shall:

I. Study the problems presented by **gambling**, alcohol, and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol, and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol, and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol, or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol, and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

219 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol, or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

220 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care and treatment of **gambling**, alcohol, or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of substance abuse treatment facilities including, but not limited to:

(a) Program content;

(b) Qualifications of program staff; and

(c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol, and drug abuse counselors including, but not limited to:

(a) Peer review of applicants.

- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol, and drug abuse counseling.

(f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

221 Acceptance of Grants; Treatment of Problem Gamers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of [Grants] **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept **funds from the operation of video lottery pursuant to RSA 284-A:8, I(d) and** gifts to carry on the functions provided for in this chapter.

222 Department of Revenue Administration. Additional Revenues from Existing State Taxes. The commissioner of the department of revenue administration shall identify additional revenues that may be realized from the modification to the applicability of existing state taxes or the elimination of exemptions from existing state taxes, including, but not limited to, the interest and dividends tax, the real estate transfer tax, the meals and rooms tax, and the business profits tax, for implementation by the legislature.

223 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the biennium ending June 30, 2011, 50 percent of the funds received by the treasurer for the recording surcharge assessed by registers of deeds under RSA 478:17-g, II(a) shall be deposited in the trust fund for the land and community heritage investment program under RSA 227-M:7 and 50 percent of funds received for such surcharge shall be deposited in the general fund.

224 New Section; Pease Development Authority; Payments for Centralized Business Services. Amend RSA 12-G by inserting after section 7 the following new section:

12-G:7-a Payments for Centralized Business Services. For the fiscal year ending June 30, 2010 and for each fiscal year thereafter, the authority shall pay the department of administrative services its portion of indirect costs for centralized business services, as determined by the statewide indirect cost allocation plan for the authority, including the division of ports and harbors.

225 Committee Established. There is established a committee to study the use of Glencliff Home and county and private nursing facilities for medically paroled inmates.

226 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) Two 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.

227 Duties. The committee shall study the use of Glencliff Home and county and private nursing facilities for medically paroled inmates.

228 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. Three members of the committee shall constitute a quorum.

229 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009. The report shall include, but not be limited to a review of the medical parole process, bed availability at Glencliff Home and county and private nursing facilities, and cost savings related to medical parole.

230 Prohibition on Dispositions of Interests in Subdivisions. Amend RSA 356-A:4, I and II to read as follows:

I. No subdivider may offer or dispose of any lot, parcel, unit or interest in subdivided lands located in this state, nor offer or dispose in this state of any lot, parcel, unit or interest in subdivided lands located without ~~[this state prior to the time the subdivided lands are registered in accordance with]~~ ***first being in compliance with all requirements of*** this chapter;

II. No subdivider~~[-except as provided in RSA 356-A:6, IV,]~~ may dispose of any lot, parcel, unit or interest in subdivided lands unless he ***or she*** delivers to the purchaser a current public offering statement by the time of such disposition and such disposition is expressly and without qualification or condition subject to cancellation by the purchaser within 5 days from the contract date of the disposition, or delivery of the current public offering statement, whichever is later. If the purchaser elects to cancel, he ***or she*** may do so by notice thereof hand-delivered or deposited in the United States mail, return receipt requested, within the 5 day period, to the declarant or to any agent of the subdivider; provided, however, that if the purchaser elects to mail the notice of cancellation, he ***or she*** must also provide the subdivider with telephonic notice of cancellation within the 5 day period. Such cancellation shall be without penalty, and any deposit made by the purchaser shall be refunded in its entirety no later than 10 days from the receipt of such written notice of cancellation. "Contract date" shall not refer to the closing or settlement date, but shall refer to the creation of a binding obligation for consideration;

231 Public Offering Statement. Amend RSA 356-A:6 to read as follows:

356-A:6 Public Offering Statement. ~~[I.] A public offering statement [shall be in a form prescribed by the attorney general and]~~ shall include the following:

~~[(a)]~~ ***I.*** The name and principal address of the subdivider;

~~[(b)]~~ ***II.*** A general description of the subdivided lands stating the total number of lots, parcels, units, or interests in the offering;

~~[(c)]~~ ***III.*** The significant terms of any encumbrances, easements, liens, and restrictions, including zoning, water pollution and other regulations affecting the subdivided lands and each unit or lot, and a statement indicating whether or not any such zoning, water pollution and other regulations have been complied with;

~~[(d)]~~ ***IV.*** A statement of the use for which the property is offered;

~~[(e)]~~ ***V.*** Information concerning improvements, including streets, water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities and customary utilities, and the estimated cost, if any, to be borne by the purchaser, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in subdivided lands;

~~[(f)]~~ ***VI.*** Additional information reasonably required ~~[by rules adopted by the attorney general, pursuant to RSA 541-A,]~~ to assure full and fair disclosure to prospective purchasers, including a statement of the cancellation rights set forth in RSA 356-A:4, II.

~~[H. The public offering statement shall not be used for any promotional purposes until it is approved by the attorney general. The attorney general may, in his discretion, authorize the use of such statement prior to his approval of the registration of the subdivided lands under such conditions as he deems appropriate. No person may advertise or represent that the attorney general approves or recommends the subdivided lands or disposition thereof. No portion of the public offering statement may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement unless the attorney general requires it, and no statement may be used unless in its entirety.]~~

~~[H. The attorney general may require the subdivider at any time to alter or amend the proposed public offering statement in order to assure full and fair disclosure to prospective purchasers. A public offering statement is not current unless all amendments are incorporated.]~~

~~IV. Any subdivider which has been permitted to submit an abbreviated registration pursuant to RSA 356-A:5, II, and any subdivider or subdivided lands which has been registered under the federal Interstate Land Sales Full Disclosure Act is not required to prepare a public offering statement to be used in connection with the offer or disposition of any interest in the subdivided lands.]~~

232 Penalties. Amend RSA 356-A:15 to read as follows:

356-A:15 Penalties. ***Notwithstanding the provisions of RSA 358-A:6,*** any person who ~~[wilfully]~~ ***knowingly*** violates any provision of RSA 356-A ~~[or of a rule adopted under it or any person who wilfully, in an application for registration, makes any untrue statement of a material fact or omits to state a material fact]~~ shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

233 Land Sales Full Disclosure Act; Enforcement. RSA 356-A:16 is repealed and reenacted to read as follows:

356-A:16 Enforcement. A violation of this chapter shall be an unfair method of competition or an unfair or deceptive act or practice in the conduct of any trade or commerce as defined by RSA 358-A:2. All remedies available under RSA 358-A shall be available under this section. For purposes of bringing a class action complaint under RSA 358-A, the unit owners association shall constitute a class.

234 Repeals. The following are repealed:

- I. RSA 356-A:2, relative to administration.
- II. RSA 356-A:3, II, relative to exemptions.
- III. RSA 356-A:5, relative to application for registration.
- IV. RSA 356-A:7, relative to inquiry and examination.
- V. RSA 356-A:8, relative to notice of filing and registration.
- VI. RSA 356-A:9, relative to annual report.
- VII. RSA 356-A:10, relative to general powers and duties.
- VIII. RSA 356-A:11, relative to investigations and proceedings.
- IX. RSA 356-A:12, relative to cease and desist orders.
- X. RSA 356-A:13, relative to revocation.
- XI. RSA 356-A:14, relative to judicial review.
- XII. RSA 356-A:19, relative to service of process.
- XIII. RSA 356-A:20, relative to conflict of interest.

235 Condominium Act; Application; Reference Deleted. Amend RSA 356-B:2, III to read as follows:

III. Notwithstanding the provisions of paragraph I, if any condominium instrument recorded under RSA 479-A prior to September 10, 1977, shall be amended after September 10, 1977, for the purpose of creating 10 or more additional units in any such condominium project, this subdivision, General Principles, and subdivision IV, Administration and Enforcement, shall apply to said additional units. If said amendment creates 10 or more, but less than 26, additional units, the applicant shall ~~[be permitted to make an abbreviated registration pursuant to RSA 356-B:51, II, and shall]~~ not be required to prepare a public offering statement pursuant to RSA 356-B:52; provided, however, this sentence shall not apply if time sharing interests are offered with respect to such additional units.

236 Condominium Act; Administration; Enforcement. RSA 356-B:48 is repealed and reenacted to read as follows:

356-B:48 Administration; Enforcement. A violation of this chapter, or failure to comply with all lawful provisions of the condominium instruments, shall be an unfair method of competition or an unfair or deceptive act or practice in the conduct of any trade or commerce as defined by RSA 358-A:2. All remedies available under RSA 358-A shall be available under this chapter. For purposes of bringing a class action complaint under RSA 358-A, the unit owners association shall constitute a class.

237 Limitations on Dispositions of Units. Amend RSA 356-B:50, I and II to read as follows:

I. No declarant may offer or dispose of any interest in a condominium unit located in this state, nor offer or dispose in this state of any interest in a condominium unit located without this state prior to the time the ~~[condominium including such unit is registered in accordance with]~~ **declarant is in compliance with the requirements of** this chapter;

II. No declarant~~[except as provided in RSA 356-B:52, IV,]~~ may dispose of any interest in a condominium unit unless ~~[he]~~ **the declarant** delivers to the purchaser a current public offering statement by the time of such disposition and such disposition is expressly and without qualification or condition subject to cancellation by the purchaser within 5 days after the contract date of the disposition, or delivery of the current public offering statement, whichever is later. If the purchaser elects to cancel, he **or she** may do so by notice thereof hand-delivered or deposited in the United States mail, return receipt requested, within the 5 day period, to the declarant or to any agent of the declarant; provided, however, that if the purchaser elects to mail the

notice of cancellation, he *or she* must also provide the declarant with telephonic notice of cancellation within the 5 day period. Such cancellation shall be without penalty, and any deposit made by the purchaser shall be refunded in its entirety no later than 10 days after the receipt of such written notice of cancellation. "Contract date" shall not refer to the closing or settlement date, but shall refer to the creation of a binding obligation for consideration.

238 Public Offering Statement. RSA 356-B:52 is repealed and reenacted to read as follows:

356-B:52 Public Offering Statement. A public offering statement shall be in a form prescribed by the attorney general and shall include the following:

I. The name and principal address of the declarant and the condominium.

II. A general description of the nature of the condominium and of the plan of its development, including the total number of units, and interests in such units, in the offering; the total number of units, and interests in such units, planned to be sold and rented by the declarant; the total number of units, and interests in such units, that may be included in the condominium by reason of future expansion or merger of the project by the declarant; and the maximum period of time the declarant will control the unit owners' association of the condominium.

III. Copies of the declaration and bylaws.

IV. Copies of any management contract or other contracts, including leases, affecting the use, maintenance, or administration of, or access to, all or any part of the condominium with a projected budget for at least the first year of the condominium's operation (including projected common expense assessments for each unit), a statement that provisions have been made in the budget for capital expenditures or major maintenance reserves, a detailed description of the provisions that have been made in the budget for capital expenditures or major maintenance reserves or, if no such provisions have been made, a detailed description of the reason no such provisions have been made, and the relationship, if any, between the declarant and the managing agent or firm.

V. A general description of any improvements or amenities which may be constructed, including a statement whether or not assurances are given as to their construction or completion, the status of construction, zoning requirements, and an itemization of all governmental approvals obtained by the declarant affecting the condominium.

VI. A list of any encumbrances, easements, liens, and matters of title affecting the condominium, and a statement that a copy of the legal documents pertaining to the same will be available on request.

VII. A list of any express warranties provided by the declarant on the units and the common area, other than the warranty prescribed by RSA 356-B:41, II, and a statement that documents evidencing such warranties will be provided to the purchaser at the time of sale.

VIII. A statement of the cancellation rights set forth in RSA 356-B:50, II.

239 Conversion Condominium; Special Provisions. Amend RSA 356-B:56, I(d) to read as follows:

(d) A statement of the declarant as to the present condition of all structural components and major utility installations in the condominium, which statement shall include the approximate dates of construction, installation, and major repairs, if known, and the expected useful life of each such item, together with the estimated cost (in current dollars) of replacing each of the same; *and*

(e) A copy of this section and of RSA 356-C in its entirety.

240 Escrow of Deposits. Amend RSA 356-B:57 to read as follows:

356-B:57 Escrow of Deposits. Any deposit made in regard to any disposition of any interest in a unit shall either be held in escrow until settlement or closing or shall be delivered to the person providing construction financing, who shall either hold said deposit in escrow or shall apply said deposit to the construction of the condominium[; ~~provided, however, that any deposit made under a nonbinding reservation agreement shall be placed in escrow~~]. Subject to the foregoing, such escrow funds shall be deposited in a separate account designated for this purpose; provided, however, if such funds are being held by a real estate broker or attorney licensed under the laws of this state, they may be placed in that broker's or attorney's regular escrow account and need not be placed in a separate designated account. Such escrow funds shall not be subject to attachment by the creditors of either the purchaser or the declarant.

241 Penalties. RSA 356-B:64 is repealed and reenacted to read as follows:

356-B:64 Penalties. Notwithstanding RSA 358-A:6, any person who knowingly violates any provision of this chapter shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

242 Repeals. The following are repealed:

- I. RSA 356-B:3, XXI, relative to the definition of nonbinding reservation agreement.
- II. RSA 356-B:15, relative to compliance with condominium instruments.
- III. RSA 356-B:34-a, IV and V, relative the division of a condominium.
- IV. RSA 356-B:49, II and III, relative to limited exemptions from the condominium act.
- V. RSA 356-B:51, relative to the application and fee for registration.
- VI. RSA 356-B:53, relative to inquiry and investigation of the condominium application by the attorney general.
- VII. RSA 356-B:54, relative to notice of filing and registration.
- VIII. RSA 356-B:55, relative to the annual report by the declarant.
- IX. RSA 356-B:56, III, relative to notices filed with registration of condominium conversion.
- X. RSA 356-B:59, relative to general powers and duties of the attorney general.
- XI. RSA 356-B:60, relative to investigations and proceedings.
- XII. RSA 356-B:61, relative to cease and desist orders.
- XIII. RSA 356-B:62, relative to revocation of registration.
- XIV. RSA 356-B:63, relative to judicial review.
- XV. RSA 356-B:65, relative to civil remedy.
- XVI. RSA 356-B:68, relative to service of process.
- XVII. RSA 356-B:69, relative to conflict of interest.

243 Supplemental Allowance; One-Year Extension. Amend the introductory paragraph of RSA 100-A:41-a to read as follows:

100-A:41-a Supplemental Allowances. The following supplemental allowances shall apply only to the state fiscal year beginning July 1, 2008 ***and the state fiscal year beginning July 1, 2009***:

244 Additional Temporary Supplemental Allowances; One-Year Extension. Amend RSA 100-A:41-d, I and II to read as follows:

I. The additional supplemental allowance in this paragraph shall apply only for the fiscal year beginning July 1, 2008 ***and the state fiscal year beginning July 1, 2009***. Any retired member of the New Hampshire retirement system or any of its predecessor systems who has been retired for at least 12 months and whose annual retirement allowance is based on at least 15 years of service and is \$20,000 or less, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$1,000, paid from the respective component of the special account.

II. The supplemental allowance in this paragraph shall apply only for the fiscal year beginning July 1, 2008 ***and the state fiscal year beginning July 1, 2009***. Any retired member of the New Hampshire retirement system or any of its predecessor systems who retired prior to January 1, 1993, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a and paragraph I, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$500, paid from the respective component of the special account.

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

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

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

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

- (a) Maintenance, renewal, replacement, and supervision of the interstate highway system and the turnpike system;
- (b) Management of the capital program for the interstate highway system and the turnpike system;
- (c) Toll collection operations;
- (d) E-Z Pass administration;
- (e) Bonding; and
- (f) Turnpikes financial funding, systems, and reporting.

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

246 Department of Transportation; Transition Provisions; Report.

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

- (a) Transfer funds among accounts as is necessary based upon the formation of the division of turnpikes and interstates;
- (b) Transfer or reassign personnel and positions within and between any division, office, bureau, unit, or other component of the department;
- (c) Create or fill positions that may be reasonably required due to the formation of the division of turnpikes and interstate; and
- (d) Transfer funds from the salary and benefit adjustment account or other funding sources, necessary to fund unfunded or vacant positions.

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

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

237:1-a Aggregation and Funding.

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

- (a) Interstate route 93 from the Massachusetts-New Hampshire border in Salem, New Hampshire to the Interstate route 293/Interstate route 93 interchange in the town of Hooksett, and then from Interstate route 93 exit 14 in the city of Concord to the New Hampshire-Vermont border in the town of Littleton;
- (b) Interstate route 89 from Interstate route 93 in the town of Bow to the New Hampshire-Vermont border in the city of Lebanon;
- (c) Interstate route 393 at Main Street in the city of Concord to the intersection of N.H. route 9 at the Concord border in the vicinity of Chichester;
- (d) Interstate route 293 from the F.E. Everett turnpike in the town of Bedford to Interstate route 93 in the city of Manchester; and
- (e) N.H. route 101 from Interstate route 93 in the city of Manchester to the intersection of Landing Road in the town of Hampton.

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

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

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

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

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

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

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	[\$31.20] \$46.20 ([\$2.60] \$3.85 per month)
3001-5000 lbs.	[\$43.20] \$58.20 ([\$3.60] \$4.85 per month)
5001-8000 lbs.	[\$55.20] \$70.20 ([\$4.60] \$5.85 per month)
8001-73,280 lbs.	\$.96 per hundred lbs. gross weight

plus a \$15 surcharge

(2) Ten dollars from each registration fee under subparagraph (1) is hereby dedicated to the highway and bridge betterment account pursuant to RSA 235:23-a.

(h)(1) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight **plus a \$15 surcharge**, over 73,280 pounds—\$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

(2) Ten dollars from each registration fee under subparagraph (1) is hereby dedicated to the highway and bridge betterment account pursuant to RSA 235:23-a.

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

(o) For each motorcycle—~~[\$15]~~ **\$25. Ten dollars from each motorcycle registration is hereby dedicated to the highway and bridge betterment account pursuant to RSA 235:23-a.**

252 Effective Date.

I. Sections 1, 44, and 150 of this act shall take effect June 30, 2009.

II. Section 49 of this act shall take effect June 1, 2009.

III. Sections 82-87 of this act shall take effect October 1, 2009.

IV. Sections 152 and 230-242 of this act shall take effect January 1, 2010.

V. Sections 126-137 of this act shall take effect January 1, 2011.

VI. Sections 113, 138-143, and 167 of this act shall take effect 60 days after its passage.

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

2009-1996s

AMENDED ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Increases the tobacco tax.
3. Increases the meals and rooms tax.
4. Funds meals and rooms distributions to cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.
5. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
6. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
7. Increases the fees for motor vehicle records charged to insurance companies and drivers.
8. Authorizes the commissioner of safety to make certain personnel reallocations.
9. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
10. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
11. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
12. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
13. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
14. Suspends the liquor revenues to the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2011 and requires such revenues to be deposited into the liquor commission fund
15. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
16. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
17. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos county.
18. Requires the department of health and human services to establish a medical home pilot program.
19. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid- allowable HIV/AIDS services.
20. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
21. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified pharmacist positions.
22. Changes the percentage of the amount appropriated for placement costs to be used for certain juvenile programs under the law regarding services for children, youth and families.
23. Suspends the residential child care facilities rate setting rule.
24. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
25. Suspends for the biennium laws relative to the funeral expenses to certain recipients of public assistance and certain other reimbursement for care of an assisted person.
26. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
27. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

28. 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.

29. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.

30. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.

31. Increases the fees for department review of subsurface plans and subdivisions and sewage and waste disposal systems.

32. Establishes the subsurface systems fund and the septage management fund.

33. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, transfers a portion of the fee to the general fund, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.

34. Establishes different contribution rates for retirement members who are employees of the state based on whether the employee was hired on or before June 30, 2009, or after June 30, 2009.

35. Changes the state share of payment of the retirement system annual employer contribution and the provision that the state pay a share of the employer contribution for extra or special duty work of group II members in the retirement system.

36. Requires premium contribution amounts from retired state employees for retiree health insurance.

37. Changes the retirement system certification of the state cost of other post-employment benefits.

38. Consolidates certain district courts.

39. Creates a committee to evaluate the physical consolidation of the Claremont and Newport district courts and family division sites.

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

41. Suspends bumping rights for classified employees and suspends the procedure for layoffs of permanent employees pursuant to administrative rule Per 1101.02 (d) until June 30, 2011.

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

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

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

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

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

47. Creates a director of policy and administration in the department of transportation.

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

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

50. Authorizes the commissioner of the department of transportation to enter into discussions with other jurisdictions regarding reciprocal agreements to assist in the administration and enforcement of the E-Z pass system.

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

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

53. Suspends any mandate for expenditure of funds during the 2010-2011 biennium for state government waste reduction, recycling, and recycled products purchase.

54. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch, except the McAuliffe-Shepard discovery center commission. The bill requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces. The bill also establishes a committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces and make recommendations relative to which such entities shall be eliminated.

55. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.

56. Establishes the New Hampshire Workforce Opportunity Council within the department of resources and economic development.

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

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

59. Allows the real estate commission to collect a handling charge for fees paid electronically.

60. Allows simulcasting without conducting live horse or dog racing.

61. Establishes the position of chief multi-state auditor for the department of revenue administration.

62. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines. Modifies how certain fines received by the state are credited, and permits persons to pay certain motor vehicle fines directly to the department of safety by credit card.

63. Modifies the definition of beverage for purposes of the alcoholic beverage laws. This bill also changes the distribution of liquor commission revenue and makes organizational changes to the liquor commission.

64. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.

65. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.

66. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.

67. Increases boating registration and license fees.

68. Requires the department of transportation to erect signs advertising state liquor stores.

69. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years, and provides that no new chartered public schools shall be approved by the state board of education between July 1, 2009 and June 30, 2011.

70. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.

71. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.

72. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.

73. Requires that unused appropriations for nursing services and home health services be paid to providers.

74. Establishes a committee to study the transfer of liquor enforcement functions to the department of safety.

75. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.

76. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

77. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

78. Authorizes the department of information technology to transfer funds within and among its accounting units, subject to the approval of the fiscal committee of the general court.

79. Specifies the source of funds for court ordered representation in juvenile delinquency cases and for counsel appointed to represent an indigent parent who is alleged to have neglected or abused his or her child.

80. Establishes a division of community corrections within the department of corrections under the supervision of a director of community corrections.

81. Authorizes the supreme court to establish a fee to be imposed when a court extends the time for payment of a fine.

82. Changes the location requirement for the family division court in Sullivan County.

83. Transfers federally funded positions related to bioterrorism and public health emergency planning from the department of safety to the department of health and human services.

84. Increases the fee charged by the department of safety to nonresidents for a license to carry a concealed pistol or revolver.

85. Increases vanity plate service fees, requires payment of a vanity plate fee upon renewal, and eliminates references to the vanity plate fund.

86. Increases the amount of the state guarantee for school building bonds.

87. Authorizes the state treasurer to allocate subsidy payments received from the United States Treasury relating to the issuance of Build America Bonds to appropriate funds and accounts of the state.

88. Modifies fee requirements for certain food and beverage licenses.

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

90. Requires the commissioner of health and human services to submit Medicaid state plan amendments to implement prior authorization of wheelchair van services, non-emergency ambulance services, occupational therapy services, and methadone clinic services.

91. Requires the department of health and human services to explore and implement the procurement of medical equipment and /or medical supplies in a manner that is cost efficient and maintains adequate access under the Medicaid state plan.

92. Requires the commissioner of the department of health and human services to submit a report to the oversight committee on health and human services by September 30, 2009, detailing administrative and reporting requirements for community mental health centers which may be suspended for the biennium ending June 30, 2011, without jeopardizing the public's health and safety.

93. Requires the commissioner of the department health and human services to perform an analysis of options for altering the operation of the hospital uncompensated care fund to optimize support for uncompensated care. The commissioner shall make a report to the oversight committee on health and human services on or before November 30, 2009.

94. Increases the fee for certain driver's licenses and credits the increase for operator's driver's licenses to the highway and bridge betterment account.

95. Clarifies who must be licensed as a motor fuel and petroleum products transporter.
96. Continues certain executive orders freezing hiring, purchases, and travel.
97. Authorizes the commissioner of the department of transportation to enter into agreements to lease-purchase vehicles and equipment.
98. Declares that sums received by the department of transportation during the biennium ending June 30, 2011 from any federal program for emergency assistance shall be collected by the appropriate agency and appropriated to the department of transportation.
99. Requires certain administrative fines, penalties, and filing fees collected by the secretary of state to be deposited in the general fund. Currently such fines, penalties, and filing fees are deposited in the election fund. The bill also eliminates a restriction on expenditures from the election fund.
100. Requires the board of tax and land appeals to submit a report the general court regarding the board's mission, caseloads, and proposals for increased efficiencies in board operations and costs.
101. Suspends the credits allowed for business enterprise taxes against the business profits tax for a 2-year period, but allows a 10-year carry forward period for such credits.
102. Requires the department of administrative services to transfer funds from the workers' compensation civil penalty employer coverage fund and workers' compensation safety inspection fund to the general fund.
103. Allows video lottery gaming at up to 2 licensees in the north country selected by the lottery commission and at pari-mutuel locations.
104. Establishes the gaming enforcement division of the state police.
105. Allows video lottery gaming at licensed horse and dog racing tracks.
106. Allows municipalities to accept video lottery gaming in their municipalities by referendum or vote at town meetings.
107. Distributes certain proceeds from video lottery gaming to the general fund, the municipality in which the video lottery game takes place, the county in which the video lottery gaming takes place, the alcohol and drug abuse treatment fund for problem gambling, the department of resources and economic development, and the police standards and training council fund.
108. Requires the commissioner of the department of revenue administration to identify additional revenues that may be realized from modifications to the applicability of existing state taxes or the elimination of exemptions from existing state taxes, for implementation by the legislature.
109. Requires 50 percent of the funds received for the recording surcharge assessed by registers of deeds to be deposited in the trust fund for the land and community heritage investment program and 50 percent of such surcharge to be deposited in the general fund for the biennium ending June 30, 2011.
110. Requires the Pease development authority to make payments to the department of administrative services for its portion of indirect costs for centralized business services.
111. Establishes a committee to study the use of Glencliff Home and county and private nursing facilities for medically paroled inmates.
112. Makes changes to the Land Sales Full Disclosure Act, including making a violation of the act enforceable under the Consumer Protection Act; amending the requirements for a public offering statement; repealing certain provisions of the act; and making a knowing violation of the act a felony.
113. Makes various changes to the Condominium Act, including making a violation of the act enforceable under the Consumer Protection Act; repealing certain requirements relative to a condominium registration application and fee; amending the requirements for a public offering statement; requiring that the declarant of a condominium conversion include a copy of the relevant statutes with the public offering statement; and making a knowing violation of the act a felony.
114. Extends the supplemental allowance and certain temporary supplemental allowance provisions for retirement system beneficiaries one additional year to the fiscal year beginning July 1, 2009.
115. Creates a division of turnpikes and interstates in the department of transportation and requires aggregation of certain interstate highway segments with the turnpike system.
116. Authorizes the commissioner of the department of transportation to implement a frequent user discount for passenger cars and motorcycles using the E-Z Pass system.
117. Increases certain motor vehicle registration fees.

**The question is on the adoption of Committee Amendment 1996s
Recess/Out of Recess.**

**The question is on the adoption of Committee Amendment 1996s on HB 2-FN-A-L.
Committee Amendment 1996s adopted.**

Sen. Gatsas in opposition to Committee Amendment 1996s on HB 2-FN-A-L.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 2, 2009

2009-2034s

01/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend RSA 21-P:11-b, I(a) as inserted by section 211 of the bill by replacing it with the following:

(a) Investigate violations of RSA 284-A and the rules adopted under the provisions of RSA 284-A and initiate proceedings before the lottery commission for such violations.

Amend RSA 21-P:11-c as inserted by section 211 of the bill by replacing it with the following:

21-P:11-c Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety may authorize the transfer of general funds as authorized in RSA 284-A:8, I(a) to the department of safety to implement and enforce RSA 21-P:11-b and RSA 284-A.

Amend RSA 284:6-b, I(a) as inserted by section 212 of the bill by replacing it with the following:

(a) Provide to the lottery commission all records pertaining to the licensing of a pari-mutuel licensee under RSA 284-A within 30 days after the racing and charitable gaming commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284:21-w, V.

Amend RSA 284:21, III as inserted by section 212 of the bill by deleting subparagraph (g).

The question is on the adoption of Floor Amendment 2034s.

Recess/Out of Recess.

The question is on the adoption of Floor Amendment 2034s.

Sen. Barnes moved the question.

Without objection, President Larsen closed debate.

The question is on the adoption of Floor Amendment 2034s.

Floor Amendment 2034s adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Hassan, Dist. 23

Sen. DeVries, Dist. 18

Sen. Reynolds, Dist. 2

Sen. Larsen, Dist. 15

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

Sen. Gilmour, Dist. 12

Sen. Lasky, Dist. 13

Sen. Sgambati, Dist. 4

Sen. Fuller Clark, Dist. 24

June 3, 2009

2009-2058s

01/09

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 207 with the following:

207 Business Profits Tax; Credit Suspended. For fiscal year 2011, the credits accrued for business enterprise taxes paid pursuant to RSA 77-E against the business profits tax under RSA 77-A:5, X shall not be utilized. However, beginning July 1, 2012, the credits accrued in fiscal year 2011 may, notwithstanding the provisions of RSA 77-A:5, X, be carried forward for a 10-year period.

2009-2058s**AMENDED ANALYSIS**

This amendment modifies paragraph 101 of the analysis by suspending the credits allowed for business enterprise taxes against the business profits tax for fiscal year 2011 only, but allows a 10-year carry forward for such credits.

The question is on the adoption of Floor Amendment 2058s.

Floor Amendment 2058s adopted.

Sen. Roberge offered a floor amendment.

Sen. Roberge, Dist. 9

Sen. Bradley, Dist. 3

June 2, 2009

2009-2053s

09/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 251 the following and renumbering the original section 252 to read as 254:

252 New Paragraph; Racing and Charitable Gaming Commission; Fees to Cover Costs of Administering Live Racing. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall establish and adjust annual fees for licensees conducting live racing in an amount sufficient to generate revenue that approximates the direct costs of administering the live racing provisions of this chapter.

253 Applicability. The fees established in RSA 284:6-a, VI, as inserted by section 252 of this act, shall apply to licenses issued on or after January 1, 2010.

2009-2053s

AMENDED ANALYSIS

Adds new analysis paragraph 118 which requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.

The question is on the adoption of Floor Amendment 2053s.

Sen. Barnes moved the question.

Without objection, the Chair closed debate.

The question is on the adoption of Floor Amendment 2053s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Bradley, Janeway, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau.

The following Senators voted No: Gallus, Reynolds, Sgambati, Houde, Cilley, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Floor Amendment 2053s failed.

Sen. Bradley offered a floor amendment.

Sen. Gallus, Dist. 1

Sen. Bradley, Dist. 3

Sen. Odell, Dist. 8

Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11

Sen. Carson, Dist. 14

Sen. Gatsas, Dist. 16

Sen. Barnes, Jr. Dist. 17

Sen. Letourneau, Dist. 19

Sen. Downing, Dist. 22

May 29, 2009

2009-2002s

10/01

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting section 207 and renumbering the original sections 208-252 to read as 207-251, respectively.

Amend the bill by replacing section 251 with the following:

251 Effective Date.

- I. Sections 1, 44, and 150 of this act shall take effect June 30, 2009.
- II. Section 49 of this act shall take effect June 1, 2009.
- III. Sections 82-87 of this act shall take effect October 1, 2009.
- IV. Sections 152 and 229-241 of this act shall take effect January 1, 2010.
- V. Sections 126-137 of this act shall take effect January 1, 2011.
- VI. Sections 113, 138-143, and 167 of this act shall take effect 60 days after its passage.
- VII. The remainder of this act shall take effect July 1, 2009.

2009-2002s

AMENDED ANALYSIS

This amendment removes paragraph 101 in the amended analysis relative to the suspension of the credits allowed for business enterprise taxes against the business profits tax for a 2-year period, but allowing for a 10-year carry forward period for such credits.

The question is on the adoption of Floor Amendment 2002s.

Sen. D'Allesandro moved the question.

Without objection, the Chair closed debate.

A roll call was requested by Sen. Bragdon, seconded by Bradley.

The following Senators voted Yes: Gallus, Bradley, Cilley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 11 - Nays: 13

Floor Amendment 2002s failed.

Sen. Carson offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Odell, Dist. 8

Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11

Sen. Carson, Dist. 14

Sen. Gatsas, Dist. 16

Sen. Barnes Jr., Dist. 17

Sen. Letourneau, Dist. 19

Sen. Downing, Dist. 22

June 2, 2009

2009-2052s

01/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting section 145 and renumbering the original sections 146-252 to read as 145-251, respectively.

Amend the bill by replacing section 251 with the following:

251 Effective Date.

- I. Sections 1, 44, and 149 of this act shall take effect June 30, 2009.
- II. Section 49 of this act shall take effect June 1, 2009.
- III. Sections 82-87 of this act shall take effect October 1, 2009.
- IV. Sections 151 and 229-241 of this act shall take effect January 1, 2010.
- V. Sections 126-137 of this act shall take effect January 1, 2011.
- VI. Sections 113, 138-143, and 166 of this act shall take effect 60 days after its passage.
- VII. The remainder of this act shall take effect July 1, 2009.

2009-2052s**AMENDED ANALYSIS**

This amendment amends paragraph 69 of the amended analysis by deleting the provision limiting the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years.

The question is on the adoption of Floor Amendment 2052s.

Sen. Sgambati moved the question.

Without objection, the Chair closed debate.

The question is on the adoption of Floor Amendment 2052s.

A roll call was requested by Sen. Carson, seconded by Sen. Bragdon.

The following Senators voted Yes: Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Floor Amendment 2052s failed.

Sen. Odell offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Roberge, Dist. 9

Sen. Barnes, Jr., Dist. 17

Sen. Odell, Dist. 8

June 2, 2009

2009-2048s

09/01

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 209 through 221 and renumbering the original sections 222-252 to read as 209-239, respectively.

Amend paragraph IV of section 239 of the bill by replacing it with the following:

IV. Sections 152 and 217-229 of this act shall take effect January 1, 2010.

2009-2048s**AMENDED ANALYSIS**

This bill deletes paragraphs 103-107 relative to video lottery gaming from the analysis.

The question is on the adoption of Floor Amendment 2048s.

Sen. Reynolds moved the question.

Without objection, the Chair closed debate.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Bradley, Odell, Roberge, Carson, Gatsas, Barnes, Letourneau, Fuller Clark.

The following Senators voted No: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Bragdon, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Downing, Hassan.

Yeas: 8 - Nays: 16

Floor Amendment 2048s failed.

Sen. Bragdon offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11

Sen. Carson, Dist. 14

Sen. Gatsas, Dist. 16

Sen. Barnes Jr., Dist. 17

Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
June 2, 2009
2009-2047s
09/01

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting section 1 and renumbering the original sections 2-252 to read as 1-251, respectively.

Amend the bill by replacing section 2 with the following:

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

Amend the bill by replacing section 8 with the following:

8 Motor Vehicle Record Fees. The provisions of section 7 of this act, relative to fees charged to insurance companies and authorized agents for copies of motor vehicle records, shall not affect fees charged by the department of safety under RSA 260:14, XIII or XV(b).

Amend the bill by replacing section 251 with the following:

252 Effective Date.

- I. Sections 43 and 149 of this act shall take effect June 30, 2009.
- II. Section 48 of this act shall take effect June 1, 2009.
- III. Sections 81-86 of this act shall take effect October 1, 2009.
- IV. Sections 151 and 229-241 of this act shall take effect January 1, 2010.
- V. Sections 125-136 of this act shall take effect January 1, 2011.
- VI. Sections 112, 137-142, and 166 of this act shall take effect 60 days after its passage.
- VII. The remainder of this act shall take effect July 1, 2009.

2009-2047s

AMENDED ANALYSIS

This amendment deletes paragraph 1 from the analysis relating to a transfer of \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

The question is on the adoption of Floor Amendment 2047s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 8 - Nays: 16

Floor Amendment 2047s failed.

MOTION OF RECONSIDERATION

Senator D'Allesandro, having voted with the prevailing side, moved reconsideration of Floor Amendment 2034s having been adopted on HB 2-FN-A-L.

The question is on the motion of reconsideration.

Motion adopted.

The question is on the adoption of Floor Amendment 2034s on HB 2-FN-A-L.

Floor Amendment 2034s failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 3, 2009

2009-2066s

09/01

Floor Amendment to HB 2-FN-A-LOCAL

Amend RSA 21-P:11-b, I(a) as inserted by section 211 of the bill by replacing it with the following:

(a) Investigate violations of RSA 284-A and the rules adopted under the provisions of RSA 284-A and initiate proceedings before the lottery commission for such violations.

Amend RSA 21-P:11-c as inserted by section 211 of the bill by replacing it with the following:

21-P:11-c Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety may authorize the transfer of general funds as authorized in RSA 284-A:8, I(a) to the department of safety to implement and enforce RSA 21-P:11-b and RSA 284-A.

Amend RSA 284:6-b, I(a) as inserted by section 212 of the bill by replacing it with the following:

(a) Provide to the lottery commission all records pertaining to the licensing of a pari-mutuel licensee under RSA 284-A within 30 days after the racing and charitable gaming commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284:21-w, V.

Amend RSA 284:6-b, III as inserted by section 212 of the bill by deleting subparagraph (g).

Recess/Out of Recess.

The question is on the adoption of Floor Amendment 2066s on HB 2-FN-A-L.

Floor Amendment 2066s adopted.

(Sen. D'Allesandro introduced John Eagan, UNH Whittemore School master's student and CPA who assisted the Finance Committee in the cost and revenue analysis of the pending legislation.)

The question is on the motion of Ought to Pass as Amended on HB 2-FN-A-L.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Le-tourneau, Downing.

Yeas: 15 - Nays: 9

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Sen. Gatsas asserts Rule 42 on HB 2-FN-A-L.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled bill:

HB 73, affirming religious freedom protections with regard to marriage and prohibiting the establishment of civil unions on or after January 1, 2010.

Dinner Recess/Out of Recess.

EVENING SESSION

SENATOR BRADLEY (Rule 44): Thank you, Madam President. I have sad news for all of us that have in the past worked with Rep. Bill Golding. Bill passed away over the weekend. He was a member of the House, a great Representative; well known by Sen. D'Allesandro because he hailed from Manchester. He was a member of my committee when I served on the other side of the wall. He would have enjoyed being here today because he never had a harsh word for anybody. Everybody loved him, and certainly I think all of our thoughts should be with Rosal, his wife, and the rest of his family. Thank you, Madam President.

SENATOR HOUDE (Rule 44): Thank you, Madam President. I regret to inform the Senate that Bill Johnson from Hanover passed away. He served in the Senate for one term, in 1965 and '66. And he was a judge as well, and I know that Sen. D'Allesandro, knowing him personally, wanted to say a few words, but I did want to express my condolences to the family.

SENATOR D'ALLESANDRO (Rule 44): Thank you. Bill Johnson was a former legislator. Bill, from Hanover, was Walter Peterson's campaign manager in the 1968 gubernatorial race. Bill was a great friend of former Sen. Cotton, and he was elevated to the Superior Court and then to the Supreme Court. Wonderful, wonderful guy. He had a daughter who was a magnificent golfer at Dartmouth College, terrific, terrific athlete. And with the passing of Bill Johnson we're seeing this, you know, it's an era where some great, great political leaders of New Hampshire are, you know, are leaving the scene, and Bill Johnson certainly was one of them, a wonderful guy. Those of you that knew Bill, or appeared before him when he was on the bench in the Superior Court or before him when he was at the Supreme Court know what a wonderful person he was, a great, you know, great demeanor, an outstanding judge; a wonderful, wonderful citizen. And, as I said, he served in the Senate and then was appointed to the bench. And when I was told about his passing, jeez, it was really hard to believe because it's like you see them last week and everybody's okay and then in a few moments it's gone. Just kind of recognize the fact that, you know, life's pretty short, so make the best of it. Thank you.

Without objection, President Larsen moved that all 44's shall be entered into the permanent *Journal of the Senate*.

COMMITTEE REPORTS, RESUMED SPECIAL ORDER

HB 174-FN, establishing a performance measurement system for state agencies. Finance. Inexpedient to Legislate, Vote 6-0. Senator D'Allesandro for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 174-FN.

Motion of Inexpedient to Legislate failed.

Sen. D'Allesandro moved to Re-refer HB 174-FN to Committee.

The question is on the motion to Re-refer to Committee on HB 174-FN.

Motion of Re-refer to Committee adopted.

HB 296-FN-A, (New Title) transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit. Finance. Ought to Pass with Amendment, Vote 7-0. Senator Janeway for the committee.

**Senate Finance
May 28, 2009
2009-1967s
08/09**

Amendment to HB 296-FN-A

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

AN ACT increasing fees and transferring funds related to oil discharge prevention and cleanup, and authorizing an oil fund performance audit.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 Increase in Fuel Oil Import Fees. RSA 146-E:3 is repealed and reenacted to read as follows:

146-E:3 Fund Established; Collection.

I. There is established a fuel oil discharge cleanup fund, which shall be administered by the oil fund disbursement board established under RSA 146-D:4. This fund shall be used to reimburse costs incurred in the prevention and cleanup of fuel oil discharges in the waters and soils of the state, including administrative, technical, and legal support required by the oil fund disbursement board in administering the fund, and in paying third party damages.

II. A fee of \$.01 per gallon of fuel oil shall be assessed at the time of importation into this state. An additional fee of \$.0025 per gallon of fuel oil shall be assessed on imports after July 1, 2009. Assessment of this additional fee shall be discontinued if the fiscal committee of the general court, in annual consultation with the oil fund disbursement board, determines that it is no longer necessary to accomplish the purpose of the fuel oil discharge cleanup fund stated in RSA 146-E:1.

III. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of fuel oil fees which shall be collected and enforced in the manner described in RSA 146-D:3, III and V. All fee revenues shall be deposited in the fuel oil discharge cleanup fund. If the fund's balance becomes greater than \$2,500,000, the assessment of fees shall be discontinued and only reestablished when the fund's balance is less than \$1,500,000. Until the fund balance reaches \$2,000,000, at least 50 percent of the fees collected shall be allocated for reimbursements to on-premise-use facility owners and owners of land upon which on-premise-use facilities are located and for the administrative, technical, and legal support associated with such reimbursements.

IV. Moneys collected for the fund shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

2009-1967s

AMENDED ANALYSIS

This bill increases fees and transfers funds related to oil discharge prevention and cleanup and authorizes a performance audit of oil funds administered by the oil fund disbursement board and the related programs of the department of environmental services for clean up of petroleum contamination.

The question is on the adoption of Committee Amendment 1967s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Carson.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 15 - Nays: 9

Committee Amendment 1967s adopted.

The question is on the motion of Ought to Pass as Amended on HB 296-FN-A.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 378-FN-A, (New Title) relative to fees for methadone detoxification and maintenance programs. Finance. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 378-FN-A.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. Finance.

Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 420-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Senators DeVries and Downing assert Rule 42 on HB 420-FN.

HB 429-FN, relative to the liquor commission and alcoholic beverages. Finance. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance

May 28, 2009

2009-1964s

03/10

Amendment to HB 429-FN

Amend the bill by inserting after section 7 the following and renumbering the original sections 8-10 to read as 9-11, respectively:

8 Location of Agency Liquor Stores. Amend RSA 177:11 to read as follows:

177:11 Location of Agency Liquor Stores.

I. The commission may license an agency liquor store only when the following requirements are met:

(a) The proposed agency liquor store is located in a municipality which has voted in favor of the operation of state liquor stores under RSA 175:7.

(b) The proposed agency liquor store is located in a municipality where there is no state liquor store.

(c) Neither the proposed agency liquor store nor any state liquor store is within 5 road miles of an existing state liquor store or an existing agency liquor store.

II. The commission may not replace a state liquor store which closes with an agency liquor store, unless the state liquor store was closed under the provisions of RSA 177:2.

III. In the event that a proposed agency liquor store will replace a state liquor store, the commission shall make reasonable efforts to provide state employees other positions, if available.

III-a. In determining the location of a proposed agency store, the commission shall consider its effect on the economy, availability of liquor, and customers within the surrounding relevant market. For the purposes of this section, "surrounding relevant market" means the geographic area that is reasonably intended to be served by the agency store.

IV. The commission shall issue a license for an agency liquor store within a municipality by the following procedure:

(a) The commission shall, in accordance with RSA 541-A, give public notice that agency liquor stores may be established in a particular municipality **to serve persons located in that municipality and in the surrounding relevant market. The public notice shall identify the surrounding relevant market that the agency store is intended to serve and all municipalities, or portions thereof, included therein. A copy of the public notice shall at the same time be forwarded by certified mail by the commission to the governing body of the municipality in which the agency store may be established and to the governing body of any additional municipalities located, in whole or in part, in the surrounding relevant market that the agency store is intended to serve.** The commission shall request all parties in the municipality, interested in establishing an agency liquor store there, to apply to the commission.

(b) The commission shall provide all applicants with the necessary information for the establishment of agency liquor stores.

(c) Upon receipt of all applications for agency liquor stores licenses in a municipality, the commission shall notify the ~~[municipal officers]~~ **governing body** of that municipality **and of any additional municipalities located, in whole or in part, in the surrounding relevant market** of the proposed location of each applicant ~~[at least 15 days before the final selection of an applicant or applicants by the commission]~~ **and shall suspend all action on such applications for 30 days in order to allow the affected municipalities and any other interested person to submit written comments to the commission on the proposed location of a new agency store in a municipality.**

(d) ~~[The commission shall issue a license to all persons qualifying under the commission's rules.]~~ **Upon the written request of the municipality in which the proposed agency store may be located, or of any municipality located in the surrounding relevant market as identified by the commission, that is received by the commission within 14 days of the date of the public notice forwarded to such a municipality under subparagraph (a), the commission shall in accordance with RSA 541-A publish notice and schedule a hearing on the proposed location of an agency store in such municipality. Any public hearing shall be held within 45 days of the close of the public comment period in the municipality in which the agency store may be located.**

(e) The commission shall ~~[notify]~~ **provide written notice by certified mail to all applicants, to the municipality in which the agency store is to be located, and to any other municipality located in the surrounding relevant market of the final selection of an applicant or applicants, and shall provide** any applicant denied a license **written notification** of the reasons for the denial by certified mail to the mailing address given by the applicant in ~~[his]~~ **the** application for an agency liquor store license.

(f) The commission shall issue a license to all persons qualifying under the commission's rules.

V. Any applicant aggrieved by a decision made by the commission may appeal the decision in accordance with RSA 541. **For purposes of rehearing and appeal, the date of the written notice of final selection of an applicant or applicants shall constitute the decision of the commission.**

The question is on the adoption of Committee Amendment 1964s.

Committee Amendment 1964s adopted.

The question is on the motion of Ought to Pass as Amended on HB 429-FN.

A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 433-FN-A, (New Title) relative to funding the law requiring reporting of hospital infections. Finance. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

The question is on the committee recommendation of Ought to Pass on HB 433-FN-A.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 529-FN, relative to the healthy kids program. Finance. Ought to Pass, Vote 7-0. Senator Odell for the committee.

The question is on the committee recommendation of Ought to Pass on HB 529-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 587-FN, establishing an information and analysis center within the department of safety. Finance. Re-refer to Committee, Vote 7-0. Senator Gallus for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 587-FN.

Motion of Re-refer to Committee adopted.

HB 590-FN, relative to the retirement age for group II members. Finance. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 590-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Sen. DeVries asserts Rule 42 on HB 590-FN.

HB 601-FN, relative to claims for compensation from the victims' assistance fund. Finance. Ought to Pass with Amendment, Vote 6-0. Senator Sgambati for the committee.

Senate Finance

May 22, 2009

2009-1798s

04/05

Amendment to HB 601-FN

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

The question is on the adoption of Committee Amendment 1798s.

Committee Amendment 1798s adopted

The question is on the motion of Ought to Pass as Amended on HB 601-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 610-FN, relative to consumer protection from certain practices of mortgage bankers, mortgage brokers, and mortgage loan originators and implementing the S.A.F.E. mortgage licensing act. Finance. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 610-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. Finance. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 641-FN-L.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 655-FN, extending senior active status to judges over 70 years of age. Finance. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 655-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Senators Carson, Gatsas, Barnes and Letourneau are in opposition to the adoption of Ought to Pass on HB 655-FN.

HB 690-FN, establishing a cold case homicide unit. Finance. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 690-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SPECIAL ORDER: ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT COMMITTEE

HB 45, relative to the water supply land conservation program. Energy, Environment and Economic Development. Ought to Pass with Amendment, Vote 6-0. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development

May 28, 2009

2009-1986s

06/04

Amendment to HB 45

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

AN ACT relative to the water supply land conservation program and establishing a committee to study a proposal by the fish and game department to construct a certain boat ramp.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 9:

4 Committee Established. There is established a committee to study the need and costs related to the proposal of the fish and game department to construct a public boat ramp on the former Wild Goose property located on Lake Sunapee in Newbury.

5 Membership and Compensation.

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

(a) Three members of the house of representatives, at least one of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, at least one of whom shall be from the energy, environment and economic development committee, 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.

6 Duties. The committee shall study the need and costs related to a proposal by the fish and game department to construct a public boat ramp on the former Wild Goose property located on Lake Sunapee in Newbury. Areas of study shall include, but not be limited to:

I. Environmental impacts on the shoreland and public drinking water supplies.

II. Alternatives to the project as currently proposed.

III. Land use planning considerations.

IV. Public safety and traffic issues.

V. Local municipal concerns.

7 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. Three members of the committee shall constitute a quorum.

8 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

2009-1986s

AMENDED ANALYSIS

This bill:

I. Expands the eligibility for water supply land conservation grants to future sources of public drinking water and broadens the definition of grantees to include non-profit land trust organizations.

II. Establishes a committee to study a proposal by the fish and game department to construct a certain boat ramp.

The question is on the adoption of Committee Amendment 1986s.

A division vote was requested:

Yeas: 13 - Nays: 11

Committee Amendment 1986s adopted.

Senators Bradley, Gatsas, Barnes and Letourneau are in opposition to Committee Amendment 1986s.

The question is on the motion of Ought to Pass as Amended on HB 45.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Senators Bradley, Carson and Gatsas are in opposition to the adoption of Ought to Pass as Amended on HB 45.

HB 61, relative to a definition of "sustainable energy." Energy, Environment and Economic Development. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

The question is on the committee recommendation of Ought to Pass on HB 61.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 102, (New Title) relative to the rivers management and protection program. Energy, Environment and Economic Development. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Energy, Environment and Economic Development

May 28, 2009

2009-1983s

01/09

Amendment to HB 102

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

AN ACT relative to the rivers management and protection program and establishing the volunteer river assessment program.

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

1 Excavating and Dredging Permit; Certain Exemptions; Designated River Local River Management Advisory Committee Notification. RSA 482-A:3, I(d), is repealed and reenacted to read as follows:

(d) At the time the permit application is submitted to the city or town clerk the applicant shall:

(1) Provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body,

the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

(2) Submit a copy of the permit application to the local river management advisory committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. The local river management advisory committee shall, under RSA 483:8-a, III(a)-(b), advise the commissioner and consider and comment on the permit application.

2 2010 Version; Excavating and Dredging Permit; Certain Exemptions; Designated River Local River Management Advisory Committee Notification. RSA 482-A:3, I(d), is repealed and reenacted to read as follows:

(d) At the time the permit application is submitted to the city or town clerk, the applicant shall:

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

(2) Submit a copy of the permit application to the local river management advisory committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. The local river management advisory committee shall, under RSA 483:8-a, III(a)-(b), advise the commissioner and consider and comment on the permit application.

3 Rivers Management and Protection Program; Statement of Policy. Amend RSA 483:1 to read as follows:

483:1 Statement of Policy. New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued **ecologic**, economic, **public health and safety**, and social assets for the benefit of present and future generations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of instream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, **hydropower**, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, and public water supply so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people. ***If conflicts arise in the attempt to protect all valued characteristics within a river or stream, priority shall be given to those characteristics that are necessary to meet state water quality standards.***

4 New Paragraph; Definitions. Amend RSA 483:4 by inserting after paragraph XVI the following new paragraph:

XVI-a. "Restore" means return of an ecosystem to a close approximation of its natural condition.

5 Definitions. Amend RSA 483:4, XVII to read as follows:

XVII. "River" means a flowing body of water including the tidal mouth of rivers whose salinity, flow, or level is influenced by the tides, or a segment or tributary of such water body.

6 Acceptance and Expenditure of Funds. Amend RSA 483:13, II and III to read as follows:

II. ~~[The rivers coordinator, with the approval of the commissioner and the advisory committee, may expend any funds received under paragraph I for the purposes of this chapter, and such funds are hereby appropriated.]~~ ***There is hereby established in the office of the state treasurer a fund to be known as the rivers management and protection fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of this chapter and RSA 487:38 – RSA 487:42.***

III. ~~[Local river management advisory committees may apply for and accept, from any source, gifts, grants, and donations of money. The committees may, without further authorization, expend any funds so received to carry out their duties pursuant to RSA 483:8-a.]~~ ***The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter and RSA 487:38 – RSA 487:42, and such funds are hereby continually appropriated.***

7 Nomination; Criteria. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, ***hydropower generation***, buildings, and other manmade structures; riparian interests ***and public water supply***, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank ***and tributary drainage area*** information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. ***The department shall encourage the nominating party to include tributary drainage area information in the nomination.*** The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

8 Rivers Management Advisory Committee; Establishment. Amend the introductory paragraph of RSA 483:8 to read as follows:

483:8 Rivers Management Advisory Committee; Establishment. There is established a rivers management advisory committee appointed by the governor and council. ~~[At least 3 committee members shall represent the North Country and]~~ All members shall be New Hampshire residents ***and the department shall request that nominating organizations select nominees representing diverse geographic areas of the state.***

9 Rivers Management Advisory Committee; Establishment. Amend RSA 483:8, II-VI to read as follows:

II. The director of the office of energy and planning, the executive director of the fish and game department, the commissioner of resources and economic development, the commissioner of the department of transportation, ***the commissioner of the department of safety***, and the commissioner of the department of agriculture, markets, and food or their designees shall serve as nonvoting members of the committee.

III. The terms of state agency members shall be the same as their terms in office. The members shall serve 3-year terms~~[-except that the terms of the initial members appointed under subparagraphs I(a), (d), and (g) shall be one year, and those appointed under subparagraphs I(b), (e), and (h) shall be 2 years].~~

IV. ***Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members may hold office until their successors are appointed and confirmed.***

V. ~~[The commissioner shall convene the first meeting no later than September 15, 1988.]~~ The committee shall elect a chairman and vice chairman. Subsequent meetings shall be at the call of the chair, or at the request of 5 or more committee members. The rivers coordinator under RSA 483:3 shall serve as secretary and staff to the committee.

~~[V.]~~ VI. The advisory committee shall ***report biennially and*** advise the commissioner ~~[and]~~, rivers coordinator, ***state agencies, and the general court*** in implementing the purposes of this chapter.

~~[VI.]~~ VII. No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development, ***long range capital planning and utilization committee, or the governor and executive council*** except upon the review and recommendation of the advisory committee established under this section.

VIII. ***When attending to the duties of the committee, appointed members of the committee shall be eligible to receive mileage at the state employee rate, within the limits of the department's appropriations.***

10 Local River Management Advisory committees; Establishment; Duties. Amend RSA 483:8-a, II and III to read as follows:

II. Each committee shall be composed of at least 7 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. If an interest is not represented by the local governing bodies' nominations, the commissioner may appoint a member from the vicinity of the designated river or segment, to the local river management advisory committee who will represent that interest. County commissioners shall be permitted to nominate members to the local river management advisory committee in unincorporated towns or unorganized places. ***Upon the request of the committee, local governing bodies or county commissioners within tributary drainage areas may submit nominees for appointment.*** Each member shall serve a term of 3 years.

III. The duties of such committees shall be:

(a) To advise the commissioner, the advisory committee, ~~and~~ the municipalities through which the designated river or segment flows, ***and municipalities within tributary drainage areas*** on matters pertaining to the management of the river or segment ***and tributary drainage areas***. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.

(d) To report ~~annually~~ ***biennially*** to the advisory committee and the commissioner, ***and annually to municipalities*** on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment ~~and~~, ***its*** corridor, ***and tributary drainage areas***.

III-a. Local river management advisory committees may apply for and accept, from any source, gifts, grants, and other donations of money or services that directly assist the committee in meeting its duties, programs, and projects. The committees may, without further authorization, expend any funds so received to carry out their duties under this section.

11 Natural Rivers Protection. Amend RSA 483:9, III to read as follows:

III. No channel alteration activities shall be permitted~~[-except that].~~ The commissioner may approve ~~[temporary] channel alterations [in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated.]~~ ***as follows:***

(a) Temporary channel alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated; or

(b) Permanent alterations that restore the channel's geomorphic characteristics to its more natural condition.

12 Rivers Corridor Management Plans. Amend RSA 483:10, I to read as follows:

I. The rivers coordinator, with the cooperation and assistance of the office of energy and planning, shall develop detailed guidelines for river corridor management plans~~[-including but not limited to model shoreline protection ordinances. The rivers coordinator shall hold a public hearing regarding the proposed guidelines and model ordinances].~~ The rivers coordinator shall provide technical assistance to regional planning commissions, municipalities, and ~~[river corridor commissions]~~ ***local river management advisory committees*** and shall encourage the development and implementation of river corridor management plans.

13 New Paragraph; Rivers Corridor Management Plans. Amend RSA 483:10 by inserting after paragraph III the following new paragraph:

IV. State agencies shall collaborate with and assist the rivers coordinator and the local river management advisory committee in the development and implementation of river corridor management plans.

14 State Action; Notification of Rivers Coordinator; Petition for Review. Amend RSA 483:12-a, I to read as follows:

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator prior to taking any such action. Such agency shall forward to the rivers coordinator for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-C, RSA 485-A, RSA 483-B, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, RSA 149-M, **RSA 430**, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, 483:9-aa, or 483:9-b, such agency shall deny the application.

15 Rivers Management and Protection Fund Established. Amend RSA 483:13 to read as follows:

483:13 Acceptance and Expenditure of Funds.

I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other matching funds and incentives; and interests in land for the purposes of this chapter. ***The moneys collected under this paragraph shall be deposited in the fund established under paragraph II.***

II. ~~[The rivers coordinator, with the approval of the commissioner and the advisory committee, may expend any funds received under paragraph I for the purposes of this chapter, and such funds are hereby appropriated.]~~ ***There is hereby established in the office of the state treasurer a fund to be known as the rivers management and protection fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of this chapter.***

III. ~~[Local river management advisory committees may apply for and accept, from any source, gifts, grants, and donations of money. The committees may, without further authorization, expend any funds so received to carry out their duties pursuant to RSA 483:8-a.]~~ ***The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter, and such funds are hereby continually appropriated.***

IV. The commissioner shall submit a biennial report by October 1 to the speaker of the house of representatives, the senate president, the chairperson of the house resources, recreation and development committee, the chairperson of the senate energy, environment, and economic development committee, and the state library summarizing all receipts and disbursements of the rivers management and protection fund, including a description of all projects or activities undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

16 Disposition of State Property. Amend RSA 483:14 to read as follows:

483:14 Disposition of State Property.

I. No state-owned property adjacent to or providing access to a river shall be disposed of by the state except upon the review and recommendation of the advisory committee.

II. No state-owned property included in a long-range river management plan shall be disposed of by the state except upon the review and recommendation of the advisory committee.

17 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the rivers management and protection fund established in RSA 483:13.

18 Rulemaking. Amend RSA 483:11, I and II to read as follows:

I. Content and submission of nominations including requirements and criteria for river segments whose salinity, flow, or level is influenced by tides at its tidal mouth, under RSA 483:6, I.

II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 483:6, IV(a) and the downstream extent for river segments whose salinity, flow or level is influenced by tides at its tidal mouth.

19 New Subdivision; New Hampshire Volunteer River Assessment Program. Amend RSA 487 by inserting after section 37 the following new subdivision:

New Hampshire Volunteer River Assessment Program

487:38 Volunteer River Assessment Program Established. There is established within the department of environmental services the New Hampshire volunteer river assessment program to provide:

I. Water quality and related environmental data to the state and federal governments to define water quality trends;

II. Data for river protection, management, and restoration programs;

III. Information to classify New Hampshire waters; and

IV. Data for surface water assessment reports.

487:39 Purpose. The general court finds that landscape changes and recreational and other uses of rivers and their watersheds have placed increasing stress upon the state's rivers, posing a threat to water quality and the continued support of designated uses. The general court recognizes the need for adequate data to identify the status of and trends in water quality as a basis for action, to restore, preserve, and maintain the state's rivers so that these significant environmental, recreational, and economic assets will continue to benefit the social and economic well-being of the state's citizens and support healthy ecosystems.

487:40 Duties of the Department. To the extent that funds are available, the department shall:

I. Assist volunteer organizations in monitoring the water quality of rivers and streams;

II. Provide technical assistance to local river management advisory committees, watershed organizations, municipalities, educational facilities, and the general public for the purpose of monitoring river water quality;

III. Educate citizens about the need for and the methods of sampling river and stream waters and the importance of keeping the state's waters clean;

IV. Provide the water quality data obtained by volunteers to other state programs that administer water quality programs; the federal government, including the Environmental Protection Agency; and municipalities;

V. Provide volunteer monitoring organizations with an annual monitoring report that includes historical data, trends, and recommendations to keep a river or stream within the water quality standards; and

VI. Lend sampling equipment to volunteer monitoring organizations as needed.

487:41 Volunteer River Assessment Program Coordinator. There is established in the department of environmental services a state volunteer river assessment program coordinator who shall be a classified employee qualified by reason of education and experience and who shall administer the New Hampshire volunteer river assessment program.

487:42 Acceptance and Expenditure of Funds. The commissioner may apply for and accept gifts, donations of money, federal, municipal, or private grants, or other funds or incentives from any source. The funds accepted under this section shall be paid into the rivers management and protection fund established under RSA 483:13. The commissioner may expend such funds for the purposes of this subdivision.

20 Instream Flow Pilot Program; Reporting Date Extended. Amend 2002, 278:2, III as amended by 2003, 319:48 and 2008, 5:2 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~~] **by** December 1, [~~2010~~] **2012**.

21 Instream Flow Pilot Program; Reporting Date Extended. 2002, 278:3, III as amended by 2003, 319:49, and 2008, 5:3 is repealed and reenacted to read as follows:

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

(a) By September 1, 2010, adopt and implement the protected instream flows and water management plans relative to the Lamprey River and the Souhegan River.

(b) Two years after the adoption and implementation of the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River, submit a report that includes 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. Within 60 days of the submission of such report, the department shall hold a public hearing jointly with the senate energy, environment and economic development committee and the house resources, recreation and development committee and provide a public comment period of 30 days. The department shall consider the public comments received when formulating any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(c) By December 1, 2012, 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.

22 Committee to Study the Impact of Water Withdrawals on Instream Flows: Report Date Extended. Amend 2000, 242:5 as amended by 2001, 138:6, 2002, 278:6, 2003, 319:50, and 2008, 5:4 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, 2010.

23 Effective Date.

I. Section 2 of this act shall take effect July 1, 2010, at 12:01 a.m.

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

2009-1983s

AMENDED ANALYSIS

This bill:

I. Clarifies certain provisions of the rivers management and protection program, the membership on advisory committees, and the funding of programs.

II. Establishes the New Hampshire volunteer river assessment program.

III. Extends certain reporting dates for the instream flow plot program.

The question is on the adoption of Committee Amendment 1983s.

Committee Amendment 1983s adopted.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

June 1, 2009

2009-2014s

06/01

Floor Amendment to HB 102

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

AN ACT relative to the rivers management and protection program, establishing the volunteer river assessment program, and naming the bridge at the intersection of NH route 12A and NH route 123 in Alstead the Alstead Veterans Memorial Bridge.

Amend the bill by inserting after section 22 the following and renumbering the original section 23 to read as 25:

23 The Alstead Veterans Memorial Bridge. Pursuant to RSA 4:43, the bridge at the intersection of NH route 12A and NH route 123 in Alstead, department of transportation number 060159, which spans the Cold River, is hereby named the Alstead Veterans Memorial Bridge. Appropriate signage may be placed at the bridge.

24 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers authorized under section 23 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers authorized under this act shall be approved by the department of transportation.

2009-2014s

AMENDED ANALYSIS

This bill:

I. Clarifies certain provisions of the rivers management and protection program, the membership on advisory committees, and the funding of programs.

II. Establishes the New Hampshire volunteer river assessment program.

III. Extends certain reporting dates for the instream flow plot program.

IV. Names the bridge at the intersection of NH route 12A and NH route 123 in Alstead the Alstead Veterans Memorial Bridge.

The question is on the adoption of Floor Amendment 2014s.

A roll call was requested by Sen. Barnes, seconded by Sen. Reynolds.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Floor Amendment 2014s adopted.

The question is on the motion of Ought to Pass as Amended on HB 102.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 229, clarifying the eligibility requirements for class IV renewable energy generating facilities. Energy, Environment and Economic Development. Ought to Pass with Amendment, Vote 3-1. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development

May 28, 2009

2009-1988s

06/01

Amendment to HB 229

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

AN ACT clarifying the eligibility requirements for class IV renewable energy generating facilities and relative to renewable energy certificates.

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

1 Electric Renewable Energy Classes. Amend RSA 362-F:4, IV to read as follows:

IV.(a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the [source] **facility** began operation prior to January 1, 2006, has a [gross] **total** nameplate capacity of 5 MWs or less **as measured by the sum of the nameplate capacities of all the generators at the facility**, has **actually** installed **both** upstream and downstream diadromous fish passages [that have been required and approved under the terms of its license or exemption from] **and such installations have been approved by** the Federal Energy Regulatory Commission, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

(b)(1) Notwithstanding subparagraph (a), the commission shall re-certify as class IV renewable energy sources the facilities named in commission order numbers 24,940 and 24,952. These facilities are:

(A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities owned by Public Service Company of New Hampshire, which had been previously certified by the commission on September 23, 2008; and

(B) The North Gorham and Bar Mills projects owned by FPL Energy Maine Hydro, LLC which had been previously certified by the commission on October 30, 2008.

(2) These facilities shall not qualify or be certified as class IV renewable energy sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such facilities shall be eligible for class IV renewable energy certificates for all electricity generated between the effective date of each facility's original certification by the commission through March 23, 2009. Such certificates shall have the same validity as any other class IV certificate issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.

2 Renewable Energy Certificates. Amend the introductory paragraph of RSA 362-F:6, IV(a) to read as follows:

IV.(a) Certificates issued for purposes of complying with this chapter shall come from sources within the New England control area unless the source is located in a ***synchronous*** control area adjacent to the New England control area and the energy produced by the source is actually delivered into the New England control area for consumption by New England customers. The delivery of such energy from the source into the New England control area shall be verified by:

3 Renewable Energy Fund. Amend RSA 362-F:10, VI to read as follows:

VI. Such payments shall be allocated from the renewable energy fund established in paragraph I, ***as determined by the commission*** ~~[to the extent funding is available, up to a maximum aggregate payment of 10 percent of the fund per year].~~

4 New Hampshire Code of Administrative Rules Puc 2600; Extension. The expiration date of the New Hampshire Code of Administrative Rules Puc 2600 is hereby extended from June 30, 2009 to December 31, 2009 or such earlier date that final rules may be adopted.

5 Effective Date. This act shall take effect upon its passage.

2009-1988s

AMENDED ANALYSIS

This bill:

I. Clarifies certain eligibility requirements for class IV renewable energy generating facilities.

II. Extends the expiration date of the New Hampshire Code of Administrative Rules Puc 2600.

The question is on the adoption of Committee Amendment 1988s.

Committee Amendment 1988s adopted.

The question is on the motion of Ought to Pass as Amended on HB 229.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 314-L, (New Title) relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells. Energy, Environment and Economic Development. Re-refer to Committee, Vote 4-1. Senator Bradley for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 314-L.

Motion of Re-refer to Committee adopted.

HB 452, designating segments of the Ammonoosuc River into the rivers management and protection program. Energy, Environment and Economic Development. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy, Environment and Economic Development

May 28, 2009

2009-1984s

06/01

Amendment to HB 452

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

AN ACT designating segments of the Ammonoosuc River into the rivers management and protection program, relative to the consideration of riparian rights in the establishment of instream flows, and relative to an exemption from terrain alternation permitting requirements.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Establishment of Instream Flows. Amend RSA 483:9-c, I to read as follows:

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment. Each protected instream flow shall be established and

enforced to maintain water for instream public uses and to protect the resources for which the river or segment is designated, ***and shall respect riparian interests on each designated river or segment consistent with the purposes of this chapter.*** Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

3 New Paragraph; Terrain Alteration. Amend RSA 485-A:17 by inserting after paragraph IV the following new paragraph:

V. Trail construction operations for the purposes of modifying existing biking and walking trails shall be exempt from the provisions of this section. Such operations shall be considered in compliance with this section and shall be issued a general permit by rule provided such operations are implemented by a non-profit organization, municipality, or government entity, are limited to a disturbed area no more than 12 feet in width, and are in accordance with procedures prescribed in the Best Management Practices For Erosion Control During Trail Maintenance and Construction, published by the department of resources and economic development, bureau of trails in 2004.

2009-1984s

AMENDED ANALYSIS

This bill:

I. Designates segments of the Ammonoosuc River into the rivers management and protection program.

II. Provides for consideration of riparian rights in the establishment of protected instream flows.

III. Provides an exemption from terrain alternation permitting requirements for certain trail construction operations.

The question is on the adoption of Committee Amendment 1984s.

Committee Amendment 1984s adopted.

The question is on the motion of Ought to Pass as Amended on HB 452.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 502, modifying the definition of "dam." Energy, Environment and Economic Development. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 502.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM TABLE

Sen. Fuller Clark moved HB 395 be removed from the table.

The question is on the motion to remove HB 395 from the table.

Motion adopted.

HB 395, (New Title) requiring electric utilities to offer renewable energy source options.

Energy, Environment and Economic Development

May 7, 2009

2009-1558s

09/01

Amendment to HB 395

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

AN ACT requiring electric utilities to offer renewable energy source options, allowing the public utilities commission to make contingent grants and loans from the greenhouse gas emissions reduction fund, and repealing a provision relative to the electric utility distribution charge.

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

2 New Paragraph; Greenhouse Gas Emissions Reduction Fund. Amend RSA 125-O:23 by inserting after paragraph VII the following new paragraph:

VIII. The commission may make grants and loans of moneys from the fund that are contingent upon proceeds from future auctions within a subsequent 12-month period being deposited into the fund.

3 Repeal. RSA 374-F:4, VIII(e), relative to inclusion of distribution costs in the electric utility distribution charge and not the systems benefit charge, is repealed.

4 Effective Date.

I. Section 1 of this act shall take effect 120 days after its passage.

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

2009-1558s

AMENDED ANALYSIS

This bill:

I. Requires electric utilities to offer one or more renewable energy source options.

II. Allows the public utilities commission to make grants and loans from the greenhouse gas emissions reduction fund that are contingent upon proceeds from future auctions within a subsequent 12-month period.

III. Repeals a provision relative to inclusion of distribution costs in the electric utility distribution charge and not the systems benefit charge.

The question is on the adoption of Committee Amendment 1558s.

Committee Amendment 1558s failed.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

May 27, 2009

2009-1922s

06/03

Floor Amendment to HB 395

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

AN ACT requiring electric utilities to offer renewable energy source options, allowing the public utilities commission to make contingent grants and loans from the greenhouse gas emissions reduction fund, and relative to using the electricity distribution charge to fund conservation and load management.

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

2 New Paragraph; Greenhouse Gas Emissions Reduction Fund. Amend RSA 125-O:23 by inserting after paragraph VII the following new paragraph:

VIII. The commission may make grants and loans of moneys from the fund that are contingent upon proceeds from future auctions within a subsequent 12-month period being deposited into the fund.

3 Electric Utility Restructuring; Implementation; Conservation and Load Management. Amend RSA 374-F:4, VIII(e) to read as follows:

(e) Targeted conservation and load management programs and incentives that are part of a strategy to minimize distribution costs ~~[shall]~~ **may** be included in the distribution charge ~~[, and not included in a system benefits charge]~~ **provided that system benefits charge funds are only used for customer-based energy efficiency measures, and such funding shall not exceed 10 percent of the energy efficiency portion of a utility's annual system benefits charge funds. A proposal for such use of system benefits charge funds shall be presented to the commission for approval. Any such approval shall initially be on a pilot program basis and the results of each pilot program proposal shall be subject to evaluation by the commission.**

4 Effective Date.

I. Section 1 of this act shall take effect 120 days after its passage.

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

2009-1922s**AMENDED ANALYSIS**

This bill:

I. Requires electric utilities to offer one or more renewable energy source options.

II. Allows the public utilities commission to make grants and loans from the greenhouse gas emissions reduction fund that are contingent upon proceeds from future auctions within a subsequent 12-month period.

III. Establishes limitations on the use of the electricity distribution charge to fund conservation and load management programs and incentives.

The question is on the adoption of Floor Amendment 1922s.**Floor Amendment 1922s adopted.****The question is on the motion of Ought to Pass as Amended on HB 395.****Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.****SPECIAL ORDER: JUDICIARY COMMITTEE****HB 79**, relative to use of the child support guideline worksheet. Judiciary. Ought to Pass, Vote 5-0. Senator Houde for the committee.**The question is on the adoption of committee recommendation of Ought to Pass on HB 79.****Motion of Ought to Pass adopted, bill ordered to Third Reading.****HB 106**, relative to penalties for land use violations. Judiciary. Ought to Pass, Vote 4-1.

Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 106.**Motion of Ought to Pass adopted, bill ordered to Third Reading.****HB 118**, relative to periodic payments of judgments. Judiciary. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.**Senate Judiciary****May 28, 2009****2009-1982s****09/04****Amendment to HB 118**

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

AN ACT relative to periodic payments of judgments, relative to informational filings by pooled risk management programs, and repealing a provision regarding trial de novo in the superior court for violations of securities laws.

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

2 Pooled Risk Management Programs; Information Filing Required. Amend RSA 5-B:4 to read as follows:

5-B:4 Informational Filing Required; Fee. Pooled risk management programs established for the benefit of political subdivisions shall make an informational ~~[only]~~ filing, as defined in RSA 5-B:2, II, with the department and shall pay an annual filing fee of \$150. ~~[Nothing contained in this chapter shall be construed as enabling the department to exercise any rulemaking, regulatory or enforcement authority over any pooled risk management program formed or affirmed in accordance with this chapter.]~~ ***The department may make requests for additional information necessary to exercise regulatory or enforcement authority pursuant to, but not limited to, the hearings procedures under RSA 421-B:26-a over any pooled risk management program formed or affirmed in accordance with this chapter.*** Pooled workers' compensation and unemployment compensation programs which are regulated by and which report to the department of labor and the department of employment security, under RSA 281-A and RSA 282-A, respectively, shall be exempt from the requirements of this section as long as their operations and reports conform to the laws and rules adopted by those departments.

3 Repeal. RSA 421-B:26, VII, relative to trial de novo in the Merrimack county superior court for violations of securities laws, is repealed

4 Effective Date. This act shall take effect upon its passage.

2009-1982s**AMENDED ANALYSIS**

This bill grants a judge discretion to find that a failure to make periodic payments of a judgment is not civil contempt of court.

The bill permits the department of state to make requests for additional information from pooled risk management programs making informational filings.

This bill also repeals a provision entitling certain persons to a trial de novo in the Merrimack county superior court for violations of securities laws.

The question is on the adoption of Committee Amendment 1982s.

Committee Amendment 1982s adopted.

The question is on the motion of Ought to Pass as Amended on HB 118.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 127, relative to treatment of pregnant inmates. Judiciary. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 127.

Motion of Inexpedient to Legislate adopted.

HB 157, relative to library patron records. Judiciary. Ought to Pass, Vote 4-0. Senator Houde for the committee.

Sen. Reynolds offered a floor amendment.

Sen. Reynolds, Dist. 2

June 3, 2009

2009-2054s

06/09

Floor Amendment to HB 157

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

AN ACT relative to library patron records and making a technical correction relative to the law library revolving fund.

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

2 Powers and Duties Relative to the Law Library. Amend RSA 490:25, III to read as follows:

III. Receive and accept at any time funds from the sale or exchange of books, pamphlets, maps, manuscripts, and other related material, or from the sale of data base services, barcodes, cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from fees and fines as established by the law library and approved by the supreme court. Any funds accruing to the law library from such sources and as provided under RSA 490:24, I; ***RSA 490-D:12, II; RSA 499:18, II; RSA 502-A:28, II; and RSA 548:23-a, II*** shall be paid into the state treasury and held in a continually appropriated fund which shall not lapse for the use of the law library upon approval by the supreme court;

3 Contingency. If SB 52 of the 2009 legislative session becomes law, section 2 of this act shall take effect at 12:01 a.m. on the effective date of SB 52. If SB 52 of the 2009 legislative session does not become law, section 2 of this act shall not take effect.

4. Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

2009-2054s**AMENDED ANALYSIS**

This bill extends the confidentiality of library records to materials that have been viewed or stored electronically.

The bill also makes a technical correction adding references to sources of funding for the law library revolving fund, if SB 52 of the 2009 legislative session becomes law.

The question is on the adoption of Floor Amendment 2054s.

Floor Amendment 2054s adopted.

The question is on the motion of Ought to Pass as Amended on HB 157.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. Judiciary. Re-refer to Committee, Vote 5-0. Senator Lasky for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 230.

Motion of Re-refer to Committee adopted.

HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes. Judiciary. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 295.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 312, permitting a person to record a law enforcement officer in the course of such officer's official duties. Judiciary. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 312.

Motion of Inexpedient to Legislate adopted.

HB 322, (New Title) relative to the minimum age required to purchase fireworks. Judiciary.

Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary

May 27, 2009

2009-1901s

05/01

Amendment to HB 322

Amend RSA 160-C:2, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) To any person less than 21 years of age, ***unless the person is between 18 and 21 years of age and is on active duty with the United States armed forces or has been called to active service as a member of the state guard;*** or

2009-1901s

AMENDED ANALYSIS

This bill allows active duty members of the armed forces and members of the state guard, between the ages of 18 and 21, to purchase fireworks.

The question is on the adoption of Committee Amendment 1901s.

Committee Amendment 1901s adopted.

The question is on the motion of Ought to Pass as Amended on HB 322.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 370, relative to equality of treatment of victims of crime. Judiciary. Ought to Pass, Vote 4-1. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 370.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 438, relative to admission into evidence of certain medical bills, reports, and records. Judiciary. Inexpedient to Legislate, Vote 4-1. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 438.

Motion of Inexpedient to Legislate adopted.

HB 459, relative to access to restorative justice programs by victims of crime. Judiciary. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 459.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 504, relative to the termination of guardianship of a minor. Judiciary. Inexpedient to Legislate, Vote 4-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 504.

Motion of Inexpedient to Legislate adopted.

HB 520, establishing a commission to study the death penalty in New Hampshire. Judiciary. Ought to Pass with Amendment, Vote 4-1. Senator Reynolds for the committee.

Senate Judiciary

May 28, 2009

2009-1985s

04/09

Amendment to HB 520

Amend section 2 of the bill by replacing paragraph VIII with the following:

VIII. Seven members appointed by the governor, representing families of murder victims and associations or organizations with concerns and goals related to the death penalty.

Amend section 2 of the bill by inserting after paragraph XI the following new paragraph:

XII. A representative of the New Hampshire Troopers Association, appointed by that association.

The question is on the adoption of Committee Amendment 1985s.

MOTION TO TABLE

Sen. Gatsas moved HB 520 be laid on the table.

The question is on the motion to table HB 520.

A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.

The following Senators voted Yes: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, DeVries, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 11 - Nays: 13

Motion to table HB 520 failed.

The question is on the adoption of Committee Amendment 1985s.

Committee Amendment 1985s adopted.

The question is on the motion of Ought to Pass as Amended on HB 520.

A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, DeVries, Letourneau, Downing.

Yeas: 13 - Nays: 11

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 621, (New Title) relative to establishing procedures for identifying criminal defendants who may have a mental illness. Judiciary. Re-refer to Committee, Vote 4-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 621.

Motion of Re-refer to Committee adopted.

HB 686, relative to complaint procedures in cases before the commission for human rights. Judiciary. Re-refer to Committee, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 686.

Motion of Re-refer to Committee adopted.

HB 694, adopting the uniform child abduction prevention act. Judiciary. Inexpedient to Legislate, Vote 4-1. Senator Reynolds for the committee.

MOTION TO TABLE

Sen. Reynolds moved HB 694 be laid on the table.

The question is on the motion to table HB 694.

Motion adopted.

LAIID ON THE TABLE

HB 694, adopting the uniform child abduction prevention act.

HB 695, adopting the uniform child custody jurisdiction and enforcement act. Judiciary. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 695.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SPECIAL ORDER: PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

HB 96, correcting certain references relating to municipal growth management. Public and Municipal Affairs. Ought to Pass, Vote 4-0. Senator Houde for the committee.

Sen. DeVries offered a floor amendment.

Sen. DeVries, Dist. 18

June 3, 2009

2009-2067s

08/03

Floor Amendment to HB 96

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

AN ACT correcting certain references relating to municipal growth management, and allowing certain replacement structures to qualify for the community revitalization tax relief incentive.

Amend the bill by replacing all after section 2 with the following:

3 Declaration of Public Benefit. Amend RSA 79-E:1, II-III to read as follows:

II. It is further declared to be a public benefit to encourage the rehabilitation, *or in certain cases the replacement* of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage *replacement or* substantial rehabilitation and use of qualifying structures as defined in this chapter.

4 New Paragraph; Community Revitalization Tax Relief Incentive; Definitions; Replacement. Amend RSA 79-E:2 by inserting after paragraph I the following new paragraph:

I-a. "Replacement" means the demolition or removal of a qualifying structure and the construction of a new structure on the same lot.

5 New Paragraph; Community Revitalization Tax Relief Incentive; Definitions; Tax Increment Finance District. Amend RSA 79-E:2 by inserting after paragraph II the following new paragraph:

II-a. "Tax increment finance district" means any district established in accordance with the provisions of RSA 162-K.

6 Community Revitalization Tax Relief Incentive; Definitions; Tax Relief. Amend RSA 79-E:2, III to read as follows:

III. "Tax relief" means that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof, ***or the property tax on a replacement structure shall not exceed the property tax on the replaced qualifying structure as a result of the replacement thereof.***

7 Community Revitalization Tax Relief Incentive; Community Revitalization Tax Relief Incentive. Amend RSA 79-E:4, I-II to read as follows:

I. An owner of a qualifying structure who intends to substantially rehabilitate ***or replace*** such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation ***or replacement***, any changes in use of the property resulting from the rehabilitation ***or replacement***, and an application fee.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether ~~[the]~~ ***any*** proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

8 Community Revitalization Tax Relief Incentive; Repayment. Amend RSA 79-E:4, IV (a)(3) to read as follows:

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations[-]; ***and***

(4) In the case of a replacement, the governing body finds that the replaced qualifying structure does not have particular historical, cultural, or architectural significance. In connection with this finding, the governing body may request that the division of historic resources conduct a project review in order to satisfy the governing body that historical resources will not be adversely affected.

9 Community Revitalization Tax Relief Incentive; Tax Increment Finance Districts. Amend RSA 79-E:4, V to read as follows:

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination. ***Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts, as established under RSA 162-K, when the governing body determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:***

(a) The development program or financing plans for such tax increment finance districts; or

(b) The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment financing district; or

(c) The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

10 Community Revitalization Tax Relief Incentive; Tax Relief Period. Amend RSA 79-E:5, I to read as follows:

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation ***or replacement***.

11 Community Revitalization Tax Relief Incentive; Public Benefit. Amend the introductory paragraph of RSA 79-E:7 to read as follows:

The proposed substantial rehabilitation ***or replacement*** must provide at least one of the following public benefits in order to qualify for tax relief under this chapter:

12 Community Revitalization Tax Relief Incentive; Covenant to Protect Public Benefit. Amend RSA 79-E:8, I to read as follows:

I. Tax relief for the substantial rehabilitation ***or replacement*** of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted.

13 Effective Date.

I. Section 1-2 of this act shall take effect 60 days after its passage.

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

2009-2067s

AMENDED ANALYSIS

This bill corrects certain statutory provisions relating to municipal growth management made obsolete by changes to RSA 674:23 enacted in HB 1260-LOCAL of the 2008 regular legislative session (2008, 360).

This bill also allows certain replacement structures to qualify for the community revitalization tax relief incentive.

The question is on the adoption of Floor Amendment 2067s.

Floor Amendment 2067s adopted.

The question is on the adoption of motion of Ought to Pass as Amended on HB 96.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 239-L, relative to establishing a municipal bond rescission process. Public and Municipal Affairs. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

Public and Municipal Affairs

May 28, 2009

2009-1956s

06/01

Amendment to HB 239-LOCAL

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

AN ACT relative to establishing a municipal bond rescission process and relative to authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations.

Amend the bill by replacing all after section 3 with the following:

4 Special Meetings; Reduction or Rescission of 2009 Appropriations. Notwithstanding any other provision of law, in response to anticipated reductions in state revenues to political subdivisions, the governing body of any town, school district, or village district, including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider reduction or rescission of appropriations made at the annual meeting for the fiscal year beginning January 1, 2009 or July 1, 2009, as the case may be, subject to the following:

I. The governing body of any town, village district, or school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction or rescission from the operating budget or separate warrant articles, or both, adopted by the 2009 annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions or rescissions at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such town, village district, or school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction or rescission of appropriations, or may approve lesser reductions, but the legislative body may not approve greater reductions, increase appropriations, reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative bodies of towns, school districts, and village districts, shall not be required for special meetings held pursuant to this section: RSA 31, RSA 32, RSA 39, RSA 49-D, RSA 52, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

5 Effective Date.

I. Sections 1-3 of this act shall take effect January 1, 2010.

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

2009-1956s

AMENDED ANALYSIS

This bill:

I. Establishes a municipal bond rescission process for bonds and notes.

II. Authorizes governing bodies to call a special meeting to consider reduction or rescission of appropriations to offset reductions in state revenue to political subdivisions.

The question is on the adoption of Committee Amendment 1956s.

Committee Amendment 1956s adopted.

Sen. Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

June 2, 2009

2009-2041s

06/09

Floor Amendment to HB 239-LOCAL

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

AN ACT relative to establishing a municipal bond rescission process, relative to authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations, and relative to charter limitations on the growth of budgets and taxes.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 7.

5 New Section; City Charters; Limitations on Growth of Budgets and Taxes. Amend RSA 49-C by inserting after section 23 the following new section:

49-C:23-a Limitations on the Growth of Budgets and Taxes. A city charter may provide for limitations on the growth of one or more of the following: the annual city budget, the annual school budget if the school district is contained entirely within the city, or taxes raised by the city. Any charter adopting such limitations shall authorize the elected body to override any such limitation by no more than a 2/3 vote of all members of the elected body or no more than a 2/3 vote of all members of the elected body present and voting.

6 New Section; Town Charters; Limitations on the Growth of Budgets and Taxes. Amend RSA 49-D by inserting after section 5 the following new section:

49-D:6 Limitations on the Growth of Budgets and Taxes.

I. Any town that by charter has adopted the town council form of government authorized under RSA 49-D:3, I, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the school district is contained entirely within the town, or taxes raised by the town. Any charter adopting such limitations shall authorize the elected body to override any such limitation by no more than a 2/3 vote of all members of the town council.

II. Any town that by charter has adopted the official ballot town council form of government authorized under RSA 49-D:3, I-a, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the school district is contained entirely with the town, or taxes raised by the town. Any charter adopting such limitations shall authorize the elected body to override any such limitation by no more than a 2/3 vote of all members of the town council. No matter to be voted on by official ballot may be subject to a supermajority voting requirement.

III. Any town that by charter has adopted the representative town meeting form of government authorized under RSA 49-D:3, III, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the school district is contained entirely with the town, or taxes raised by the town. Any charter adopting such limitations shall authorize the elected body to override any such limit by no more than a 2/3 vote of all members of the representative town meeting.

2009-2041s

AMENDED ANALYSIS

This bill:

I. Establishes a municipal bond rescission process for bonds and notes.

II. Authorizes governing bodies to call a special meeting to consider reduction or rescission of appropriations to offset reductions in state revenue to political subdivisions.

III. Authorizes cities and towns to adopt charter provisions establishing limitations on the growth of budgets and taxes.

The question is on the adoption of Floor Amendment 2041s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 10 - Nays: 14

Floor Amendment 2041s failed.

Sen. Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

June 3, 2009

2009-2056s

06/09

Floor Amendment to HB 239-LOCAL

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

AN ACT relative to establishing a municipal bond rescission process, relative to authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations, and relative to the validity of certain city and town charter provisions.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Effect of Previously Adopted Charter Provisions. Any city or town charter provision adopted prior to the effective date of this act and relative to providing limitations on the growth of the annual city or town budget, the annual school budget if the school district is contained entirely within the town, or taxes raised by the town, shall remain in effect and be considered validly adopted under authority delegated by the laws of this state.

2009-2056s**AMENDED ANALYSIS**

This bill:

I. Establishes a municipal bond rescission process for bonds and notes.

II. Authorizes governing bodies to call a special meeting to consider reduction or rescission of appropriations to offset reductions in state revenue to political subdivisions.

III. Requires certain budget provisions of city and town charters adopted prior to the effective date of this act to remain in effect.

The question is on the adoption of Floor Amendment 2056s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 10 - Nays: 14

Floor Amendment 2056s failed.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

June 3, 2009

2009-2062s

06/04

Floor Amendment to HB 239-LOCAL

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

AN ACT relative to establishing a municipal bond rescission process, authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations, and clarifying special procedures enabling towns to respond appropriately to the American Recovery and Reinvestment Act of 2009.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 American Recovery and Reinvestment Act of 2009; Special Meeting; Appropriation and Expenditure of Funds. 2009, 14:2 is repealed and reenacted to read as follows:

14:2 American Recovery and Reinvestment Act of 2009; Special Meeting; Appropriation and Expenditure of Funds. Notwithstanding any other provision of law, the governing body of any town, village district, or school district, including those towns that have adopted RSA 40:13, may call a special meeting, without court approval, to consider an appropriate response to the American Recovery and Reinvestment Act of 2009 or any similar act adopted by Congress in 2009. The legislative body at such a meeting may authorize the appropriation and expenditure of any funds allocated to the political subdivision by the federal act, the appropriation and expenditure of any local matching share, the issuance of bonds for any local share, and the adoption of a warrant article under the provisions of RSA 31:95-b or RSA 198:20-b. Such meetings shall be subject to the following:

I. The governing body of any town, village district, or school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the official ballot vote for the purposes of proceedings under this section.

II. The governing body of such town, village district, or school district shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

III. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting. In the event that the special meeting includes a warrant article for a bond, note, or other financing agreement subject to RSA 33:8-a, a public hearing held pursuant to this paragraph shall satisfy the public hearing requirement of RSA 33:8-a.

IV. In towns that have adopted the provisions of RSA 40:13, even if the governing body has elected to hold the meeting without regard to RSA 40:13, the issuance of notes or bonds shall be authorized by a vote of 3/5 of all ballots cast. In all other towns, the issuance of notes or bonds shall be authorized by a ballot vote of 2/3 of all voters present and voting, unless the town has adopted a charter provision specifically stating an alternate vote requirement.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. Except as provided in this section, the special meetings provisions for the legislative bodies of towns, school districts, and village districts in the following chapters shall not apply to special meetings held under this section: RSA 31, RSA 32, RSA 33, RSA 39, RSA 49-D, RSA 52, RSA 197, RSA 654, RSA 669, RSA 670 and RSA 671.

2009-2062s

AMENDED ANALYSIS

This bill:

I. Establishes a municipal bond rescission process for bonds and notes.

II. Authorizes governing bodies to call a special meeting to consider reduction or rescission of appropriations to offset reductions in state revenue to political subdivisions.

III. Clarifies special procedures enabling towns to respond appropriately to the American Recovery and Reinvestment Act of 2009.

The question is on the adoption of Floor Amendment 2062s.

MOTION TO TABLE

Sen. Hassan moved HB 239-L be laid on the table.

The question is on the motion to table HB 239-L.

Motion adopted.

LAIID ON THE TABLE

HB 239-L, relative to establishing a municipal bond rescission process and relative to authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations.

HB 319, (New Title) authorizing the Concord school district to amend its charter without prior legislative approval. Public and Municipal Affairs. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 28, 2009

2009-1961s

04/05

Amendment to HB 319

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

AN ACT establishing a commission to study the Concord Union school district charter.

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

1 Commission Established. There is established a commission to study the Concord Union school district charter.

2 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, one of whom shall be a resident of the Concord Union school district.

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

(c) The chairman of the Concord school board.

(d) One member of the Concord school board, appointed by the chairman of the Concord school board.

(e) The mayor of the city of Concord.

(f) One member of the Concord city council, appointed by the mayor of the city of Concord.

(g) Five citizens who reside in the Concord Union school district, appointed by the Concord city manager.

(h) One member of a Concord elementary school parent-teacher organization, appointed by the chairman of the Rundlett middle school parent-teacher organization.

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

3 Duties. The commission shall study the historical relationship between the general court and the Concord Union school district and evaluate whether and in what manner the present legislative school district charter should be preserved, amended, or terminated in favor of a new school district charter.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 60 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. Following one or more public hearings held within the Concord Union school district as determined by the commission, the commission shall report its findings and recommendations on the subject of its duties to the speaker of the house of representatives, the president of the senate, the chairman of the Concord school board, the mayor of the city of Concord, and the state librarian no later than November 1, 2010.

6 Effective Date. This act shall take effect upon its passage.

2009-1961s

AMENDED ANALYSIS

This bill establishes a commission to study the Concord Union school district charter.

The question is on the adoption of Committee Amendment 1961s.

Committee Amendment 1961s adopted.

The question is on the motion of Ought to Pass as Amended on HB 319.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 321, delaying the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing. Public and Municipal Affairs. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 28, 2009

2009-1954s

03/04

Amendment to HB 321

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

AN ACT delaying the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing, and authorizing an appropriations reduction by the union school district of Keene.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Union School District of Keene; Appropriations Reduction Authorized. The union school district of Keene is hereby authorized to reduce total operating budget appropriations for fiscal year 2009-10 by \$615,000, notwithstanding the approval of question 4 at the March 10, 2009 school district meeting. The district shall submit a revised report of appropriations to the department of revenue administration pursuant to RSA 198:4-a.

2009-1954s**AMENDED ANALYSIS**

This bill delays for 6 months the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing. This bill also authorizes the union school district of Keene to reduce total operating budget appropriations for fiscal year 2009-10 by \$615,000.

The question is on the adoption of Committee Amendment 1954s.

Committee Amendment 1954s adopted.

The question is on the motion of Ought to Pass as Amended on HB 321.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 351, relative to the interest rate on late and delinquent property tax payments and subsequent payments. Public and Municipal Affairs. Inexpedient to Legislate, Vote 4-0. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 351.

Motion of Inexpedient to Legislate adopted.

HB 446, defining "unnecessary hardship" for purposes of zoning variances. Public and Municipal Affairs. Re-refer to Committee, Vote 4-0. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 446.

Motion of Re-refer to Committee adopted.

HB 534, relative to the selection of members of zoning boards of adjustment. Public and Municipal Affairs. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 28, 2009

2009-1958s

03/01

Amendment to HB 534

Amend RSA 673:3, III-a as inserted by section 2 of the bill by replacing it with the following:

III-a. A local legislative body's decision to change from an elected to an appointed zoning board of adjustment, or from an appointed to an elected zoning board of adjustment, may be made without amending the zoning ordinance. In a town operating under the town meeting form of government, the decision may be made at any annual or special town meeting. If the town has adopted the official ballot for the election of town officers, the question may be, but is not required to be, placed on the official ballot. If the question is not placed on the official ballot, the question shall be placed in the warrant and shall be voted on as a separate article at the town meeting.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2010.

The question is on the adoption of Committee Amendment 1958s.

Committee Amendment 1958s adopted.

The question is on the motion of Ought to Pass as Amended on HB 534.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER: CAPITAL BUDGET COMMITTEE

HB 25-FN-A, making appropriations for capital improvements. Capital Budget, Ought to Pass with Amendment, Vote 6-0. Senator Janeway for the Committee.

Capital Budget

May 28, 2009

2009-1981s

10/01

Amendment to HB 25-FN-A

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. Statewide- Fire Alarm & Life Safety Upgrade	\$320,000
Less Federal	<u>-160,000</u>
Net state appropriation subparagraph A	160,000
B. D&E Storage Buildings- Additional Power & Lighting	282,000
Less Federal	<u>-141,000</u>
Net state appropriation subparagraph B	141,000
C. Roof Materials & Systems Replacement	590,000
Less Federal	<u>-295,000</u>
Net state appropriation subparagraph C	295,000
D. NHARNG-Training Site Water & Sewer	250,000
Less Federal	<u>-250,000</u>
Net state appropriation subparagraph D	0
E. Manchester-Underground Storage Tank Repairs	50,000
Less Federal	<u>-25,000</u>
Net state appropriation subparagraph E	25,000
F. National Guard Training Facility- Pembroke	865,000
Total state appropriation paragraph I	<u>\$1,486,000</u>

II. Department of Administrative Services.

A. Bureau of Court Facilities.	
1. Hillsborough County North - Asbestos Abatement, and Master Plan for the Courts	<u>\$17,000,000</u>
Total state appropriation subparagraph A	17,000,000
B. Bureau of General Services.	
1. Johnson Hall Renovations/Repairs	53,000
2. LOB Critical Maintenance	2,900,000
3. DHHS Replace Chillers, Tower Repairs	780,000
4. Johnson Hall New Roof	198,000
5. State Library-Repaint Brick, Internal Repairs	1,345,000
6. State House Cafeteria and Corridor, Floors, Kitchen	150,000
7. Storrs Street Garage Repairs	805,000
8. 4 State Buildings-Cafeteria Fire Systems	<u>42,000</u>
Total state appropriation subparagraph B	6,273,000
C. Bureau of Facilities and Asset Management.	
1. Bow Brook Pond Dredging & Dam Stoplog	1,100,000
2. Dolloff Building Drainage Improvements	80,000
3. Main Building Bakery Roof Repair	210,000
4. Hugh Gallen Ofc Pk Parking	250,000
5. Hugh Gallen Ofc Pk Main Building Rumford Egress Stair and Interior Stairwell	<u>305,000</u>
Total state appropriation subparagraph C	1,945,000
E. Statewide Projects.	
1. State Owned Facilities-Energy & Lighting Improvements	3,000,000
2. All State Owned Facilities-Emergency Repairs	1,000,000
3. ERP-Information Technology-Phase II	<u>1,417,202</u>
Total state appropriation subparagraph E	<u>5,417,202</u>
Total state appropriation paragraph II	<u>\$30,635,202</u>

III. Community College System.*

A. Critical Maintenance	\$3,000,000
B. Radiology-NHTI Concord, McRury Hall Rehab.	3,500,000
C. Purchase and Renovate Roosevelt School Building – Keene	1,950,000
D. Information Technology Infrastructure	1,300,000
E. Health Science and Tech. Bldg., Nashua	<u>9,500,000</u>
Total state appropriation paragraph III	<u>\$19,250,000</u>

* The community college system shall report quarterly beginning October 1, 2009 to the department of administrative services, bureau of public works design and construction, and the capital budget overview committee on the status of the projects authorized in paragraph III.

IV. Department of Corrections.

A. Women's Prison & Transitional Housing- site/design	\$2,300,000
B. MSU, Dorms, CCU, SPU, MCS, MCN-Repair Bathrooms	325,000
C. Residential Treatment Unit Phase 2	3,650,000
D. Admin East Wing-Upgrade Electric Wiring	79,000
E. MSU & Admin Bldg-Replace Sprinkler System	390,000
F. Stormwater/Sewer System-EPA order #05-13	575,000
G. SHU Tunnel-Replace & Move Sewer Lines & Duct Work	150,000
Total state appropriation paragraph IV	<u>\$7,469,000</u>

V. Department of Education.

A. Pre-Engineering Technology	\$400,000
B. Regional Career and Technical Education Center, State Share- Wolfeboro	7,786,552
C. Regional Career and Technical Education Center, State Share *	8,000,000
D. School Building Aid	<u>1</u>
Total state appropriation paragraph V	<u>\$16,186,553</u>

* The sum appropriated to the department of education in subparagraph C shall be expended for renovation/construction of one CTE center as follows: (a) first, for a Littleton center provided the project is authorized by the Littleton school district for such purpose not later than March 31, 2010; if the Littleton center is not approved then (b) for a Laconia center provided the project is authorized by the Laconia school district for such purpose not later than March 31, 2010; or if neither the Littleton nor Laconia centers are approved then (c) for a CTE center at Pinkerton Academy, Derry.

VI. Department of Environmental Services.

A. WRBP Wastewater Treatment Plant Improvements	\$8,750,000
Less Other *	<u>-8,750,000</u>
Net state appropriation subparagraph A	0
B. Drinking Water SRF Matching Funds	1,774,720
C. Dredging Goldfish Pond, Manchester	<u>550,000</u>
Total state appropriation paragraph VI	<u>\$2,324,720</u>

*To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,750,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Winnipisaukee River basin control replacement fund established in RSA 485-A:51.

VII. Department of Health And Human Services.

A. Facility Study-Plant Infrastructure Efficiencies	175,000
B. Incremental Renewal of HEIGHTS Phase II	4,000,000
Less Federal	<u>-2,059,600</u>
Net state appropriation subparagraph B	<u>1,940,400</u>
Total state appropriation paragraph VII	<u>\$2,115,400</u>

VIII. Liquor Commission.

A. Hampton North Roof Replacement	\$220,000
Less Other*	<u>220,000</u>
Net state appropriation subparagraph	0
B. Build Liquor Store - Nashua	4,800,000
Less Other*	<u>4,800,000</u>
Net state appropriation subparagraph	0
Total state appropriation paragraph VIII	<u>\$0</u>

*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$5,020,000 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 liquor commission fund.

IX. Police Standards and Training Council.

A. Electrical Generators	\$740,000
Less Other *	<u>-740,000</u>
Net state appropriation subparagraph A	0
B. Indoor Firearms Range Retrofit	700,000
Less Other *	<u>-700,000</u>
Net state appropriation subparagraph B	0
Total state appropriation paragraph IX	\$0

*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,440,000 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 police standards and training council training fund established in RSA 188-F:30.

X. Department of Resources and Economic Development.

A. Statewide Roofs and Park Repairs	\$1,200,000
B. Mount Washington Tip Top House Repairs	67,000
C. Mittersill Expansion	3,065,000
D. Hampton Seashell and 2 Bathhouses	14,500,000
E. Hampton Beach Sea Wall Project	<u>1,000,000</u>
Total state appropriation paragraph X	\$19,832,000

XI. Department of Revenue Administration.

A. Tax System 2010	<u>\$7,000,000</u>
Total state appropriation paragraph XI	\$7,000,000

XII. Department of Transportation.

A. FAA Projects	53,635,000
Less Federal	<u>-51,135,000</u>
Net state appropriation subparagraph A	2,500,000
B. Public Transit Bus Matching Funds	333,000
C. Airport Navigation Equipment	105,000
D. Coos County Rail Improvements	850,000
E. State-Owned Rail Bridge Repair	<u>1,000,000</u>
Total state appropriation paragraph XII	\$4,788,000

XIII. Veterans' Home.

A. Life Safety Infrastructure Upgrades	\$7,200,000
Less Federal	<u>-4,680,000</u>
Net state appropriation subparagraph A	2,520,000
B. Master Plan	100,000
C. Central Shipping and Receiving/Multi-purpose Center*	1,000,000
Less Federal	<u>-650,000</u>
Net state appropriation subparagraph C	350,000
Total state appropriation paragraph XIII	<u>\$2,970,000</u>

* The appropriation in subparagraph C shall not be expended until receipt of the federal funds for the project.

Total state appropriation section 1 \$114,056,875

2 Appropriation; Highway Fund. Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety.

A. DMV VISION Project Continuation	8,305,000
B. Dover Point DMV Substation	<u>465,000</u>
Total state appropriation paragraph I	\$8,770,000

II. Department of Transportation.

A. Underground Fuel Tank Replacement, Statewide	\$3,000,000
B. Radio Equipment Replacement, Statewide	600,000
C. Replacement of Automated Fueling System-Phase 2	500,000
D. TMC Equipment Room Fire Suppression	185,000
E. Park/Ride Exit 8, F.E. Everett Turnpike*	300,000
F. Nashua DMV, EZ Pass Customer Service**	\$250,000
G. Energy/Environmental Renovations, Statewide	<u>500,000</u>
Total state appropriation paragraph II	\$5,335,000

* The appropriation in subparagraph E shall be for the state share of the \$1,450,000 project funded from CMAQ funds, provided however that the appropriation shall be reduced by the amount of any turnpike funds designated for the project, any credit for land purchased by the department, or by any other department funds for the project.

** The appropriation in subparagraph F shall be a 50/50 match for turnpike or other department funds designated for the project.

Total state appropriation section 2

\$14,105,000

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are appropriated for the projects specified:

I. Headquarters Roof Replacement	\$205,000
II. Regional Facilities-Maintenance Needs	100,000
III. Point of Service for Registration	400,000
Total state appropriation section 3	<u>\$705,000</u>

4 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 2, and 3 of this act 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 21-I and 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 department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

6 Bonds 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 \$128,866,875 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.

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 section 2 shall be made from the highway fund.

III. The payment of principal and interest on bonds issued for the projects in section 3 shall be made from the fish and game 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, and 3 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 6 of this act shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1, 2, and 3 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval 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, and 3 of this act 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 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

11 Bureau of Public Works Design and Construction; Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act compliance services for those projects included in sections 1, 2, and 3 of this act.

12 Department of Health and Human Services; 2007 Appropriation; Purpose Changed. Amend 2007, 264:1, IX, D to read as follows:

D. [Replacement of Huntress and Lodge Houses] ***Construction of***

Community Residence*

976,000

**** For the project authorized in subparagraph D, if a community location is not available, then the new community residence may be constructed on the Hugh Gallen state office park south campus. The department may seek matching federal, local, or private funds to supplement these funds. Before any funds are expended, the department of health and human services shall submit a plan to the capital budget overview committee for its approval.***

13 State Capitol Complex Master Plan Commission.

I. There is established a commission to study and propose a state capitol complex master plan.

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

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

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

(c) One member appointed by the governor.

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

IV. The commission shall establish a master plan for the state house, legislative office building, state house annex, the now or former Laconia savings bank site which is owned by the state, the state library, state historical society, Upham-Walker house and the Storrs street garage. The commission shall consider: the optimal long-term use of these buildings, the best disposition and location of the state library, parking requirements, and the renovations, buildings, or structures necessary to enact the master plan. The commission shall also consider the feasibility, cost, and benefit of its recommendations.

V. The department of administrative services shall provide support to the commission and shall hire consultants to assist the commission using existing agency funds not to exceed \$100,000.

VI. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall continue a quorum.

VII. The commission shall report its master plan and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

14 2007 Capital Budget; Department of Environmental Services; Dam Repairs; Footnote Amended. Amend 2007, 264:1, VII, F to read as follows:

F. Dam Repairs, Removal and Reconstruction*

1,810,000

*The sums appropriated in subparagraph F shall be for the following projects: Pittsfield Mill dam, Waumbek dam, Pleasant Lake dam, Mendums Pond dam, Highland Lake dam, Perkins Pond dam, and Milton 3 pond. The department of environmental services ~~may~~ **shall** complete the projects authorized by contract construction in accordance with the procedures of the bureau of public works design and construction, or by force account under RSA 482. The department is authorized to reallocate appropriated funds as necessary to address emergencies or alternate repairs or reconstruction needs at other dams if delays in other projects occur. Any contract must be approved by the capital budget overview committee and the governor and council.

15 Lapse of Prior Capital Balance; Appropriation; Court Facilities.

I. The sum of \$800,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2008, 385:1, I, for the renovation, construction, and design of the Manchester district court – family division, shall lapse on June 30, 2009.

II. Capital Appropriation; Department of Administrative Services; Court Facilities. The following sums are hereby appropriated for the biennium ending June 30, 2011 to the department of administrative services for the following projects:

(a) Hillsborough County South - Roof Replacement	\$507,000
(b) Northern Carroll County New Roof	\$130,000
(c) Manchester District Renovate Family Division	\$120,000

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$757,000 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 general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

16 Lapse of Prior Capital Balance; Appropriation; Administrative Services.

I. The sum of \$1,400,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2007, 264:1, II, A, 3 for Merrimack district courthouse, shall lapse on June 30, 2009.

II. Capital Appropriation; Department of Administrative Services. The following sums are hereby appropriated for the biennium ending June 30, 2011 to the department of administrative services for the following projects:

(a) Supreme Court Parking Lot	394,295
(b) Supreme Court ADA Access	275,000
(c) Morton Building New Roof	650,000
(d) State House Ice Stop System	80,000

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,399,295 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

17 Lapse of Prior Capital Balance; Appropriation; Health and Human Services.

I. The sum of \$12,986 from the unencumbered balance of the appropriation made to the department of health and human services in 2003, 240:11, as extended by 2007, 264:29, XLVIII, for secure facility for committed and detained juveniles, shall lapse on June 30, 2009.

II. The sum of \$384,144 from the unencumbered balance of the appropriation made to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, for state office park south – electrical system upgrade, shall lapse on June 30, 2009.

III. The sum of \$128,450 from the unencumbered balance of the appropriation made to the department of health and human services in 2007, 264:1, IX, E, for roof replacement and electrical upgrade - Twitchell building, shall lapse on June 30, 2009.

IV. Capital Appropriation; Department of Health and Human Services. The following sums are hereby appropriated for the biennium ending June 30, 2011 to the department of health and human services for the following projects:

(a) Brown Building Lamott Wing-Fire Alarm	\$175,000
(b) Above Ground Oil Storage Compliance	92,000
(c) Strategic Plan for Legacy Systems, 50-50 federal match	250,000

V. To provide funds for the appropriation made in paragraph IV, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$517,000 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 general fund of the state.

VI. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

18 2007 Capital Budget; Project Purpose Amended; Health and Human Services. Amend to read as follows:

C. Glenclyff - Brown Building Patient Room Floor Abatement, ***Tunnel***

Repair, Admin. Building Roof Replacement

950,000

19 Lapse Dates Extended to June 30, 2011. The following appropriations are hereby extended to June 30, 2011:

1. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, as amended by 2006, 272:2, A, and as extended by 2007, 264:29, II, for armory renovations, disposals, or land acquisition.

2. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V and 2007, 264:29, III, for joint service training facility design.

3. The appropriation made to the adjutant general in 2005, 259:1, I, C, as extended by 2007, 264:29, VI, for re-roofing building F & L.

4. The appropriation made to the adjutant general in 2007, 264:1, I, A, for armory - roofing projects.

5. The appropriation made to the adjutant general in 2007, 264:1, I, B, for armory - statewide auxiliary power.

6. The appropriation made to the adjutant general in 2007, 264:1, I, C, for armory - alarm fire systems.

7. The appropriation made to the adjutant general in 2007, 264:1, I, D, for NHSVC - columbarium expansion.

8. The appropriation made to the adjutant general in 2007, 264:1, I, E, for 195th training institute land acquisition.

9. The appropriation made to the adjutant general in 2007, 264:1, I, F, for regional training institute construction.

10. The appropriation made to the adjutant general in 2007, 264:1, I, H, for pole barn - veterans' cemetery.

11. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:1, II, A, 1, as extended by 2005, 259:25, VII and by 2007, 264:29, VII, for architectural and engineering - Hampton district court.

12. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by 2007, 264:14, and as extended by 2007, 264:29, IX, for Cheshire & Merrimack county courthouse design, Keene district court design & renovate temporary space.

13. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI and 2007, 264:29, XIX, for enterprise resource planning.

14. The appropriation made to the department of administrative services in 2006, 258:16, I, as extended by 2007, 264:29, XXI, for quality assurance evaluation, monitoring & reporting related to the implementation of the ERP system.

15. The appropriation made to the department of administrative services in 2007, 264:1, II, A, 3 for Merrimack district courthouse.

16. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 1 for state house annex - renovate restrooms.

17. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 2 for state house, state library and legislative office building - maintenance and repointing.

18. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 3 for safety building - replace HVAC chillers.

19. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 7 for legislative office building - replace ice stop system.

20. The appropriation made to the Christa McAuliffe planetarium commission in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, as amended by 2007, 264:21, and as extended by 2007, 264:29, XXII, for Christa McAuliffe planetarium - Alan Shepard memorial wing.

21. The appropriation made to the department of corrections in 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, for electronic security upgrades-men's prison.

22. The appropriation made to the department of corrections in 2007, 264:1,V,A, for electronic security upgrades-men's prison.

23. The appropriation made to the department of corrections in 2007,264:1,V,C, for structural wall and beam repair-men's prison.

24. The appropriation made to the department of corrections in 2007,264:1,V,G, for residential treatment unit, phase 1-Concord.

25. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, 2005, 259:25, XXI, and 2007, 264:29, XXIX, for information technology projects.

26. The appropriation made to the department of education in 2005, 259:1, V, A, as extended by 2007, 264:29, XXXI, for renovation regional career and tech ed center, Concord.

27. The appropriation made to the department of education in 2007, 264:1, VI, A, for renovation regional career and tech ed center-Exeter.

28. The appropriation made to the department of education in 2007, 264:1, VI, B, for renovation regional career and tech ed center-Manchester.

29. The appropriation made to the department of education in 2007, 264:1, VI, C, for pre-engineering technology.

30. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII and 2007, 264:29, XXXV, for hazardous waste superfund match.

31. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 259:25, XXX and 2007, 264:29, XXXVII, for waste water SRF matching funds.

32. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, as extended by 2007, 264:29, XXXVIII, for dam repairs, removal and reconstruction.

33. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, as extended by 2007, 264:29, XXXIX, for drinking water SRF matching funds.

34. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, as extended by 2007, 264:29, XL, for wastewater SRF matching funds.

35. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, as extended by 2007, 264:29, XLI, for bedrock aquifer monitoring.

36. The appropriation made to the department of environmental services in 2005, 259:1, VI, F, as extended by 2007, 264:29, XLII, for north country Gorham office.

37. The appropriation made to the department of environmental services in 2007, 264:1, VII, A, for the drinking water SRF matching funds.

38. The appropriation made to the department of environmental services in 2007, 264:1, VII, B, for the wastewater SRF matching funds.

39. The appropriation made to the department of environmental services in2007, 264:1, VII, C, the hazardous waste superfund match.

40. The appropriation made to the department of environmental services in 2007, 264:1, VII, D, for technical services - air monitoring program.

41. The appropriation made to the department of environmental services in 2007,264:1, VII, E, for stream gauges.

42. The appropriation made to the department of environmental services in 2007, 264:1, VII, F, for dam repairs, removal and reconstruction.

43. The appropriation made to the department of environmental services in 2007, 264:1, VII, G, for Gorham office repairs and renovations.

44. The appropriation made to the fish and game department in 2005, 259:3, II, as extended by 2007, 264:29, XLVI, for hatchery system modernization.

45. The appropriation made to the fish and game department in 2005, 259:3, III, as extended by 2007, 264:29 XLVII, for dam reconstruction.

46. The appropriations made to the department of health and human services in 2007, 264:1, IX, A and B, for main building - asbestos and lead paint abatement.

47. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, for state office park south – electrical system upgrade.

48. The appropriation made to the department of health and human services in 2005, 259:1, VII, D, as extended by 2007, 264:29, LV, for water damage repair of buildings - Glencliff.

49. The appropriation made to the department of health and human services in 2007, 264:1, IX, C, as amended by section 18 of this act, for Glencliff-Brown building patient room floor abatement tunnel repair, admin. building roof replacement.

50. The appropriation made to the department of health and human services in 2007, 264:1, IX, D, as amended by section 12 of this act for construction of community residence.

51. The appropriation made to the department of health and human services in 2007, 264:1, IX, E, for roof replacement and electrical upgrade - Twitchell building.

52. The appropriation made to the Pease development authority by 2007, 264:1, XII, A, as amended by 2008, 5:1, for market street marine terminal pier.

53. The appropriation made to the Pease development authority by 2007, 264:1, XII, B, as amended by 2008, 5:1, for Rye harbor commercial fish pier.

54. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII and 2007, 264:29, LXII, for Mount Washington electrification.

55. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, as extended by 2007, 264:29, LXIII, for Mount Washington electrification.

56. The appropriation made to the department of resources and economic development in 2007, 264:1, XIII, F, for statewide radio system.

57. The appropriation made to the office of information technology in 2005, 259:1, X, A, as extended by 2007, 264:29, LXIV, for administrative services, enterprise resource planning.

58. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI and 2007, 264:29, LXVI, for finish Troop D first floor.

59. The appropriation made to the department of safety in 2005, 259:4, I, A, as extended by 2007, 264:29, LXVII for enhanced road toll system.

60. The appropriation made to the department of safety in 2005, 259:4, I, D, as amended by 2007, 264:26, as extended by 2007, 264:29, LXX, for Milford DMV office addition & renovate trooper barracks at DOT- Bedford.

61. The appropriation made to the department of safety in 2005, 259:4, I, F, as extended by 2007, 264:29, LXXII, for radio maintenance expansion.

62. The appropriation made to the department of safety in 2007, 264:2, I, D, for OIT projects for DMV.

63. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28 XXXIII, 2003, 240:34, LXXVI, 2005, 259:25, LVI, and 2007, 264:29, LXXIV, for acquisition of railroad and airport properties.

64. The appropriation made to the department of transportation in 2007, 264:1, XIV, A, for 5-10 percent match for FAA projects.

65. The appropriation made to the department of transportation in 2007, 264:1, XIV, B, for public transit bus replacement.

66. The appropriation made to the department of transportation in 2007, 264:1, XIV, C, for rail match.

67. The appropriation made to the department of transportation in 2007, 264:1, XIV, D, for repair state rail lines.

68. The appropriation made to the department of transportation in 2007, 264:1, XIV, E, for maintenance hangar at Skyhaven airport.

69. The appropriation made to the department of transportation in 2007, 264:1, XIV, F, for Groveton branch line.

70. The appropriation made to the department of transportation in 2007, 264:2, II, B, for statewide - energy/environmental renovations.

71. The appropriation made to the department of transportation in 2007, 264:2, II, C, for statewide - underground fuel tank replacement.

72. The appropriation made to the department of transportation in 2007, 264:2, II, D, for the Chesterfield welcome center.

73. The appropriation made to the department of transportation in 2007, 264:2, II, E, for a fuel center computer system.

74. The appropriation made to the department of transportation in 2007, 264:2, II, G, 1, for consolidated federal funds, state match.

75. The appropriation made to the department of transportation in 2007, 264:2, II, G, 2, for highway construction betterment.

76. The appropriation made to the department of transportation in 2007, 264:2, II, G, 3, for state highway construction aid.

77. The appropriation made to the department of transportation in 2007, 264:2, II, G, 4, for highway municipal bridge program.

78. The appropriation made to the department of transportation in 2005, 259:1, XIII, A, as extended by 2007, 264:29, LXXVII, for 2 ½ - 5 percent match for FAA projects.

79. The appropriation made to the department of transportation in 2005, 259:1, XIII, B, as extended by 2007, 264:29, LXXVIII, for public transit bus replacement.

80. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by 2007, 264:20, as extended by 2007, 264:29, for railroad acquisition, right of first refusal, rail match.

81. The appropriation made to the department of transportation in 2005, 259:4, II, D, as amended by 2007 264:19, as extended by 2007, 264:29, LXXXIV, district 5 office – Bedford, renovate Manchester Troop barracks.

82. The appropriation made to the department of transportation in 2005, 259:4, II, I, as extended by 2007, 264:29, LXXXVII, Chesterfield welcome center and Antrim rest area.

83. The appropriation made to the New Hampshire veterans' home in 2007, 264:1, XV, A for facility upgrades/asbestos abatement.

84. The appropriation made to the New Hampshire veterans' home in 2007, 264:1, XV, B for energy enhancements.

20 Effective Date.

I. Sections 15, 16, 17, and 19 of this act shall take effect June 30, 2009.

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

The question is on the adoption of Committee Amendment 1981s.

Committee Amendment 1981s adopted.

The question is on the motion of Ought to Pass as Amended on HB 25-FN-A.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

RETURN TO ORDER OF CALENDAR

HB 216-FN, relative to fees for legal services rendered to workers' compensation claimants. Commerce, Labor and Consumer Protection. Re-refer to Committee, Vote 5-1. Senator Bragdon for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 216-FN.

Motion of Re-refer to Committee adopted.

HB 237, relative to accident and health insurance short-term policies. Commerce, Labor and Consumer Protection. Ought to Pass, Vote 3-1. Senator Reynolds for the committee.

The question is on the committee recommendation of Ought to Pass on HB 237.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 238, relative to market conduct and enforcement. Commerce, Labor and Consumer Protection. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 238.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 330, relative to life, accident, and health insurance. Commerce, Labor and Consumer Protection. Ought to Pass with Amendment, Vote 5-1. Senator DeVries for the committee.

Commerce, Labor and Consumer Protection

May 26, 2009

2009-1861s

01/03

Amendment to HB 330

Amend the bill by replacing section 1 with the following:

1 Insurance; Dependent Children. Amend RSA 415:5, I(3)(a) to read as follows:

(3)(a) It purports to insure only one person, except that a policy may, *at the election of the carrier*, insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children ~~[or any dependent under age 26. In this section "dependent child" means a subscriber's child by blood or by law, who:]~~, *or any other person dependent on the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is unmarried and one of the following:*

~~[(1) Is less than 26 years of age;~~

~~(2) Is unmarried;~~

~~(3) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and~~

~~(4) Is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.]~~

(1) Under age 19.

(2) Under age 25 if the child is a full-time enrolled student at an educational institution.

(3) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

Amend the bill by replacing all after section 8 with the following:

9 Health Service Corporations; Dependent Coverage. RSA 420-A:10-a, I is repealed and reenacted to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is unmarried and one of the following:

(a) Under age 19.

(b) Under age 25 if the child is a full-time enrolled student at an educational institution.

(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

I-a. The coverage of any family member insured by such policy, pursuant to paragraph I, who is mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

10 Health Maintenance Organizations; Dependent Coverage. RSA 420-B:8, III-b is repealed and reenacted to read as follows:

III-b. The coverage of any family member insured by such policy, pursuant to RSA 420-B:8-aa, I, who is mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

11 Health Maintenance Organizations; Dependent Coverage. RSA 420-B:8-aa, I is repealed and reenacted to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is unmarried and one of the following:

(a) Under age 19.

(b) Under age 25 if the child is a full-time enrolled student at an educational institution.

(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

12 New Paragraph; Coverage for Mental and Nervous Conditions. Amend RSA 420-B:8-b by inserting after paragraph IV the following new paragraph:

V. The commissioner may adopt rules, under RSA 541-A, as may be necessary to effectuate any provisions of the Mental Health Parity Act of 2008 that relate to the business of insurance.

13 Preferred Provider Agreements; Dependent Coverage. RSA 420-C:4-a, I is repealed and reenacted to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is unmarried and one of the following:

(a) Under age 19.

(b) Under age 25 if the child is a full-time enrolled student at an educational institution.

(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

I-a. The coverage of any family member insured by such policy, pursuant to paragraph I, who is mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

14 Delta Dental Plan; Dependent Coverage. RSA 420-F:5-a, I is repealed and reenacted to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is unmarried and one of the following:

(a) Under age 19.

(b) Under age 25 if the child is a full-time enrolled student at an educational institution.

(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

I-a. The coverage of any family member insured by such policy, pursuant to paragraph I, who is mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

15 Small Group Insurance. Amend RSA 420-G:5, I to read as follows:

I. Health carriers providing health coverage for individuals may perform medical underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. ~~[Small group carriers shall use the standard reinsurance underwriting form for their reinsurance ceding decisions to the New Hampshire small employer health reinsurance pool, established in RSA 420-K:2, after premium prices have been agreed upon by the carrier and the small employer.]~~

16 New Paragraph; Small Group Insurance. Amend RSA 420-G:6 by inserting after paragraph V the following new paragraph:

V-a. Health carriers shall not underwrite insureds at time of renewal unless an insured has applied for an increase in his or her coverage.

17 Managed Care; Prompt Payment. Amend RSA 420-J:8-a, V to read as follows:

V. The commissioner may assess an administrative fine against any health carrier or may suspend or revoke the license or certificate of authority of any health carrier after determining that the health carrier has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall ~~[be up to \$5,000 per violation.]~~ not ~~[to]~~ exceed ~~[\$100,000]~~ **\$300,000 per calendar year examined**. Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.

18 Managed Care; Dependent Coverage. RSA 420-J:8-d, I is repealed and reenacted to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is unmarried and one of the following:

(a) Under age 19.

(b) Under age 25 if the child is a full-time enrolled student at an educational institution.

(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

I-a. The coverage of any family member insured by such policy, pursuant to paragraph I, who is mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

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

The question is on the adoption of Committee Amendment 1861s.

Committee Amendment 1861s adopted.

The question is on the motion of Ought to Pass as Amended on HB 330.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 343, relative to payroll deductions. Commerce, Labor and Consumer Protection. Inexpedient to Legislate, Vote 3-3. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 343.

A Division vote was requested:

Yeas: 13 - Nays: 11

Motion of Inexpedient to Legislate adopted.

HB 416, relative to insurance examinations. Commerce, Labor and Consumer Protection. Ought to Pass, Vote 6-0. Senator Roberge for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 416.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 680, making technical changes in the insurance laws. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Roberge for the committee.

Commerce, Labor and Consumer Protection

May 26, 2009

2009-1868s

01/10

Amendment to HB 680

Amend RSA 402:12, II as inserted by section 1 of the bill by replacing it with the following:

II. Every insurance company shall conduct its business in the legal name of the insurer as it appears on the insurer's application filed with the NAIC for a company code number. If an insurer is part of a group of affiliated insurers, the group name may appear in addition to the name of the individual insuring company, but the group name shall not be used in lieu of the legal name of the individual company.

(a) All insurance policies and contracts, and any endorsements or amendments separately issued and intended to be attached to such policies or contracts, shall identify the legal name, as set forth in paragraph II, of the insurer that is directly assuming the obligations under the policy or contract. Inclusion of the legal name of the insurer in a policy jacket, declaration, or other similar cover page issued with the policy, contract, or endorsement shall be deemed to be in compliance with this requirement.

(b) Identification of the insuring company on any advertisement or promotional materials shall be governed by the laws or rules related to advertisements, misrepresentations in sale of insurance, and misrepresentation in insurance transactions.

Amend RSA 405:12 as inserted by section 2 of the bill by replacing it with the following:

2 Foreign Insurance Companies. Amend RSA 405:12 to read as follows:

405:12 Licenses.

I. On compliance with the foregoing conditions and if the company is found upon examination made by or under the direction of the commissioner to have complied with the laws of the state applicable to it, a license to transact the kind of business specified in the license shall be issued until June 14 thereafter. Annually thereafter, on June 14, such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable, and entitled to confidence, and so long as the company continues to conduct a meaningful insurance business, as determined by the commissioner, within New Hampshire.

II. Every insurance company shall conduct its business in the legal name of the insurer as it appears on the insurer's application filed with the NAIC for a company code number. If an insurer is part of a group of affiliated insurers, the group name may appear in addition to the name of the individual insuring company, but the group name shall not be used in lieu of the legal name of the individual company.

(a) All insurance policies and contracts, and any endorsements or amendments separately issued and intended to be attached to such policies or contracts, shall identify the legal name, as set forth in paragraph II, of the insurer that is directly assuming the obligations under the policy or contract. Inclusion of the legal name of the insurer in a policy jacket, declaration, or other similar cover page issued with the policy, contract, or endorsement shall be deemed to be in compliance with this requirement.

(b) Identification of the insuring company on any advertisement or promotional materials shall be governed by the laws or rules related to the advertisements, misrepresentations in sale of insurance, and misrepresentation in insurance transactions.

Amend the bill by replacing section 15 with the following:

15 Effective Date.

I. Sections 1, 2, and 3 of this act shall take effect January 1, 2010.

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

The question is on the adoption of Committee Amendment 1868s.

Committee Amendment 1868s adopted.

The question is on the motion of Ought to Pass as Amended on HB 680.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 131, (New Title) relative to the juvenile justice advisory board. Executive Departments and Administration. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

May 27, 2009

2009-1919s

05/10

Amendment to HB 131

Amend RSA 621-A:11 as inserted by section 1 of the bill by replacing it with the following:

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an advisory capacity to assist the commissioner of the department of health and human services relative to juvenile justice programs and services provided to children at the youth development center and ~~[the youth services center]~~ **and other juvenile justice facilities**. The board may also provide advice and input on fiscal and budgetary matters related to such facilities, the availability of state and federal grants, business partnerships, and other funding sources available to the department for such facilities.

I-a. The board shall seek information from the director of the division of juvenile justice services in the department of health and human services concerning the successes and challenges relative to the state's juvenile justice programs and services.

I-b. The board shall be available to address emergent issues identified by the commissioner of health and human services, the director of the division of juvenile justice services, the chair of the advisory board, or any board member. In furtherance of this paragraph, the board may solicit comments from the public or any other entities as it deems appropriate.

II. Beginning in December [2000] **2010**, and [annually] **biennially** thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, [and] the governor, [detailing] **and the following legislative committees: the house children and family law committee, the house criminal justice and safety committee, and the senate judiciary committee. The report shall detail** the activities of the board and any recommendations made by the board to the department relative to juvenile justice services.

2009-1919s

AMENDED ANALYSIS

This bill adds new members to the juvenile justice advisory board and amends the board's meeting and reporting requirements.

The question is on the adoption of Committee Amendment 1919s.

Committee Amendment 1919s adopted.

The question is on the motion of Ought to Pass as Amended on HB 131.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 297, (New Title) relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules. Executive Departments and Administration. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Senate Executive Departments and Administration

May 26, 2009

2009-1882s

10/03

Amendment to HB 297

Amend the bill by replacing all after section 4 with the following:

5 Time Limit; Non-Expiration of Certain Rules. RSA 541-A:17, II is repealed and reenacted to read as follows:

II. Notwithstanding the provisions of paragraph I, any organizational and procedural rules proposed and adopted pursuant to RSA 541-A:16, I and as identified in the drafting and procedure manual, and any forms adopted pursuant to RSA 541-A:19-b or RSA 541-A:19-c shall not expire, provided that they have been approved by the committee. No changes to such organizational and procedural rules or forms may be made by the agency, other than editorial changes not affecting the substance of the procedural rules or forms, without following the rulemaking procedures in this chapter. However, if the adoption or amendment of a statute governing the agency renders the agency's organizational and procedural rules or forms no longer accurate, such rules or forms shall expire one year after the effective date of the statute that makes such change, unless such organizational and procedural rules or forms are amended, superseded, or repealed before such expiration. The agency shall commence rulemaking to amend its rules no later than 90 days after the effective date of such statute. If the agency reorganizes its organization and responsibilities in such a way that the agency's rules under RSA 541-A:16, I(a) describing its organization are no longer accurate, the agency shall amend its rules as soon as is practicable, but shall commence rulemaking not later than 90 days after such changes occur.

6 Revision of Drafting and Procedure Manual. The director of legislative services shall develop revisions or amendments to the drafting and procedure manual for approval by the joint legislative committee on administrative rules, as provided in RSA 541-A:8, addressing the provisions of this act relating to the requirements applicable to forms and organizational and procedural rules which do not expire as provided in RSA 541-A:17, II.

7 Application. The provisions of this act shall govern the following on or after the effective date of this act:

- I. All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6 or RSA 541-A:19-c.
- II. All emergency rules adopted under RSA 541-A:18.
- III. All interim rules initiated by filing a proposed interim rule under RSA 541-A:19, II.
- IV. All expedited repeals initiated by filing a notice under RSA 541-A:19-a.

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

The question is on the adoption of Committee Amendment 1882s.

Committee Amendment 1882s adopted.

The question is on the motion of Ought to Pass as Amended on HB 297.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 335, relative to the state retiree health plan commission. Executive Departments and Administration. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

May 27, 2009

2009-1923s

10/01

Amendment to HB 335

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

AN ACT relative to the state retiree health plan commission and the Mount Washington commission.

Amend RSA 100-A:56, I as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraphs:

(f) One retired state employee under the age of 65 years, appointed by the president of the senate.

(g) One retired state employee under the age of 65 years, appointed by the speaker of the house of representatives.

Amend RSA 100-A:56, III(b) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 100-A:56, IV as inserted by section 1 of the bill by replacing it with the following:

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

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 State Retiree Health Plan Commission; Additional Study and Report. The state retiree health plan commission established in RSA 100-A:56 shall conduct, in addition to its duties under RSA 100-A:56, III, a study of the impact of changing the current policy for retired state employees under the age of 65 years and shall report its findings and any recommendations for proposed legislation to the house and senate executive departments and administration committees, the house and senate finance committees, speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

3 Mount Washington Commission; Membership Group; Citadel Broadcasting. Amend RSA 227-B:3, II to read as follows:

II. One member from each of the following groups shall be appointed through the concurrence of their boards of directors: the Mount Washington Auto Road; the Mount Washington Observatory; ~~[Mount Washington TV, Inc.]~~ **Citadel Broadcasting**; and the Mount Washington Cog Railway.

2009-1923s

AMENDED ANALYSIS

This bill adds 2 legislative members and 2 retired state employees under 65 years of age to the state retiree health plan commission under RSA 100-A:56 and requires the commission to study future costs of post-employment benefits and the state policy for retired state employees under 65 years of age. The bill also changes the designation of one of the groups having a member appointed to the Mount Washington commission.

The question is on the adoption of Committee Amendment 1923s.

Committee Amendment 1923s adopted.

The question is on the motion of Ought to Pass as Amended on HB 335.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 360, relative to members of the general court participating in the state group health insurance plan. Executive Departments and Administration. Re-refer to Committee, Vote 5-0. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 360.

Motion of Re-refer to Committee adopted.

HB 514, establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts. Executive Departments and Administration. Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee on HB 514.

Motion of Re-refer to Committee adopted.

HB 519, relative to supervision of state employees who are related by birth or marriage. Executive Departments and Administration. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

May 26, 2009

2009-1886s

06/01

Amendment to HB 519

Amend the introductory paragraph of RSA 21-G:26-a as inserted by section 1 of the bill by replacing it with the following:

21-G:26-a Nepotism. No executive branch official shall directly hire, evaluate, set the compensation or salary for, supervise, or terminate the employment of any full or part time employee, temporary employee, or member of a state board or commission if such employee or member is related to such official in one of the following ways:

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Misuse of Position. Amend RSA 21-G:23, II to read as follows:

II. Use his or her position with the state to secure privileges or advantages for himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others *to which they are not otherwise entitled*.

The question is on the adoption of Committee Amendment 1886s.

Committee Amendment 1886s adopted.

The question is on the motion of Ought to Pass as Amended on HB 519.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 40, requiring sanctions against hospitals for failing to report infection rates. Health and Human Services. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health and Human Services
May 26, 2009
2009-1872s
01/10

Amendment to HB 40

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

AN ACT relative to the reporting of hospital infections.

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

1 Hospitals Required to Report. Amend RSA 151:33, IV and V to read as follows:

IV. The ***commissioner of the*** department shall ~~[establish guidelines, definitions, criteria, standards, and coding]~~ ***adopt rules, pursuant to RSA 541-A,*** for hospital identification, tracking, and reporting of infections which shall be consistent with the recommendations of recognized centers of expertise in the identification and prevention of infections including, but not limited to the National Health Care Safety Network and the Healthcare Infection Control Practices Advisory Committee of the Centers for Disease Control and Prevention or its successor, the Joint Commission on the Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, the Hospital Quality Alliance, the National Quality Forum, and the New Hampshire health care quality assurance commission under RSA 151-G.

V. Each hospital shall regularly report to the department ***hospital acquired infections and*** the [hospital] infection data it has collected. ***Such reporting shall be done in the manner directed by the department in accordance with rules adopted pursuant to RSA 541-A.*** The commissioner shall establish data collection and analytical methodologies that meet accepted standards for validity and reliability. In no case shall the frequency of reporting be required to be more frequently than once every 3 months, and reports shall be submitted not more than 60 days after the close of the reporting period.

2 New Subparagraph; Hospital Infections; Rulemaking Added. Amend RSA 151:9, I by inserting after subparagraph (n) the following new subparagraph:

(o) The reporting by hospitals of hospital acquired infections and hospital infection data under RSA 151:33.

3 Effective Date. This act shall take effect January 1, 2010.

2009-1872s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to adopt rules in accordance with RSA 541-A relative to the reporting of hospital infections.

The question is on the adoption of Committee Amendment 1872s.

Committee Amendment 1872s adopted.

The question is on the motion of Ought to Pass as Amended on HB 40.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 158, relative to the membership on the healthy kids board. Health and Human Services.

Inexpedient to Legislate, Vote 5-0. Senator Sgambati for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 158.

Motion of Inexpedient to Legislate adopted.

MOTION TO REMOVE FROM THE TABLE

Sen. Hassan moved HB 239-L be removed from the table.

The question is on the motion to remove HB 239-L from the table.

Motion adopted.

HB 239-L, relative to establishing a municipal bond rescission process and relative to authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations.

Sen. Hassan withdrew Floor Amendment 2062s.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

June 3, 2009

2009-2068s

08/03

Floor Amendment to HB 239-LOCAL

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

AN ACT relative to establishing a municipal bond rescission process, authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations, and clarifying special procedures enabling towns to respond appropriately to the American Recovery and Reinvestment Act of 2009.

Amend the bill by replacing all after section 4 with the following:

5 American Recovery and Reinvestment Act of 2009; Special Meeting; Appropriation and Expenditure of Funds. 2009, 14:2 is repealed and reenacted to read as follows:

14:2 American Recovery and Reinvestment Act of 2009; Special Meeting; Appropriation and Expenditure of Funds. Notwithstanding any other provision of law, the governing body of any town, village district, or school district, including those towns that have adopted RSA 40:13, may call a special meeting, without court approval, to consider an appropriate response to the American Recovery and Reinvestment Act of 2009 or any similar act adopted by Congress in 2009. The legislative body at such a meeting may authorize the appropriation and expenditure of any funds allocated to the political subdivision by the federal act, the appropriation and expenditure of any local matching share, the issuance of bonds for any local share, and the adoption of a warrant article under the provisions of RSA 31:95-b or RSA 198:20-b. Such meetings shall be subject to the following:

I. The governing body of any town, village district, or school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the official ballot vote for the purposes of proceedings under this section.

II. The governing body of such town, village district, or school district shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

III. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting. In the event that the special meeting includes a warrant article for a bond, note, or other financing agreement subject to RSA 33:8-a, a public hearing held pursuant to this paragraph shall satisfy the public hearing requirement of RSA 33:8-a.

IV. In towns that have adopted the provisions of RSA 40:13, even if the governing body has elected to hold the meeting without regard to RSA 40:13, the issuance of notes or bonds shall be authorized by a vote of 3/5 of all ballots cast. In all other towns, the issuance of notes or bonds shall be authorized by a ballot vote of 2/3 of all voters present and voting, unless the town has adopted a charter provision specifically stating an alternate vote requirement.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. Except as provided in this section, the special meetings provisions for the legislative bodies of towns, school districts, and village districts in the following chapters shall not apply to special meetings held under this section: RSA 31, RSA 32, RSA 33, RSA 39, RSA 49-D, RSA 52, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

6 Effective Date.

I. Sections 1-3 of this act shall take effect January 1, 2010.

II. Section 5 of this act shall take effect April 17, 2009, at 12:01 a.m.

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

2009-2068s**AMENDED ANALYSIS**

This bill:

I. Establishes a municipal bond rescission process for bonds and notes.

II. Authorizes governing bodies to call a special meeting to consider reduction or rescission of appropriations to offset reductions in state revenue to political subdivisions.

III. Clarifies special procedures enabling towns to respond appropriately to the American Recovery and Reinvestment Act of 2009.

The question is on the adoption of Floor Amendment 2068s.**Floor Amendment 2068s adopted.****The question is on the motion of Ought to Pass as Amended on HB 239-L.****Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.****HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:***SB 5**, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes.**SENATE CONCURS WITH HOUSE AMENDMENT****SB 5**, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes.**Sen. Hassan recommends concurrence with House Amendment 1474h on SB 5.****The question is concurrence with House Amendment 1474h on SB 5.****Motion to concur adopted, SB 5 adopted.****HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:***SB 14**, relative to the governing boards of allied health professionals.**SENATE CONCURS WITH HOUSE AMENDMENT****SB 14**, relative to the governing boards of allied health professionals.**Sen. Cilley recommends concurrence with House Amendment 1363h on SB 14.****The question is concurrence with House Amendment 1363h on SB 14.****Motion to concur adopted, SB 14 adopted.****HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:***SB 22-FN**, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks.**SENATE CONCURS WITH HOUSE AMENDMENT****SB 22-FN**, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks.

Sen. Reynolds recommends concurrence with House Amendment 1332h on SB 22-FN.

The question is concurrence with House Amendment 1332h on SB 22-FN.

Motion to concur adopted, SB 22-FN adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 29, relative to review of developments of regional impact.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 29, relative to review of developments of regional impact.

Sen. DeVries recommends concurrence with House Amendment 1383h on SB 29.

The question is concurrence with House Amendment 1383h on SB 29.

Motion to concur adopted, SB 29 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 30, relative to notice of rights under the manufactured housing law.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 30, relative to notice of rights under the manufactured housing law.

Sen. Hassan recommends concurrence with House Amendment 1326h on SB 30.

The question is concurrence with House Amendment 1326h on SB 30.

Motion to concur adopted, SB 30 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 31-FN, establishing the Candia District Court and the Manchester District Court as judicial branch family division sites.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 31-FN, establishing the Candia District Court and the Manchester District Court as judicial branch family division sites.

Sen. Reynolds recommends concurrence with House Amendment 1586h on SB 31-FN.

The question is concurrence with House Amendment 1586h on SB 31-FN.

Motion to concur adopted, SB 31 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 42, establishing a committee to study the cost and feasibility of implementing a hospice benefit under Medicaid.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 42, establishing a committee to study the cost and feasibility of implementing a hospice benefit under Medicaid.

Sen. Sgambati recommends concurrence with House Amendment 1357h on SB 42.

The question is on concurrence with House Amendment 1357h on SB 42.

Motion to concur adopted, SB 42 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 49, relative to the board of barbering, cosmetology, and esthetics.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 49, relative to the board of barbering, cosmetology, and esthetics.

Sen. Cilley recommends concurrence with House Amendment 1284h on SB 49.

The question is on concurrence with House Amendment 1284h on SB 49.

Motion to concur adopted, SB 49 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 51, requiring confidentiality of jurors' addresses and the file in an involuntary admission proceeding.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 51, requiring confidentiality of jurors' addresses and the file in an involuntary admission proceeding.

Sen. Reynolds recommends concurrence with House Amendment 1526h on SB 51.

The question is concurrence with House Amendment 1526h on SB 51.

Motion to concur adopted, SB 51 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 58, relative to the use of alternating flashing lights on highway maintenance vehicles.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 58, relative to the use of alternating flashing lights on highway maintenance vehicles.

Sen. Letourneau recommends concurrence with House Amendment 1278h on SB 58.

The question is concurrence with House Amendment 1278h on SB 58.

Motion to concur adopted, SB 58 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 60, establishing a commission to study water infrastructure sustainability funding.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 60, establishing a commission to study water infrastructure sustainability funding.

Sen. Fuller Clark recommends concurrence with House Amendment 1327h on SB 60.

The question is on concurrence with House Amendment 1327h on SB 60.

Motion to concur adopted, SB 60 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 80, establishing a committee to study requiring health insurance coverage for services provided by athletic trainers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 80, establishing a committee to study requiring health insurance coverage for services provided by athletic trainers.

Sen. Hassan recommends concurrence with House Amendment 1432h on SB 80.

The question is concurrence with House Amendment 1432h on SB 80.

Motion to concur adopted, SB 80 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 95, relative to criminal records checks for certain employees and volunteers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 95, relative to criminal records checks for certain employees and volunteers.

Sen. Sgambati recommends concurrence with House Amendment 1329h on SB 95.

The question is concurrence with House Amendment 1329h on SB 95.

Motion to concur adopted, SB 95 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 135-FN, increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent's fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 135-FN, increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent's fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile.

Sen. Odell recommends concurrence with House Amendment 1490h on SB 135-FN.

The question is concurrence with House Amendment 1490h on SB 135-FN.

Motion to concur adopted, SB 135-FN adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 151, relative to quorum requirements for public bodies for which a quorum is not expressly declared.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 151, relative to quorum requirements for public bodies for which a quorum is not expressly declared.

Sen. Reynolds recommends concurrence with House Amendment 1585h on SB 151.

The question is concurrence with House Amendment 1585h on SB 151.

Motion to concur adopted, SB 151 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 156, relative to the commission to study the creation of an animal care worker classification.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 156, relative to the commission to study the creation of an animal care worker classification.

Sen. Cilley recommends concurrence with House Amendment 1457h on SB 156.

The question is concurrence with House Amendment 1457h on SB 156.

Motion to concur adopted, SB 156 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 160-FN, relative to benefits of dependents of a retirement system member who is killed or dies in the performance of duty.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 160-FN, relative to benefits of dependents of a retirement system member who is killed or dies in the performance of duty.

Sen. Cilley recommends concurrence with House Amendment 1360h on SB 160-FN.

The question is on concurrence with House Amendment 1360h on SB 160-FN.

Motion to concur adopted, SB 160-FN adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 187, relative to the administrative changes to the Nashua public works retirement system.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 187, relative to the administrative changes to the Nashua public works retirement system.

Sen. Odell [sic] recommends concurrence with House Amendment 1618h on SB 187.

The question is concurrence with House Amendment 1618h on SB 187.

Motion to concur adopted, SB 187 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 188, relative to establishing a commission to study hospital billing practices of health care providers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 188, relative to establishing a commission to study hospital billing practices of health care providers.

Sen. Hassan recommends concurrence with House Amendment 1505h on SB 188.

The question is concurrence with House Amendment 1505h on SB 188.

Motion to concur adopted, SB 188 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 189, relative to decisions of local land use boards.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 189, relative to decisions of local land use boards.

Sen. DeVries recommends concurrence with House Amendment 1309h on SB 189.

The question is concurrence with House Amendment 1309h on SB 189.

Motion to concur adopted, SB 189 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 195, relative to procedures for the trimming, cutting, or removal of trees by utilities.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 195, relative to procedures for the trimming, cutting, or removal of trees by utilities.

Sen. DeVries recommends concurrence with House Amendment 1552h on SB 195.

The question is on concurrence with House Amendment 1552h on SB 195.

Motion to concur adopted, SB 195 adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 46, relative to group life insurance.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 46, relative to group life insurance.

Sen. Hassan recommends nonconcurrence with House Amendment 1391h and request for Committee of Conference on SB 46.

The question is on nonconcurrence with House Amendment 1391h and request for Committee of Conference on SB 46.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Cilley, Reynolds, Bragdon.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 52, making technical corrections to laws relative to courts and court procedures.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 52, making technical corrections to laws relative to courts and court procedures.

Sen. Reynolds recommends nonconcurrence with House Amendment 1313h and request for Committee of Conference on SB 52.

The question is on nonconcurrence with House Amendment 1313h and request for Committee of Conference on SB 52.

Motion of nonconcurrence and request for Committee of Conference adopted.

The President, on the part of the Senate, appoints as members to the said Committee of Conference:

SENATORS: Lasky, Houde, Roberge.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

Sen. Cilley recommends nonconcurrence with House Amendment 1393h and request for Committee of Conference on SB 108.

The question is on nonconcurrence with House Amendment 1393h and request for Committee of Conference on SB 108.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Cilley, Fuller Clark, Downing.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 119, relative to provider contract standards.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 119, relative to provider contract standards.

Sen. Hassan recommends nonconcurrence with House Amendment 1497h and request for Committee of Conference on SB 119.

The question is on nonconcurrence with House Amendment 1497h and request for Committee of Conference on SB 119.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Cilley, DeVries, Roberge.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 131, relative to state hiring of veterans.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 131, relative to state hiring of veterans.

Sen. Cilley recommends nonconcurrence with House Amendment 1608h and request for Committee of Conference on SB 131.

The question is on nonconcurrence with House Amendment 1608h and request for Committee of Conference on SB 131.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Fuller Clark, DeVries, Carson.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 133, authorizing purple heart special number plates for veterans still on active duty.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 133, authorizing purple heart special number plates for veterans still on active duty.

Sen. Letourneau recommends nonconcurrence with House Amendment 1344h and request for Committee of Conference on SB 133.

The question is on nonconcurrence with House Amendment 1344h and request for Committee of Conference on SB 133.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Gilmour, Letourneau, Kelly.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

Sen. Reynolds recommends nonconcurrence with House Amendment 1456h and request for Committee of Conference on SB 142.

The question is on nonconcurrence with House Amendment 1456h and request for Committee of Conference on SB 142.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Reynolds, Houde, Letourneau.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

SB 182-FN-A, establishing a committee to study business tax credits.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 182-FN-A, establishing a committee to study business tax credits.

Sen. Odell recommends nonconcurrence with House Amendment 1441h and request for Committee of Conference on SB 182-FN-A.

The question is on nonconcurrence with House Amendment 1441h and request for Committee of Conference on SB 182-FN-A.

Motion of nonconcurrence and request for Committee of Conference adopted.

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

SENATORS: Gilmour, D'Allesandro, Bradley.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

HB 41, allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire.

and requests a Committee of Conference.

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

REPRESENTATIVES: L'Heureux, Henson, Joe Russell, Michael McCarthy.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 41, allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire.

Sen. Gallus recommends the Senate accedes to House Request for Committee of Conference on HB 41.

The question is to accede to House Request for Committee of Conference on HB 41.

Motion to accede adopted.

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

SENATORS: Janeway, Gallus, Gilmour.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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

HB 623, making various changes to the election laws.

and requests a Committee of Conference.

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

REPRESENTATIVES: Clemons, Pierce, Doherty, Chase.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 623, making various changes to the election laws.

Sen. Lasky recommends the Senate accedes to House Request for Committee of Conference on HB 623.

The question is to accede to House Request for Committee of Conference on HB 623.

Motion to accede adopted.

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

SENATORS: Lasky, Merrill, Carson.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

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

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

HB 40, relative to the reporting of hospital infections.

HB 45, relative to the water supply land conservation program and establishing a committee to study a proposal by the fish and game department to construct a certain boat ramp.

HB 61, relative to a definition of "sustainable energy."

HB 79, relative to use of the child support guideline worksheet.

HB 96, correcting certain references relating to municipal growth management, and allowing certain replacement structures to qualify for the community revitalization tax relief incentive.

HB 102, relative to the rivers management and protection program, establishing the volunteer river assessment program, and naming the bridge at the intersection of NH route 12A and NH route 123 in Alstead the Alstead Veterans Memorial Bridge.

HB 106, relative to penalties for land use violations.

HB 118, relative to periodic payments of judgments, relative to informational filings by pooled risk management programs, and repealing a provision regarding trial de novo in the superior court for violations of securities laws.

HB 131, relative to the juvenile justice advisory board.

HB 157, relative to library patron records and making a technical correction relative to the law library revolving fund.

HB 229, clarifying the eligibility requirements for class IV renewable energy generating facilities and relative to renewable energy certificates.

HB 237, relative to accident and health insurance short-term policies.

HB 238, relative to market conduct and enforcement.

HB 239, relative to establishing a municipal bond rescission process, authorizing governing bodies to call a special meeting to consider reduction or rescission of appropriations, and clarifying special procedures enabling towns to respond appropriately to the American Recovery and Reinvestment Act of 2009.

HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes.

HB 296-FN-A, increasing fees and transferring funds related to oil discharge prevention and cleanup, and authorizing an oil fund performance audit.

HB 297, relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

HB 319, establishing a commission to study the Concord Union school district charter.

HB 321, delaying the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing, and authorizing an appropriations reduction by the union school district of Keene.

HB 322, relative to the minimum age required to purchase fireworks.

HB 330, relative to life, accident, and health insurance.

HB 335, relative to the state retiree health plan commission and the Mount Washington commission.

HB 370, relative to equality of treatment of victims of crime.

HB 378-FN-A, relative to fees for methadone detoxification and maintenance programs.

HB 395, requiring electric utilities to offer renewable energy source options, allowing the public utilities commission to make contingent grants and loans from the greenhouse gas emissions reduction fund, and relative to using the electricity distribution charge to fund conservation and load management.

HB 416, relative to insurance examinations.

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

HB 429-FN, relative to cider.

HB 433-FN-A, relative to funding the law requiring reporting of hospital infections.

HB 452, designating segments of the Ammonoosuc River into the rivers management and protection program, relative to the consideration of riparian rights in the establishment of instream flows, and relative to an exemption from terrain alternation permitting requirements.

HB 459, relative to access to restorative justice programs by victims of crime.

HB 502, modifying the definition of "dam."

HB 519, relative to supervision of state employees who are related by birth or marriage.

HB 520, establishing a commission to study the death penalty in New Hampshire.

HB 529-FN, relative to the healthy kids program.

HB 534, relative to the selection of members of zoning boards of adjustment.

HB 590-FN, relative to the retirement age for group II members.

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

HB 610-FN, relative to consumer protection from certain practices of mortgage bankers, mortgage brokers, and mortgage loan originators and implementing the S.A.F.E. mortgage licensing act.

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 655-FN, extending senior active status to judges over 70 years of age.

HB 680, making technical changes in the insurance laws.

HB 690-FN, establishing a cold case homicide unit.

HB 695, adopting the uniform child custody jurisdiction and enforcement act.

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, processing enrolled bill reports and amendments, and forming committees of conference.

Motion adopted.

The Senate is in recess to the Call of the Chair.