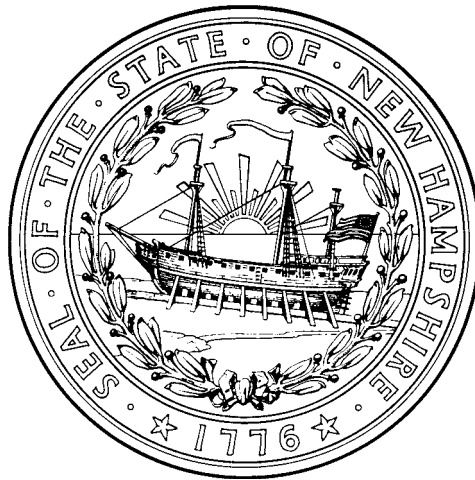


June 24, 2009
Nos. 19-20

STATE OF NEW HAMPSHIRE

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161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – JUNE 10, 2009 SESSION

COMMENCEMENT – JUNE 24, 2009 SESSION

SENATE JOURNAL 19 *(continued)*

June 10, 2009

HOUSE MESSAGE

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

HB 113, extending the moratorium on nursing home beds and rehabilitation beds.

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 167, relative to the guidelines for revaluations used by the assessing standards board and the adoption of rules for disciplinary standards for assessing officials, and relative to bingo games.

HB 171, establishing a commission to evaluate mental health courts and establish standards for the operation of mental health courts.

HB 226-FN, relative to the lead paint poisoning law.

HB 229, clarifying the eligibility requirements for class IV renewable energy generating facilities and relative to renewable energy certificates.

HB 265, relative to proving qualifications to vote.

HB 317, relative to conditional approval of nonpublic schools, residency requirements for grants under the New Hampshire incentive program, and scholarships for orphans of veterans.

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 330, relative to life, accident, and health insurance.

HB 332, establishing a commission to study school discipline.

HB 342, establishing a commission to study the juvenile court diversion law.

HB 443, relative to underground storage facility operator training and relative to requirements for guaranteed price plans and prepaid contracts for petroleum.

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 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 534, relative to the selection of members of zoning boards of adjustment.

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 614, relative to domicile of students for voting purposes and relative to absentee ballot application forms.

HB 655-FN, extending senior active status to judges over 70 years of age.

HB 680, making technical changes in the insurance laws.

HB 688, relative to the chartered public school approval process and relative to open enrollment schools.

HB 690-FN, establishing a cold case homicide unit.

HOUSE MESSAGE

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

HB 335, relative to the state retiree health plan commission.

HB 429-FN, relative to cider.

HOUSE MESSAGE

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

SB 33, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

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

REPRESENTATIVES: Gary Richardson, Hackel, Lucy Weber & William O'Brien.

HOUSE MESSAGE

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

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

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

REPRESENTATIVES: Craig, Rice, Mears & Bridle.

HOUSE MESSAGE

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

SB 46, relative to group life insurance.

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

REPRESENTATIVES: Nord, Meader, Winters & Dowling.

HOUSE MESSAGE

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

SB 65-FN, relative to the acceptance of in lieu payments for the restoration or creation of wetlands.

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

REPRESENTATIVES: Moody, McClammer, Mack & Almy.

HOUSE MESSAGE

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

SB 67-FN-A, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

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

REPRESENTATIVES: Bridgham, Schulze, Case & DeJoie.

HOUSE MESSAGE

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

SB 98, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

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

REPRESENTATIVES: Harding, McGuire, Hawkins & Donald Ryder.

HOUSE MESSAGE

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

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

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

REPRESENTATIVES: Patricia McMahon, Daniel Sullivan, Beck & Hawkins.

HOUSE MESSAGE

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

SB 112, establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

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

REPRESENTATIVES: Donovan, Millham, Pilliod & Miller.

HOUSE MESSAGE

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

SB 114, relative to the threshold for notification for lead levels and a window replacement program.

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

REPRESENTATIVES: Butcher, DiPentima, Cebrowski & Butynski.

HOUSE MESSAGE

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

SB 115, relative to eligibility for the healthy kids program.

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

REPRESENTATIVES: Butler, Nord, McEachern & Hunt.

HOUSE MESSAGE

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

SB 119, relative to provider contract standards.

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

REPRESENTATIVES: Winters, Hammond, Schlachman & Hunt.

HOUSE MESSAGE

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

SB 131, relative to state hiring of veterans.

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

REPRESENTATIVES: Daniel Sullivan, Flurey, Hawkins & Stella Scamman.

HOUSE MESSAGE

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

SB 133-FN, authorizing purple heart special number plates for veterans still on active duty.

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

REPRESENTATIVES: Michael O'Brien, Umberger, Rhodes & Hinch.

HOUSE MESSAGE

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

SB 147-FN, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

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

REPRESENTATIVES: Butler, Nord, Lauterborn & Nevins.

HOUSE MESSAGE

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

SB 167-FN, relative to employee leasing companies.

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

REPRESENTATIVES: John Knowles, Daniels, Mears & Sally Kelly.

HOUSE MESSAGE

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

SB 176-FN, establishing an application fee for probationers and parolees who apply to be supervised in another state.

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

REPRESENTATIVES: Pantelakos, Davis, Stevens & Weare.

HOUSE MESSAGE

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

SB 178, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

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

REPRESENTATIVES: Harding, Hawkins, Pratt & Houde-Quimby.

HOUSE MESSAGE

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

SB 182-FN-A, establishing a committee to study business tax credits.

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

REPRESENTATIVES: Almy, Walsh, Hatch & Sapareto.

HOUSE MESSAGE

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

SB 203, relative to liability protection for railroad operators operating alongside recreational trails.

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

REPRESENTATIVES: Merry, Tupper, Lucy Weber & David Russell.

HOUSE MESSAGE

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

HB 40, requiring sanctions against hospitals for failing to report infection rates.

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: Harding, Donald Ryder, Patricia McMahon & Bettencourt.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 40, requiring sanctions against hospitals for failing to report infection rates.

Sen. Sgambati recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Kelly, Gilmour, Downing.

HOUSE MESSAGE

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

HB 45, relative to the water supply land conservation program.

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: Spaulding, Rose Rogers, McClammer & Watters.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 45, relative to the water supply land conservation program.

Sen. Fuller Clark recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Fuller Clark, Merrill, Bradley.

HOUSE MESSAGE

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

HB 96, correcting certain references relating to municipal growth management.

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: Osborne, Patten, Boyce & Schuett.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 96, correcting certain references relating to municipal growth management.

Sen. DeVries recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: DeVries, Sgambati, Barnes.

HOUSE MESSAGE

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

HB 102, relative to the rivers management and protection program.

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: Spang, Kappler, Kepner & Hubbard.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 102, relative to the rivers management and protection program.

Sen. Fuller Clark recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Merrill, Lasky, Odell.

HOUSE MESSAGE

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

HB 118, relative to periodic payments of judgments.

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: Lucy Weber, DeStefano, Donald Flanders & Cote.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 118, relative to periodic payments of judgments.

Sen. Reynolds recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Lasky, Houde, Letourneau.

HOUSE MESSAGE

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

HB 239-L, relative to establishing a municipal bond rescission process.

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: Patten, Schuett, Boyce & Osborne.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 239-L, relative to establishing a municipal bond rescission process.

Sen. DeVries recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: DeVries, Houde, Barnes.

HOUSE MESSAGE

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

HB 252, relative to state agency rulemaking concerning expiring administrative rules.

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: Pilotte, Don Petterson, Flurey & Pratt.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 252, relative to state agency rulemaking concerning expiring administrative rules.

Sen. Cilley recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Cilley, DeVries, Carson.

HOUSE MESSAGE

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

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

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: Splaine, Pierce, Bartlett & Jasper.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

Sen. Lasky recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Merrill, Houde, Barnes.

HOUSE MESSAGE

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

HB 296-FN-A, transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

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: Hatch, Almy, Osgood & Mack.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 296-FN-A, transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

Sen. D'Allesandro recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Fuller Clark, Janeway, Odell.

HOUSE MESSAGE

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

HB 297, relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

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: Pilotte, Don Petterson, Flurey & Pratt.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

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.

Sen. Cilley recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Cilley, DeVries, Carson.

HOUSE MESSAGE

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

HB 319, authorizing the Concord school district to amend its charter without prior legislative approval.

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: Gagnon, Osborne, Watrous & Patten.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 319, authorizing the Concord school district to amend its charter without prior legislative approval.

Sen. DeVries recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: DeVries, Houde, Barnes.

HOUSE MESSAGE

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

HB 378-FN-A, relative to fees for methadone detoxification and maintenance programs.

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: Butynski, Shattuck, Walsh & Hatch.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 378-FN-A, relative to fees for methadone detoxification and maintenance programs.

Sen. Sgambati recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Gilmour, Kelly, Downing.

HOUSE MESSAGE

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

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

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: Campbell, Sprague, Chandler & Ramsey.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

Sen. Janeway recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Hassan, Janeway, Downing.

HOUSE MESSAGE

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

HB 395, requiring electric utilities to offer renewable energy source options.

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: Kaen, Harvey, Remick & Borden.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 395, requiring electric utilities to offer renewable energy source options.

Sen. Fuller Clark recommends the Senate accede to the House request for Committee of Conference.
Recommendation adopted.

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

SENATORS: Fuller Clark, Lasky, Bradley.

HOUSE MESSAGE

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

HB 513, relative to the prohibition on voting in more than one state.

and requests a Committee of Conference.

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

REPRESENTATIVES: Pierce, Bartlett, Jasper & Drisko.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 513, relative to the prohibition on voting in more than one state.

Sen. Lasky recommends the Senate accede to the House request for Committee of Conference.
Recommendation adopted.

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

SENATORS: Houde, Lasky, Carson.

HOUSE MESSAGE

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

HB 590-FN, relative to the retirement age for group II members.

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: Leishman, Patricia McMahon, Foster & Kenneth Gould.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 590-FN, relative to the retirement age for group II members.

Sen. Cilley recommends the Senate accede to the House request for Committee of Conference.
Recommendation adopted.

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

SENATORS: Cilley, DeVries, Downing.

HOUSE MESSAGE

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

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

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: Davis, Hatch, Lockwood & Shurtleff.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

Sen. Reynolds recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Houde, Lasky, Roberge.

HOUSE MESSAGE

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

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

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: Patricia McMahon, Hawkins, Harding & Don Petterson.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

Sen. Cilley recommends the Senate accede to the House request for Committee of Conference.

Recommendation adopted.

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

SENATORS: Cilley, Fuller Clark, Carson.

CONFEREE CHANGES

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

CONFEREE CHANGE: SEN. HASSAN REPLACED SEN. BRAGDON

HB 1, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

**CONFEREE CHANGES: SEN. LARSEN REPLACED SEN. D'ALLESANDRO
SEN. REYNOLDS REPLACED SEN. SGAMBATI
SEN. FULLER CLARK REPLACED SEN. GALLUS**

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

**CONFEREE CHANGES: SEN. LARSEN REPLACED SEN. D'ALLESANDRO
SEN. REYNOLDS REPLACED SEN. SGAMBATI
SEN. FULLER CLARK REPLACED SEN. GALLUS**

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 5, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes.

SB 14, relative to the governing boards of allied health professionals.

SB 16, extending the date for completion of the state park system development plan and establishing a state historic sites fund.

SB 22, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks.

SB 29, relative to review of developments of regional impact.

SB 30, relative to notice of rights under the manufactured housing law.

SB 31, establishing the Candia District Court and the Manchester District Court as judicial branch family division sites and relative to the Dover-Somersworth-Durham district court.

SB 42, establishing a hospice benefit under the state Medicaid plan.

SB 49, relative to the board of barbering, cosmetology, and esthetics.

SB 50, relative to funds and programs of the department of environmental services, and relative to the duties of the exotic aquatic weeds and species committee.

SB 51, requiring confidentiality of jurors' addresses and the file in an involuntary admission proceeding.

SB 58, relative to the use of alternating flashing lights on highway maintenance vehicles.

SB 60, establishing a commission to study water infrastructure sustainability funding.

SB 75, changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

SB 78, relative to contractor accountability and disclosure in the public works construction procurement process.

SB 80, establishing a committee to study requiring health insurance coverage for services provided by athletic trainers.

SB 85, relative to the commission to develop a plan for the expansion of transmission capacity in the north country.

SB 89, relative to unemployment overpayments.

SB 95, relative to criminal records checks for certain employees and volunteers.

SB 102, relative to managed care and patient choice.

SB 106, establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs.

SB 107, relative to the leasing of state-owned real estate on public waters.

SB 124, relative to beaver dams.

SB 135, 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.

SB 138, relative to insurance coverage for telemedicine services.

SB 149, relative to the transition of certain functions and reporting requirements of the community college system of New Hampshire and making an appropriation therefor, and relative to extending the report date for the community college system legislative oversight committee.

SB 151, relative to quorum requirements for public bodies for which a quorum is not expressly declared.

SB 155, relative to financial disclosure by legislators.

SB 156, relative to the commission to study the creation of an animal care worker classification.

SB 160, relative to benefits of dependents of a retirement system member who is killed or dies in the performance of duty.

SB 171, relative to competency evaluations.

SB 187, relative to the administrative changes to the Nashua public works retirement system.

SB 188, relative to establishing a commission to study hospital billing practices of health care providers.

SB 189, relative to decisions of local land use boards.

SB 190, relative to race track cocktail lounge licenses.

SB 195, relative to procedures for the trimming, cutting, or removal of trees by utilities.

SB 196, relative to non-judicial punishment for minor offenses by military officers and personnel.

SB 200, relative to retirement system death benefits for members who die while performing military service.

HB 39, relative to the authority of the state board for the licensing and regulation of plumbers.

HB 61, relative to a definition of "sustainable energy."

HB 76, establishing a permanent commission to study recommendations of the National Transportation Safety Board and relative to the New Hampshire rail transit authority.

HB 79, relative to use of the child support guideline worksheet.

HB 86, allowing towns to issue citations and accept pleas by mail for local ordinance violations.

HB 90, relative to the employment of veterans on Veterans' Day.

HB 106, relative to penalties for land use violations.

HB 112, relative to addresses on motor vehicle registrations.

HB 113, extending the moratorium on nursing home beds and rehabilitation beds.

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 171, establishing a commission to evaluate mental health courts and establish standards for the operation of mental health courts.

HB 172, allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice.

HB 187, relative to the state building code and establishing a committee to study the sale and installation of manufactured and modular homes and related consumer protections.

HB 189, enabling municipalities to establish energy commissions.

HB 214, establishing a committee to study health care services in correctional facilities and the issue of access to inmates by medical care, mental health care, and substance abuse treatment providers.

HB 215, making technical corrections to certain OHRV and snowmobile laws.

HB 226, relative to the lead paint poisoning law.

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 251, relative to the state registry of founded reports of abuse, neglect, or exploitation of adults.

HB 253, relative to the Gunstock area commission.

HB 256, relative to the New Hampshire accountancy act.

HB 260, relative to quieting title in certain trust circumstances.

HB 265, relative to proving qualifications to vote.

HB 279, relative to certain missing persons.

HB 290, authorizing fluvial erosion hazard ordinances.

HB 293, amending the Hampton Beach area commission.

HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes.

HB 317, relative to conditional approval of nonpublic schools, residency requirements for grants under the New Hampshire incentive program, and scholarships for orphans of veterans.

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 332, establishing a commission to study school discipline.

HB 342, establishing a commission to study the juvenile court diversion law.

HB 370, relative to equality of treatment of victims of crime.

HB 376, relative to condominium association meetings.

HB 384, relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland.

HB 392, establishing an on-premises cigar, beverage, and liquor license.

HB 416, relative to insurance examinations.

HB 420, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

HB 433, 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 508, relative to the county-state finance commission.

HB 515, establishing a commission to study alternate fuel vehicles.

HB 520, establishing a commission to study the death penalty in New Hampshire.

HB 529, relative to the healthy kids program.

HB 530, relative to inspection of public buildings for compliance with accessibility standards.

HB 534, relative to the selection of members of zoning boards of adjustment.

HB 538, relative to penalties for water pollution.

HB 542, relative to a health information exchange.

HB 592, relative to "adverse events" in hospitals and ambulatory surgical centers.

HB 614, relative to domicile of students for voting purposes and relative to absentee ballot application forms.

HB 655, extending senior active status to judges over 70 years of age.

HB 685, relative to medical benefits payment by the retirement system for certain vested deferred group I members.

HB 690, establishing a cold case homicide unit.

HB 695, adopting the uniform child custody jurisdiction and enforcement act.

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

Report of Committee on Enrolled Bills adopted.

June 10, 2009
2009-2092-EBA
06/01

Enrolled Bill Amendment to SB 5

The Committee on Enrolled Bills to which was referred SB 5

AN ACT prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes.

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 5

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 5

Amend RSA 78-D:2, II(b) as inserted by section 1 of the bill by replacing line 1 with the following:
Specifically identify the goods and services to which the use tax applies

Adopted.

June 10, 2009
2009-2095-EBA
03/09

Enrolled Bill Amendment to SB 60

The Committee on Enrolled Bills to which was referred SB 60

AN ACT establishing a commission to study water infrastructure sustainability funding.

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 60

This enrolled bill amendment clarifies a reference in the bill.

Enrolled Bill Amendment to SB 60

Amend section 4 of the bill by replacing line 2 with the following:

members. The first meeting of the commission shall be called by the senate member.

Adopted.

June 9, 2009
2009-2085-EBA
03/01

Enrolled Bill Amendment to SB 89-FN

The Committee on Enrolled Bills to which was referred SB 89-FN

AN ACT relative to unemployment overpayments.

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 89-FN

This enrolled bill amendment makes punctuation corrections.

Enrolled Bill Amendment to SB 89-FN

Amend RSA 282-A:75 as inserted by section 2 of the bill by replacing lines 8-9 with the following:

~~or his authorized representative]~~ as provided in RSA 282-A:165, **II**;

IV. Benefits are paid to an individual by reason of RSA 282-A:31, III~~]~~; or

Adopted.

June 10, 2009
2009-2093-EBA
08/09

Enrolled Bill Amendment to SB 189

The Committee on Enrolled Bills to which was referred SB 189

AN ACT relative to decisions of local land use boards.

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 189

This bill nullifies certain sections of 2009, 49 (HB 210) which are duplicative of sections in this bill.

Enrolled Bill Amendment to SB 189

Amend the bill by inserting after section 4 the following new section and renumbering the original section 5 to read as 6:

5 Nullification. 2009, 49:2-5 are nullified and shall not take effect January 1, 2010.

Adopted.

June 9, 2009
2009-2084-EBA
04/09

Enrolled Bill Amendment to HB 76

The Committee on Enrolled Bills to which was referred HB 76

AN ACT establishing a permanent commission to study recommendations of the National Transportation Safety Board and relative to the New Hampshire rail transit 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 76

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 76

Amend RSA 238-A:8, IV as inserted by section 6 of the bill by replacing line 3 with the following:

be required to hire such personnel in accordance with state personnel rules, so long as

Amend RSA 238-A:18, I as inserted by section 8 of the bill by replacing line 9 with the following:

[~~(e)~~] **(b)** Be subject to self-insured retention in an amount not less than \$7,500,000, [~~1/2~~-

Adopted.

June 10, 2009
2009-2087-EBA
05/10

Enrolled Bill Amendment to HB 86

The Committee on Enrolled Bills to which was referred HB 86

AN ACT allowing towns to issue citations and accept pleas by mail for local ordinance violations.

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 86

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 86

Amend RSA 31:39-c, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. If the administrative enforcement system established under paragraph I is unsuccessful

Adopted.

June 16, 2009
2009-2163-EBA
05/09

Enrolled Bill Amendment to HB 167

The Committee on Enrolled Bills to which was referred HB 167

AN ACT relative to the guidelines for revaluations used by the assessing standards board and the adoption of rules for disciplinary standards for assessing officials, and relative to bingo games.

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 167

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 167

replace RSA 21-J:14-b, I-a (a)(1)(B) as inserted by section 2 of the bill by replacing it with the following:

(B) Continuing education [~~and~~] ***standards; and***

Adopted.

June 9, 2009
2009-2080-EBA
08/09

Enrolled Bill Amendment to HB 189

The Committee on Enrolled Bills to which was referred HB 189

AN ACT enabling municipalities to establish energy commissions.

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 189

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 189

Amend RSA 38-D:3 as inserted by section 1 of the bill by replacing line 14 with the following:

a conservation commission under RSA 36-A, local planning boards under RSA 672, a historic district

Adopted.

June 10, 2009
2009-2098-EBA
10/04

Enrolled Bill Amendment to HB 245

The Committee on Enrolled Bills to which was referred HB 245

AN ACT extending study committees and commissions.

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 245

This enrolled bill amendment incorporates a change made by SB 57 of the 2009 legislative session.

Enrolled Bill Amendment to HB 245

Amend 2008, 257:5 as inserted by section 3 of the bill by replacing line 3 with the following:

clerk, the senate clerk, the governor, and the state library on or before December 1, [2009] **2010**.

Adopted.

June 9, 2009
2009-2082-EBA
09/05

Enrolled Bill Amendment to HB 253

The Committee on Enrolled Bills to which was referred HB 253

AN ACT relative to the Gunstock area commission.

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 253

This enrolled bill amendment inserts 2 words which were inadvertently omitted from the original text of 1959, 399:10(f) as amended in section 2 of the bill.

Enrolled Bill Amendment to HB 253

Amend 1959, 399:10(f) as inserted in section 2 of the bill by replacing lines 2-3 with the following:

purchase, lease or otherwise, real property and rights or easements therein, deemed by it necessary or desirable for the purpose hereof, and to use such property[-] ***and to convey, lease in accordance with***

Adopted.

June 10, 2009
2009-2097-EBA
05/01

Enrolled Bill Amendment to HB 256

The Committee on Enrolled Bills to which was referred HB 256

AN ACT relative to the New Hampshire accountancy act.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 256

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 256

Amend RSA 309-B:3, III-a as inserted by section 2 of the bill by replacing line 2 with the following:

American Institute of Certified Public Accountants' Statements on

Amend RSA 309-B:5, III(b) as inserted by section 6 of the bill by replacing line 5 with the following:

sit for the examination described in paragraph IV if they have at least 120 semester hours of college

Amend section 8 of the bill by replacing line 1 with the following:

8 Experience Requirements. RSA 309-B:5, IX(a) and (b) are repealed and reenacted to read as

Adopted.

June 9, 2009
2009-2083-EBA
06/09

Enrolled Bill Amendment to HB 279-FN

The Committee on Enrolled Bills to which was referred HB 279-FN

AN ACT relative to certain missing persons.

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 279-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 279-FN

Amend RSA 106-J:3, II(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Whose domicile at the time he or she is reported missing is in New Hampshire;

Amend RSA 106-J:3, III(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Whose domicile at the time he or she is reported missing is in New Hampshire;

Amend RSA 106-J:5 as inserted by section 3 of the bill by replacing line 3 with the following:

I. Procedures for a local law enforcement agency to use to verify whether a senior

Amend RSA 106-J:5 as inserted by section 3 of the bill by replacing line 8 with the following:

II. The process to be followed by the department in confirming the local law enforcement

Amend RSA 106-J: 5 as inserted by section 3 of the bill by replacing line 10 with the following:

III. The process for reporting the information to designated media outlets in

Adopted.

June 9, 2009
2009-2079-EBA
05/01

Enrolled Bill Amendment to HB 459

The Committee on Enrolled Bills to which was referred HB 459

AN ACT relative to access to restorative justice programs by victims of crime.

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 459

This enrolled bill amendment makes a technical correction and inserts a contingency to provide for changes to RSA 21-M:8-k, II made by HB 370 of the 2009 legislative session.

Enrolled Bill Amendment to HB 459

Amend RSA 21-M:8-b, II(e) as inserted by section 5 of the bill by replacing lines 1 and 2 with the following:

(e) Provide victims or their representatives with information about the availability of and access to restorative justice programs including

Amend the bill by inserting after section 6 the following new section and renumbering the existing section 7 to read as section 8.

7 Contingency. If HB 370 of the 2009 legislative session becomes law, RSA 21-M:8-k, II(u) as inserted by section 6 of this act shall be renumbered as RSA 21-M:8-k, II(v) to prevent a conflict with HB 370.

Adopted.

June 16, 2009
2009-2164-EBA
05/09

Enrolled Bill Amendment to HB 519

The Committee on Enrolled Bills to which was referred HB 519

AN ACT relative to supervision of state employees who are related by birth or marriage.

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 519

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 519

Amend RSA 21-G:26-a as inserted by section 1 of the bill by replacing line 2 with the following:
 compensation or salary for, supervise, or terminate the employment of any full-time or part-time

Amend section 3 of the bill by replacing line 1 with the following:

3 Applicability. Section 1 of this act shall not apply to an employment relationship or contract entered into

Adopted.

June 5, 2009
2009-2072-EBA
06/09

Enrolled Bill Amendment to HB 529-FN

The Committee on Enrolled Bills to which was referred HB 529-FN

AN ACT relative to the healthy kids program.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 529-FN

This enrolled bill amendment makes technical corrections and contingently renumbers a section to avoid a conflict with SB 42 of the 2009 legislative session.

Enrolled Bill Amendment to HB 529-FN

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

1 New Section; Transitional Healthy Kids Silver Program Waiver. Amend RSA 126-A by inserting after section 4-d the following new section:

126-A:4-e Transitional Healthy Kids Silver Program Waiver.

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

2 Contingency. If SB 42 of the 2009 legislative session becomes law, RSA 126-A:4-e as inserted by section 1 of this act shall be renumbered as RSA 126-A:4-f.

Adopted.

June 8, 2009
2009-2077-EBA
04/09

Enrolled Bill Amendment to HB 530-FN

The Committee on Enrolled Bills to which was referred HB 530-FN

AN ACT relative to inspection of public buildings for compliance with accessibility standards.

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 530-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 530-FN

Amend RSA 155-A:5-a, V as inserted by section 2 of the bill by replacing line 9 with the following:
some or all of the deficiencies asserted, does not agree to bring the building into compliance within the

Amend RSA 155-A:5-a, VII as inserted by section 2 of the bill by replacing line 5 with the following:
bringing the action shall be entitled to reasonable attorney's fees and costs if it is determined by the

Adopted.

June 9, 2009
2009-2081-EBA
06/09

Enrolled Bill Amendment to HB 592-FN

The Committee on Enrolled Bills to which was referred HB 592-FN

AN ACT relative to "adverse events" in hospitals and ambulatory surgical centers.

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 592-FN

This enrolled bill amendment contingently renumbers RSA sections to avoid a conflict with HB 433-FN-A.

Enrolled Bill Amendment to HB 592-FN

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Contingency. If HB 433-FN-A of the 2009 legislative session becomes law, RSA 151:36-39 as inserted by section 2 of this act shall be renumbered as RSA 151:37-40, respectively, and the reference to RSA 151:39, II in RSA 6:12, I(b)(277) as inserted by section 3 of this act shall be renumbered as RSA 151:40, II.

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 20

June 24, 2009

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer:

I have to say that I've never been a big fan of Arnold Schwarzenegger, but I am a huge fan of Maria. (Laughter) And as difficult as our budget problems have been in the last few months, it's not \$24 billion worth of problems; that's a lot of suntan oil and sushi. But we struggle daily with the human suffering involved in the decisions that we do make around economy and the state. And I see weekly in your faces that you carry that burden, and you carry it with deep integrity, and I want to acknowledge that. You listen, you listen to each other, and you listen to your hearts. And listening I think is the key to the spirituality of leadership. We hear from Gandhi and Rabbi Hershel and people who hike in the woods, and Mother Teresa, about this question of deep listening, of going with our gut. And I love the story, for one, from Mother Teresa in which she was asked by an energetic reporter who thought he had a "scoop" story, "What do you say to God when you pray? Dying to know, readers are dying to know. What do you say to God when you pray? You're Mother Teresa, of all people." And she said, "I don't say anything. I listen." Well, the reporter was very frustrated, this was not going to be the story he needed. So he said, "Okay, okay, okay, whatever. When you listen, what does God say to you?" She said, "Nothing. He listens." And that is the spirituality in which you lead, the great sacrament of listening. Let us pray:

God of human toil, grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to listen for the difference. *Amen*

Sen. D'Allesandro led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Carson introduced as her guest, daughter Deirdre, Clemson University student.

Sen. D'Allesandro recognized John Eagan, CPA and master's student at UNH Whittemore School, who has been assisting the Senate Finance Committee with current legislation.

Sen. Barnes introduced constituents from the Town of Allenstown, visitors to the Senate Gallery today: Jean Lister, Jennifer Corliss, Lisa Levesque, Sandy McKenney and Gloria Franklin.; as well as constituent from the Town of Epsom, Prudence Gagne.

Sen. Bradley introduced friend and activist Alan Glassman.

Sen. D'Allesandro introduced Tess Kucera, student from Trinity High School in Manchester, serving as Senate Page for today's session.

Sen. Merrill introduced Natalie Bilynsky, student from Oyster River High School in Durham, serving as Senate Page for today's session.

Sen. Reynolds welcomed William Sharp, Register of Deeds of Grafton County.

SPECIAL ORDER

Without objection, President Larsen Special-Ordered Committee of Conference Report on HB 25-FN-A to the front of today's agenda.

**June 17, 2009
2009-2266-CofC
10/04**

Committee of Conference Report on HB 25-FN-A, an act making appropriations for capital improvements.

Recommendation:

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

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

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

II. Department of Administrative Services.

A. Bureau of Court Facilities.

1. Hillsborough County North - Asbestos Abatement	\$17,000,000
2. Master Plan for the Courts	450,000
Total state appropriation subparagraph A	17,450,000

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-Repoint 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	42,000
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	305,000
Total state appropriation subparagraph C	1,945,000

D. Bureau of Public Works Design and Construction.

1. State Capitol Complex Master Plan *	100,000
Total state appropriation subparagraph D	100,000

* For the appropriation in subparagraph D, 1 the bureau shall hire consultants and provide support to the commission established in section 13 of this act.

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	1,417,202
Total state appropriation subparagraph E	5,417,202
Total state appropriation paragraph II	\$31,185,202

Amend paragraph V of section 1 of the bill by replacing it with the following:

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 *	<u>8,000,000</u>
Total state appropriation paragraph V	\$16,186,552

* 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.

Amend paragraph VI of section 1 of the bill by replacing it with the following:

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	\$2,324,720

*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 Winnepesaukee River basin control replacement fund established in RSA 485-A:51.

** The appropriation in subparagraph C shall not be expended until the department of environmental services submits a review and report on the project to the capital budget overview committee, and such review and report is approved by the capital budget overview committee.

Amend paragraph VIII of section 1 by replacing it with the following:

VIII. Liquor Commission.*

A. Hampton North Roof Replacement	\$220,000
B. Build Liquor Store - Nashua	<u>4,800,000</u>
Total state appropriation paragraph VIII	\$5,020,000

* If HB 1-A and/or HB 2-FN-A-LOCAL of the 2009 legislative session become law and contain provisions to dedicate liquor commission revenues to a liquor commission fund, then the state appropriation to the liquor commission for the projects authorized in this paragraph shall be reduced to \$0. Upon such reduction, 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 said liquor commission fund.

Amend paragraph X of section 1 by replacing it with the following:

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
Less Other*	<u>-1,532,500</u>
Net state appropriation subparagraph C	1,532,500
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	\$18,299,500

* To provide funds for the appropriation made in subparagraph C, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,532,500 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 Cannon Mountain capital improvement fund established in RSA 12-A:29-c.

Amend the total state appropriation section 1 by replacing it with the following:

Total state appropriation section 1

\$118,094,374

Amend the bill by replacing section 6 with the following:

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 \$132,904,374 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.

Amend the bill by replacing section 11 with the following:

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 projects utilizing federal funds, for those projects included in this act.

Amend the bill by replacing section 12 with the following:

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 and/or additional Supported***

Housing Beds*

976,000

**** For the project authorized in subparagraph D, funds shall be utilized to acquire, rehabilitate, and/or build apartments in the community as additional community residence beds for adults requiring 24-hour in-home supports or services, or alternatively, for supported housing for adults and/or transitional aged youth with a severe mental illness who do not require 24-hour monitoring but are in need of stable and affordable housing, with community supports provided to maintain placement in the community. If a community location is not available, then the new supported housing beds 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.***

Amend section 19 of the bill by inserting after subparagraph 20 the following new subparagraph and renumbering the original subparagraphs 20 through 84 to read as 21 through 85, respectively:

20. The appropriation made to the Christa McAuliffe planetarium commission in 2007, 264:1, IV, L, for Christa McAuliffe planetarium - Alan Shepard memorial wing.

Amend section 19 of the bill by replacing paragraph 51 with the following:

51. 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 and/or additional supported housing beds.

The signatures below attest to the authenticity of this Report on HB 25-FN-A, an act making appropriations for capital improvements

Conferees on the Part of the Senate
Sen. Janeway, Dist. 7
Sen. Kelly, Dist. 10
Sen. Gilmour, Dist. 12
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Bouchard, Merr. 11
Rep. Campbell, Hills. 24
Rep. Cloutier, Sull. 4
Rep. Chandler, Carr. 1

The question is on the adoption of Committee of Conference Report on HB 25-FN-A.

Committee of Conference Report on HB 25-FN-A adopted.

Recess/Out of Recess.

June 20, 2009

2009-2335-CofC

03/09

Committee of Conference Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

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:

1.08 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 for all university system 06-50 accounts (higher education fund), 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
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Department of Revenue Administration

01-84-84-840010-7884	43314, 43323
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01-84-84-841010-5413	30529
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01-84-84-8405-1301	14514
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Board of Tax and Land Appeals

01-89-89-890010-1241	14588
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Department of Justice

02-20-20-200510-2610	9U271, 9U275
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Department of Safety

02-23-23-231010-3110	16713
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Department of Corrections

02-46-46-463010-7120	13038
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02-46-46-465010-8231	40892
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02-46-46-463010-8232	12977, 12824
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02-46-46-465010-8234	16264, 19904, 16266
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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,
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	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 house and senate ways and means committees, the fiscal committee of the general court, and the 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 and 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 \$1,300,000 for the fiscal year ending June 30, 2010 and \$1,300,000 for the fiscal year ending June 30, 2011. The appropriation reductions required under this section shall be allocated based on statewide prioritization recommended by the department of information technology and approved by the fiscal committee of the general court and governor and council.

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, the chairpersons of the house and senate finance committees, and the chairpersons of the house and senate ways and means 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 \$535,000 for the fiscal year ending June 30, 2010 and by \$400,000 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 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.

21 Postsecondary Education Commission; General Fund Appropriation Reductions. The postsecondary education commission shall reduce state general fund appropriations by \$25,000 for the fiscal year ending June 30, 2010 and by \$25,000 for the fiscal year ending June 30, 2011. The postsecondary education commission shall provide a bimonthly report of reductions made under this section to the fiscal committee of the general court, and to the house and senate finance committees and education committees.

22 Appropriations Reductions; All State Agencies.

I. Except as provided in paragraph II, all state agencies are hereby directed to reduce state general fund appropriations for class 018 overtime by 10 percent for the fiscal years ending June 30, 2010 and June 30, 2011.

II. All overtime for institutional staff shall be exempt from the reduction requirement contained in paragraph I of this section.

23 Estimates of Unrestricted Revenue.

<u>GENERAL FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Business Profits Tax	\$257,800,000	\$261,000,000
Business Enterprise Tax	63,200,000	64,000,000
Subtotal	\$321,000,000	\$325,000,000
Meals & Rooms Tax	243,300,000	245,100,000
Tobacco Tax	121,600,000	115,400,000
Transfer from Liquor Commission	117,300,000	127,900,000
Interest & Dividends Tax	117,000,000	125,000,000
Insurance Tax	85,800,000	86,300,000
Communications Tax	82,000,000	85,000,000
Real Estate Transfer Tax	56,500,000	60,500,000
Court Fines & Fees	13,900,000	14,100,000
Securities Revenue	34,000,000	34,000,000
Utility Consumption Tax	6,000,000	6,000,000
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	67,000,000	69,000,000
Gambling Winnings Tax	5,900,000	7,900,000
Tobacco Settlement Funds	9,400,000	10,000,000
Subtotal	\$1,317,100,000	\$1,348,200,000
Medicaid Enhancement Tax	99,300,000	114,600,000
Medicaid Recoveries	22,300,000	23,100,000
Total	\$1,438,700,000	\$1,485,900,000
<u>EDUCATION TRUST FUND</u>	<u>FY 2010</u>	<u>FY 2011</u>
Business Profits Tax	\$55,300,000	\$56,000,000
Business Enterprise Tax	126,500,000	128,000,000
Subtotal	\$181,800,000	\$184,000,000

Meals & Rooms Tax	7,800,000	8,100,000
Tobacco Tax	95,600,000	90,600,000
Real Estate Transfer Tax	28,200,000	30,200,000
Transfer from Lottery Commission	74,700,000	77,700,000
Transfer from Racing and Charitable Gaming	1,300,000	1,300,000
Tobacco Settlement Funds	40,000,000	40,000,000
Utility Property Tax	28,000,000	28,000,000
State Property Tax	363,000,000	363,000,000
Total	<u>\$820,400,000</u>	<u>\$822,900,000</u>

HIGHWAY FUND

	<u>FY 2010</u>	<u>FY 2011</u>
Road Toll	\$126,500,000	\$126,500,000
Motor Vehicle Fees	150,100,000	134,800,000
Miscellaneous	19,800,000	19,800,000
Total	<u>\$296,400,000</u>	<u>\$281,100,000</u>

FISH AND GAME FUND

	<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>

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

The signatures below attest to the authenticity of this Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

Conferees on the Part of the Senate
 Sen. Larsen, Dist. 15
 Sen. Hassan, Dist. 23
 Sen. Janeway, Dist. 7
 Sen. Reynolds, Dist. 2
 Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
 Rep. M. Smith, Straf. 7
 Rep. Nordgren, Graf. 9
 Rep. Eaton, Ches. 2
 Rep. Almy, Graf. 11
 Rep. Leishman, Hills. 6

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

Sen. Fuller Clark moved the question.

Without objection, the Chair closed debate.

Recess/Out of Recess.

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

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

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

The following Senators voted No: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Downing.

Yeas: 13 - Nays: 11

Committee of Conference Report on HB 1-A adopted.

**June 19, 2009
 2009-2333-CofC
 09/03**

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

Recommendation:

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

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

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 no later than July 31, 2009 for the fiscal year ending June 30, 2009 the sum of \$65,000,000, and by June 30, 2010 the additional sum of \$22,500,000, and by June 30, 2011 the additional sum of \$22,500,000 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] **9** 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]~~ **Four** cents for a charge between \$.36 and \$.37 inclusive;
- (b) ~~[-Four]~~ **Five** cents for a charge between \$.38 and \$.50 inclusive;
- (c) ~~[Five]~~ **Six** cents for a charge between \$.51 and \$.62 inclusive;
- (d) ~~[Six]~~ **Seven** cents for a charge between \$.63 and \$.75 inclusive;
- (e) ~~[Seven]~~ **Eight** cents for a charge between \$.76 and \$.87 inclusive;
- (f) ~~[Eight]~~ **Nine** cents for a charge between \$.88 and \$1.00 inclusive;
- (g) ~~[Eight]~~ **Nine** 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] **9** 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; Definition of Hotel; Campsites. Amend the introductory paragraph of RSA 78-A:3, III to read as follows:

III. "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, ***campsites***, chalets, barracks, dormitories, and apartments. The term does not include the following:

6 Tax on Meals and Rooms; Disposition of Revenue. Amend RSA 78-A:26, I(a) to read as follows:

(a) Sixty percent to the general fund, ***less:***

(1) The amount necessary to provide payments of principal and interest on the bonds and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011; and

(2) An amount equal to 3.15 percent of net income distributed under this subparagraph which shall be credited to the department of resources and development, division of travel and tourism development.

7 Special Fund. Amend RSA 6:12, I(b)(21) to read as follows:

(21) The money received under ***RSA 78-A:26, I(a) and*** RSA 230:52, II, which shall be credited to the division of travel and tourism development, department of resources and economic development.

8 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.

9 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.

10 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]~~ **funds designated under RSA 78-A:26, I(a).**

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.

11 School Building Aid; Fiscal Years 2010 and 2011. The sum of \$44,943,448 for the fiscal year ending June 30, 2010, and the sum of \$46,260,234 for the fiscal year ending June 30, 2011 are hereby appropriated to the department of education for payment of grants under the school building aid program pursuant to RSA 198:15-a. The state treasurer is hereby authorized to borrow such amounts 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. Payments of principal and interest on the bonds and notes shall be made when due from funds designated under RSA 78-A:26, I(a).

12 School Building Aid; Bonding of Appropriation. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction.

I. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.

II. To provide funds for appropriations made to the department of education relative to paragraph I for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, the state treasurer is hereby authorized to borrow upon the credit of the state the sums necessary for payment of such grants 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 when due by the state treasurer from funds designated under RSA 78-A:26, I(a).

13 Committee Established. There is established a committee to study the school building aid grant program.

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

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

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

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

III. The committee shall study:

(a) The goals, procedures, and operations of the school building aid program established in RSA 198:15-a through RSA 198:15-hh, and the alternative school building aid program established in RSA 198:15-u through RSA 198:15-w.

(b) The sources of funding used to pay school building aid grants.

(c) The amounts of state funding of the school building aid program.

(d) The eligibility criteria used to approve school building aid grants and whether such criteria need to be revised.

(e) Adopting criteria for the approval of select components of a school building proposal.

(f) Any other issue which the committee deems related to its objective.

IV. The committee may solicit and receive testimony from any person or organization with information or expertise relevant to the committee's objective.

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 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.

VI. The committee shall submit an interim report on or before December 15, 2009 and a final report on or before November 1, 2010, containing 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.

14 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.

15 Motor Vehicle Record Fees. The provisions of section 14 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).

16 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.

17 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.

18 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.

19 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.

20 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.

21 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.

22 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 **at least** on a biennial basis.

23 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.

24 Department of Health and Human Services; Direct Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend 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 the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education are suspended until June 30, 2011.

25 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 reprocurement.

26 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).

27 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.

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

29 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.

30 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.

31 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.

32 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.

33 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.***

34 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.***

35 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.***

36 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.

37 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.

38 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.

39 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.

40 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.

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

42 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.***

43 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 specifications, 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.

44 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.***

45 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.***

46 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.

47 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.

48 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.

49 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.

50 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.

51 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.

52 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).

53 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.

54 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.

55 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), the New Hampshire retirement system board of trustees shall, within a reasonable period of time not to exceed 30 days from the effective date of this subparagraph, 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.

56 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2010 and 2011 to reflect the requirements of RSA 100-A:16, II(b) and (c) as amended by this act. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective for the biennium beginning July 1, 2009, and the recertification of employer contribution percentages, applicable beginning July 1, 2009, shall be provided to each employer within a reasonable period of time not to exceed 30 days from the effective date of this section. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2009.

57 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 DISTRICT. The Merrimack district shall consist of the towns of Merrimack, Litchfield, and Bedford. 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.]~~ XIX. 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.]~~ XX. 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.]~~ XXI. 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.]~~ XXII. 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.]~~ **XXIII.** 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.]~~ **XXIV.** 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.]~~ **XXV.** 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.]~~ **XXVI.** 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.]~~ **XXVII.** 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.]~~ **XXVIII.** 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.]~~ **XXIX.** 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

~~[XXXH.]~~ **XXX.** 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.

~~[XXXXH.] XXXI.~~ 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.] XXXII.~~ LANCASTER DISTRICT. The Lancaster district shall consist of the towns of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton and Jefferson, and the unincorporated places of Kilkenny, Bean's Grant, Chandler's Purchase, and Crawford's Purchase. 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.

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

59 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.

60 Duties. The committee shall evaluate the physical consolidation of the Claremont and Newport district courts and family division sites and the closing of the Colebrook and Milford district courts.

61 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.

62 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 and the closing of the Colebrook and Milford district courts 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.

63 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.

64 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.

65 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, 2010, as a result of reorganization or downsizing of state government.

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

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2009 and June 30, 2010, to the director of the division of personnel within 10 days of the layoff.

IV. Any full-time state employee who was laid off as defined in this section, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 3 months after the date of termination of state employment. For the 3-month period, the state shall pay the full costs of continuing medical and health care coverage. This 3-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) and any amendments thereto. Following the 3-month period, the state is authorized to make payments as necessary to comply with Title III of the American Recovery and Reinvestment Act of 2009 regarding COBRA continuation coverage.

66 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

67 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.

68 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.

69 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.

70 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

71 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.

72 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.]~~

73 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.

74 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.

75 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.

76 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 New Hampshire turnpike system reserve account as follows: \$30,000,000 in fiscal year 2010, \$20,000,000 in fiscal year 2011, and the balance to be paid under terms and conditions to be determined by the commissioner of transportation and the state treasurer.

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.

77 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.

78 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**

79 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**

80 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**

81 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 |

82 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 north-erly 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.

83 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 agree-ments 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.

84 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, wel-come centers, and state liquor store sites along the highways and turnpikes. The commissioner of the depart-ment 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.

85 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.

86 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**.

87 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 and the Connecticut River Valley resource 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. Three 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.

88 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; and

(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.

89 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.

90 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.

91 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.

92 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.

93 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]~~.

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

95 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.

96 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.

97 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.

98 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.

99 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.

100 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:

101 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.

102 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.

103 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.

104 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.*

105 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.

106 Department of Revenue Administration; Position of Field Audit Team Leader.

I. There is established the unclassified position of field audit team leader 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.

107 Unclassified Officers; Field Audit Team Leader Added. Amend RSA 94:1-a, I(a) as follows:

Insert:

DD Department of revenue administration field audit team leader

108 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.

109 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.

110 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.

111 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.

112 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**.

113 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**.

114 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**.

115 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.**

116 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.

117 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.

118 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.**

119 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.

120 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.

121 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.

122 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. Notwithstanding any provision of law, or the designation of the funds allocated by the state to the liquor commission as the liquor commission fund, the general court shall retain budgeting authority and control over the liquor commission.

III. 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.

IV. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper funding of retirement and health benefits for commission employees, 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.

V. 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.

123 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.

124 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. The commission shall submit a quarterly report of state liquor store closings to the fiscal committee of the general court.

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

V. Liquor/wine/beverage warehousers 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.

126 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.

127 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]~~ **shall not be** within [5] 10 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 bodies 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 the governing bodies 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 governing body of the municipality in which the proposed agency store may be located, or of the governing body 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 governing body of the municipality in which the agency store is to be located, and to the governing body of 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.**

128 Licensing of Agency Liquor Stores. During the period beginning July 1, 2009 and ending June 30, 2011:

I. The liquor commission may only issue new agency liquor store licenses for stores in the same market area in which the commission has closed state liquor stores during the biennium, but no more than one new agency liquor store may be licensed in any single market area.

II. The commission shall issue no more than 8 new agency liquor store licenses.

129 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.

130 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.

131 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.

132 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.

133 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.

134 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.

135 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.

136 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.

137 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.

138 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.

139 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.

140 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:

141 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.

142 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.

143 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.

144 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

145 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.

146 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.

147 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**.

148 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.

149 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.

150 Registration Fees. RSA 270-E:5, I is repealed and reenacted 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
(b) 16.1 feet to 21 feet	\$17
(c) 21.1 feet to 30 feet	\$26
(d) 30.1 feet to 45 feet	\$36
(e) 45.1 feet and over	\$46

151 Department of Safety; Bureau of Marine Patrol; Report. The commissioner of the department of safety shall report on the fee revenues and operating costs for fiscal years 2013 and 2014, and the anticipated capital costs for the next decade, of the bureau of marine patrol, division of safety services, to the chairpersons of the house and senate ways and means committees on or before September 1, 2015.

152 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.

153 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.

154 Task Force Established. There is established a task force on state funding for the Virtual Learning Academy Charter School.

155 Membership and Compensation.

I. The members of the task force 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.

(c) The commissioner of the department of education, or designee.

(d) The chief executive officer of the Virtual Learning Academy Charter School.

(e) The executive director of the New Hampshire School Boards Association, or designee.

(f) The executive director of the New Hampshire School Administrators Association, or designee.

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

156 Duties. The task force shall study the state funding for the Virtual Learning Academy Charter School. In its study, the task force shall examine the following questions:

I. What is the cost to the state for students who are dual-enrolled at their local school and with the Virtual Learning Academy Charter School?

II. What are the savings to the state and the sending district for students who are dual-enrolled at their local school and with the Virtual Learning Academy Charter School?

III. What are the steps necessary to provide continued support to the Virtual Learning Academy Charter School in a manner that eliminates dual payment by the state and is fair and equitable to school districts?

IV. What are the Virtual Learning Academy Charter School's costs per student in providing courses and how, if at all, do those costs change based on the number of students enrolled in each course?

157 Chairperson; Quorum. The commissioner of education, or the commissioner's designee, shall serve as chairperson of the task force. The first meeting of the task force shall be called by the chairperson. The first meeting of the task force shall be held within 45 days of the effective date of this section. Five members of the task force shall constitute a quorum.

158 Report. The task force shall report its findings, the results of its study, and any recommendations for state funding of the Virtual Learning Academy Charter School, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance committees and the house and senate education committees, the joint legislative oversight committee established in RSA 194-B:21, the governor, and the state library on or before December 15, 2009.

159 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.

160 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 ex-

pend 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.

161 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.

162 Committee to Study the Organizational Structure of the Liquor Commission.

I. There is established a committee to study the organizational structure of the liquor commission.

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 organizational structure of the liquor commission, including but not limited to having an executive director and the appropriate placement of liquor licensing and enforcement functions.

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 December 1, 2009.

163 Divisions and Directors. Amend RSA 176:8 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.

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

V. Liquor/wine/beverage warehousers shall submit a monthly report both to the liquor commission ~~[enforcement and]~~ licensing division and the 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.

165 Closing of State Stores. Amend RSA 177:2, II to read as follows:

II. In order to properly reflect the operating expenses of each state store, the commission shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the commission. All such expenses of the commission, with the exception of the ~~[enforcement and]~~ licensing division operating expenses, shall be included in the plan and allocated to all state stores on a consistent, rational basis. The indirect cost allocation plan for each fiscal year shall be submitted to the fiscal committee and the governor and council for approval, no later than 3 months before the start of each fiscal year.

166 Reference Changed. Amend RSA 178:22, V(h)(12) to read as follows:

(12) Violations of subparagraph (11) of this subparagraph shall be investigated by the ~~[enforcement division of the liquor commission]~~ **department of safety** and directed to the department of justice for examination of issues unrelated to this title.

167 Reference Deleted. Amend RSA 178:22, V(1)(4) to read as follows:

(4) No license shall be issued under subparagraph (1)(1) for premises holding other licenses issued by the commission except rental facilities on licensed club premises approved by the commission. Notwithstanding any other provision of law, the commission ~~[or its investigators]~~ may suspend without warning any license issued under subparagraph (1)(1) if, in their opinion, such sale of liquor and beverages is contrary to the public interest.

168 Reference Deleted. Amend RSA 178:30, IX to read as follows:

IX. Notwithstanding any other provision of law, the commission ~~[or its investigators]~~ may suspend, without warning, any license issued under paragraph I, if in their opinion, such continued sale or service of alcoholic beverages is contrary to the public interest.

169 Limited Credits. Amend RSA 179:13, V to read as follows:

V. Each wholesale distributor, brew pub licensee, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, or beverage manufacturer. Proof of notification shall be forwarded to the commission, ~~[whose enforcement division]~~ **who** shall issue an administrative notice for a violation of the provisions of RSA 179:13, I ~~[and shall forward a report of violation for administrative action]~~. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, or beverage manufacturer's notification, providing the requirements of this section have been met.

170 Reference Changed. Amend RSA 179:15 to read as follows:

179:15 Transportation of Beverages and Wine. A person may transport or deliver beverages and wines in this state without a license, provided such beverages and wines were obtained as authorized by this title and provided such beverages and wines are for consumption only and not for resale purposes. Licensees may transport and deliver to their place of business beverages and wines purchased as authorized under this title, and, except on-premises licensees, may transport and deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles operated under the control of themselves or of their employees or agents, provided that the owner of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on behalf of the licensee for whom they are transporting such beverages and wines. Every person operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the commission by rule may prescribe showing the origin and destination of the beverages and wines being transported or delivered. Upon demand of any law enforcement officer, investigator, or employee of the ~~[commission]~~ **department of safety**, the person operating such vehicle shall produce for inspection a copy of the license and the evidence required by this section. Failure to produce such license or evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided, beverages and wines may be transported within the state only by a railroad or steamboat corporation or by a person regularly and lawfully conducting a general express or trucking business, and in each case holding a valid carrier's license issued by the commission. Nothing in this section shall prohibit individual retail licensees from arranging for the delivery of wine products to a location central for the parties involved.

171 Reference Deleted. Amend RSA 179:35 to read as follows:

179:35 Retention of Invoices and Sale and Delivery Slips. All invoices, sales slips, and delivery slips, current and covering a period of 60 days prior to the current date pertaining to purchases of beverages and liquor shall be retained by the licensee on the premises or be readily available for examination by the ~~[commission or its liquor investigators]~~ **department of safety**.

172 References Deleted. Amend the section heading of RSA 179:56 and RSA 179:56, I to read as follows:

179:56 Hearings; ~~[Investigations;]~~ False Statement; Enforcement Policy.

I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all ~~[investigations and]~~ hearings before it. All hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such ~~[investigation or]~~ hearing the commission shall not be bound by the technical rules of evidence. The commission, or any member, may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever. Witnesses summoned before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

173 Prosecutions. Amend RSA 179:59 to read as follows:

179:59 Prosecutions. ~~[The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this title. The liquor investigators shall have all the powers of the sheriff in any county, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town.]~~ The ~~[commission]~~ **department of safety** shall have the primary responsibility for the enforcement of all liquor and beverage laws upon premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. Any person violating the provisions of any law may be prosecuted by the ~~[commission or any of its investigators as provided in this section]~~ **department of safety**, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

174 Repeal. The following are repealed:

I. RSA 176:9, relative to liquor investigators.

II. RSA 179:60, relative to interference with liquor investigators.

175 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the liquor commission used for enforcement of alcoholic beverage laws shall be transferred to the department of safety on July 1, 2010. The transfer provided in this section shall include all of the equipment, books, papers, and records of the liquor commission related to enforcement functions.

II. All existing rules, statutory responsibilities, regulations, and procedures relating to enforcement in effect, in operation, or adopted in or by the liquor commission are transferred to the department of safety, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

III. If the committee to study the organizational structure of the liquor commission established under section 162 of this act determines that the transfer of liquor enforcement functions to the department of safety from the liquor commission requires the creation of any additional enforcement or licensing positions or results in the need for any new appropriations in excess of the amounts appropriated for fiscal year 2011, then the committee shall recommend that legislation be introduced to transfer the liquor enforcement functions back to the liquor commission.

176 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.

177 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.**

178 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.

179 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.***

180 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.

181 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.

182 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.

183 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.***

184 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.

185 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.

186 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.

187 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.

188 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.

189 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

190 Salary for Director of Community Corrections. The salary for the unclassified position of director of community corrections established in this act shall be determined in accordance with RSA 14:14-c.

191 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.

192 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.

193 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.

194 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.

195 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.

196 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.

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

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

198 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.

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

200 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 alternative 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.

201 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.

202 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.

203 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**.

204 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.

205 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 and shall not exceed the cost of license processing.** 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.

206 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.

207 Food Protection Programs. The commissioner of the department of health and human services shall provide a list of fees imposed, total fees collected, and operating costs for state fiscal year 2010 for food protection programs established in RSA 143 and RSA 143-A to the house and senate ways and means committees no later than September 1, 2010.

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

151:5 Licenses. 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:

- I. Hospitals; \$25 per licensed bed.
- II. Specialty hospital-psychiatric; \$25 per licensed bed.
- III. Specialty hospital-rehabilitation; \$25 per licensed bed.
- IV. Nursing homes; \$25 per licensed bed.
- V. Acute psychiatric residential treatment programs; \$25 per licensed bed.
- VI. Residential treatment and rehabilitation facilities; \$25 per licensed bed.
- VII. Hospice houses; \$25 per licensed bed.
- VIII. Adult family care homes; \$25 per licensed bed.
- IX. Residential and supported residential care; \$15 per licensed bed.
- X. Home health hospice providers; \$250.
- XI. Home health care providers; \$250.
- XII. Personal care providers:
 - (a) Less than 10 clients; \$100.
 - (b) Ten (10) or more clients; \$250.
- XIII. Outpatient clinics; \$500.
- XIV. End stage renal dialysis centers; \$500.
- XV. Ambulatory surgical centers; \$500.
- XVI. Educational health centers; \$500.
- XVII. Freestanding emergency rooms; \$500.
- XVIII. Health promotion clinics; \$500.
- XIX. Collecting stations; \$250.
- XX. Adult day care centers; \$200.
- XXI. Birthing centers; \$150.
- XXII. Case management agencies; \$150.
- XXIII. Laboratories; \$150 per year for each category of testing licensed.

209 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.

210 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.

211 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.

212 Uncompensated Care Fund. RSA 167:64 and 167:65 are repealed and reenacted to read as follows:

167:64 Uncompensated Care Fund.

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) No less than 50 percent of the moneys paid into the fund shall be utilized to support uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A.

(b) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for 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 state Medicaid program. The schedule of payments to hospitals shall take effect on January 1, 2011, subject to the prior review and approval of the fiscal committee of the general court and the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that: (i) reduces to the greatest extent practicable the disproportionate impact among hospitals of uncompensated care costs; (ii) permits maximum available federal financial participation for these payments in accordance with Title XIX of the Social Security Act; and (iii) is 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.

(c) For purposes of this section, uncompensated care costs shall 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 Social Security Act.

(d) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid fee for service rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall be first allocated to ensure that critical access hospitals and rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). Non-critical access hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the funds made available under this section permit. The commissioner may create additional categories of need and make further reasonable distinctions among hospitals when determining the methodology for payments under this section, as necessary, to ensure that no hospital is unduly burdened by the fiscal effect of uncompensated care costs.

(e) One percent of the payments made from the class lines in the budget of the office of the commissioner, department of health and human services, entitled "hospital disproportionate share," "New Hampshire hospital disproportionate share," and "hospital uncompensated care pool" shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

II. Moneys in the uncompensated care fund shall be continually appropriated to the department for the purposes of this subdivision.

III. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.

167:65 Duties of Commissioner. The commissioner shall:

I. Develop the uncompensated care payment system in a manner that is consistent with the requirements of RSA 167:64 and Title XIX of the Social Security Act as amended and describe the system in an amendment to the state Medicaid plan.

II. Seek input from the chairman of the senate health and human services committee, the chairman of the house health, human services and elderly affairs committee, the chairmen of the house and senate finance committees, the insurance department, and representatives of hospitals currently participating in the uncompensated care program in developing the uncompensated care payment system required under paragraph I, and 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 January 1, 2010.

III. Submit the Medicaid state plan amendment and an estimate of the fiscal impact of such plan amendment to the fiscal committee of the general court for its review and approval prior to submission of the plan amendment to the federal Centers for Medicare and Medicaid Services and implementation of the plan.

IV. Adopt rules pursuant to RSA 541-A, as necessary, to implement this system.

213 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.

214 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.

215 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.

216 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.

217 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.

218 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.]~~

219 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.

220 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**.

221 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**.

222 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**.

223 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**.

224 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**.

225 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.

226 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**.

227 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**.

228 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**.

229 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.

230 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.

231 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.

232 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal year 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. The funds collected under this section shall remain in the custody of the land and community heritage investment program during the fiscal year ending June 30, 2011 and shall be transferred to the general fund at the end of such fiscal year.

233 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.

234 Committee Established. There is established a committee to study the use of Glencliff Home and county and private nursing facilities for medically paroled inmates.

235 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.

236 Duties. The committee shall study the use of Glencliff Home and county and private nursing facilities for medically paroled inmates, the medical parole process, and cost savings related to medical parole.

237 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.

238 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.

239 Condominium Act; Application Fees. Amend RSA 356-B:51, VII to read as follows:

VII. Each application shall be accompanied by a fee in an amount equal to [~~\$30~~] **\$50** per unit, except that the initial application fee shall be not less than [~~\$300~~] **\$600** nor more than [~~\$2,000~~] **\$5,000**, and the fee for any application for registration of additional units shall be not less than [~~\$200~~] **\$400** nor more than [~~\$2,000~~] **\$5,000**.

240 Land Sales Full Disclosure; Application Fees. Amend RSA 356-A:5, VII to read as follows:

VII. Every application shall be accompanied by a fee in an amount equal to [~~\$30~~] **\$60** per lot, parcel, unit or interest, except that the initial application fee shall not be less than [~~\$300~~] **\$600** nor more than [~~\$2,000~~] **\$5,000**, and the fee for any application for registration of additional lots, parcels, units or interests shall not be less than [~~\$200~~] **\$400** nor more than [~~\$2,000~~] **\$5,000**.

241 Department of Justice; Authority to Hire; Appropriation.

I. In order to facilitate the state's review and analysis of increasingly complex filings under RSA 356-A and RSA 356-B with the department of justice, consumer protection and antitrust bureau, the department of justice is authorized to hire a part-time paralegal at labor grade 19.

II. The sum of \$30,043 is hereby appropriated for the biennium ending June 30, 2011 to fund the position authorized by paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

242 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**:

243 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.

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

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$31.20	(\$2.60 per month)	(plus a \$30 surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a \$30 surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a \$45 surcharge)
8001- 73,280 10,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a \$45 surcharge)
10,001-26,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a \$55 surcharge)
26,001-73,280 lbs.	\$.96 per hundred lbs. gross weight		(plus a \$75 surcharge).

(2) Any surcharge under subparagraph (1) shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight **plus a \$75 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. **Any surcharge shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.**

(i) Each additional semi-trailer used in conjunction with such truck-tractor—\$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs.	[\$3.00] 8.00
1001-1500 lbs.	[6.00] 11.00
1501-3000 lbs.	[12.00] 17.00
3001-5000 lbs.	[24.00] 34.00
5001-8000 lbs.	[36.00] 46.00
8001-up	[-60] .90 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be ~~[\$.60]~~ **.90** per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds—\$24, for any additional weight above 16,000 pounds—\$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes—\$24. (In the event that a farm truck registered under the \$24 fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle—~~[\$15]~~ **\$25**.

245 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:151, VII(b) to read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter—~~[\$10]~~ **\$25**.

246 Highway and Bridge Betterment Account. From the motor vehicle registration fees and surcharges collected under RSA 261:141 and RSA 261:151 as amended by this act, the department of safety shall dedicate \$2,000,000 for the fiscal year ending June 30, 2010 and \$15,000,000 for the fiscal year ending June 30, 2011 to the highway and bridge betterment account established in RSA 235:23-a.

247 Department of Safety Motor Vehicle Registration Fees. RSA 261:141, III(g)-(o) is repealed and reenacted to read as follows:

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

0-3000 lbs.	\$31.20 (\$2.60 per month)
3001-5000 lbs.	\$43.20 (\$3.60 per month)
5001-8000 lbs.	\$55.20 (\$4.60 per month)
8001-73,280 lbs.	\$.96 per hundred lbs. gross weight.

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

(i) Each additional semi-trailer used in conjunction with such truck-tractor—\$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs.	\$ 3.00
1001-1500 lbs.	6.00
1501-3000 lbs.	12.00
3001-5000 lbs.	24.00
5001-8000 lbs.	36.00
8001-up	.60 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be \$.60 per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds—\$24, for any additional weight above 16,000 pounds—\$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes—\$24. (In the event that a farm truck registered under the \$24 fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle—\$15.

248 Fee for Transfer of Motor Vehicle Registration. RSA 261:151, VII(b) is repealed and reenacted to read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter—\$10.

249 New Subdivision; Taxation of Gambling Winnings. Amend RSA 77 by inserting after section 37 the following new subdivision:

Taxation of Gambling Winnings

77:38 Definitions. In this subdivision:

I. “Commissioner” means the commissioner of revenue administration.

II. “Department” means the department of revenue administration.

III. “Gambling winnings” means winnings from lotteries and games of chance including, but not limited to bingo, slot machines, keno, poker tournaments, and any other gambling winnings subject to federal income tax withholding.

IV. “New Hampshire entities” means establishments the purpose of which is to engage in any gaming regulated by the racing and charitable gaming commission and the sale of lottery tickets as permitted by the lottery commission.

77:39 Imposition of Tax.

I. A tax of 10 percent is imposed on:

(a) Gambling winnings of New Hampshire residents from anywhere derived.

(b) Gambling winnings of nonresidents of New Hampshire derived from New Hampshire entities.

II. The lottery commission and the charitable gaming and racing commission shall withhold all tax due and payable to the state from any payout of gambling winnings.

77:40 Who Taxable; What Taxable.

I. Taxable income is income that is received from gambling winnings during the calendar year.

II. A tax is imposed on all winnings as evidenced by federal tax withholding form W-2G.

77:41 Non-Taxable Income. No tax shall be levied directly or indirectly under this subdivision upon any income otherwise taxable hereunder, which is received and used by any educational, religious, charitable, or temperance organization incorporated or organized in this state, for the purposes for which it is established.

77:42 Returns and Payment.

I. Returns of gambling winnings shall be made to the commissioner on or before the fifteenth day of the fourth month following the expiration of the tax year. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the prescribed form for filing returns under this section.

II. The taxes collected by the lottery commission and the racing and charitable gaming commission shall be paid over to the state treasurer on or before the fifteenth day of the month following collection of said tax.

77:43 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a taxpayer is required to file a return, and, if such return is filed during the period of extension, no penalty may be imposed for failure to file the return at the time required by this subdivision, but the taxpayer shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 or RSA 21-J:33. Failure to file the return within the period of extension shall void the extension.

77:44 Interest. Any taxpayer who fails to make payment with a return when due shall be subject to interest computed as prescribed in RSA 21-J:28.

77:45 Inspection. Returns shall not be open to the inspection of any person except the commissioner and his or her deputies, assistants, and clerks when acting under his or her authority; provided that a properly authorized representative of the federal Internal Revenue Bureau may inspect such returns if reciprocal inspection of New Hampshire returns in that bureau is permitted to the commissioner or the commissioner's representatives.

77:46 Warrants, Collection. The commissioner may issue a warrant for the collection of any overdue tax to the tax collector of any town or city, which shall have the same remedies and the same fees for the collection of such taxes as are provided by law for his or her collection of taxes on personal estate.

77:47 Reassessment by Department of Revenue Administration. The department shall reassess the amount of the tax in every case in which it appears in the examination of the returns that the amount paid is either higher or lower than the actual tax due. The department shall notify the taxpayer of any corrections made. If the department determines a deficiency, the amount of said deficiency and interest as prescribed in RSA 21-J:28 shall be forwarded by the taxpayer to the department within 15 days from the date of the required notice. If the reassessment results in a determination of overpayment, the amount of the excess shall be repaid to the taxpayer in the manner provided by RSA 21-J:28-a. All assessments made under this section shall be subject to the same right of appeal as provided in RSA 21-J:28-b, and nothing contained in this section shall be construed to limit the power of the commissioner to make a later assessment under RSA 21-J:29 and to seek penalties for fraudulent returns as provided by RSA 77:30.

77:48 Penalty; Fraudulent or Incorrect Return. For purposes of the application of RSA 21-J:31 to this subdivision, if a return is not filed when due and the failure to file a return when due is not a violation of any provision of RSA 21-J:39, then neither the \$10 nor the \$50 alternate penalties of RSA 21-J:31 shall apply to the return.

77:49 Taxpayer Records.

I. Every taxpayer shall:

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

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

77:50 Disposal of Papers. The commissioner may destroy any tax returns on file in the department for more than 4 years, which, in his or her opinion, are no longer of any value to the state.

250 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the following new paragraph:

XIII. The collection of taxes on gambling winnings administered by the department under RSA 77:38 through RSA 77:50, including required forms, information, documentation, and fees.

251 Repeal. RSA 284:21-r, relative to the tax exempt status of lottery and sweepstakes winnings, is repealed.

252 Positions Established; Department of Revenue Administration. For the purposes of implementing the tax on gambling winnings under RSA 77:38 through 77:50, one labor grade 12 position and one labor grade 14 position are established within the department of revenue administration.

253 Appropriation; Department of Revenue Administration. The sum of \$190,000 for the fiscal year ending June 30, 2010 and the sum of \$90,000 for the fiscal year ending June 30, 2011 are hereby appropriated to the department of revenue administration for the purpose of funding the positions established under section 252 of this act and for programming, development and testing, equipment costs, and related administrative costs of implementing the tax on gambling winnings under RSA 77:38 through 77:50. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

254 Repeal. 2008, 296:31 and 32, relative to eligibility for certain wine discounts, are repealed.

255 Child Care Providers; Criminal Records Check. Amend RSA 170-E:7, I and II(a) and (b) to read as follows:

I. Child day care providers who are required to be licensed or registered according to the provisions of this chapter shall, no later than an individual's first day of employment, which individual is responsible for the care of, or having regular contact with children, and upon adding new household members or other individuals who

will have regular contact with children, submit to the department, the names, birth names, birth dates, and addresses of such individuals and other information required by the department as prescribed by rules adopted by the commissioner under RSA 541-A. The persons described in this paragraph shall submit **directly** to the department **of safety** a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any, **to the department**. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department **of safety**. **The department of safety shall complete the criminal history records check and forward such record, if any, to the department.** In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

II.(a) The department shall, for every name submitted on an application, in the registration process, and for each individual for whom information is required to be submitted pursuant to paragraph I, review the names, birth names, birth dates, and current and previous addresses of such persons against the state registry of founded abuse and neglect reports.

(b) The department **of safety** shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

256 Processing of National Criminal Records Checks; Reports Required. For the biennium ending June 30, 2011, the department of safety shall provide quarterly reports to the fiscal committee of the general court relative to the processing of national criminal records checks for the department of health and human services. The reports shall include, but not be limited to, the number of fingerprints processed for the department of health and human services by location, staff time allocated for processing of fingerprints for the department of health and human services, and a description of funds expended and fees charged by the department of safety for this purpose.

257 Tobacco Tax; Distribution of Funds. Amend RSA 78:32, I to read as follows:

I. The commissioner shall determine the additional amount of revenue produced by any additional tax in excess of [37-cents] **\$1.00** 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 tobacco products sold at retail in this state imposed by RSA 78:7 and shall certify such amount to the state treasurer by October 1 of each year for deposit in the education trust fund established by RSA 198:39.

258 Transfer of Funds to Police Standards and Training Council Training Fund. The sum of \$1,500,000 is hereby transferred in fiscal year 2010 from the general fund to the police standards and training council training fund established in RSA 188-F:30 for the purpose of restoring funds transferred from the police standards and training council training fund in 2009, 1:5.

259 Disaster Relief Payments to Local Communities; October 2005 Disaster Assistance. Amend 2006, 42:1, as amended by 2008, 87:1, to read as follows:

42:1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to October 2005 flood damage sustained by communities in Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed \$2,911,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2006, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the period from October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that completed a request for public assistance within the required 30-day period of the October 26, 2005 declaration date. 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, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or \$5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The department of safety shall have the authority to transfer and expend funds appropriated under this section for the purpose of providing [state-matching] funds for [April-2007] **other** disaster assistance grants. Any unexpended funds shall lapse to the general fund on June 30, [2010] **2011**.

260 Disaster Relief Payments to Local Communities; May 2006 Disaster Assistance. Amend 2007, 334:1, as amended by 2008, 87:2, to read as follows:

334:1 Appropriation; State Matching Funds for May 2006 Disaster Assistance Grants. In response to flood damage sustained by communities in May 2006, a sum not to exceed \$2,200,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, and an additional sum of \$400,000 is hereby appropriated to the department for the fiscal year ending June 30, 2008, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. 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, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. ***The department of safety shall have the authority to transfer and expend funds appropriated under this section for the purpose of providing funds for other disaster assistance grants.*** 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.

261 Disaster Relief Payments to Local Communities; April 2007 Disaster Assistance. Amend 2008, 87:3 to read as follows:

87:3 Appropriation; State Matching Funds for April 2007 Disaster Assistance Grants. In response to flood damage sustained by communities in April 2007, a sum not to exceed \$1,750,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2008, as the required state match for federal disaster assistance funds from FEMA. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act for payment of claims in the order in which they were filed, to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. 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, except that the local applicant first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible 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, 2012. The appropriation in this section shall be in addition to any other funds appropriated for such purpose, including the appropriation in 2007, 334:2. ***The department of safety shall have the authority to transfer and expend funds appropriated under this section for the purpose of providing funds for other disaster assistance grants.***

262 Disaster Relief Payments to Local Communities; July-September 2008 Disaster Assistance. Amend 2008, 392:5 to read as follows:

392:5 Appropriation; State Matching Funds for July-September 2008 Disaster Assistance Grants. In response to tornado and heavy wind damage sustained by communities in July 2008, and the heavy rains and flood damage sustained by communities between July and September 2008, a sum not to exceed \$300,000 is hereby appropriated to the department of safety, division of homeland security and emergency management, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds appropriated in this section shall not lapse to the general fund until June 30, 2011. The appropriation in this section shall be in addition to any other funds appropriated for such purpose. With prior approval of the fiscal committee of the general court, the department of safety, division of homeland security and emergency management, shall distribute the funds appropriated by this section for payment of claims in the order in which they were filed, to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. 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, except that the local applicant first shall pay 12.5 percent of its total eligible costs. ***The department of safety shall have the authority to transfer and expend funds appropriated under this section for the purpose of providing funds for other disaster assistance grants.***

263 Department of Health and Human Services; Medicaid to Schools. The department of health and human services is hereby authorized and directed to identify the state funded cost of administering the Medicaid to Schools program and seek appropriate federal financial participation for these costs.

264 Medical Services for State Prisoners. Amend RSA 623-C:2, I and II to read as follows:

I.(a) Except as provided in subparagraphs (b) through ~~[(f), no hospital or emergency room shall charge the department of corrections or its agent more than]~~ **(d), the department of corrections or its agent shall pay health care facilities and hospitals** 110 percent of the Medicare allowable rate for inpatient, **outpatient**, or emergency room care provided for prisoners in state correctional facilities. **In this chapter, "health care facilities" mean ambulatory and specialty-medical services centers licensed under RSA 151, and shall include but not be limited to surgical, rehabilitation, long term, oncology, and dialysis centers, but shall not include physician practices and community health care clinics.**

(b) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

(c) ~~[Hospitals reported by the department of health and human services as having a negative operating margin in the most recent year for which hospital-audited financial data is available shall charge no more than 125 percent of the medicare rate.]~~

~~[(d)]~~ The commissioner of the department of corrections may waive the application of subparagraph (a) if the commissioner determines such action is necessary to ensure prisoner access to medically necessary care.

~~[(e)]~~ **(d)** The commissioner of the department of corrections may waive the application of subparagraph (a) if the commissioner determines such action to be necessary for the efficient operations of the state correctional facility.

~~[(f) Nothing in this paragraph shall require a hospital to admit any person.]~~

II. **Nothing in this section shall preclude** the commissioner of the department of corrections ~~[shall have]~~ **from having** the discretion to negotiate and execute medical service rate agreements with hospitals or ~~[emergency rooms]~~ **health care facilities** for the provision of medical services to state prisoners at the lowest rate possible, **or utilizing rates in existing agreements.**

265 Department of Health and Human Services; Children's Hospital Boston. For the biennium ending June 30, 2011, the department of health and human services shall remit reimbursement to Children's Hospital Boston at a maximum rate of 80 percent of cost.

266 Department of Education; Report Relative to Charter School Enrollment. The commissioner of the department of education and the director of the office of economic stimulus shall determine, in consultation with the appropriate federal authorities, the degree to which the state may amend existing state laws, regulations, and policies with regard to controlling the growth of enrollment in public charter schools without affecting state eligibility for federal funds under the American Recovery and Reinvestment Act of 2009. On or before December 15, 2009, the commissioner and director shall submit a report of their findings and recommendations to the senate president, the speaker of the house of representatives, the house and senate education committees, the house and senate finance committees, the fiscal committees of the general court, the governor, and the state library.

267 Liquor Commission; Concord Warehouse. The liquor commission shall evaluate the efficiency and cost-effectiveness of its warehousing practices and procedures and investigate alternative practices and procedures to maximize the efficiency and cost-effectiveness of warehouse operations. The commission shall consider the role of the Concord warehouse in its evaluation and whether to sell, lease, or enter into a concession agreement or management contract for the warehouse and whether to transfer warehouse operations to another location. The liquor commission may implement a warehouse optimization plan based on its evaluation, provided the plan results in a minimum of \$5,000,000 of savings transferred to the general fund during fiscal year 2011, and provided that any plan developed pursuant to this section shall be approved by the fiscal committee of the general court and, if applicable, submitted for approval in accordance with RSA 4:40. The liquor commission shall submit a report on the implementation of its plan to the fiscal committee of the general court on or before January 1, 2010.

268 Tax on Transfer of Real Property; Definition of "Real Estate Holding Company" Amended. Amend RSA 78-B:1-a, VI to read as follows:

VI. "Real estate holding company" means ~~[a business]~~ **an** organization~~[-as defined in RSA 77-A:1, I,]~~ which is engaged principally in ~~[the business of]~~ owning, holding, selling, or leasing real estate and which owns real estate or an interest in real estate within the state.

269 New Paragraph; Meals and Rentals; Surety Bond. Amend RSA 78-A:8-b by inserting after paragraph I the following new paragraph:

I-a. Each operator shall file with the department a bond in the amount of \$5,000 to secure the payment of any tax, interest or penalties due, or which may become due. The bond shall be issued by a surety company authorized by the New Hampshire insurance department to do business in this state. The failure to maintain a bond shall result in the suspension or revocation of the license under this chapter. The commissioner is authorized to determine a schedule pursuant to which operators will be required to submit bonds.

270 Installment Payment Agreements. Amend RSA 21-J:43 to read as follows:

21-J:43 Authority to Enter Into Written Installment Payment Agreements. The department may enter into written installment payment agreements ~~[for a period not to exceed 6 months]~~ if it determines that the agreement facilitates collection of delinquent taxes, penalties, and interest owed, when liens have been recorded securing the debt and the taxpayer has clearly demonstrated inability to pay in full. The department may modify or terminate an installment payment agreement if it determines that the financial condition of the taxpayer has sufficiently changed or that the taxpayer has not complied with the terms of the installment agreement. The department shall give written notice to the taxpayer at least 30 days before the action terminating or modifying the installment payment agreement.

271 Meals and Rentals; Issuance and Renewal of Licenses. Amend RSA 78-A:4, I to read as follows:

I. Each operator shall register with the department the name and address of each place of business within the state where it operates a hotel, sells taxable meals, or rents motor vehicles. The operator shall complete a registration, upon receipt of which the department shall issue a meals and rentals license for each place in such form as it determines, attesting that the registration has been made, ***provided that a license shall not be issued or renewed if the operator owes unpaid taxes, interest, or penalties from any tax administered by the department. A license may be denied if the commissioner has reason to believe that the registration is filed by a person as a subterfuge for the real person in interest whose license has been previously been revoked, suspended, or not renewed for cause.*** Licenses shall expire on June 30 in each odd-numbered year, unless the business ceases operation, a change in ownership occurs, or the license is revoked or suspended by the department prior to expiration of the license. The license shall be conspicuously posted in a public area upon the premises to which it relates.

272 Applicability. Section 269 of this act shall take effect January 1, 2010 with respect to all operators currently licensed or licensed on or after January 1, 2010.

273 New Paragraph; Filing Threshold. Amend RSA 77-A:6 by inserting after paragraph I the following new paragraph:

I-a. Every business organization realizing a gain or loss on the sale or exchange of an interest in the business organization shall file a return for the taxable period, regardless of whether or not the business organization's gross business income is in excess of \$50,000 during the taxable period.

274 Applicability. Section 273 of this act shall take effect for tax periods ending on or after July 1, 2009.

275 New Section; Taxation of Interest and Dividends. Definitions. Amend RSA 77 by inserting after section 1 the following new section:

77:1-a Definitions. In this chapter:

I. "Accumulated profits" means:

(a) In the case of a corporation, other than a subchapter S corporation, the amount determined to be earnings and profits for federal income tax purposes; or

(b) In the case of all trusts represented by transferable shares, subchapter S corporations, limited liability companies, associations, and partnerships, the total undistributed revenues of the entity from whatever source derived.

II. "Dividends" means an amount of property distributed, with respect to their ownership interest, other than in liquidation of the organization, to shareholders or interest holders of an organization from:

(a) Current year profit;

(b) Accumulated profits of such entity; or

(c) Debt financed by the entity.

276 Taxation of Interest and Dividends; Who Taxable. Amend RSA 77:3, I(b) to read as follows:

(b) ~~[Partnerships, limited liability companies, associations, and]~~ Trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources

exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

277 Taxation of Interest and Dividends; What Taxable. RSA 77:4, III is repealed and reenacted to read as follows:

III. Dividends, other than stock dividends or changes in ownership in an entity not evidenced through actual distributions.

278 Repeal. The following are repealed:

I. RSA 77:14, relative to taxation of partnerships and limited liability companies.

II. RSA 77:15, relative to taxation of partners and members.

III. RSA 77:16 relative to taxation of out-of-state partnerships and limited liability companies.

IV. RSA 77:17 relative to the applicability of RSA 77:14 through RSA 77:16

279 Applicability. Sections 275 - 278 of this act shall apply for taxable periods ending on or after December 31, 2009.

280 Severability; Provision for Taxation of Interest and Dividends. If any provision of sections 275-279 of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of such sections are severable.

281 New Subparagraphs; State Retiree Health Plan Commission; Duties Added. Amend RSA 100-A:56, III by inserting after subparagraph (b) the following new subparagraphs:

(c) Analyze premium contributions for retirees under the age of 65 receiving medical and surgical benefits as provided under RSA 21-I:30, which shall include, but not be limited to, evaluating length of service, annuity amount, and cost to provide the medical and surgical benefits.

(d) Make recommendations for a premium contribution that is fair and equitable for retirees under the age of 65.

282 Commission to Evaluate Long-Term Uses of Lakes Region Facility Established.

I. There is established a commission to evaluate the long-term uses of the lakes region facility located in Laconia.

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

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

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

(3) One representative from the governor's office, appointed by the governor.

(4) The commissioner of the department of administrative services, or designee.

(5) The commissioner of the department of environmental services, or designee.

(6) The commissioner of the department of resources and economic development, or designee.

(7) The commissioner of the department of corrections, or designee.

(8) The commissioner of the department of health and humans services, or designee.

(9) The executive director of the department of fish and game, or designee.

(10) The commissioner of the department of cultural resources, or designee.

(11) One member of the public, appointed by the Laconia city council.

(12) A representative of the Lakes Region Planning Commission, appointed by the commission.

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

III. The commission shall assess the long-term uses of the lakes region facility by determining and recommending the disposition, redevelopment, or sale of the property in part or in whole, whichever is in the best interest of the state.

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 first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for uses of the property to the chairman of the long range capital planning and utilization committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor and executive councilors on or before June 30, 2010.

283 Aid to the Permanently and Totally Disabled; Duration of Impairment. Amend RSA 167:6, VI to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, ***unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j***. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

284 New Section; Aid to the Permanently and Totally Disabled; Duration of Impairment. Amend RSA 167 by inserting after section 3-i the following new section:

167:3-j Aid to the Permanently and Totally Disabled; Duration of Impairment.

I. The department of health and human services may change the minimum duration of impairment for aid to the permanently and totally disabled (APTD) from 48 months to 12 months upon approval of the fiscal committee of the general court, under the following conditions:

- (a) This change results in a net general fund cost savings.
- (b) Eligibility for APTD shall be based on a determination of disability as defined in Title II, Social Security Disability Insurance (SSDI), and Title XVI, Supplemental Security Income (SSI), of the Social Security Act, as amended.
- (c) A determination of disability by the Social Security Administration or any other federal agency, including the Railroad Retirement Board, using the SSI and SSDI criteria, shall constitute a determination of disability for purposes of APTD.
- (d) Applicants for APTD cash assistance shall be recipients of SSI, if eligible therefor.
- (e) For persons applying for APTD and SSI, eligibility for both programs shall be determined using the medical and financial eligibility criteria of the SSI program, through a single disability determination process.
- (f) As of the date the department implements the 12-month standard and other provisions of this paragraph, all persons who have been determined by the department to be disabled under the 48-month durational standard and are eligible for APTD and who have not been determined to be disabled by the Social Security Administration or other federal agency using the SSI/SSDI standard, shall remain eligible for APTD if they have active and pending applications for or appeals of denials of SSI, SSDI, or any other federal program utilizing the SSI/SSDI standard, through the level of the Social Security Appeals Council, provided they meet all other eligibility criteria.
- (g) Applicants shall have all appeal rights provided in state and federal law.

II. The commissioner of health and human services is authorized to enter into agreements with agencies of the state or federal government to administer any or all parts of the aid to the permanently and totally disabled (APTD) program, including an agreement with the Social Security Administration in accordance with accordance with section 1634(a) of the Social Security Act, to the extent such agreements would allow for more cost effective or efficient administration of the program. The department shall implement the most cost-effective organizational and management structure and operational processes, with prior approval of the fiscal committee of the general court, which may include organizational and contractual changes including management responsibility for SSI and SSDI eligibility determinations.

III. If the department of health and human services adopts a 12-month standard in accordance with this section, the department may apply any net savings realized from implementing this standard to meet required appropriation reductions for the department contained in the state's operating budget for the bien-

nium ending June 30, 2011. The department shall estimate net savings based on expenditures for aid to the permanently and totally disabled grants as compared to amounts budgeted in fiscal year 2010 and 2011 for this purpose, net of any increases in Medicaid medical assistance and prescription costs resulting from this change. The department shall provide quarterly reports to the fiscal committee of the general court relative to any net savings realized from the implementation of this section.

285 Tax Exemption for Commercial and Industrial Construction. Amend RSA 72:78, I to read as follows:

I. On or before March 1 [~~following the date of notice of tax under RSA 72:1-d for any~~] ***preceding the tax*** year for which the exemption is claimed, a person qualified for an exemption under RSA 72:76 shall file an application with the selectmen or assessors, on an application form prepared by them, signed by the applicant under penalty of perjury, which contains adequate information to demonstrate that the applicant is qualified for the exemption.

286 Repeal. The following are repealed:

I. 1955, 442:12, relative to a special tax on certain properties with abutting sidewalks or sewer connections.

II. 1955, 442:13, relative to liens pursuant to the special tax on certain properties with abutting sidewalks or sewer connections.

287 Powers and Duties of the Town of Littleton. The town of Littleton may revise or amend the powers and duties set forth in 1955, 442 in accordance with the procedures established in RSA 49-B, and without legislative approval.

288 Nullification. Section 1 and paragraph I of section 5 of HB 518 of the 2009 regular legislative session shall not take effect.

289 Additional Layoffs or Personnel-Related Savings. For the biennium ending June 30, 2011, the governor shall implement a plan to reduce general fund appropriations through layoffs or personnel-related savings by an additional \$25,000,000.

290 Education Trust Fund; Transfer to General Fund. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2009, June 30, 2010, and June 30, 2011 shall be transferred to the general fund as undesignated surplus.

291 Commission Established.

I. There is established a commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges.

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

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

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

(3) The governor, or designee.

(4) The commissioner of the department of safety, or designee.

(5) The commissioner of the department of transportation, or designee.

(6) The chairperson of the governor's advisory commission on intermodal transportation, or designee.

(7) A public member, appointed by the governor.

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

III. The commission shall study future sustainable revenue sources for funding improvements to state and municipal highways and bridges.

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 first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

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

292 Department of Health and Human Services; Diversion Incentive Grants. Notwithstanding any provision of law or rule to the contrary, for the fiscal year ending June 30, 2010, the department of health and human services shall distribute funds for diversion incentive grants to the same providers in the same amounts as they received in fiscal year 2009. If appropriations contained in accounting unit 05-95-40-403010-5857 for fiscal year 2010 are less than the amount of grants distributed in fiscal year 2009, the department shall prorate grants so that all recipients receive the same proportion they received during fiscal year 2009.

293 Effective Date.

- I. Sections 1, 6-7, 50, and 161 of this act shall take effect June 30, 2009.
- II. Section 55 of this act shall take effect June 1, 2009.
- III. Sections 89-94 of this act shall take effect October 1, 2009.
- IV. Sections 269 and 271 of this act shall take effect January 1, 2010.
- V. Sections 132-143 of this act shall take effect January 1, 2011.
- VI. Sections 118, 144-149, 192, and 264 of this act shall take effect 60 days after its passage.
- VII. Section 150 of this act shall take effect July 1, 2015.
- VIII. Sections 163-175 of this act shall take effect July 1, 2010.
- IX. Sections 247 and 248 shall take effect July 1, 2011.
- X. The remainder of this act shall take effect July 1, 2009.

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

Conferees on the Part of the Senate
 Sen. Larsen, Dist. 15
 Sen. Hassan, Dist. 23
 Sen. Janeway, Dist. 7
 Sen. Reynolds, Dist. 2
 Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
 Rep. M. Smith, Straf. 7
 Rep. Nordgren, Graf. 9
 Rep. Eaton, Ches. 2
 Rep. Almy, Graf. 11
 Rep. Hatch, Coos 3

2009-2333-CofC

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, adds campsites to the definition of hotel, and dedicates a portion of meals and rooms tax revenues to the division of travel and tourism development.
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, authorizes bonded appropriations for school building aid expenses in the amount of \$44,943,448 for the 2010 fiscal year, and \$46,260,234 for the 2011 fiscal year, and provides that the state treasurer shall bond all appropriations for school building aid under RSA 198:15-a. The source of payment for the bonds and notes shall be the state portion of meals and room tax revenue.
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 suspending direct graduate medical education payments to hospitals until June 30, 2011.

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 and the closing of Colebrook and Milford district courts.

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 and the Connecticut River Valley resource 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. Allows the real estate commission to collect a handling charge for fees paid electronically.

59. Allows simulcasting without conducting live horse or dog racing.

60. Establishes the position of field audit team leader for the department of revenue administration.

61. 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.

62. Modifies the definition of beverage for purposes of the alcoholic beverage laws. This bill also exempts the liquor commission from state purchasing requirements, changes the distribution of liquor commission revenue, makes organizational changes to the liquor commission, eliminates certain restrictions on the closing of state liquor stores, and establishes limitations on the licensing of new agency liquor stores.

63. 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.

64. 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.

65. 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.

66. Increases boating registration and license fees.

67. Requires the department of transportation to erect signs advertising state liquor stores.

68. Provides that no new chartered public schools shall be approved by the state board of education between July 1, 2009 and June 30, 2011.

69. Establishes a task force on state funding for the Virtual Learning Academy Charter School.

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 submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.

72. Requires that unused appropriations for nursing services and home health services be paid to providers.

73. Transfers the authority for enforcement of the liquor laws from the liquor commission to the department of safety on July 1, 2010 and establishes a committee to study the organizational structure of the liquor commission.

74. 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.

75. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

76. 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.

77. 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.

78. 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.

79. Establishes a division of community corrections within the department of corrections under the supervision of a director of community corrections.

80. Authorizes the supreme court to establish a fee to be imposed when a court extends the time for payment of a fine.

81. 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.

82. Increases the fee charged by the department of safety to nonresidents for a license to carry a concealed pistol or revolver.

83. Increases vanity plate service fees, requires payment of a vanity plate fee upon renewal, and eliminates references to the vanity plate fund.

84. Increases the amount of the state guarantee for school building bonds.

85. 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.

86. Modifies fee requirements for certain food and beverage licenses.

87. Requires the commissioner of the department of health and human services to provide a list of fees imposed, total fees collected, and operating costs for state fiscal year 2010 for food protection programs to the house and senate ways and means committees no later than September 1, 2010.

88. Establishes and changes license fees under the health facility licensure law.

89. 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.

90. 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.

91. 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.

92. Requires the commissioner of the department health and human services to establish an uncompensated care payment system within the parameters of state and federal law, to submit an amendment to the state Medicaid plan regarding the system, and to make a report to the oversight committee on health and human services on or before January 1, 2010.

93. Clarifies who must be licensed as a motor fuel and petroleum products transporter.

94. Continues certain executive orders freezing hiring, purchases, and travel.

95. Authorizes the commissioner of the department of transportation to enter into agreements to lease-purchase vehicles and equipment.

96. 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.

97. 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.

98. 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.

99. 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.

100. 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.

101. 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 fiscal year ending June 30, 2011.

102. Requires the Pease development authority to make payments to the department of administrative services for its portion of indirect costs for centralized business services.

103. Establishes a committee to study the use of Glencliff Home and county and private nursing facilities for medically paroled inmates.

104. Increases application fees under the condominium act and the land sales full disclosure act and authorizes the hiring of a part-time paralegal in the department of justice, consumer protection and antitrust bureau.

105. 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.

106. Increases certain motor vehicle registration fees and adds a surcharge for certain motor vehicle registration fees for the biennium ending June 30, 2011 and directs the department of safety to dedicate a portion of such funds to the highway and bridge betterment account in each year of the biennium.

107. Establishes a tax on gambling winnings and makes an appropriation to the department of revenue administration for the costs of implementing the tax.

108. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.

109. Clarifies the procedures for the criminal history records check required for child day care provider licensure.

110. Requires the department of safety to provide quarterly reports to the fiscal committee of the general court relative to the processing of national criminal records checks for the department of health and human services.

111. Increases the amount of tobacco tax revenue deposited in the general fund.

112. Transfers funds from the general fund to the police standards and training council training fund for the 2010 fiscal year.

113. Extends the lapse date for certain disaster assistance funds to June 30, 2011, and permits the transfer of unexpended funds to other disaster assistance grants.

114. Authorizes the department of health and human services to identify the state funded cost of administering the Medicaid to Schools program and to seek appropriate federal financial participation.

115. Clarifies the payment by the department of corrections to health care facilities and hospitals for medical services for state prisoners.

116. Requires the department of health and human services to remit reimbursement to Children's Hospital Boston.

117. Directs the commissioner of the department of education and the director of the office of economic stimulus to make a report relative to charter school enrollment and eligibility for federal funds under the American Recovery and Reinvestment Act.

118. Requires the liquor commission to evaluate warehouse operations and transfer \$5,000,000 in savings to the general fund.

119. Changes the definition of "real estate holding company" to include certain federally exempt organizations.

120. Requires meals and rentals operators to post a \$5,000 bond to secure the payment of taxes collected. This bill allows the commissioner of revenue administration to enter payment agreements with taxpayers for terms exceeding 6 months. This bill also allows the commissioner of revenue administration to deny meals and rentals licenses to applicants who owe unpaid taxes or who apply on behalf of another person who lost his or her license.

121. Requires business organizations realizing a gain or loss on the sale or exchange of an interest in the business organization to file a business profits tax return.

122. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax regardless of whether they have transferable shares.

123. Adds new duties to the state retiree health plan commission

124. Establishes a commission to evaluate the long-term uses of the lakes region facility located in Laconia.

125. Authorizes the department of health and human services to reduce the minimum required duration of impairment for purposes of eligibility for aid to the permanently and totally disabled from 48 months to 12 months.

126. Clarifies the application process for the tax exemption for commercial and industrial construction.

127. Repeals the power of the board of selectmen in the town of Littleton to assess a special tax and liens pursuant to such tax, and authorizes the town to revise or amend the powers and duties contained in 1955, 442 in accordance with the procedures established in RSA 49-B, and without legislative approval.

128. Nullifies a section of HB 518 of the 2009 legislative session which amends RSA 263:40-a. I(c), relative to driver's license application form options, and which conflicts with 2009, 75:2 (HB 211-FN).

129. Requires the governor to implement a plan for the biennium ending June 30, 2011 to reduce general fund appropriations through layoffs or personnel-related savings.

130. Transfers funds remaining in the education trust fund at the end of the fiscal years 2009, 2010, and 2011 to the general fund.

131. Establishes a commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges.

132. Requires the department of health and human services to distribute funds for diversion incentive grants to the same providers in the same amounts as they received in fiscal year 200.

Sen. Fuller Clark moved the question.

Without objection, the Chair closed debate.

(Sen. Fuller Clark, President Pro Tem, presided during Sen. Larsen's floor remarks.)

The question is on the adoption of Committee of Conference Report on HB 2-FN-A-L.

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

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

The following Senators voted No: Gallus, Bradley, Roberge, Bragdon, Carson, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Downing.

Yeas: 13 - Nays: 11

Committee of Conference Report on HB 2-FN-A-L adopted.

Sen. Gatsas asserts Rule 42 on HB 2-FN-A-L.

Recess/Out of Recess.

AFTERNOON SESSION COMMITTEE OF CONFERENCE REPORTS, RESUMED

**June 16, 2009
2009-2218-CofC
01/09**

Committee of Conference Report on HB 40, an act requiring sanctions against hospitals for failing to report infection rates.

Recommendation:

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

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 40, an act requiring sanctions against hospitals for failing to report infection rates.

Conferees on the Part of the Senate
Sen. Kelly, Dist. 10
Sen. Gilmour, Dist. 12
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Harding, Graf. 11
Rep. D. Ryder, Hills. 5
Rep. P. McMahon, Merr. 3
Rep. Bettencourt, Rock. 4

The question is on the adoption of Committee of Conference Report on HB 40.**Committee of Conference Report on HB 40 adopted.****June 10, 2009****2009-2094-CofC****10/05****Committee of Conference Report on HB 41, an act allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire.****Recommendation:**

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

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

Amend RSA 206:33-e, III as inserted by section 1 of the bill by replacing it with the following:

III. The fish and game department shall submit an annual report to the fiscal committee of the general court and the policy committees responsible for wildlife issues in the senate and house of representatives. The report shall identify funds received and expended from the foundation and projects supported by the foundation during the year.

The signatures below attest to the authenticity of this Report on HB 41, an act allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire.

Conferees on the Part of the Senate
Sen. Janeway, Dist. 7
Sen. Gallus, Dist. 1
Sen. Gilmour, Dist. 12

Conferees on the Part of the House
Rep. L'Heureux, Hill. 19
Rep. Henson, Rock. 13
Rep. J. Russell, Rock. 13
Rep. M. McCarthy, Hills. 21

The question is on the adoption of Committee of Conference Report on HB 41.**Committee of Conference Report on HB 41 adopted.****June 17, 2009****2009-2240-CofC****06/09****Committee of Conference Report on HB 45, an act relative to the water supply land conservation program.****Recommendation:**

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

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 45, an act relative to the water supply land conservation program.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Merrill, Dist. 21
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Spaulding, Hills. 18
Rep. R. Rogers, Straf. 1
Rep. McClammer, Sull. 5
Rep. Watters, Straf. 4

The question is on the adoption of Committee of Conference Report on HB 45.**Committee of Conference Report on HB 45 adopted.**

June 16, 2009
2009-2165-CofC
04/01

Committee of Conference Report on HB 78, an act relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

Recommendation:

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

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

Amend the bill by replacing all after section 3 with the following:

4 Oversight Commission on Motor Vehicle Fines. Amend RSA 262:45, IV to read as follows:

IV. The first meeting of the commission established in RSA 262:45 shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

[IV-] V. The oversight commission shall make a report every 2 years beginning on November, 2009, together with 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.

5 Repeal. 2008, 305:2, relative to meetings of the oversight commission on motor vehicle fines, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

The signatures below attest to the authenticity of this Report on HB 78, an act relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders

Conferees on the Part of the Senate
 Sen. Cilley, Dist. 6
 Sen. DeVries, Dist. 18
 Sen. Carson, Dist. 14

Conferees on the Part of the House
 Rep. Welch, Rock. 8
 Rep. Rodd, Merr. 5
 Rep. Willette, Hills. 6
 Rep. Weare, Rock. 14

2009-2165-CofC

AMENDED ANALYSIS

This bill:

I. Adds the commissioner of the department of health and human services to the interbranch criminal and juvenile justice council and authorizes the chairperson to invite any person to participate in council meetings provided there is no objection from a member of the council.

II. Adds an additional member from the New Hampshire Association of Counties, County Corrections Affiliate, to the interagency coordinating council for women offenders.

III. Reduces the quorum requirement for the oversight commission on motor vehicle fines from 5 to 3.

The question is on the adoption of Committee of Conference Report on HB 78.

Committee of Conference Report on HB 78 adopted.

June 15, 2009
2009-2143-CofC
10/04

Committee of Conference Report on HB 96, an act correcting certain references relating to municipal growth management.

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 section 2 with the following:

3 New Paragraph; Declaration of Public Benefit. Amend RSA 79-E:1 by inserting after paragraph II the following new paragraph:

II-a. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the governing body makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in RSA 79-E:7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.

4 Declaration of Public Benefit. Amend RSA 79-E:1, III to read as follows:

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 substantial rehabilitation and use of qualifying structures, **or in certain cases, the replacement of a qualifying structure**, as defined in this chapter.

5 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.

6 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.

7 Community Revitalization Tax Relief Incentive; Definitions; Tax Relief. Amend RSA 79-E:2, III to read as follows:

III. "Tax relief" means:

(a) For a qualifying structure, 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.

(b) For the replacement of a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, 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.

8 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.

9 New Subparagraph; Community Revitalization Tax Relief Incentive. Amend RSA 79-E:4 by inserting after paragraph I, the following new paragraph:

I-a. In order to assist the governing body with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the governing body as part of the application, a New Hampshire division of historical resources individual resource inventory form, prepared by a qualified architectural

historian and a letter issued by the local heritage commission and if the qualifying structure is located within a designated historic district established in accordance with RSA 674:46, a letter from the historic district commission or, if such local commissions are not established, a letter issued by the New Hampshire division of historical resources that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted.

10 Community Revitalization Tax Relief Incentive. 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 specifically finds that the local heritage commission or historic district commission or, if such local commissions are not established, the New Hampshire division of historical resources has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement. In connection with these findings, the governing body may request that the division of historic resources conduct a technical evaluation in order to satisfy the governing body that historical resources will not be adversely affected.

11 New Paragraph; Community Revitalization Tax Relief Incentive; Tax Increment Finance Districts. Amend RSA 79-E:4 by inserting after paragraph V the following new paragraph:

VI. Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts 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.

12 New Paragraph; Community Revitalization Tax Relief Incentive; Tax Relief Period. Amend RSA 79-E:5 by inserting after paragraph I the following new paragraph:

I-a. For the approval of a replacement of a qualifying structure, the governing body may grant such tax assessment relief for a period of up to 5 years, beginning only upon the completion of construction of the replacement structure. The governing body may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the governing body of tax relief for the replacement structure and the time the owner completes construction of the replacement structure and grants to the municipality the covenant to protect the public benefit as required by this chapter. The governing body may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under RSA 75:1-a.

13 Community Revitalization Tax Relief Incentive; Public Benefit. The introductory paragraph of RSA 79-E:7 is repealed and reenacted to read as follows:

In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

14 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 ***and as otherwise provided in this chapter.***

15 Community Revitalization Tax Relief Incentive; Termination of Covenant; Reduction of Tax Relief; Penalty. Amend RSA 79-E:9, I to read as follows:

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation *or replacement* has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

16 Early Adoption by Municipalities. Any city or town that has adopted the provisions of RSA 79-E prior to the effective date of this section may adopt the provisions of this act relating to the extension of tax relief to the replacement of qualifying structures in accordance with the provisions of RSA 79-E:3. If a city or town that has adopted RSA 79-E prior to the effective date of this act desires to extend the tax relief benefits for replacement structures provided herein, such city or town must readopt RSA 79-E in its entirety or all of the provisions of this act pertaining to tax relief for replacement structures.

17 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.

The signatures below attest to the authenticity of this Report on HB 96, an act correcting certain references relating to municipal growth management.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Sgambati, Dist. 4
Sen. Barnes, Jr., Dist. 17

Conferees on the Part of the House
Rep. Osborne, Merr. 12
Rep. Patten, Carr. 4
Rep. Boyce, Belk. 5
Rep. Schuett, Merr. 7

2009-2143-CofC

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 Committee of Conference Report on HB 96.

Committee of Conference Report on HB 96 adopted.

June 17, 2009

2009-2249-CofC

08/09

Committee of Conference Report on HB 102, an act relative to the rivers management and protection program.

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 RSA 482-A:3, I(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(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. A postal receipt or copy that verifies submittal of the permit application to the local river management advisory committee, if required under subparagraph (2), shall also be provided. 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.

Amend RSA 482-A:3, I(d)(1) as inserted by section 2 of the bill by replacing it with the following:

(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. A postal receipt or copy that verifies submittal of the permit application to the local river management advisory committee, if required under subparagraph (2), shall also be provided. 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.

Amend the bill by deleting section 6 and renumbering the original sections 7 - 25 to read as 6 - 24, respectively.

Amend RSA 483:8, VII as inserted by section 8 of the bill by replacing it with the following:

~~[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 ***or the long range capital planning and utilization committee, whichever is the first point of review***, except upon the review and recommendation of the advisory committee established under this section.

Amend RSA 483:13, II and III as inserted by section 14 of the bill by replacing them with the following:

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 through 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 through RSA 487:42, and such funds are hereby continually appropriated.***

Amend RSA 483:11 as inserted by section 17 of the bill by inserting after paragraph I the following new paragraph:

I-a. Determination of the downstream extent for river segments whose salinity, flow, or level is influenced by tides at their tidal mouths.

Amend RSA 483:11, II as inserted by section 17 of the bill by replacing it with the following:

II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 483:6, IV(a).

Amend the bill by replacing sections 19 - 21 with the following:

19 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]~~ ***hearings and reports*** required under section 3, ~~[II(d)]~~ ***III(b) and (c)*** of this act, but not before December 1, ~~[2010]~~ ***2012***.

20 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, issue a report that includes observed and projected 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. Within 60 days of the issuance 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 final 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, a plan for implementing protected instream flows and water management plans for other rivers designated under RSA 483:15, and any recommendations for proposed legislation. The report shall also include a summary of public comments received, the completed instream flow studies, and the adopted protected instream flow levels and water management plans and shall be submitted to the senate energy, environment and economic development committee, the house resources, recreation and development committee, the senate president, the speaker of the house of representatives, the governor, the committee to study the impact of water withdrawals on instream flows established under 2000, 242:1, and the state library.

(d) The requirements of subparagraphs (a) – (b) may be met independently for the Lamprey River and the Souhegan River through separate reports, hearings, and regulatory adoption and implementation.

21 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~~] **December 15, 2012**.

Amend the bill by replacing section 22 with the following:

22 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 and markers may be placed at the bridge.

The signatures below attest to the authenticity of this Report on HB 102, an act relative to the rivers management and protection program.

Conferees on the Part of the Senate
Sen. Merrill, Dist. 21
Sen. Lasky, Dist. 13
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. Spang, Straf. 7
Rep. Kappler, Rock. 2
Rep. Kepner, Rock. 15
Rep. Hubbard, Straf. 1

The question is on the adoption of Committee of Conference Report on HB 102.

Committee of Conference Report on HB 102 adopted.

2147

2009-2147-CofC

09/10

Committee of Conference Report on HB 118, an act relative to periodic payments of judgments.

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 section 3 with the following:

4 Pooled Risk Management Programs; Information Filing Required. RSA 5-B:4 is repealed and reenacted 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. 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.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2011.

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

The signatures below attest to the authenticity of this Report on HB 118, an act relative to periodic payments of judgments.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Houde, Dist. 5
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. L. Weber, Ches. 2
Rep. DeStefano, Merr. 13
Rep. Hunt, Ches. 7
Rep. Cote, Hills. 23

2009-2147-CofC

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 for a 2-year period.

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 of Conference Report on HB 118.

Committee of Conference Report on HB 118 adopted.

June 12, 2009

2009-2124-CofC

01/04

Committee of Conference Report on HB 239-LOCAL, an act relative to establishing a municipal bond rescission process.

Recommendation:

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

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

Amend 2009, 14:2, VI as inserted by section 5 of the bill by replacing it with the following:

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 be required for 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.

The signatures below attest to the authenticity of this Report on HB 239-LOCAL, an act relative to establishing a municipal bond rescission process

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Houde, Dist. 5
Sen. Barnes, Dist. 17

Conferees on the Part of the House
Rep. Patten, Carr. 4
Rep. Schuett, Merr. 7
Rep. Boyce, Belk. 5
Rep. Osborne, Merr. 12

The question is on the adoption of Committee of Conference Report on HB 239-L.

Committee of Conference Report on HB 239-L adopted.

June 16, 2009

2009-2225-CofC

10/05

Committee of Conference Report on HB 252, an act relative to state agency rulemaking concerning expiring administrative rules.

Recommendation:

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

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

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Joint Legislative Committee on Administrative Rules; Pilot Program for Electronic Filing. Amend RSA 541-A:2, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Establish, in consultation with the director of the office of legislative services, a pilot program authorizing procedures for electronic filing of notices and rules by agencies. Notwithstanding RSA 541-A:1, VI, the committee shall permit electronic filing by selected agencies pursuant to criteria established in the pilot program.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 2010.

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

The signatures below attest to the authenticity of this Report on HB 252, an act relative to state agency rulemaking concerning expiring administrative rules.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. DeVries, Dist. 18
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Pilotte, Hills. 16
Rep. D. Petterson, Rock. 10
Rep. Flurey, Hills. 16
Rep. Pratt, Hills. 7

2009-2225-CofC

AMENDED ANALYSIS

This bill establishes a procedure for review of agency rulemaking prior to expiration of the rules. The bill also establishes a pilot program for electronic filing by rulemaking agencies under the administrative procedures act, RSA 541-A, and allows for electronic filing for all rulemaking agencies beginning July 1, 2010.

The question is on the adoption of Committee of Conference Report on HB 252.

Committee of Conference Report on HB 252 adopted.

June 16, 2009

2009-2182-Cof-C

03/04

Committee of Conference Report on HB 292, an act relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

Recommendation:

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

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

Amend the bill by replacing section 7 with the following:

7 New Section; Filing Officer. Amend RSA 21-G by inserting after section 28 the following new section:

21-G:28-a Filing Officer; Appointment; Duties and Responsibilities.

I. The secretary of state shall designate an individual to serve as the state filing officer, who shall be responsible for the administration of this subdivision.

II. The filing officer shall:

(a) Review the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(b) Respond to any inquiries from candidates for public office and executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(c) As soon as practicable after the RSA 15-A filing deadline, forward a list of those individuals who have not filed a RSA 15-A form or whose forms are incomplete to the legislative ethics committee, or the executive branch ethics committee, or the attorney general, as may be appropriate.

(d) Not be authorized to render legal advice.

III. Each appointing authority under RSA 15-A:3 shall provide the secretary of state with the name and address and appointment date of any person appointed by him or her to any board, commission, committee, or board of directors after the effective date of this section.

IV. The secretary of state:

(a) Shall maintain a list, as reasonably as practicable, of public officials required to submit forms pursuant to RSA 15-A; and

(b) May enter into memoranda of understandings with other state agencies or branches of government to facilitate requirements of this subdivision.

V. Any state agency, commission, or committee authorized by statute to issue opinions interpreting a state ethics law shall submit a copy of any written decision or opinion to the state filing officer and to the secretary of state. Such written decisions or opinions may be redacted prior to submission in order to protect confidential or nonpublic information.

The signatures below attest to the authenticity of this Report on HB 292, an act relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

Conferees on the Part of the Senate
Sen. Merrill, Dist. 21
Sen. Houde, Dist. 5
Sen. Barnes Jr., Dist. 17

Conferees on the Part of the House
Rep. Splaine, Rock. 16
Rep. Pierce, Graf. 9
Rep. Bartlett, Merr. 11
Rep. Jasper, Hills. 27

2009-2182-CofC**AMENDED ANALYSIS**

This bill:

I. Modifies the applicability of lobbyist regulation statutes and reporting requirements for lobbyists.

II. Exempts certain executive branch volunteers from the financial disclosure requirements.

III. Modifies exemptions from the definition of "gift" for purposes of prohibitions on certain gifts to public officials.

IV. Requires the secretary of state to designate an individual as the state filing officer.

V. Requires certain officials to submit information relating to financial disclosure compliance.

VI. Makes discretionary the attorney general's duty to examine statements of financial interest and compel their compliance with the law.

The question is on the adoption of Committee of Conference Report on HB 292.

Committee of Conference Report on HB 292 adopted.

June 15, 2009

2009-2136-CofC

08/02

Committee of Conference Report on HB 296-FN-A, an act transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

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 RSA 146-E:3, II as inserted by section 2 of the bill by replacing it with the following:

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 on June 30, 2010.

The signatures below attest to the authenticity of this Report on HB 296-FN-A, an act transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Janeway, Dist. 7
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. Hatch, Coos 3
Rep. Almy, Graf. 11
Rep. Osgood, Sull. 4
Rep. Mack, Hills. 1

The question is on the adoption of Committee of Conference Report on HB 296-FN-A.

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

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 of Conference Report on HB 296-FN-A adopted.

June 16, 2009

2009-2157-CofC

10/09

Committee of Conference Report on HB 297, an act relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

Recommendation:

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

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

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 2010.

The signatures below attest to the authenticity of this Report on HB 297, an act relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

Conferees on the Part of the Senate

Sen. Cilley, Dist. 6

Sen. DeVries, Dist. 18

Sen. Carson, Dist. 14

Conferees on the Part of the House

Rep. Pilotte, Hills. 16

Rep. D. Petterson, Rock. 10

Rep. Flurey, Hills. 16

Rep. Pratt, Hills. 7

The question is on the adoption of Committee of Conference Report on HB 297.

Committee of Conference Report on HB 297 adopted.

June 12, 2009

2009-2126-CofC

04/09

Committee of Conference Report on HB 319, an act authorizing the Concord school district to amend its charter without prior legislative approval.

Recommendation:

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

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

Amend the bill by replacing section 5 with the following:

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 December 1, 2009.

The signatures below attest to the authenticity of this Report on HB 319, an act authorizing the Concord school district to amend its charter without prior legislative approval.

Conferees on the Part of the Senate

Sen. DeVries, Dist. 18

Sen. Houde, Dist. 5

Sen. Barnes, Dist. 17

Conferees on the Part of the House

Rep. Gagnon, Sull. 4

Rep. Osborne, Merr. 12

Rep. Watrous, Merr. 12

Rep. Patten, Carr. 4

The question is on the adoption of Committee of Conference Report of HB 319.

Committee of Conference Report on HB 319 adopted.

June 16, 2009

2009-2160-CofC

05/01

Committee of Conference Report on HB 322, an act relative to the minimum age required to purchase fireworks.

Recommendation:

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

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

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 322, an act relative to the minimum age required to purchase fireworks.

Conferees on the Part of the Senate
 Sen. Reynolds, Dist. 2
 Sen. Letourneau, Dist. 19
 Sen. Houde, Dist. 5

Conferees on the Part of the House
 Rep. Cushing, Rock. 15
 Rep. Rodd, Merr. 5
 Rep. Swinford, Belk. 5
 Rep. Fesh, Rock. 5

The question is on the adoption of Committee of Conference Report on HB 322.

Committee of Conference Report on HB 322 adopted.

June 16, 2009
2009-2169-CofC
08/09

Committee of Conference Report on HB 334-FN, an act relative to consumer credit.

Recommendation:

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

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

Amend the bill by replacing section 40 with the following:

40 Credit Unions; Compensation. Amend RSA 394-B:45, I to read as follows:

I. No member of the board of directors or of either the credit or supervisory committee shall receive any compensation for his ***or her*** services as a member of said board or of such committee; provided, however, that if at any time any credit union organized under the provisions of this chapter shall have enlarged its business to such extent that this section may create an impediment to its proper functioning, the bank commissioner, upon petition of the board of directors, may permit said board of directors to pay such credit committee such compensation as he ***or she*** shall consider proper. ***The reimbursement of reasonable expenses in the execution of the duties of the position shall not be considered compensation.***

The signatures below attest to the authenticity of this Report on HB 334-FN, an act relative to consumer credit

Conferees on the Part of the Senate
 Sen. DeVries, Dist. 18
 Sen. Cilley, Dist. 6
 Sen. Bragdon, Dist. 11

Conferees on the Part of the House
 Rep. Butler, Carr. 1
 Rep. DeStefano, Merr. 13
 Rep. Palfrey, Merr. 2
 Rep. McEachern, Rock. 16

2009-2169-CofC

AMENDED ANALYSIS

This bill:

I. Allows the bank commissioner to bar certain persons from registering as being licensed as certain retail sellers, mortgage loan servicers, debt adjustment services personnel, and money transmitters.

II. Allows the bank commissioner to expand criminal record checks for certain retail sellers, mortgage loan servicers, debt adjustment services personnel, and money transmitters.

III. Allows for the collection of certain examination expenses, fines, and other penalties.

IV. Allows the banking department to examine business records in certain situations.

V. Amends the St. Mary's Bank Charter to allow the union to pay certain committee members a reasonable fee.

VI. Clarifies that the reimbursement of members of credit union board of directors and credit union credit or supervisory committees for reasonable expenses in the execution of their duties shall not be considered compensation.

The question is on the adoption of Committee of Conference Report on HB 334-FN.

Committee of Conference Report on HB 334-FN adopted.

Sen. D'Allesandro asserts Rule 42 on HB 334-FN.

June 16, 2009
2009-2222-CofC
10/01

Committee of Conference Report on HB 378-FN-A, an act relative to fees for methadone detoxification and maintenance programs.

Recommendation:

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

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

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

1 Controlled Drugs; Professional Use; State Methadone Authority. Amend RSA 318-B:10, VII(b) to read as follows:

(b) The commissioner of the department of health and human services shall~~[-on or before June 30, 2001,]~~ adopt and have in effect rules, pursuant to RSA 541-A, relative to *methadone* detoxification and ~~[methadone]~~ maintenance programs as follows:

(1) Application procedure and standards for approval for certification and re-certification of providers to operate *methadone* detoxification and ~~[methadone]~~ maintenance programs, including certification period, for each type of certification. ***The department shall utilize accreditation reports obtained from national accreditation bodies that are approved by the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration in certifying methadone detoxification and maintenance programs in New Hampshire.***

(2) Eligibility of individuals for admission to such programs.

(3) Qualifications of program personnel.

(4) Program content, including, but not limited to, services to be offered by the program.

(5) Mandatory records and reports to the department.

(6) Security measures to prevent diversion of methadone to illegal use.

(7) Confidentiality and disclosure of identifying information, records and reports.

(8) Financial responsibility.

(9) Any other provisions necessary to implement the purposes of this paragraph.

2 New Subparagraphs; Controlled Drugs; State Methadone Authority; Fees for Providers; Reports. Amend RSA 318-B:10, VII by inserting after subparagraph (e) the following new subparagraphs:

(f) The department shall assess a fee to be paid by providers of methadone detoxification and maintenance programs for certification and administration by the department. The fee shall be \$8 per client based on the annual client census of the previous calendar year. If the provider had no clients in the previous calendar year, then the fee shall be \$1,000. All moneys collected by the department from fees authorized under this subparagraph shall be deposited into the general fund.

(g) The commissioner of the department of health and human services shall report by July 31, 2010, and each July 31 thereafter, to the chairpersons of the house and senate ways and means committees, the house and senate committees having jurisdiction over health and human services, and the oversight committee on health and human services under RSA 126-A:13, on the number of methadone detoxification and maintenance program clinics licensed under RSA 318-B:10, VII, the number of clients, the average annual census data, the amount of fees assessed providers, and any recommendations for changes to the fee structure.

3 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 378-FN-A, an act relative to fees for methadone detoxification and maintenance programs.

Conferees on the Part of the Senate
 Sen. Gilmour, Dist. 12
 Sen. Kelly, Dist. 10
 Sen. Downing, Dist. 22

Conferees on the Part of the House
 Rep. Butynski, Ches. 4
 Rep. Shattuck, Hills. 1
 Rep. Walsh, Hills. 11
 Rep. Hatch, Coos 3

2009-2222-CofC**AMENDED ANALYSIS**

This bill establishes fees the department of health and human services shall collect for certification and administration of providers of methadone detoxification and maintenance programs. The bill also clarifies criteria for certifying such programs in this state and requires the commissioner of health and human services to make an annual report.

The question is on the adoption of Committee of Conference Report on HB 378-FN-A.

Committee of Conference Report on HB 378-FN-A adopted.

June 17, 2009

2009-2265-CofC

06/01

Committee of Conference Report on HB 391, an act authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

Recommendation:

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

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

Amend RSA 237:2-a, II as inserted by section 5 of the bill by replacing it with the following:

II. 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 New Hampshire turnpike system reserve account as follows: \$30,000,000 in fiscal year 2010, \$20,000,000 in fiscal year 2011, and the balance to be paid under terms and conditions to be determined by the commissioner of transportation and the state treasurer.

The signatures below attest to the authenticity of this Report on HB 391, an act authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

Conferees on the Part of the Senate
Sen. Hassan, Dist. 23
Sen. Janeway, Dist. 7
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Campbell, Hills. 24
Rep. Sprague, Straf. 2
Rep. Chandler, Carr. 1
Rep. Ramsey, Hills. 8

The question is on the adoption of Committee of Conference Report on HB 391.

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

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

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

Yeas: 18 - Nays: 6

Committee of Conference Report on HB 391 adopted.

June 15, 2009

2009-2146-CofC

09/01

Committee of Conference Report on HB 395, an act requiring electric utilities to offer renewal energy source options.

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 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 enter into agreements for the implementation of programs under this section that are contingent, in whole or in part, on future proceeds from budget allowance auctions held within 12 months of the date such agreements become effective.

3 Electric Utility Restructuring; Implementation; Conservation, Energy Efficiency, and Load Management. Amend RSA 374-F:4, VIII(e) to read as follows:

(e) Targeted conservation, **energy efficiency**, 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]~~ **or the 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 Repeal. The following are repealed:

- I. RSA 374-F:4, VIII(b), relative to limitations on the systems benefit charge.
- II. RSA 374-F:4, VIII(d), relative to limitations on the systems benefit charge.
- III. RSA 374-F:4, VIII(g), relative to limitations on the systems benefit charge.

5 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.

The signatures below attest to the authenticity of this Report on HB 395, an act requiring electric utilities to offer renewal energy source options.

Conferees on the Part of the Senate
Sen. Fuller-Clark, Dist. 24
Sen. Lasky, Dist. 13
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Kaen, Straf. 7
Rep. S. Harvey, Hills. 21
Rep. Remick, Coos 2
Rep. Borden, Rock. 18

2009-2146-CofC

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 agreements for implementation of greenhouse gas emissions reduction programs that are contingent upon future proceeds from budget allowance auctions within a subsequent 12-month period.
- III. Establishes limitations on the use of the electricity distribution charge to fund conservation, energy efficiency, and load management programs and incentives.
- IV. Repeals certain provisions relative to limitations on the systems benefit charge.

The question is on the adoption of Committee of Conference Report on HB 395.

Committee of Conference Report on HB 395 adopted.

June 16, 2009
2009-2178-CofC
10/04

Committee of Conference Report on HB 408-FN, an act relative to the regulation of physicians and physician assistants by the board of medicine.

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 RSA 329:12, II as inserted by section 9 of the bill by replacing it with the following:

II. The board may waive the examination requirement for any applicant who has satisfactorily passed ~~[a national examination approved by the Federation of State Medical Boards in another state or in Canada]~~ ***all examinations and requirements to become board certified by the American Board of Medical Specialties (ABMS) or by the American Osteopathic Association (AOA).***

The signatures below attest to the authenticity of this Report on HB 408-FN, an act relative to the regulation of physicians and physician assistants by the board of medicine.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Fuller Clark, Dist. 24
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Houde-Quimby, Sull. 1
Rep. Beck, Hills. 2
Rep. McGuire, Merr. 8
Rep. D. Petterson, Rock. 10

The question is on the adoption of Committee of Conference Report on HB 408-FN.

Committee of Conference Report on HB 408-FN adopted.

June 16, 2009
2009-2181-CofC
08/09

Committee of Conference Report on HB 441-FN, an act relative to CART providers and sign language interpreters.

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 RSA 200-M:1 – RSA 200-M:3 as inserted by section 1 of the bill by replacing them with the following:

200-M:1 Definitions. In this chapter:

I. “CART provider” means a person who provides computer aided realtime translation of spoken language into English text by using a stenotype machine, notebook computer and real time software to display the spoken text on a computer monitor, or other display device for individuals who are deaf or hard of hearing.

II. “Net tuition” means tuition costs for post-secondary school education that was directed towards the completion of a degree or certificate in judicial reporting, broadcast captioning, realtime transcription, or sign language interpretation, or any other degree or certificate that the postsecondary education commission deems acceptable for purposes of CART provider and sign language interpreter net tuition repayment.

III. “Sign language interpreter” means a person who provides American Sign-Language based interpreting, which is the process of conveying information between American Sign Language and English.

200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program Established. The postsecondary education commission shall administer a program for the promotion, acquisition, and retention of CART providers and sign language interpreters in the state.

200-M:3 Application; Repayment. An individual who has completed eligible CART or sign language interpreter training in accordance with rules adopted pursuant to RSA 200-M:5, including internships and residencies, and agrees to work as a CART provider or a sign language interpreter in this state, may apply to the postsecondary education commission for repayment under the CART provider and sign language interpreter net tuition repayment program and become eligible to be reimbursed up to 100 percent of his or her qualifying tuition not to exceed the cost of 4 years of instate tuition at the university of New Hampshire, during a 5 year period of working as a CART provider or sign language interpreter. A 10 percent net tuition repayment shall be made upon completion of the first year of employment in this state, with an additional 10 percent made after the second year of work, an additional 20 percent after the third year of work, an additional 30 percent after the fourth year of work, and an additional 30 percent after the fifth year of work.

The signatures below attest to the authenticity of this Report on HB 441-FN, an act relative to CART providers and sign language interpreters.

Conferees on the Part of the Senate
Sen. Kelly, Dist. 10
Sen. Merrill, Dist. 21
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. Clarke, Merr. 6
Rep. Yeaton, Merr. 8
Rep. B. Shaw, Hills. 16
Rep. Stiles, Rock. 15

The question is on the adoption of Committee of Conference Report on HB 441-FN.

Committee of Conference Report on HB 441-FN adopted.

June 17, 2009
2009-2268-CofC
06/01

Committee of Conference Report on HB 473-FN, an act relative to water treatment plans and penalties for safe drinking water violations.

Recommendation:

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

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 473-FN, an act relative to water treatment plans and penalties for safe drinking water violations.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Houde, Dist. 5
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Pantelakos, Rock. 16
Rep. Chandley, Hills. 6
Rep. Welch, Rock. 8
Rep. Weare, Rock. 14

The question is on the adoption of Committee of Conference Report on HB 473-FN.

Committee of Conference Report on HB 473-FN adopted.

June 16, 2009
2009-2168-CofC
03/10

Committee of Conference Report on HB 513, an act relative to the prohibition on voting in more than one state.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 Citizen-Funded Election Task Force.

I. There is established a citizen-funded election task force. The members of the task force shall be as follows:

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

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

(c) Two members appointed by the governor.

(d) Two members representing organizations supporting public financing of campaigns, one appointed by the president of the senate and one appointed by the speaker of the house of representatives.

(e) Two members who served on the commission to study the feasibility of public funding of state election campaigns established by 2008, 55, one appointed by the president of the senate and one appointed by the speaker of the house of representatives.

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

III. The task force shall:

(a) Review the report of the commission to study the feasibility of public funding of state election campaigns established by 2008, 55, and develop a detailed plan, including proposals for specific legislation, to implement the recommendations of the report.

(b) Solicit input from senators, representatives, the governor, executive councilors, the attorney general, the secretary of state, and any other persons deemed appropriate by the task force.

(c) Hold public hearings at times and at locations around the state that are likely to elicit substantive input from the general public.

(d) Make the schedule and minutes of meetings of the task force, and all testimony and materials presented to the task force, available to the public on a website.

IV. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 60 days of the effective date of this section. Six members of the task force, including at least one member appointed under each subparagraph of paragraph I, shall constitute a quorum.

V. The task force shall submit an initial report on or before November 16, 2009 and a final report on or before November 15, 2010 of 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 chairman of the senate election law and veterans' affairs committee, the chairman of the house election law committee, the governor, and the state library.

The signatures below attest to the authenticity of this Report on HB 513, an act relative to the prohibition on voting in more than one state.

Conferees on the Part of the Senate
Sen. Houde, Dist. 5
Sen. Lasky, Dist. 13
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Pierce, Graf. 9
Rep. Bartlett, Merr. 11
Rep. Jasper, Hills. 27
Rep. Drisko, Hills. 5

The question is on the adoption of Committee of Conference Report on HB 513.

Committee of Conference Report on HB 513 adopted.

**June 11, 2009
2009-2110-CofC
04/10**

Committee of Conference Report on HB 578-FN-LOCAL, an act relative to testimony by video teleconference.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 578-FN-LOCAL, an act relative to testimony by video teleconference.

Conferees on the Part of the Senate
Sen. Houde, Dist. 5
Sen. Lasky, Dist. 13
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. C. Pennington Brown, Rock. 9
Rep. Stuart, Belk. 4
Rep. Nedeau, Belk. 3
Rep. Umberger, Carr. 1

The question is on the adoption of Committee of Conference Report on HB 578-FN-L.

Committee of Conference Report on HB 578-FN-L adopted.

June 15, 2009
2009-2144-CofC
04/01

Committee of Conference Report on HB 601-FN, an act relative to claims for compensation from the victims' assistance fund.

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 RSA 21-M:8-h, V as inserted by section 2 of the bill by replacing it with the following:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, *rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs*, and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a [~~\$10,000 ceiling on~~] **\$25,000 maximum** recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

The signatures below attest to the authenticity of this Report on HB 601-FN, an act relative to claims for compensation from the victims' assistance fund.

Conferees on the Part of the Senate
Sen. Houde, Dist. 5
Sen. Lasky, Dist. 14
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Davis, Merr. 7
Rep. Hatch, Coos 3
Rep. Lockwood, Merr. 6
Rep. Shurtleff, Merr. 10

The question is on the adoption of Committee of Conference Report on HB 601-FN.

Committee of Conference Report on HB 601-FN adopted.

June 16, 2009
2009-2162-CofC
03/01

Committee of Conference Report on HB 623, an act making various changes to the election laws.

Recommendation:

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

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

Amend the bill by replacing section 2 with the following:

2 Overseas Absentee Registration Affidavit. Amend RSA 654:20 to read as follows:

654:20 **Overseas Absentee Registration** Affidavit. Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Overseas Absentee Registration Affidavit

I, _____, do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That I am a United States citizen; **Place of Birth: City:** _____
State: _____ **Country:** _____;

2) That I have been domiciled in [~~Canada or Mexico or any other~~] **a** country outside the [~~continental~~] **boundaries of the** United States since _____;
(month) (year)

3) That I hold a valid passport or card of identity with Registration No. _____ issued by the United States Secretary of State;

4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address:

Street and Number or Rural Route, etc.

City or Town

5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state; **Date of Birth:** _____(mm)/_____(dd)/_____(yyyy);

6) That I do NOT maintain a domicile, am NOT registered to vote, and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;

7) That my party affiliation (if any) is _____

8) That my permanent address outside the [~~continental~~] **boundaries of the** United States is:

Street or Route Number

City, Province, County

9) That I hereby make application for the addition of my name to the checklist of _____, New Hampshire, as an overseas citizen living outside the [~~continental~~] **boundaries of the** United States entitled to vote in any federal election held therein.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

The signatures below attest to the authenticity of this Report on HB 623, an act making various changes to the election laws.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Merrill, Dist. 21
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Pierce, Graf. 9
Rep. Doherty, Hills. 27
Rep. Drisko, Hills. 5
Rep. Bartlett, Merr. 11

The question is on the adoption of Committee of Conference Report on HB 623.

Committee of Conference Report on HB 623 adopted.

June 17, 2009
2009-2262-CofC
10/04

Committee of Conference Report on HB 641-FN-LOCAL, an act relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

Recommendation:

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

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 641-FN-LOCAL, an act relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Fuller Clark, Dist. 24
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. P. McMahon, Merr. 3
Rep. Houde-Quimby, Sull. 1
Rep. Harding, Graf. 11
Rep. D. Petterson, Rock. 10

The question is on the adoption of Committee of Conference Report on HB 641-FN-L.

Committee of Conference Report on HB 641-FN-L adopted.

June 17, 2009
2009-2251-CofC
04/09

Committee of Conference Report on HB 648-FN, an act relative to the use of marijuana for medicinal purposes.

Recommendation:

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

That the Senate recede from its position in adopting its amendment to the bill, and

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

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

1 Findings.

I. Modern medical research has discovered beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

II. Subsequent studies since the 1999 National Academy of Sciences' Institute of Medicine report continue to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions, including increasing the chances of patients finishing their treatments for HIV/AIDS and hepatitis C.

III. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

IV. Although federal law currently prohibits any use of marijuana except under very limited circumstances, Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal penalties from the medical use and cultivation of marijuana. New Hampshire joins in this effort for the health and welfare of its citizens.

V. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of New Hampshire in violation of federal law.

VI. State law should make a distinction between the medical and non-medical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and designated caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

VII. The people of the state of New Hampshire declare that they enact this act pursuant to the police power to protect the health of its citizens that is reserved to the state of New Hampshire and its people under the 10th Amendment to the United States Constitution.

2 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-R the following new chapter:

CHAPTER 126-S USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-S:1 Definitions. In this chapter:

I. “Cardholder” means a qualifying patient, a designated caregiver, or a principal officer, board member, employee, volunteer, or agent of a compassion center who has been issued and possesses a valid registry identification card.

II. “Chronic or terminal disease” means cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease, or multiple sclerosis.

III. “Compassion center” means a not-for-profit entity registered under RSA 126-S:8 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marijuana, or related supplies and educational materials, to a registered qualifying patient who has designated it, either by dispensing it directly to the registered qualifying patient or by dispensing it to their registered designated caregiver.

IV. “Debilitating medical condition” means the presence of both:

(a) A chronic or terminal disease, or other diagnosed medical condition, and

(b) Whose symptoms or result of treatment includes at least one of the following: cachexia or wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

V. “Department” means the department of health and human services.

VI. “Designated caregiver” means an individual who is at least 21 years of age, who is either a member of the qualifying patient’s household, a member of the qualifying patient’s family, a friend of the qualifying patient, or a licensed health care professional, but who is not a qualifying patient, and who has agreed to assist with a patient’s medical use of marijuana, including acquiring medical marijuana from a compassion center and delivering it to the qualified patient, and who has never been convicted of any drug-related offense. A designated caregiver may serve as a designated caregiver for only one qualifying patient at a time.

VII. “Marijuana” means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

VIII. “Medical use” means the acquisition, possession, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms or results of treatment associated with the patient’s debilitating medical condition.

IX. “Physician” means an individual licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances, except that in relation to a visiting qualifying patient, “physician” means an individual licensed to prescribe drugs to humans in the state of the patient’s residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

X. "Qualifying patient" means an individual who has been diagnosed by a physician as having a debilitating medical condition.

XI. "Registry identification card" means a document issued by the department that identifies an individual as a qualifying patient, a designated caregiver, or a registered principal officer, board member, employee, volunteer, or agent of a compassion center.

XII. "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter. A seedling shall meet all 3 criteria set forth in this paragraph.

XIII. "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XIV. "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for less than 30 days.

XV. "Written certification" means a document signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship as defined in RSA 329:1-c, the qualifying patient has a debilitating medical condition, and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. The written certification shall specify the qualifying patient's debilitating medical condition, which also shall be noted in the qualifying patient's medical records.

126-S:2 Protections for the Medical Use of Marijuana.

I. A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this chapter, provided that the qualifying patient possess an amount of marijuana that does not exceed 2 ounces of usable marijuana. A qualifying patient shall remain subject to the provisions of RSA 126-S:5.

II. A designated caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marijuana in accordance with this chapter, provided that the designated caregiver possesses an amount of marijuana that does not exceed 2 ounces of usable marijuana. A designated caregiver shall remain subject to the provisions of RSA 126-S:5.

III.(a) A qualifying patient is deemed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is deemed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this chapter.

IV.(a) A compassion center may accept marijuana seeds, seedlings, plants, or useable marijuana from other licensed compassion centers in New Hampshire or similar licensed entities in other jurisdictions.

(b) A compassion center may accept a donation of marijuana seeds or seedlings, without compensation from licensees from jurisdictions outside of New Hampshire who are licensed to cultivate medical marijuana in their home state.

V.(a) No school or landlord may refuse to enroll or lease to, or otherwise penalize, an individual solely for his or her status as a qualifying patient or a designated caregiver, unless failing to do so would put the school or landlord in violation of federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(c) An employer shall not discriminate against an individual in hiring, termination, or any term or condition of employment, or otherwise penalize an individual, based upon either of the following:

(1) The individual's status as a qualifying patient or designated caregiver; or

(2) A qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

VI. An individual shall not be denied custody of, or visitation or parenting time with, a minor and there shall be no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the individual's behavior is such that it creates an unreasonable danger to the safety or welfare of the minor as established by clear and convincing evidence.

VII. A designated caregiver who is a licensed health care professional may receive compensation for costs associated with assisting with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

VIII. A physician shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

IX. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited.

X. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

XI. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a registry identification card issued by the department, provided that the same debilitating medical condition as defined in RSA 126-S:1, IV exists.

XII. Any cardholder who transfers marijuana to an individual who is not a cardholder under this chapter shall be guilty of a class B felony, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26. The department may revoke the registry identification card of any cardholder who violates any provision of this chapter, and the cardholder shall be subject to any other penalties established in law for the violation.

XIII. The protections provided to cardholders in this section shall exist only upon presentation of a valid registry identification card.

126-S:3 Departmental Administration.

I. The department shall issue registry identification cards to qualifying patients who submit all of the following information:

(a) Written certification as defined in RSA 126-S:1, XV.

(b) Application or renewal fee.

(c) Name, residential and mailing address, and date of birth of the qualifying patient, except that if the applicant is homeless, no residential address is required.

(d) Name, address, and telephone number of the qualifying patient's physician.

(e) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.

(f) Name and address of the compassion center that the qualifying patient designates; a qualifying patient may designate no more than one compassion center at any time.

(g) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

(h) A complete set of fingerprints for the qualifying patient's designated caregiver, if any.

(i) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

II. The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

(a) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(1) Allow the qualifying patient's medical use of marijuana;

(2) Serve as the qualifying patient's designated caregiver; and

(3) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review in the Merrimack county superior court.

IV. The department shall require a state and federal criminal records check on each person who is applying to be a designated caregiver or a principal officer, agent, employee, or volunteer of a compassion center. The department shall request the department of safety to perform the state and federal criminal records check and the department of safety shall complete such records checks and convey the findings of such check to the department within 30 days of the request. The department and the department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of RSA 126-S and acts permitted by it. The department and the department of safety shall destroy each set of fingerprints obtained pursuant to this chapter after the criminal records check is complete.

V. The department shall issue a registry identification card to the designated caregiver and compassion center if any, who is named in a qualifying patient's approved application and who qualifies under this chapter. The department shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the individual.

VI. The department shall issue registry identification cards to qualifying patients and to the designated caregivers and compassion centers within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the physician states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier or later date, then the registry identification card shall expire on that date.

(a) In the case of qualified patients and designated caregivers, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the qualifying patient.

(2) If the cardholder is a designated caregiver, the designated caregiver's name, address, and date of birth.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 20-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder, if the department decides to require one.

(6) A statement that the cardholder is permitted under state law to possess marijuana pursuant to this chapter for the medical use of the qualifying patient.

(b) In the case of a principal officer, board member, employee, volunteer, or agent of a compassion center, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the cardholder.

(2) The name and address of the compassion center.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 20-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder, if the department decides to require one.

(6) A statement that the cardholder is permitted to engage in activities for the compassion center to cultivate and provide medical marijuana to qualified patients and designated caregivers in accordance with this chapter.

VII. The following notifications and department responses are required:

(a) A qualifying patient or principal officer, board member, employee, volunteer, or agent of a compassion center shall notify the department of any change in his or her name, address, or designated caregiver within 10 days of such change.

(b) A registered qualifying patient or principal officer, board member, employee, volunteer, or agent of a compassion center who fails to notify the department of any of these changes is subject to a civil infraction, punishable by a penalty of no more than \$150. If the qualifying patient's certifying physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of marijuana, the card is null and void upon notification by the department to the qualifying patient.

(c) A designated caregiver shall notify the department of any change in his or her name or address within 10 days of such change. A registered designated caregiver who fails to notify the department of any of these changes is subject to a civil infraction, punishable by a penalty of no more than \$150.

(d) When a qualifying patient, designated caregiver, or a principal officer, board member, employee, volunteer, or agent of a compassion center notifies the department of any change to a name, address, compassion center, or designated caregiver, the department shall issue the cardholder a new registry identification card with a new random 20-digit identification number within 10 days of receiving the updated information and a \$10 fee.

(e) A qualifying patient who no longer has a debilitating medical condition and the patient's registered designated caregiver and compassion center shall return all registry identification cards associated with that qualifying patient to the department within 48 hours of receiving the diagnosis by the patient's physician. When a qualifying patient ceases to be a qualifying patient, the family or designated caregiver shall notify the designated compassion center within 24 hours, the compassion center shall make arrangements to pick up any remaining supply of marijuana within 48 hours of receiving such notification, and the protections of this chapter shall no longer apply.

(f) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a \$10 fee within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 20-digit identification number.

VIII. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

IX.(a) The department shall create and maintain a confidential registry of qualifying patients, designated caregivers, and principal officers, board members, employees, volunteers, and agents of compassion centers who have applied for and are entitled to receive a registry identification card in accordance with the provisions of this chapter.

(b)(1) Except as specifically provided in this chapter, no person shall be permitted to gain access to any information about qualifying patients, designated caregivers, and principal officers, board members, employees, volunteers, and agents of a compassion center in the department's confidential registry, or any information otherwise maintained by the department about physicians and compassion centers, except for

authorized employees of the department in the course of their official duties and authorized employees of local and state law enforcement agencies who have stopped or arrested an individual who claims to be engaged in the medical use of marijuana. Authorized employees of local and state law enforcement agencies shall be granted access to the information within the department's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to the state or local law enforcement official is lawfully in possession of such card.

(2) An employer, landlord, court, administrative hearings officer, or health care provider that has been presented with a registry identification card by a person asserting that they are entitled to protections under RSA 126-S:2 may contact the department to verify the validity of the registry identification card. The department shall verify a registry identification card to an employer, landlord, court, or health care provider who requests verification pursuant to this paragraph, provided that the employer, landlord, court, or health care provider provides the random identification card number on the registry identification card. In verifying the validity of a registry identification card, the department shall only confirm whether a card bearing the random identification card number is a valid card issued and the name of the person to whom it was issued.

(c) An individual shall be guilty of a misdemeanor for breaching the confidentiality of information obtained pursuant to this chapter, except that department employees shall be exempt for notifying law enforcement officials about falsified or fraudulent information submitted to the department, provided the employee who suspects that falsified or fraudulent information has been submitted confers with his or her supervisor, and both agree that circumstances exist that warrant the notification.

X. The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, designated caregivers, or physicians, but does contain, at a minimum, all of the following information:

- (a) The number of applications and renewals filed for registry identification cards.
- (b) The number of qualifying patients and designated caregivers approved in the state.
- (c) The number of compassion centers registered in the state.
- (d) The nature of the debilitating medical conditions of the qualifying patients.
- (e) The number of registry identification cards revoked.
- (f) The number of physicians providing written certifications for qualifying patients.

XI. Where a state or local law enforcement agency encounters an individual who, during the course of the investigation, credibly asserts that he or she is a qualifying patient or designated caregiver, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual to any law enforcement authority that does not recognize the protection of this chapter and any prosecution of the individual for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing marijuana to a person who is not allowed to possess it under this chapter, nor shall it prevent the sharing of information if the primary offense is unrelated to marijuana.

XII. The application for qualifying patients' registry identification cards shall include a question asking whether the patient would like the department to notify him or her of any clinical studies regarding marijuana's risk or efficacy that seek human subjects. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in the United States.

126-S:4 Department Rules. Not later than 180 days after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for and renewals of registry identification cards for qualifying patients and designated caregivers. The department's rules shall establish application and renewal fees for registry identification cards in accordance with the following:

I. The total fees collected by the department for compassion centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter; and

II. The department may accept donations from private sources in order to reduce the application and renewal fees.

126-S:5 Prohibitions, Restrictions, and Limitations on the Use of Medical Marijuana.

I. A qualifying patient may use medical marijuana on privately-owned real property only with the permission of the property owner or in the case of leased property with the permission of the tenant in possession of

the property, except that a tenant shall not allow a qualified patient to smoke medical marijuana on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant in possession may permit a qualified patient to use medical marijuana on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of marijuana without the combustion of the marijuana.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of marijuana while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power;

(2) In his or her workplace or place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of marijuana by a qualified patient or other cardholder:

(1) For purposes other than symptom relief as permitted by this chapter; or

(2) In a manner that endangers the health, well-being, or safety of another person;

(c) The smoking of marijuana in any public place, including:

(1) A school bus, public bus, or other public vehicle;

(2) A workplace or place of employment, without the written permission of the employer;

(3) The grounds of any preschool or primary or secondary school;

(4) Any correctional facility; or

(5) Any public park, public beach, public recreation center, public field, or youth center.

II. Nothing in this chapter shall be construed to require:

(a) A governmental, private, or any other health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the medical use of marijuana;

(b) Any individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property;

(c) Any accommodation of any medical use of marijuana on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana; or

(d) A landlord to permit a qualified patient to smoke marijuana on any leased property in a manner that would violate a lease or the rental policies that prohibits smoking by tenants or guests on the property, except that a landlord may not prohibit the medical use of marijuana on leased property by a qualified patient through means that do not violate a no smoking rule, including but not limited to the ingestion of medical marijuana or the inhalation through vaporization, as long as the tenant in possession of the property provides permission to the qualified patient to use medical marijuana in the rented property.

III. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

126-S:6 Affirmative Defense. Except as provided in RSA 126-S:5, it is an affirmative defense to any prosecution of an offense involving marijuana intended for medical use that:

I. The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; or

II. The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; and

III. The qualifying patient or the qualifying patient's designated caregiver was engaged in the acquisition, possession, preparation, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana solely to treat or alleviate the qualifying patient's serious or debilitating medical condition or symptoms associated with the qualifying patient's serious or debilitating medical condition.

126-S:7 Enforcement.

I. If the department fails to issue a valid registry identification card in response to a completed application or renewal submitted by certified mail pursuant to this chapter within 20 days, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

II. If at any time after the 180 days following the effective date of this chapter the department is not accepting applications, including if it has not adopted rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application, pursuant to RSA 126-S:3, I together with a written certification shall be deemed a valid registry identification card.

126-S:8 Compassion Centers.

I. A compassion center registered under this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, and/or dispense marijuana, and/or related supplies and educational materials, to registered qualifying patients who have designated it as their compassion center and to their registered designated caregivers for the registered qualifying patients' medical use. A compassion center may cultivate and possess whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of useable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the compassion center to provide him or her with marijuana for medical use. A compassion center may also possess marijuana seeds, stalks, and unusable roots.

II. (a) Not later than 180 days after the effective date of this section, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for registration certificates for compassion centers, including rules governing:

(1) The form and content of registration and renewal applications.

(2) Minimum oversight requirements for compassion centers.

(3) Minimum record-keeping requirements for compassion centers.

(4) Minimum security requirements for compassion centers, which shall include that each compassion center location must be protected by a fully operational security alarm system.

(5) Procedures for suspending or terminating the registration of compassion centers that violate the provisions of this section or the rules adopted pursuant to this section.

(6) The fees for the processing and review of applications submitted by an applicant for a compassion center and the fees for the licensing of a compassion center after it has been approved by the department. Such application and licensing fees shall be established in an amount that covers all costs of the department and other state agencies, as applicable, for the review and licensing of compassion centers.

(b) The department shall adopt rules with the goal of protecting against diversion and theft, without imposing an undue burden on the registered compassion centers or compromising the confidentiality of registered qualifying patients and their registered designated caregivers. Any dispensing records that a registered compassion center is required to keep shall track transactions according to registered qualifying patients', registered designated caregivers', and registered compassion centers' registry identification numbers, rather than their names, to protect their confidentiality.

(c) Within 30 days of the adoption of rules, the department shall begin accepting applications for the operation of compassion centers.

(d) Within 230 days of the effective date of this section, the department shall grant registration certificates to 3 compassion centers, provided at least 3 applicants apply and meet the requirements of this section.

(e) Any time a compassion center registration certificate is revoked, is relinquished, or expires, the department shall accept applications for a new compassion center.

(f) If at any time after one year after the effective date of this section fewer than 3 compassion centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new compassion center. Except as provided in subparagraph (g), no more than 3 compassion centers may hold valid registration certificates at one time.

(g) If at any time after 2 years after the effective date of this section the report issued pursuant to RSA 126-S:9 determines that 3 compassion centers are not sufficient to ensure access to registered qualifying patients throughout the state, the department shall accept applications for up to 2 additional compassion centers. The number of additional compassion centers shall be determined by the department, based on the report issued pursuant to RSA 126-S:9.

III. (a) Each application for a compassion center shall include all of the following:

(1) A non-refundable application fee paid to the department in accordance with the rules adopted by the department.

(2) The legal name, articles of incorporation, and bylaws of the compassion center.

(3) The proposed physical address of the compassion center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of medical marijuana.

(4) A description of the enclosed, locked facility that would be used in the cultivation of marijuana by the compassion center.

(5) The name, address, and date of birth of each principal officer and board member of the compassion center, and a complete set of fingerprints for each of them.

(6) Proposed security and safety measures, which shall include at least one security alarm system for each location, and planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana.

(7) Proposed procedures to ensure accurate record keeping.

(b) Any time one or more compassion center registration applications are being considered, the department shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered designated caregivers, and the towns or cities where the applicants would be located.

(c) Each time a compassion center certificate is granted, the decision shall be based on the overall health needs of qualified patients and the safety of the public, including, but not limited to, the following factors:

(1) Geographic convenience to patients from throughout the state of New Hampshire to compassion centers if the applicant were approved.

(2) The entity's ability to provide a steady supply to the registered qualifying patients in the state.

(3) The entity's ability to demonstrate its members' experience running a non-profit organization or business.

(4) The comments, if any, of qualifying patients regarding which applicant should be granted a registration certificate.

(5) The comments, if any, of the city or town where the applicant would be located.

(6) The sufficiency of the applicant's plans for record keeping, which records shall be considered confidential health care information under New Hampshire law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended.

(7) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(d) After a compassion center is approved, but before it begins operations, it shall submit the following to the department:

(1) A licensing fee paid to the department in accordance with the rules adopted by the department.

(2) The legal name and articles of incorporation of the compassion center.

(3) The physical address of the compassion center; this may include a second address for the secure cultivation of marijuana.

(4) The name, address, and date of birth of each principal officer and board member of the compassion center and a complete set of fingerprints for each of them.

(5) The name, address, and date of birth of any person who will be an agent of or employed by the compassion center at its inception, along with a complete set of fingerprints for each of them.

(e) The department shall track the number of registered qualifying patients who have designated each compassion center and issue a monthly written statement to the compassion center identifying the number of registered qualifying patients who have designated that compassion center along with the registry identification numbers of each patient and each patient's designated caregivers.

(f) In addition to the monthly reports, the department shall also provide written notice to a compassion center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregivers whenever any of the following events occur:

(1) A qualifying patient designates the compassion center to serve his or her needs under this chapter;

(2) An existing registered qualifying patient revokes the designation of the compassion center because he or she has designated a different compassion center instead; or

(3) A registered qualifying patient who has designated the compassion center loses his or her status as a registered qualifying patient under this chapter.

(g) Except as provided in subparagraph (h), the department shall issue each principal officer, board member, agent, volunteer, and employee of a compassion center a registry identification card or renewal card within 10 days of receipt of the person's name, address, and date of birth and a fee in an amount established by the department. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of a compassion center and shall contain the following:

(1) The name, address, and date of birth of the principal officer, board member, agent, volunteer, or employee.

(2) The legal name of the compassion center to which the principal officer, board member, agent, volunteer, or employee is affiliated.

(3) A random identification number that is unique to the cardholder.

(4) The date of issuance and expiration date of the registry identification card.

(5) A photograph, if the department decides to require one.

(h) Except as provided in this section, the department shall not issue a registry identification card to any principal officer, board member, agent, volunteer, or employee of a compassion center who has been convicted of a drug-related offense. The department shall conduct a background check of each principal officer, board member, agent, volunteer, or employee in order to carry out this provision. The department shall notify the compassion center in writing of the purpose for denying the registry identification card. The department may grant such person a registry identification card if the department determines that the offense was for conduct that occurred prior to the effective date of this chapter or that was prosecuted by an authority other than the state of New Hampshire and for which the provisions of this chapter would otherwise have prevented a conviction.

(i) A registration identification card of a principal officer, board member, agent, volunteer, or employee shall expire one year after its issuance, or upon the expiration of the registered organization's registration certificate, whichever occurs first.

(j) Notwithstanding any other provision of law, information required to be submitted to the department on an application for a compassion center identifying the locations where marijuana is proposed to be grown, cultivated, harvested, and otherwise prepared for distribution to qualifying patients, registered caregivers, and compassion centers, if such location is different from the location of the compassion center, and any other department records identifying such location, shall be considered to be confidential information and not subject to disclosure pursuant to RSA 91-A, provided that such information may be disclosed to a law enforcement agency upon request for purposes of enforcement under this chapter.

IV. (a) A compassion center's registration shall expire 2 years after its registration certificate is issued. The compassion center may submit a renewal application beginning 60 days prior to the expiration of its registration certificate.

(b) The department shall grant a compassion center's renewal application within 30 days of its submission if the following conditions are all satisfied:

(1) The compassion center submits the materials required under subparagraph III(d), including the required fee, which shall be refunded within 30 days if the renewal application is rejected.

(2) The department has not suspended the compassion center's registration for violations of this chapter or rules adopted pursuant to this chapter.

(3) The compassion center is complying with the requirements in paragraph VI.

(4) The inspections authorized by paragraph V and the report, provided pursuant to subparagraph VI(h), do not raise serious concerns about the continued operation of the compassion center applying for renewal.

(c) If the department determines that any of the conditions listed in subparagraphs IV(b)(1)-(4) do not exist, the department shall begin an open application process for the operation of a compassion center. In granting a new registration certificate, the department shall consider factors listed in subparagraph III(c).

(d) The department shall issue a compassion center one or more 30-day temporary registration certificates after that compassion center's registration would otherwise expire if the following conditions are all satisfied:

(1) The compassion center previously applied for a renewal, but the department had not yet come to a decision.

(2) The compassion center requested a temporary registration certificate.

(3) The compassion center has not had its registration certificate revoked due to violations of this chapter or rules adopted pursuant to this chapter.

V. Compassion centers shall be subject to reasonable inspection by the department of health and human services. The department shall give reasonable notice of an inspection under this paragraph. During an inspection, the department may review the compassion center's confidential records, including its dispensing records, which shall track transactions according to qualifying patients' registry identification numbers to protect their confidentiality.

VI. (a) A compassion center shall be operated on a not-for-profit basis for the mutual benefit of its patients. A compassion center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

(b) A compassion center may not be located within 500 feet of the property line of a pre-existing public or private school.

(c) A compassion center shall notify the department within 10 days of when a principal officer, board member, agent, volunteer, or employee ceases to be associated with and/or work at the compassion center. His or her registry identification card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's non-medical use of marijuana.

(d) A compassion center shall notify the department in writing of the name, address, and date of birth of any proposed new principal officer, board member, agent, volunteer, or employee and shall submit a fee in an amount established by the department for a new registry identification card before a new agent or employee begins working at the compassion center, and shall submit a complete set of fingerprints for the prospective principal officer, board member, agent, volunteer, or employee.

(e) A compassion center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, and shall ensure that each location has an operational security alarm system.

(f) The operating documents of a compassion center shall include procedures for the oversight of the compassion center and procedures to ensure accurate record keeping.

(g) A compassion center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, and/or dispensing marijuana for any purpose except to assist patients who are allowed to use marijuana pursuant to this chapter with the medical use of marijuana directly or through the qualifying patients' designated caregiver.

(h) A compassion center shall submit an annual report to the department which evaluates whether the compassion center is adequately providing patients with access to medical marijuana.

VII.(a) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center shall not dispense more than 2 ounces of usable marijuana to a registered qualifying patient directly or through the qualifying patient's registered designated caregiver during a 10-day period.

(b) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center shall not dispense an amount of usable marijuana to a qualifying patient or a designated caregiver that the compassion center, principal officer, board member, agent, volunteer, or employee knows would cause the recipient to possess more marijuana than is permitted under this chapter.

VIII.(a) No registered compassion center shall be subject to the following:

(1) Prosecution for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, supply, or dispensing of marijuana, and/or related supplies for medical purposes in accordance with the provisions of this chapter and any rule adopted by the department pursuant to this chapter.

(2) Inspection and search, except pursuant to paragraph V or upon a search warrant issued by a court or judicial officer.

(3) Seizure of marijuana, except upon any order issued by a court or judicial officer.

(4) Imposition of any penalty or denied any right or privilege including, but not limited to, imposition of a civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for acting in accordance with this chapter to assist registered qualifying patients or registered caregivers with the medical use of marijuana.

(b) No principal officers, board members, agents, volunteers, or employees of a compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or denied any right or privilege including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with a compassion center to engage in acts permitted by this chapter.

IX.(a)(1) A compassion center shall not possess an amount of marijuana that exceeds whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of useable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the compassion center to provide him or her with marijuana for medical use.

(2) A compassion center may possess marijuana seeds, stalks, and unusable roots.

(b) A compassion center shall not dispense, deliver, or otherwise transfer marijuana to a person other than a registered qualifying patient who has designated it or such patient's registered designated caregiver.

(c) A person found to have violated subparagraph (b) of this section shall not be an employee, volunteer, agent, principal officer, or board member of any compassion center, and such person's registry identification card shall be immediately revoked.

(d) No person who has been convicted of a drug-related offense shall be a principal officer, board member, agent, volunteer, or employee of a compassion center unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana and issued the person a registry identification card as provided under subparagraph III(g). A person who is employed by or is an agent, volunteer, principal officer, or board member of a compassion center in violation of this paragraph shall be guilty of a civil violation punishable by a fine of up to \$1,000. A subsequent violation of this paragraph shall be a misdemeanor.

(e) All cultivation of marijuana shall take place in an enclosed, locked facility, which can only be accessed by principal officers, board members, agents, volunteers, or employees of the registered compassion center who are cardholders.

126-S:9 Annual Report. The commissioner of the department of health and human services shall report annually on the medical marijuana program established under this chapter to the health and human services oversight committee established under RSA 126-A:13. The report shall be filed with the chairman of the committee by November 1 of each year beginning with November 1, 2010. The commissioner's report shall include the following areas:

I. The ability of qualifying patients and registered caregivers in all areas of the state to obtain timely access to medical marijuana.

II. The effectiveness of the registered compassion centers individually and together in serving the needs of qualifying patients and registered caregivers, including the provision of educational and support services.

III. Physician participation in the medical marijuana program.

IV. The number of registered caregivers and the number of qualifying patients, by county.

V. Sufficiency of the regulatory and security safeguards contained in this chapter to ensure that access to and use of marijuana cultivated is provided only to cardholders authorized for such purposes.

VI. Any illegal distribution or diversion of marijuana cultivated pursuant to this chapter to individuals who are not cardholders.

VII. Any other issues related to the implementation of the medical use of marijuana permitted under this chapter that the committee shall request.

VIII. A detailed summary of the reports submitted by the compassion centers as required under RSA 126-S:8, VI(h).

126-S:10 Severability. If any provision of this chapter or the application thereof to any individual or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2010.

II. Section 2 of this act, except for RSA 126-S:3, IV, RSA 126-S:4, and RSA 126-S:8, II, shall take effect January 1, 2010.

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

The signatures below attest to the authenticity of this Report on HB 648-FN, an act relative to the use of marijuana for medicinal purposes.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. Gallus, Dist. 1
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. Rosenwald, Hills. 22
Rep. Bridgham Carr. 2
Rep. E. Merrick Coos 2
Rep. Welch, Rock. 8

2009-2251-CofC

AMENDED ANALYSIS

This bill permits the use of marijuana for medicinal purposes if recommended by a physician. The department of health and human services is to administer this chapter.

The question is on the adoption of Committee of Conference Report on HB 648-FN.

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

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

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

Yeas: 14 - Nays: 10

Committee of Conference Report on HB 648-FN adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 33, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

SB 46, relative to group life insurance.

SB 52, making technical corrections to laws relative to courts and court procedures.

SB 65, relative to the acceptance of in lieu payments for the restoration or creation of wetlands.

SB 67-FN, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

SB 98, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

SB 112, establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

SB 114, relative to the threshold for notification for lead levels and a window replacement program.

SB 115, relative to eligibility for the healthy kids program.

SB 119, relative to provider contract standards.

SB 131, relative to state hiring of veterans.

SB 133-FN, authorizing purple heart special number plates for veterans still on active duty.

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

SB 147-FN, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

SB 167-FN, relative to employee leasing companies.

SB 176-FN, establishing an application fee for probationers and parolees who apply to be supervised in another state.

SB 178, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

SB 182-FN-A, establishing a committee to study business tax credits.

SB 203, relative to liability protection for railroad operators operating alongside recreational trails.

COMMITTEE OF CONFERENCE REPORTS, RESUMED

June 16, 2009
2009-2183-CofC
05/04

Committee of Conference Report on SB 33, an act allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on SB 33, an act allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

Conferees on the Part of the Senate
 Sen. Lasky, Dist. 13
 Sen. Merrill, Dist. 21
 Sen. Barnes, Dist. 17

Conferees on the Part of the House
 Rep. Cote, Hills. 23
 Rep. Hackel, Hills. 21
 Rep. L. Weber, Ches. 2
 Rep. W. O'Brien, Hills. 4

The question is on the adoption of Committee of Conference Report on SB 33.

Committee of Conference Report on SB 33 adopted.

June 17, 2009
2009-2241-CofC
06/09

Committee of Conference Report on SB 40, an act relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

Recommendation:

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

That the House recede from its position in adopting its amendment to the bill, and

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

Amend RSA 275-F:2, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) For purposes of this chapter, any entity that directly or indirectly owns and operates a business enterprise in New Hampshire that satisfies the criteria in subparagraph IV(a) is an employer.

The signatures below attest to the authenticity of this Report on SB 40, an act relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Cilley, Dist. 8
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. Craig, Hills. 9
Rep. Rice, Merr. 12
Rep. S. Kelly, Merr. 7
Rep. H. Richardson, Coos 2

The question is on the adoption of Committee of Conference Report on SB 40.

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, 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 on SB 40 adopted.

June 16, 2009

2009-2155-CofC

01/05

Committee of Conference Report on SB 46, an act relative to group life insurance.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 46, an act relative to group life insurance

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Reynolds, Dist. 2
Sen. Bragdon, Dist. 11

Conferees on the Part of the House
Rep. Nord, Rock. 1
Rep. Meader, Ches. 3
Rep. Winters, Hills. 17
Rep. Dowling, Rock. 5

The question is on the adoption of Committee of Conference Report on SB 46.

Committee of Conference Report on SB 46 adopted.

June 16, 2009

2009-2184-CofC

09/01

Committee of Conference Report on SB 52, an act making technical corrections to laws relative to courts and court procedures.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 52, an act making technical corrections to laws relative to courts and court procedures.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Houde, Dist. 5
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Cote, Hills. 23
Rep. Potter, Merr. 10
Rep. L. Weber, Ches. 2
Rep. W. Smith, Rock. 18

The question is on the adoption of Committee of Conference Report on SB 52.

Committee of Conference Report on SB 52 adopted.

June 16, 2009
2009-2219-CofC
06/09

Committee of Conference Report on SB 65-FN, an act relative to the acceptance of in lieu payments for the restoration or creation of wetlands.

Recommendation:

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

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

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3-14 to read as 1-12, respectively.

Amend RSA 482-A:29, I as inserted by section 2 of the bill to read as follows:

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, nonlapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream *and river* restoration, *stream and river enhancement*, preservation of upland areas adjacent to wetlands *and riparian areas*, and the subsequent monitoring and maintenance of such areas.

Amend RSA 482-A:31, II as inserted by section 4 of the bill to read as follows:

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 *and RSA 482-A:30-a* which shall approximate the total cost of wetlands construction, *stream and river construction*, or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of 5 percent of the total cost shall be added as part of the calculation method.

Amend the bill by replacing section 6 with the following:

6 Aquatic Resource Compensatory Mitigation Fund. RSA 482-A:29, II is repealed and reenacted to read as follows:

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be used for this purpose.

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Section 6 of this act shall take effect July 1, 2010.

II. Section 5 and sections 7-13 of this act shall take effect upon its passage.

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

The signatures below attest to the authenticity of this Report on SB 65-FN, an act relative to the acceptance of in lieu payments for the restoration or creation of wetlands.

Conferees on the Part of the Senate
Sen. Merrill, Dist. 21
Sen. Cilley, Dist. 6
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Moody, Rock. 12
Rep. McClammer, Sull. 5
Rep. Mack, Hills. 1
Rep. Almy, Graf. 11

The question is on the adoption of Committee of Conference Report on SB 65-FN.

Committee of Conference Report on SB 65-FN adopted.

June 15, 2009
2009-2135-CofC
01/09

Committee of Conference Report on SB 67-FN-A, an act relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 67-FN-A , an act relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

Conferees on the Part of the Senate
Sen. Sgambati, Dist. 4
Sen. Gilmour, Dist. 12
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Bridgham, Carr. 2
Rep. Schulze, Hills. 26
Rep. Case, Rock. 1
Rep. DeJoie, Merr. 11

The question is on the adoption of Committee of Conference Report on SB 67-FN-A.

Committee of Conference Report on SB 67-FN-A adopted.

June 16, 2009
2009-2159-CofC
10/05

Committee of Conference Report on SB 98, an act establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 98, an act establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Merrill, Dist. 21
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Harding, Graf. 11
Rep. McGuire, Merr. 8
Rep. Hawkins, Hills. 18
Rep. D. Ryder, Hills. 5

The question is on the adoption of Committee of Conference Report on SB 98.

Committee of Conference Report on SB 98 adopted.

June 16, 2009
2009-2166-CofC
10/04

Committee of Conference Report on SB 108, an act establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

Recommendation:

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

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

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

1 Committee Established. There is established a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

2 Membership and Compensation.

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

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

(b) Four members of the house of representatives, 2 of whom shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study the law requiring the imposition of assessments to retirement system employers for excess benefits paid to retirees, including earnable compensation of members. The committee shall explore alternatives to the procedure in RSA 100-A:16, III-a and to the so-called load factor assessed to retirement system employers.

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

5 Report. 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 in an interim report on or before November 1, 2009, and a final report on or before November 1, 2010.

6 New Hampshire Retirement System; Report Required. The New Hampshire retirement system shall report on or before November 1 2009 to the chairpersons of the house and senate executive departments and administration committees relative to death benefits under RSA 100-A.

7 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 108, an act establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Fuller Clark, Dist. 24
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. P. McMahon, Merr. 3
Rep. D. Sullivan, Hills. 8
Rep. Beck, Hills. 2
Rep. Hawkins, Hills. 18

2009-2166-CofC**AMENDED ANALYSIS**

This bill establishes a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees. The bill also requires the New Hampshire retirement system to report on death benefits under RSA 100-A.

The question is on the adoption of Committee of Conference Report on SB 108.

Committee of Conference Report on SB 108 adopted.

June 15, 2009

2009-2138-CofC

01/03

Committee of Conference Report on SB 112, an act establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

Recommendation:

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

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

Amend paragraph I of section 2 of the bill by replacing it with the following:

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom shall serve on the house health, human services and elderly affairs committee and one of whom shall serve on the house finance committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The bureau administrator of the bureau of behavioral health, department of health and human services, or designee.
- (e) The bureau chief of the bureau of developmental services, department of health and human services, or designee.
- (f) The commissioner of the department of corrections, or designee.
- (g) The attorney general, or designee.
- (h) One member of the Community Support Network, Inc., appointed by the network.
- (i) One member of the Private Provider Network, appointed by the network.
- (j) One member of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.
- (k) One member of the Brain Injury Association of New Hampshire, appointed by the association.
- (l) One member of the Disabilities Rights Center, appointed by the center.
- (m) One member of the Institute on Disability, appointed by the Institute.
- (n) A representative of the governor's commission on disability, appointed by the commission.
- (o) A judge, appointed by the chief justice of the New Hampshire supreme court.
- (p) A representative of the New Hampshire Association of Counties, appointed by the association.
- (q) A member of the New Hampshire Psychological Association, appointed by the association.

The signatures below attest to the authenticity of this Report on SB 112, an act establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

Conferees on the Part of the Senate
 Sen. Kelly, Dist. 10
 Sen. Gilmour, Dist. 12
 Sen. Downing, Dist. 22

Conferees on the Part of the House
 Rep. Donovan, Sull. 4
 Rep. Millham, Belk. 5
 Rep. Pilliod, Belk. 5
 Rep. Miller, Belk. 3

The question is on the adoption of Committee of Conference Report on SB 112.

Committee of Conference Report on SB 112 adopted.

June 12, 2009
2009-2122-CofC
01/04

Committee of Conference Report on SB 114, an act relative to the threshold for notification for lead levels and a window replacement program.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 114, an act relative to the threshold for notification for lead levels and a window replacement program.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Gilmour, Dist. 12
Sen. Gallus, Dist. 1

Conferees on the Part of the House
Rep. Butcher, Ches. 3
Rep. DiPentima, Rock. 16
Rep. Cebrowski, Hills. 18
Rep. Butynski, Ches. 4

The question is on the adoption of Committee of Conference Report on SB 114.

Committee of Conference Report on SB 114 adopted.

Sen. Roberge is in opposition to the adoption of Committee of Conference Report on SB 114.

**June 16, 2009
2009-2189-CofC
05/10**

Committee of Conference Report on SB 115, an act relative to eligibility for the healthy kids program.

Recommendation:

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

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

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

1 Health Kids Program; Scope of Premium Tax Exemption. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. The corporation shall be the program administrator for the state children's health insurance program under Title XXI of the Social Security Act. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage [for children] under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

2 New Paragraph; Healthy Kids Program; Powers and Duties. Amend RSA 126-H:5 by inserting after paragraph I the following new paragraph:

I-a. The corporation may establish a young adult buy-in program, with appropriate safeguards to prevent adverse risk selection, by which individuals under 26 years of age, who cannot be included in their family's insurance plan, and whose incomes are at or below 400 percent of the federal poverty level, may purchase health insurance through the healthy kids corporation. The corporation shall not implement a young adult buy-in program until the insurance commissioner has reviewed a description of the proposed benefit structure, marketing plan, underwriting standards, enrollment procedures and eligibility criteria and has determined that the program is not likely to have an adverse impact on the commercial health insurance market. The commissioner shall make the determination within 30 days from the submission of the plan design. Within 2 years of the initiation of this buy-in option, the corporation shall submit a report to the governor, the president of the senate, the speaker of the house of representatives, and the standing committees of the house of representatives and senate responsible for health insurance policy on the status of the program, including summary information on enrollment, claims experience, pricing, trends, and any other information relevant to the goals of the program.

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

The signatures below attest to the authenticity of this Report on SB 115, an act relative to eligibility for the healthy kids program.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. Kelly, Dist. 10
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Butler, Carr. 1
Rep. Nord, Ches. 7
Rep. McEachern, Rock. 16
Rep. Hunt, Ches. 7

The question is on the adoption of Committee of Conference Report on SB 115.

Committee of Conference Report on SB 115 adopted.

Sen. Roberge is in opposition to the adoption of Committee of Conference Report on SB 115.

June 16, 2009

2009-2186-CofC

01/04

Committee of Conference Report on SB 119, an act relative to provider contract standards.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 New Section; Identification of Health Coverage Under the Jurisdiction of the Commissioner. Amend RSA 400-A by inserting after section 15-b the following new section:

400-A:15-c Identification of Health Coverage Under the Jurisdiction of the Commissioner. All health converge as defined in RSA 420-G:2, IX and prescription drug and dental benefits offered separately as described in RSA 420-G:2, IX(j) shall be identified as being under the jurisdiction of the commissioner. Such identification shall be clearly printed on a member's identification card and the policy issued to an insured after January 1, 2010. The commissioner shall adopt rules, pursuant to RSA 541-A, designating the form and manner of the identification required under this section.

The signatures below attest to the authenticity of this Report on SB 119, an act relative to provider contract standards.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. DeVries, Dist. 18
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Winters, Hills. 17
Rep. Hammond, Hills. 3
Rep. Schlachman, Rock. 13
Rep. Hunt, Ches. 7

2009-2186-CofC

AMENDED ANALYSIS

This bill requires health coverage and prescription drug and dental benefits under the jurisdiction of the commissioner of the department of insurance to be identified as being under the jurisdiction of the commissioner. The insurance commissioner is granted rulemaking authority for the purposes of the bill.

The question is on the adoption of Committee of Conference Report on SB 119.

Committee of Conference Report on SB 119 adopted.

June 17, 2009

2009-2259-CofC

06/01

Committee of Conference Report on SB 131, an act relative to state hiring of veterans.

Recommendation:

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

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

Amend RSA 283:4, I as inserted by section 1 of the bill by replacing it with the following:

I. In public employment of clerks, office help, mechanics, laborers, inspectors, supervisors, foremen, janitors, peace officers, and relief employees in the construction of public works, public projects and in the conduct of [state,] city, town or district departments by [~~the state or by~~] a county, city, town, or district, or by persons contracting therewith for such construction, carrying out of relief projects and in the conduct of [state,] city, town, or district departments, preference shall be given to citizens of the state who have served in the armed forces of the United States, for not less than 90 days, in times of war, and have been discharged honorably therefrom or released from active duty therein, if ***equally*** qualified for said employment and if registered in accordance with the provisions of RSA 283:7. Where such employment is obtained from relief rolls or for persons in need, in cases of equal or greater need preference shall be given to such veterans.

The signatures below attest to the authenticity of this Report on SB 131, an act relative to state hiring of veterans.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. DeVries, Dist. 18
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. D. Sullivan, Hills. 8
Rep. Flurey, Hills. 16
Rep. Hawkins, Hills. 18
Rep. S. Scamman, Rock. 13

The question is on the adoption of Committee of Conference Report on SB 131.

Committee of Conference Report on SB 131 adopted.

June 16, 2009
2009-2185-CofC
03/09

Committee of Conference Report on SB 133-FN, an act authorizing purple heart special number plates for veterans still on active duty.

Recommendation:

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

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

Amend the bill by replacing sections 1-2 with the following:

1 Special Number Plates for Certain Veterans; Purple Heart; Active Duty Veterans; Pearl Harbor Survivor. Amend RSA 261:86, I(d)-(e) to read as follows:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged ***or is still on active duty***, provided that such person has furnished the director with satisfactory proof of these circumstances. ***A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.***

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration [~~and number plate fees~~] ***fee***. The plates shall be transferable upon death to the surviving spouse of the Pearl Harbor survivor. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

2 Special Number Plated for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to [~~subparagraphs I(a)-(c)~~] ***paragraph I*** shall be issued without [~~charge~~] ***the \$4 per plate fees under RSA 261:75***. Plates furnished pursuant to [~~subparagraphs I(d) and (e)~~] ***paragraph I*** shall be issued upon payment of the regular registration fee [~~and the \$4 per plate fees under RSA 261:75~~]. Not-

withstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

The signatures below attest to the authenticity of this Report on SB 133-FN, an act authorizing purple heart special number plates for veterans still on active duty.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. Letourneau, Dist. 19
Sen. Kelly, Dist. 10

Conferees on the Part of the House
Rep. M. O'Brien, Hills. 26
Rep. Umberger, Carr. 1
Rep. Rhodes, Hills. 22
Rep. Hinch, Hills. 19

2009-2185-CofC

AMENDED ANALYSIS

This bill eliminates fees for plates for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill also authorizes purple heart special number plates for veterans on active duty.

The question is on the adoption of Committee of Conference Report on SB 133-FN.

Committee of Conference Report on SB 133-FN adopted.

June 16, 2009

2009-2220-CofC

04/01

Committee of Conference Report on SB 142, an act relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

Recommendation:

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

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

Amend the bill by replacing all after section 15 with the following:

16 Contingency. If HB 471-FN of the 2009 legislative session becomes law, then RSA 638:6-b as inserted by section 9 of that act shall not take effect on January 1, 2010, but shall take effect upon the passage of HB 471-FN.

17 Effective Date.

I. Sections 10-14 of this act shall take effect September 1, 2010.

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

The signatures below attest to the authenticity of this Report on SB 142, an act relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

Conferees on the Part of the Senate
Sen. Reynolds, Dist. 2
Sen. Houde, Dist. 5
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. Shurtleff, Merr. 10
Rep. Pantelakos, Rock. 16
Rep. Welch, Rock. 8
Rep. Stevens, Carr. 4

2009-2220-CofC

AMENDED ANALYSIS

This bill:

I. Corrects certain conflicts in RSA 651-B, the registration of criminal offenders statute.

II. Clarifies the procedural time limits for establishing probable cause to hold a sexually violent predator in custody.

III. Inserts a contingency provision changing the effective date of RSA 638:6-b relative to dealing in counterfeit goods.

IV. Is a request of the department of justice.

The question is on the adoption of Committee of Conference Report on SB 142.

Committee of Conference Report on SB 142 adopted.

June 16, 2009

2009-2221-CofC

01/04

Committee of Conference Report on SB 147-FN, an act relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

Recommendation:

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

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

Amend the bill by replacing all after section 4 with the following:

5 Statement of Intent. The intent of section 6 of this act is to eliminate the separate “unnecessary hardship” standard for “area” variances, as established by the New Hampshire supreme court in the case of *Boccia v. City of Portsmouth*, 155 N.H. 84 (2004), and to provide that the unnecessary hardship standard shall be deemed satisfied, in both use and area variance cases, if the applicant meets the standards established in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), as those standards have been interpreted by subsequent decisions of the supreme court. If the applicant fails to meet those standards, an unnecessary hardship shall be deemed to exist only if the applicant meets the standards prevailing prior to the *Simplex* decision, as exemplified by cases such as *Governor’s Island Club, Inc. v. Town of Gilford*, 124 N.H. 126 (1983).

6 Powers of Zoning Board of Adjustment; Variance. RSA 674:33, I(b) is repealed and reenacted to read as follows:

(b) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

7 Applicability. Section 6 of this act shall apply to any application or appeal for a variance that is filed on or after the effective date of this act.

8 Effective Date. This act shall take effect January 1, 2010.

The signatures below attest to the authenticity of this Report on SB 147-FN, an act relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

Conferees on the Part of the Senate
 Sen. DeVries, Dist. 18
 Sen. Cilley, Dist. 6
 Sen. Roberge, Dist. 9

Conferees on the Part of the House
 Rep. Butler, Carr. 1
 Rep. Nord, Rock. 1
 Rep. Lauterborn, Straf. 1
 Rep. Nevins, Rock. 15

2009-2221-CofC

AMENDED ANALYSIS

This bill:

I. Requires hospitals, community health centers, and hospital-owned providers to submit data to the department of health and human services for any person who is uninsured and whose care is not paid for by a governmental program.

II. Requires the commissioner of the insurance department and the commissioner of the department of health and human services to enter into a memorandum of understanding for collaboration in the development of a comprehensive uninsured health care database. The bill grants rulemaking authority to the commissioners for the purposes of the collaborative effort.

III. Defines an unnecessary hardship for a zoning variance.

The question is on the adoption of Committee of Conference Report on SB 147-FN.

Committee of Conference Report on SB 147-FN adopted.

June 17, 2009

2009-2239-CofC

06/09

Committee of Conference Report on SB 167-FN, an act relative to employee leasing companies.

Recommendation:

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

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

Amend RSA 277-B:9, II(j) as inserted by section 8 of the bill by replacing it with the following:

(j) Assuming and accepting responsibility for all compensation paid to any employee that is not paid through the employee leasing relationship or reported to the employee leasing company. Responsibility shall include but shall not be limited to all payroll taxes, federal and state taxes, additional premium for insurances including but not limited to workers' compensation insurance, and additional matching contributions if any.

The signatures below attest to the authenticity of this Report on SB 167-FN, an act relative to employee leasing companies.

Conferees on the Part of the Senate
 Sen. Cilley, Dist. 6
 Sen. DeVries, Dist. 18
 Sen. Bragdon, Dist. 11

Conferees on the Part of the House
 Rep. J. Knowles, Hills. 27
 Rep. Daniels, Hills. 6
 Rep. Mears, Coos 4
 Rep. S. Kelly, Merr. 7

The question is on the adoption of Committee of Conference Report on SB 167-FN.

Committee of Conference Report on SB 167-FN adopted.

Sen. Gatsas asserts Rule 42 on SB 167-FN.

Sen. Roberge is in opposition to the adoption of Committee of Conference Report on SB 167-FN.

June 16, 2009

2009-2180-CofC

04/10

Committee of Conference Report on SB 176-FN, an act establishing a fee for probationers and parolees who apply to be supervised in another state.

Recommendation:

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

That the House recede from its position in adopting its amendment to the bill, and

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Probationers and Parolees; Supervision and Service Charges. Amend RSA 504-A:13 by inserting after paragraph III the following new paragraph:

IV.(a) Any person under state probation or parole supervision who requests a transfer of supervision to another state shall submit such request on a form to be developed by the commissioner of the department of corrections along with an application fee not to exceed \$100. The commissioner may waive the fee as deemed appropriate under the circumstances. All fees collected under this subparagraph shall be deposited into the probation and parole receipts fund established in subparagraph (b).

(b) There is hereby established a probation and parole receipts fund in the department of corrections which shall be administered by the commissioner of the department of corrections. The fund shall be nonlapsing and continually appropriated to the department of corrections to offset the cost of annual dues and any extradition costs incurred by the department pursuant to the interstate compact for adult offender supervision under RSA 651-A:25 through RSA 651-A:38.

The signatures below attest to the authenticity of this Report on SB 176-FN, an act establishing a fee for probationers and parolees who apply to be supervised in another state.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Houde, Dist. 5
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. Pantelakos, Rock. 16
Rep. Davis, Merr. 7
Rep. Stevens, Carr. 4
Rep. Weare, Rock. 14

2009-2180-CofC**AMENDED ANALYSIS**

This bill:

I. Requires any person under state probation or parole supervision to submit an application and a fee to request a transfer of supervision to another state.

II. Establishes a probation and parole receipts fund to offset the cost of annual dues and any extradition costs incurred by the department of corrections pursuant to the interstate compact for adult offender supervision.

III. Is a request of the department of corrections.

The question is on the adoption of Committee of Conference Report on SB 176-FN.

Committee of Conference Report on SB 176-FN adopted.

June 16, 2009

2009-2156-CofC

04/01

Committee of Conference Report on SB 178, an act relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 178, an act relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

Conferees on the Part of the Senate
Sen. D'Allesandro, Dist. 20
Sen. DeVries, Dist. 18
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Harding, Graf. 11
Rep. Hawkins, Hills. 18
Rep. Pratt, Hills. 7
Rep. Houde-Quimby, Sull. 1

The question is on the adoption of Committee of Conference Report on SB 178.

Committee of Conference Report on SB 178 adopted.

June 16, 2009

2009-2172-CofC

09/04

Committee of Conference Report on SB 182-FN-A, an act establishing a committee to study business tax credits.

Recommendation:

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

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 182-FN-A, an act establishing a committee to study business tax credits.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. D'Allesandro, Dist. 20
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Almy, Graf. 11
Rep. Walsh, Hills. 11
Rep. Hatch, Coos 3
Rep. Sapareto, Rock. 5

The question is on the adoption of Committee of Conference Report on SB 182-FN-A.

Committee of Conference Report on SB 182-FN-A adopted.

June 17, 2009

2009-2258-CofC

06/01

Committee of Conference Report on SB 203, an act relative to liability protection for railroad operators alongside recreational trails.

Recommendation:

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

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

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

1 Committee Established. There is established a committee to study liability protection for railroad operators operating alongside recreational trails.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be a member of the house judiciary 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 senate judiciary committee, appointed by the president of the senate.

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

3 The committee shall study and report on issues related to liability protection for railroad operators operating alongside recreational trails, including, but not limited to, the following:

I. Whether public policy should provide for liability protection to commercial and recreational railroad operators operating alongside recreational trails, including when the railroad operator is operating on state owned land;

II. The sufficiency of existing provisions of state law in providing liability protection to commercial and recreational railroad operators operating alongside recreational trails and the nature and extent of such existing liability protections;

III. Identifying the persons or entities who are liable under present law for injury, damages, and other violations of law occurring on a recreational trail, and how and to what extent liability for such injury, damages, and violations would be affected if liability protection to railroad operators operating alongside a recreational trail were expanded or otherwise changed;

IV. Whether the siting of a recreational trail alongside a commercial and/or a recreational railroad line has ever been held by a court of any jurisdiction within the United States to constitute a wanton, reckless, or negligent act;

V. The impact on the department of transportation and its leasing arrangements for use of recreational trails of providing, extending or expanding liability protections for railroad operators operating alongside recreational trails and the impact of not providing any such liability protection;

VI. The impact of liability protection for railroad operators on the ability of the state and its municipalities to develop and obtain private and public funding for the expansion of recreational trails throughout the state for the use and enjoyment of all persons;

VII. The impact of the department of transportation's policy requiring municipalities to provide insurance and indemnification coverage to railroad operators on the ability of the state and its municipalities to develop and maintain recreational trails throughout the state, including in railroad corridors owned by the state, for the use and enjoyment of all persons; and

VIII. Any other issue the committee deems relevant to the issue of liability protection to railroad operators operating alongside recreational trails.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 60 days of the effective date of this section. A majority of the members of the committee shall constitute a quorum provided that the members present include at least one member from the house and one member from the senate.

5 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 no later than December 1, 2009.

6 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 203, an act relative to liability protection for railroad operators alongside recreational trails

Conferees on the Part of the Senate
Sen. Reynolds, Dist. 2
Sen. Letourneau, Dist. 19
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. Merry, Belk. 2
Rep. Tupper, Merr. 6
Rep. L. Weber, Ches. 2
Rep. D. Russell, Belk. 6

The question is on adoption of Committee of Conference Report on SB 203.

Committee of Conference Report on SB 203 adopted.

Recess/Out of Recess.

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.

Motion adopted.

Adjournment from the Early Session.

**LATE SESSION
ANNOUNCEMENTS**

SENATOR GILMOUR (Rule 44): Earlier this month the Home Care Association of New Hampshire established and awarded posthumously the "Maryellen LaRoche Public Policy Service Award." Maryellen LaRoche was a woman who was very, very well known to everyone throughout the state in the healthcare industry. Since 1985 she has been the executive director of Carroll County Health and Home Care Services, and in that position she was a strong and vocal advocate for home care services and the people of this state who received those services. She was extremely well known throughout these halls as many, many have had their, ah, "arms twisted" nicely by Maryellen to get the benefit of services for the people that she represented in the care in their home, and her death leaves a great hole in the community and in the state, and we'll miss her. Thank you.

SENATOR DOWNING (Rule 44): I regret to inform the members of the Senate of the death of Staff Sgt. Edmond Lo of Salem, New Hampshire. Staff Sgt. Lo was a 2004 graduate from Salem High School where he was a member of the Junior ROTC program and commanded the drill team and the color guard. Staff Sgt. Lo, he was an outstanding student who was offered a three-year scholarship to Rochester Institute of Technology, which he declined; instead joined the United States Army. He was assigned to the 79th Ordnance Company, 79th Ordnance Battalion based on Fort Hood, Texas. He deployed for Iraq for a second tour in December and was part of a team to neutralize bombs. Excuse me. He graduated with one of my daughters. Staff Sgt. Lo happened to be the son of parents who emigrated from Hong Kong 40 years ago and was the second youngest of six children. He died on the 13th of June in Samara City in Iraq while attempting to disarm a roadside bomb. He is the 29th soldier from New Hampshire to give his life, and the third from Salem. Thank you, Madam President.

SENATOR LETOURNEAU (Rule 44): Madam President, members of the body, it's my unfortunate regret that I have to report to you today that both Derry and New Hampshire indeed has lost one of its heroes. Bernie Resnick, who was a good close personal friend of mine, passed away peacefully in his sleep on Monday, June 23rd. And while Bernie was born in Maine he has resided in Derry since 1971. Bernie was the ultimate community organizer. He was presented with the prestigious Vaughan Award by the then-Governor Shaheen as the Top Volunteer in the State of New Hampshire. Bernie spent 51 years continuously involved with the Miss America Pageant, having been involved in directing both the Miss New Hampshire program, the Miss Maine and Miss Vermont pageants. Bernie even served on a production committee for the Miss America Pageant in Atlantic City, New Jersey.

Bernie was the founding father and present member of the Derry Village Rotary Club and he served as a past president. He was also chairman of the Alan Shepard Committee, past president of the Derry Economic and Development Corporation and past chairman of the Derry Cable Committee. Bernie was the driving force behind turning one of our schools into a wonderful community center that is enjoyed by all residents of Derry. In spite all of his accomplishments, what I admired most about Bernie was his service to his country. Bernie served during the Korean War and was a survivor of the Battle of the Chosin Reservoir. This battle is noted as one of the worst battles of that particular war. Bernie is the New Hampshire representative of the "Chosin Few," the group of survivors of that fierce battle. When it came to veterans, Bernie was always there, first in line: serving on the Derry Veterans Memorial Committee, treasurer of the 44th Engineering Battalion Association, and Bernie was the leading fundraiser in the recent Derry Afghanistan and Iraqi War Monument that we dedicated last year.

On a personal note, on Memorial Day, 2007, I brought Bernie up to the Veterans' Cemetery in New Hampshire here to be part of the dedication of the Korean War Memorial. Jack Barnes at that time I think was one of the keynote speakers, and I introduced Bernie to Jack, seeing they had kindred spirits. And at that time Bernie went down, he says I'm going to register because when I pass away this is where I went to be. And that's where Bernie is going to go, he's going to be interred in the New Hampshire Veterans' Cemetery. He will be missed by all, and he leaves a giant hole in the community services area of Derry. Thank you very much.

SENATOR BARNES (Rule 44): That good friend of Bob's and I did have a great conversation. The history books, my three kiddos that came through school, didn't have but three or four lines in there about the Korean War. I bitched about that for a long time, I've gone to school boards in three different states complaining about it, but obviously nothing happens. I guess that's why it's called the "forgotten war." I was fortunate enough to serve in Korea, I got there shortly after the Chosin Reservoir incident, but parts of my outfit that I joined had come through there and survived. And the stories I heard have never been printed. And what Bernie went through over there, he was fortunate to get out of there with his skin, because many of those young fellows that were wounded, and weren't wounded, were shot and bayoneted and they did not come home. That was a horrendous battle, showing how sometimes in war people lose their sense of sensitivity toward other people. And Bernie, God bless you, and the "Chosin Few" were a great few that came through the Korean War, and I wish the history books talked a little bit about it because it belongs in American History.

(Sen. Hassan recognized the summer departures of Will Craig, Majority Director, and Rob Buchholz, Assistant Senate Clerk, both of whom will be attending law school in the fall.)

(President Larsen announced the recent birth of Evangeline Vesper Lynn Bonner, granddaughter of the Senate Doorkeeper Dave Bonner.)

(President Larsen extended her thanks to all members of the Senate body for their work accomplished during the Session, particularly those who participated in the budget process, and encouraged all to enjoy a restful summer with families.)

Without objection, President Larsen moved that all Rule 44's shall be entered into the permanent *Journal of the Senate*.

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 sending and receiving messages, processing enrolled bill reports and amendments.

Motion adopted.

The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

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 41, allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire.

HB 45, relative to the water supply land conservation program.

HB 78, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

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 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 239-L, 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 252, relative to state agency rulemaking concerning expiring administrative rules and relative to electronic filing.

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

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 322, relative to the minimum age required to purchase fireworks.

HB 334-FN, relative to consumer credit and amending the St. Mary's Bank Charter.

HB 378-FN-A, relative to fees for methadone detoxification and maintenance programs.

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

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 408-FN, relative to the regulation of physicians and physician assistants by the board of medicine.

HB 441-FN, relative to CART providers and sign language interpreters.

HB 473-FN, relative to water treatment plants and penalties for safe drinking water violations.

HB 513, establishing a citizen-funded election task force.

HB 578-FN-L, relative to testimony by video teleconference.

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

HB 623, making various changes to the election laws.

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 648-FN, relative to the use of marijuana for medicinal purposes.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

SB 46, relative to group life insurance.

SB 52, making technical corrections to laws relative to courts and court procedures.

SB 65, relative to the acceptance of in lieu payments for the restoration or creation of wetlands and establishing a committee to study the administrative fee percentage for such in lieu payments.

SB 67, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

SB 98, establishing a committee to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and requiring a report relative to death benefits under RSA 100-A

SB 112, establishing a commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.

SB 114, relative to the threshold for notification for lead levels and a window replacement program.

SB 115, relative to eligibility for the healthy kids program.

SB 119, relative to certain health coverage.

SB 129, relative to the solvency of the unemployment compensation trust fund.

SB 131, relative to state hiring of veterans.

SB 133, eliminating plate fees for purple heart special number plates and Pearl Harbor survivor special number plates and authorizing purple heart special number plates for veterans on active duty.

SB 134, relative to the comprehensive shoreland protection act.

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

SB 144, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations.

SB 147, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database, and defining “unnecessary hardship” for purposes of zoning variances.

SB 167, relative to employee leasing companies.

SB 168, establishing the Southeast Watershed Alliance.

SB 172, relative to eligibility for state-federal extended unemployment benefits.

SB 176, establishing a fee for probationers and parolees who apply to be supervised in another state.

SB 178, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

SB 180, establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

SB 182, establishing a committee to study business tax credits.

SB 203, establishing a committee to study liability protection for railroad operators operating alongside recreational trails.

HB 1, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

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

HB 25, making appropriations for capital improvements.

HB 40, relative to the reporting of hospital infections.

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.

HB 45, relative to the water supply land conservation program.

HB 78, relative to the interbranch criminal and juvenile justice council, appointing an additional member to the interagency coordinating council for women offenders, and reducing the quorum requirement for the oversight commission on motor vehicle fines.

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 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 167, relative to the guidelines for revaluations used by the assessing standards board and the adoption of rules for disciplinary standards for assessing officials, and relative to bingo games.

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 245, extending study committees and commissions.

HB 252, relative to state agency rulemaking concerning expiring administrative rules and relative to electronic filing.

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

HB 296, 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 322, relative to the minimum age required to purchase fireworks.

HB 330, relative to life, accident, and health insurance.

HB 334, relative to consumer credit and amending the St. Mary's Bank Charter.

HB 378, relative to fees for methadone detoxification and maintenance programs.

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

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 408, relative to the regulation of physicians and physician assistants by the board of medicine.

HB 441, relative to CART providers and sign language interpreters, and making an appropriation therefor.

HB 443, relative to underground storage facility operator training and relative to requirements for guaranteed price plans and prepaid contracts for petroleum.

HB 471, relative to willful concealment and fraudulent retail transactions.

HB 473, relative to water treatment plants and penalties for safe drinking water violations.

HB 474, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation.

HB 513, establishing a citizen-funded election task force.

HB 518, relative to driver's license application forms and relative to transporting manufactured housing and modular buildings.

HB 519, relative to supervision of state employees who are related by birth or marriage.

HB 601, relative to claims for compensation from the victims' assistance fund.

HB 610, 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 619, relative to medical records and patient information.

HB 623, making various changes to the election laws.

HB 641, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 648, relative to the use of marijuana for medicinal purposes.

HB 680, making technical changes in the insurance laws.

HB 688, relative to the chartered public school approval process and relative to open enrollment schools.

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

Report of Committee on Enrolled Bills adopted.

June 30, 2009
2009-2365-EBA
09/05

Enrolled Bill Amendment to SB 40

The Committee on Enrolled Bills to which was referred SB 40

AN ACT relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

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 40

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 40

Amend RSA 275-F:2, V(a)(1) as inserted by section 1 of the bill by replacing line 2 with the following:
 departure, or retirement;

Amend RSA 275-F:2, X as inserted by section 1 of the bill by replacing line 3 with the following:
 understanding that his or her employment was limited to the duration of a particular project or

Amend RSA 275-F:3, IV as inserted by section 1 of the bill by replacing lines 5-6 with the following:
 section. Notwithstanding any other provision of this chapter, any person who is a full-time employee of the seller, other than a part-time employee, as of the effective date of the sale shall be considered

Amend RSA 275-F:4, I(a) as inserted by section 1 of the bill by replacing line 4 with the following:
 through a commercially reasonable method which opportunities were objectively realistic; and

Amend RSA 275-F:7, VI as inserted by section 1 of the bill by replacing line 5 with the following:
 property the lien was obtained.

Amend RSA 275-F:8, I(a) as inserted by section 1 of the bill by replacing line 3 with the following:
 whichever is higher.

Amend RSA 275-F:8, I(b) as inserted by section 1 of the bill by replacing line 3 with the following:
 employee that would have been covered under an employee benefit plan.

Amend RSA 275-F:8, I(d)(1) as inserted by section 1 of the bill by replacing line 2 with the following:
 personal property of the employer for the employer's liability under this paragraph. In order for such

Amend RSA 275-F:8, VIII as inserted by section 1 of the bill by replacing lines 1-3 with the following:

VIII. In addition to asserting the lien as provided in subparagraph I(d), the state of New Hampshire, through the department, shall be deemed to be a creditor under RSA 545-A for the liability of the employer as determined under paragraph I and may assert claims pursuant to

Amend RSA 275-F:8, IX as inserted by section 1 of the bill by replacing line 8 with the following:
 brought by the attorney general against the same employer or employers under paragraph VII.

Adopted.

June 29, 2009
2009-2362-EBA
03/09

Enrolled Bill Amendment to SB 52

The Committee on Enrolled Bills to which was referred SB 52

AN ACT making technical corrections to laws relative to courts and court procedures.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 52

This enrolled bill amendment corrects a term in the bill.

Enrolled Bill Amendment to SB 52

Amend RSA 503:6, I as inserted by section 8 of the bill by replacing line 9 with the following:

attachment, the claim shall be served on the defendant as in all other actions at law.

Adopted.

June 29, 2009
2009-2357-EBA
05/10

Enrolled Bill Amendment to SB 65-FN

The Committee on Enrolled Bills to which was referred SB 65-FN

AN ACT relative to the acceptance of in lieu payments for the restoration or creation of wetlands and establishing a committee to study the administrative fee percentage for such in lieu payments.

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 65-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 65-FN

Amend paragraph II of section 12 of the bill by replacing it with the following:

II. Section 5 and sections 7-12 of this act shall take effect upon its passage.

Adopted.

June 29, 2009
2009-2363-EBA
01/05

Enrolled Bill Amendment to SB 108

The Committee on Enrolled Bills to which was referred SB 108

AN ACT establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues.

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 108

This enrolled bill amendment amends the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 108

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

AN ACT establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and requiring a report relative to death benefits under RSA 100-A.

Adopted.

June 29, 2009
2009-2359-EBA
04/01

Enrolled Bill Amendment to SB 119

The Committee on Enrolled Bills to which was referred SB 119

AN ACT relative to certain health insurance plans.

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 119

This enrolled bill amendment corrects the title of the bill and makes a technical correction.

Enrolled Bill Amendment to SB 119

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

AN ACT relative to certain health coverage.

Amend RSA 400-A:15-c as inserted by section 1 of the bill by replacing line 2 with the following:

health coverage as defined in RSA 420-G:2, IX and prescription drug and dental benefits offered

Adopted.

June 19, 2009
2009-2332-EBA
04/10

Enrolled Bill Amendment to SB 129

The Committee on Enrolled Bills to which was referred SB 129

AN ACT relative to the solvency of the unemployment compensation trust fund.

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 129

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to SB 129

Amend RSA 282-A:69, I as inserted by section 2 of the bill by replacing line 2 with the following:

in which the employer is subject to this chapter, in an amount equal to 2.7 percent, except as

Amend RSA 282-A:69, I as inserted by section 3 of the bill by replacing line 2 with the following:

in which the employer is subject to this chapter, in an amount equal to 2.7 percent, except as otherwise

Adopted.

June 26, 2009
2009-2350-EBA
08/09

Enrolled Bill Amendment to SB 133-FN

The Committee on Enrolled Bills to which was referred SB 133-FN

AN ACT eliminating plate fees for purple heart special number plates and authorizing purple heart special number plates for veterans on active duty.

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 133-FN

This enrolled bill amendment changes the title to reflect the contents of the bill.

Enrolled Bill Amendment to SB 133-FN

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

AN ACT eliminating plate fees for purple heart special number plates and Pearl Harbor survivor special number plates and authorizing purple heart special number plates for veterans on active duty.

Adopted.

June 19, 2009
2009-2329-EBA
03/01

Enrolled Bill Amendment to SB 134-FN

The Committee on Enrolled Bills to which was referred SB 134-FN

AN ACT relative to the comprehensive shoreland protection act.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 134-FN

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 134-FN

Amend RSA 483-B:9, V(a)(2)(D)(v) as inserted by section 15 of the bill by replacing line 7 with the following: subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II.

Amend RSA 483-B:9, V(g)(3) as inserted by section 19 of the bill by replacing line 1 with the following:

(3) If the impervious surface area will exceed 20 percent and the natural tree and

Amend section 21 of the bill by replacing line 1 with the following:

21 Minimum Shoreland Protection Standards. Amend RSA 483-B:12, I-II to read as follows:

Amend RSA 483-B:12, II(e) as inserted by section 21 of the bill by replacing line 2 with the following:

urbanized area or urban cluster as delineated by the United States Census Bureau.

Amend RSA 483-B:17, IV as inserted by section 22 of the bill by replacing line 2 with the following:

structures such as storage sheds and gazebos, ~~[the size, placement, and construction of]~~ which [is] ***are***

Amend section 23 of the bill by replacing paragraph III with the following:

III. RSA 483-B:17, VIII, relative to rulemaking authority to define the opening for building construction.

Adopted.

June 29, 2009
2009-2364-EBA
09/03

Enrolled Bill Amendment to SB 142

The Committee on Enrolled Bills to which was referred SB 142

AN ACT relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

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 142

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 142

Amend RSA 651-B:1, V(a) as inserted by section 1 of the bill by replacing line 3 with the following:

632-A:4, I(a) or RSA 632-A:4, III; violation of privacy, RSA 644:9, I(a) or RSA 644:9, III-a; **or a** second or
Adopted.

June 23, 2009
2009-2342-EBA
05/01

Enrolled Bill Amendment to SB 144-FN

The Committee on Enrolled Bills to which was referred SB 144-FN

AN ACT allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations.

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 144-FN

This enrolled bill amendment makes a technical correction and inserts a contingency to provide for changes to RSA 282-A:75 in SB 89-FN of the 2009 legislative session.

Enrolled Bill Amendment to SB 144-FN

Amend RSA 282-A:75, III as inserted by section 2 of the bill by replacing it with the following:

III. Benefits are paid to an individual by reason of RSA 282-A:31, III;

Amend the bill by replacing all after section 2 with the following:

3 Unemployment Compensation Trust Fund; Fund Chargeable; Effective January 1, 2010. RSA 282-A:75 is repealed and reenacted to read as follows:

282-A:75 Fund Chargeable. In assigning the charges for benefits to the account of the most recent employer under this subdivision, no benefits shall be charged to the account of an individual employer but shall be charged by the commissioner against the fund where:

I. Benefits are paid and are not chargeable against any employer's account in accordance with the provisions of RSA 282-A:42 and RSA 282-A:44-52;

II. Benefits are paid to a claimant as provided in RSA 282-A:165, II;

III. Benefits are paid to an individual by reason of RSA 282-A:31, III;

IV. Benefits are paid to an individual by reason of RSA 282-A:32, I(a)(3); or

V. Benefits are paid to an individual by reason of RSA 282-A:32, I(a)(4).

4 Contingency. If SB 89-FN of the 2009 legislative session becomes law, section 3 of this act shall take effect on January 1, 2010 and section 2 of SB 89-FN shall not take effect. If SB 89-FN does not become law, section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

Adopted.

June 29, 2009
2009-2355-EBA
04/01

Enrolled Bill Amendment to SB 147-FN

The Committee on Enrolled Bills to which was referred SB 147-FN

AN ACT relative to the data collection practices of health care providers, relative to the development of an uninsured health care database, and defining "unnecessary hardship" for purposes of zoning variances.

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 147-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 147-FN

Amend RSA 126:25, IV(a)(1) as inserted by section 2 of the bill by replacing line 2 with the following: memorandum of understanding entered into by the insurance department and the department of

Adopted.

June 29, 2009
2009-2353-EBA
03/10

Enrolled Bill Amendment to SB 167-FN

The Committee on Enrolled Bills to which was referred SB 167-FN

AN ACT relative to employee leasing companies.

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 167-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 167-FN

Amend RSA 277-B:2, V(a) as inserted by section 2 of the bill by replacing line 2 with the following:

leasing arrangements ~~[or any other arrangement]~~; or

Amend section 5 of the bill by replacing line 2-4 with the following:

and II to read as follows:

I. Every application for issuance or renewal of a license as an employee leasing company

Amend RSA 277-B:6, I as inserted by section 5 of the bill by replacing lines 7-8 with the following:

shall file a succeeding audit, performed within [6] **12** months ~~[prior to]~~ ***before*** the date of application or renewal, ~~[and such statement shall show a minimum net worth of \$100,000]~~ ***showing***

Amend RSA 277-B:6, I as inserted by section 5 of the bill by replacing line 12 with the following:

statements to the department of labor accompanied by an attestation of the chief executive officer

Amend RSA 277-B:6, IV as inserted by section 6 of the bill by replacing line 4 with the following:

commissioner that provides satisfactory assurance of compliance acceptable to the department of labor.

Adopted.

June 23, 2009
2009-2341-EBA
03/10

Enrolled Bill Amendment to SB 168-FN

The Committee on Enrolled Bills to which was referred SB 168-FN

AN ACT establishing the Southeast Watershed Alliance.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 168-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 168-FN

Amend RSA 485-E:1, II(b) as inserted by section 1 of the bill by replacing line 4 with the following:
challenges of meeting clean water standards, particularly with respect to nutrients pollution;

Amend RSA 485-E:1, II(c) as inserted by section 1 of the bill by replacing line 6 with the following:
B; and

Amend RSA 485-E:5, I(b) as inserted by section 1 of the bill by replacing line 4 with the following:
watershed municipalities to join the Alliance; and

Amend RSA 485-E:12 as inserted by section 1 of the bill by replacing line 2 with the following:
president, the speaker of the house of representatives, the senate energy, environment and economic develop-
ment

Adopted.

June 22, 2009
2009-2338-EBA
06/09

Enrolled Bill Amendment to SB 180-FN

The Committee on Enrolled Bills to which was referred SB 180-FN

AN ACT establishing an accountability system to ensure the opportunity for an adequate education and
repealing the legislative committee on costing an adequate education.

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 180-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 180-FN

Amend RSA 193-E:3-c, I as inserted by section 1 of the bill by replacing line 5 with the following:
no fewer than 9 and no more than 13 members to the task force which shall consist of department

Amend RSA 193-E:3-c, II(a) as inserted by section 1 of the bill by replacing line 2 with the following:
ensure that the opportunity for an adequate education is maintained.

Amend RSA 193-E:3-c, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Number and percentage of graduating pupils going on to post-secondary education

Amend the introductory paragraph of RSA 193-E:3-e, I as inserted by section 1 of the bill by replacing line 2
with the following:

for an adequate education under either RSA 193-E:3-b, I or II, school officials shall submit an action plan

Amend the introductory paragraph of RSA 193-E:3-e, II as inserted by section 1 of the bill by replacing line 2
with the following:

the opportunity for an adequate education under either RSA 193-E:3-b, I or II, school officials shall

Amend the introductory paragraph of RSA 193-E:3-e, III as inserted by section 1 of the bill by replacing line 2
with the following:

the opportunity for an adequate education under either RSA 193-E:3-b, I or II, the commissioner shall:

Adopted.

June 26, 2009
2009-2348-EBA
08/10

Enrolled Bill Amendment to SB 203

The Committee on Enrolled Bills to which was referred SB 203

AN ACT relative to liability protection for railroad operators operating alongside recreational trails.

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 203

This enrolled bill amendment corrects the title of the bill to reflect its contents.

Enrolled Bill Amendment to SB 203

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

AN ACT establishing a committee to study liability protection for railroad operators operating alongside recreational trails.

Adopted.

June 26, 2009
2009-2347-EBA
01/09

Enrolled Bill Amendment to HB 2-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred HB 2-FN-A-LOCAL

AN ACT relative to state fees, funds, revenues and expenditures.

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 2-FN-A-LOCAL

This enrolled bill amendment:

I. Makes grammatical and technical corrections.

II. Inserts RSA text inadvertently omitted in section 57 of the bill.

III. Resolves conflicts contained in this bill, HB 193-FN, HB 459, and SB 87-LOCAL of the 2009 legislative session.

IV. Incorporates provisions from SB 52 of the 2009 regular legislative session that amend the same RSA provisions as are amended in this bill.

Enrolled Bill Amendment to HB 2-FN-A-LOCAL

Amend section 42 of the bill by replacing line 2 with the following:

Increase. Amend RSA 486:14, I(b) to read as follows:

Amend RSA 502-A:1, VII as inserted by section 57 of the bill by replacing it with the following:

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. ~~[Cases arising from the towns of Durham, Lee, and Madbury shall be held regularly at a court facility in the town of Durham.]~~

Amend RSA 502-A:1, XV as inserted by section 57 of the bill by replacing it with the following:

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. ~~[Special sessions of said court for cases arising from the town of Henniker shall be held at the principal court location as the caseload and justice requires.]~~ The court shall bear the name of the city or town in which it is located.

Amend RSA 237:50, II as inserted by section 76 of the bill by replacing line 2 with the following:

become part of the eastern New Hampshire turnpike under RSA 237:17 and the Blue Star memorial highway

Amend RSA 237:7, I(m) as inserted by section 80 of the bill by replacing line 3 with the following:

improvements from exits 11 to 16. RSA 237:2, II-d, IX. [138,200,000] **160,000,000**

Amend section 245 of the bill by replacing line 1 with the following:

245 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, VII(b) to read as

Amend section 246 of the bill by replacing line 2 with the following:

surcharges collected under RSA 261:141 as amended by this act, the department of

Amend section 248 of the bill by replacing line 1 with the following:

248 Fee for Transfer of Motor Vehicle Registration. RSA 261:141, VII(b) is repealed and

Amend RSA 77:49, I(a) and (b) as inserted by section 249 of the bill by replacing them with the following:

(a) Keep such records as may be necessary to determine the amount of his or her liability under this subdivision.

(b) Preserve such records for the period of 3 years or until any litigation or prosecution under this subdivision is finally determined.

Amend the bill by replacing all after section 292 with the following:

293 Contingency. If HB 193-FN of the 2009 legislative session becomes law, RSA 339-F:6, IV-VI as inserted by section 1 of that act are hereby nullified and shall not take effect, and RSA 339-F:6, VII as inserted by section 1 of that act shall take effect on January 1, 2010.

294 Contingency. If HB 459 of the 2009 legislative session becomes law, then RSA 21-H:4, VII as inserted by section 2 of that act shall be renumbered as RSA 21-H:4, VIII.

295 Contingency. If SB 87-LOCAL of the 2009 legislative session becomes law, then RSA 502-A:8 as inserted by section 1 of that act is hereby nullified and shall not take effect.

296 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. 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.**

297 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. 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.**

298 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. 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.***

299 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. 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.***

300 Contingency. If SB 52 of the 2009 regular legislative session becomes law, sections 296-299 of this act shall take effect July 1, 2009 and sections 112-115 of this act and sections 3-7 of SB 52 shall not take effect. If SB 52 of the 2009 regular legislative session does not become law, sections 112-115 of this act shall take effect July 1, 2009 and sections 296-299 of this act shall not take effect.

301 Effective Date.

I. Sections 1, 6-7, 50, 161, and 254 of this act shall take effect June 30, 2009.

II. Section 55 of this act shall take effect June 1, 2009.

III. Sections 89-94 of this act shall take effect October 1, 2009.

IV. Sections 269 and 271 of this act shall take effect January 1, 2010.

V. Sections 132-143 of this act shall take effect January 1, 2011.

VI. Sections 118, 144-149, 192, and 264 of this act shall take effect 60 days after its passage.

VII. Section 150 of this act shall take effect July 1, 2015.

VIII. Sections 163-175 of this act shall take effect July 1, 2010.

IX. Sections 247 and 248 of this act shall take effect July 1, 2011.

X. Sections 112-115 and 296-300 of this act shall take effect as provided in section 300.

XI. The remainder of this act shall take effect July 1, 2009.

Adopted.

**June 26, 2009
2009-2352-EBA
06/04**

Enrolled Bill Amendment to HB 25-FN-A

The Committee on Enrolled Bills to which was referred HB 25-FN-A

AN ACT making appropriations for capital improvements.

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 25-FN-A

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 25-FN-A

Amend section 6 of the bill by replacing line 4 with the following:

the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-

Amend section 18 of the bill by replacing line 1 with the following:

18 2007 Capital Budget; Project Purpose Amended; Health and Human Services. Amend 2007, 264:1, IX, C to Amend paragraph 81 of section 19 of the bill by replacing line 2 with the following:

amended by 2007, 264:20, as extended by 2007, 264:29, LXXX, for railroad acquisition, right of first refusal,

Adopted.

June 26, 2009
2009-2351-EBA
03/10

Enrolled Bill Amendment to HB 78

The Committee on Enrolled Bills to which was referred HB 78

AN ACT relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

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 78

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill and makes technical corrections.

Enrolled Bill Amendment to HB 78

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

AN ACT relative to the interbranch criminal and juvenile justice council, appointing an additional member to the interagency coordinating council for women offenders, and reducing the quorum requirement for the oversight commission on motor vehicle fines.

Amend RSA 651-E:2, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) ~~Two~~ **Three** members of the house of representatives, ***one of whom shall be from the criminal justice and public safety committee, and one of whom shall be from the children and family law committee***, appointed by the speaker of the house of representatives.

Amend RSA 262:45, V as inserted by section 4 of the bill by replacing line 2 with the following:

November 1, 2009, together with its findings and any recommendations for proposed legislation to the

Adopted.

June 26, 2009
2009-2344-EBA
04/09

Enrolled Bill Amendment to HB 96

The Committee on Enrolled Bills to which was referred HB 96

AN ACT correcting certain references relating to municipal growth management, and allowing certain replacement structures to qualify for the community revitalization tax relief incentive.

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 96

This enrolled bill amendment corrects a reference to reflect the official name of the division of historical resources.

Enrolled Bill Amendment to HB 96

Amend RSA 79-E:4, IV (a)(4) as inserted by section 10 of the bill by replacing line 9 with the following:

findings, the governing body may request that the division of historical resources conduct a

Adopted.

July 1, 2009
2009-2366-EBA
03/01

Enrolled Bill Amendment to HB 102

The Committee on Enrolled Bills to which was referred HB 102

AN ACT relative to the rivers management and protection program, establishing the volunteer river assessment program, and naming the bridge at the intersection of N.H. Route 12A and N.H. Route 123 in Alstead the Alstead Veterans Memorial Bridge.

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 102

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 102

Amend RSA 482-A:3, I(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) At the time the permit application is submitted to the city or town clerk, the applicant

Amend RSA 483:1 as inserted by section 3 of the bill by replacing line 2 with the following:

important natural resources, historically vital to New Hampshire's commerce, industry, *and* tourism, and

Amend RSA 483:4, XVI-a as inserted by section 4 of the bill by replacing line 1 with the following:

XVI-a. "Restore" means to return an ecosystem to a close approximation of its natural

Amend RSA 483:8, V as inserted by section 8 of the bill by replacing lines 2-3 with the following:

The committee shall elect a chairman and vice chairman. [Subsequent] Meetings shall be at the call of the [chair] *chairman*, or at the request of 5 or more committee members. The rivers coordinator under

Amend RSA 483:11, I as inserted by section 17 of the bill by replacing line 1 with the following:

I. Content and submission of nominations, *including requirements and criteria for river*

Amend 2002, 278:3, III(d) as inserted by section 20 of the bill by replacing line 1 with the following:

(d) Meet the requirements of subparagraphs (a)–(b) independently for the

Amend section 23 of the bill by replacing lines 2-4 with the following:

replacement signage, or other markers authorized under section 22 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 section 22 of this act shall be approved by the department of transportation.

Adopted.

June 26, 2009
2009-2349-EBA
05/10

Enrolled Bill Amendment to HB 292

The Committee on Enrolled Bills to which was referred HB 292

AN ACT relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

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 292

This enrolled bill amendment inserts a contingency to provide for changes to RSA 15-A:3 made by SB 155 of the 2009 legislative session.

Enrolled Bill Amendment to HB 292

Amend the bill by inserting after section 8 the following and renumbering the remaining section 9 to read as 10:

9 Renumbering Contingency. If SB 155 of the 2009 legislative session becomes law, RSA 15-A:3, II as inserted by section 5 of SB 155 shall be renumbered as RSA 15-A:3, III.

Adopted.

June 22, 2009
2009-2337-EBA
04/09

Enrolled Bill Amendment to HB 330

The Committee on Enrolled Bills to which was referred HB 330

AN ACT relative to life, accident, and health insurance.

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 330

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 330

Amend RSA 415:5, I(3)(a)(3) as inserted by section 1 of the bill by replacing line 5 with the following:

U.S.C. section 1395 et seq.

Amend RSA 420-A:10-a, I(c) as inserted by section 9 of the bill by replacing line 4 with the following:
 XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq.

Amend RSA 420-B:8-aa, I(c) as inserted by section 11 of the bill by replacing line 4 with the following:
 XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq.

Amend RSA 420-C:4-a, I(c) as inserted by section 13 of the bill by replacing line 4 with the following:
 XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq.

Amend RSA 420-F:5-a, I(c) as inserted by section 14 of the bill by replacing line 4 with the following:
 XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq.

Amend RSA 420-J:8-d, I(c) as inserted by section 18 of the bill by replacing line 4 with the following:
 XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq.

Adopted.

June 29, 2009
2009-2361-EBA
10/05

Enrolled Bill Amendment to HB 378-FN-A

The Committee on Enrolled Bills to which was referred HB 378-FN-A

AN ACT relative to fees for methadone detoxification and maintenance programs.

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 378-FN-A

This enrolled bill amendment corrects a reference in the bill for purposes of consistency.

Enrolled Bill Amendment to HB 378-FN-A

Amend RSA 318-B:10, VII(g) as inserted by section 2 of the bill by replacing line 5 with the following:
 number of methadone detoxification and maintenance program clinics certified under RSA 318-B:10,

Adopted.

June 26, 2009
2009-2346-EBA
04/10

Enrolled Bill Amendment to HB 391

The Committee on Enrolled Bills to which was referred HB 391

AN ACT authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

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 391

This enrolled bill amendment:

I. Makes technical corrections.

II. Nullifies provisions of the bill if HB 2-FN-A-LOCAL of the 2009 legislative session becomes law in order to avoid the enactment of duplicate authority.

Enrolled Bill Amendment to HB 391

Amend section 2 of the bill by replacing line 4 with the following:

eastern New Hampshire turnpike as currently defined in RSA 237:17 and Blue Star memorial highway as

Amend RSA 237:2, X as inserted by section 4 of the bill by replacing it with the following:

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.

Amend RSA 237:2-a, I as inserted by section 5 of the bill by replacing line 5 with the following:

and the Blue Star memorial highway under RSA 237:18.

Amend RSA 237:7, I(p)-(q) as inserted by section 10 of the bill by replacing them with the following:

(p) Acquisition of a 1.6 mile section of I-95.	120,000,000
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(q) Repairs and improvements to the bridge on N.H. 107 over I-95 in Seabrook.	2,000,000
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Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15:

14 Contingent Nullification. If HB 2-FN-A-LOCAL of the 2009 legislative session becomes law, then sections 1-5 and sections 7-13 of this act are hereby nullified and shall not take effect.

Adopted.

June 29, 2009
2009-2354-EBA
06/10

Enrolled Bill Amendment to HB 408-FN

The Committee on Enrolled Bills to which was referred HB 408-FN

AN ACT relative to the regulation of physicians and physician assistants by the board of medicine.

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 408-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 408-FN

Amend RSA 329:1-aa as inserted by section 1 of the bill by replacing line 2 with the following:
 according to the laws enacted by the legislature, and not a natural right. In the interests of public
 Amend RSA 329:12, I(d)(4) as inserted by section 8 of the bill by replacing line 3 with the following:
 and has graduated from such school ***or has studied medicine in a medical school located***
 Amend RSA 329:17, V-b as inserted by section 14 of the bill by replacing line 2 with the following:
 medicine shall notify the ***facility, a practice's managing physician or administrator, or the***
 Amend RSA 329:17, V-b as inserted by section 14 of the bill by replacing line 4 with the following:
 remedial proceedings [for], ***recommended corrective actions, or concerns for informational***
Adopted.

June 29, 2009
2009-2360-EBA
05/01

Enrolled Bill Amendment to HB 441-FN

The Committee on Enrolled Bills to which was referred HB 441-FN

AN ACT relative to CART providers and sign language interpreters.

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 441-FN

This enrolled bill amendment includes appropriation language in the title of the bill and makes a grammatical correction.

Enrolled Bill Amendment to HB 441-FN

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

AN ACT relative to CART providers and sign language interpreters, and making an appropriation therefor.

Amend RSA 200-M:1, II as inserted by section 1 of the bill by replacing line 2 with the following:
 toward the completion of a degree or certificate in judicial reporting, broadcast captioning, realtime
Adopted.

June 22, 2009
2009-2336-EBA
05/09

Enrolled Bill Amendment to HB 443

The Committee on Enrolled Bills to which was referred HB 443

AN ACT relative to underground storage facility operator training and relative to requirements for guaranteed price plans and prepaid contracts for petroleum.

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 443

This enrolled bill amendment makes 2 technical corrections.

Enrolled Bill Amendment to HB 443

Amend RSA 146-C:18, II(c) as inserted by section 2 of the bill by replacing line 5 with the following:
 biennial retraining or refresher training.

Amend RSA 146-C:19, II(c)(4) as inserted by section 2 of the bill by replacing line 1 with the following:

- (4) Inspect each coaxial fill adaptor cap, 2-point fill adaptor cap, and dry break

Adopted.

June 10, 2009
2009-2100-EBA
03/01

Enrolled Bill Amendment to HB 471-FN

The Committee on Enrolled Bills to which was referred HB 471-FN

AN ACT relative to willful concealment and fraudulent retail transactions.

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 471-FN

This enrolled bill amendment inserts subparagraphs of existing law in order to make changes necessitated by the insertion of a new subparagraph in the RSA section and corrects references in a bill section heading.

Enrolled Bill Amendment to HB 471-FN

Amend the bill by replacing section 5 with the following:

5 Willful Concealment; Use of Emergency Exit. Amend RSA 651:6, I(p)-(q) to read as follows:

(p) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age; [or]

(q) Has knowingly committed any of the following offenses as a criminal street gang member, or for the benefit of, at the direction of, or in association with any criminal street gang, with the purpose to promote, further, or assist in any such criminal conduct by criminal street gang members:

(1) Violent crime as defined in RSA 651:5, XIII.

(2) A crime involving the distribution, sale, or manufacture of a controlled drug under RSA 318-B:2.

(3) Class A felony theft where the property stolen was a firearm.

(4) Unlawful sale of a pistol or a revolver.

(5) Witness tampering.

(6) Criminal street gang solicitation as defined in RSA 644:20; *or*

(r) Has committed an offense under RSA 637 where such person knowingly activated an audible alarm system to avoid detection or apprehension, or cause a distraction during the commission of the offense.

Amend section 7 of the bill by replacing lines 1-2 with the following:

7 Civil Damages for Shoplifting. Amend the chapter heading of RSA 544-C, RSA 544-C:1, I-III, and the introductory paragraph of RSA 544-C:1, IV to read as follows:

Adopted.

June 29, 2009
2009-2356-EBA
08/09

Enrolled Bill Amendment to HB 473-FN

The Committee on Enrolled Bills to which was referred HB 473-FN

AN ACT relative to water treatment plants and penalties for safe drinking water violations.

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 473-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 473-FN

Amend RSA 485:17, I as inserted by section 5 of the bill by replacing lines 4-5 with the following:

become impure or unfit for such purposes [he], **such person** shall be guilty of a misdemeanor if a natural person[,] or guilty of a felony if any other person.

Amend RSA 485:17, II as inserted by section 5 of the bill by replacing line 4 with the following:

substance, or fluid that may cause such water to become impure or unfit for such purposes,

Amend RSA 485:58, VII as inserted by section 8 of the bill by replacing line 3 with the following:

found guilty of any violation of paragraph II ***or III*** of this section. ***The court may***

Adopted.

**June 10, 2009
2009-2090-EBA
06/09**

Enrolled Bill Amendment to HB 474-FN

The Committee on Enrolled Bills to which was referred HB 474-FN

AN ACT prohibiting the trafficking in persons for the purposes of sexual or labor exploitation.

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 474-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 474-FN

Amend RSA 633:6, IV as inserted by section 1 of the bill by replacing line 3 with the following:

same situation to provide or continue to provide labor or services, or to engage in commercial sex acts

Amend RSA 633:6, V as inserted by section 1 of the bill by replacing line 2 with the following:

commercial sex acts or sexually explicit performances, performed by one person, against his or her

Amend RSA 633:7, I(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) The means listed in subparagraphs (a)(4), (a)(10), and (a)(11) are not intended to

Amend RSA 633:8 as inserted by section 1 of the bill by replacing paragraph III with the following:

III.(a) Property may be seized for forfeiture by any law enforcement agency designated by the department of justice, as follows:

(1) Upon process issued by any justice, associate justice, or special justice of the district or superior court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for its forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The application for process and the issuance, execution, and return of process shall be subject to applicable state law. The court may order that the property be seized and secured on such terms and conditions as are reasonable in the discretion of the court. Such order may include an order to a financial institution or to any fiduciary or bailee to require the entity to impound any property in its possession or control and not to release it except upon further order of the court. The order may be made on or in connection with a search warrant;

(2) Physically, without process on probable cause to believe that the property is subject to forfeiture under this section; or

(3) Constructively, without process on probable cause to believe that the property is subject to forfeiture under this section, by recording a notice of pending forfeiture in the registry of deeds in the county where the real property is located or at the town clerk's office where the personal property is located stating that the state intends to seek forfeiture of the identified property pursuant to this section.

(b) A seizure for forfeiture without process under subparagraph (a)(2) or (a)(3) shall be reasonable if made under circumstances in which a warrantless seizure or arrest would be valid in accordance with state law.

Amend RSA 633:8, XII as inserted by section 1 of the bill by replacing line 7 with the following:
claiming an exception pursuant to paragraph XI shall have the burden of proving such exception.

Amend RSA 633:9, II(g) as inserted by section 1 of the bill by replacing line 11 with the following:
shall be held by it pending final disposition of the case.

Amend RSA 633:10, II(d) as inserted by section 1 of the bill by replacing line 2 with the following:
in relocating away from the defendant or his or her associates, including, but not limited to, deposits for

Amend RSA 645:2, IV as inserted by section 2 of the bill by replacing line 1 with the following:

IV. It shall be an affirmative defense to a charge under subparagraph I(a) that the defendant

Adopted.

June 22, 2009
2009-2340-EBA
03/01

Enrolled Bill Amendment to HB 610-FN

The Committee on Enrolled Bills to which was referred HB 610-FN

AN ACT 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.

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 610-FN

This enrolled bill amendment corrects certain references and makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 610-FN

Amend RSA 397-A:3, II as inserted by section 16 of the bill by replacing line 6 with the following:

the Nationwide Mortgage Licensing System and Registry. Under this chapter, an originator's

Amend RSA 397-A:14, IV(d) as inserted by section 34 of the bill by replacing line 2 with the following:

required under this chapter, or assist or aid and abet any person in the conduct of business under

Amend RSA 397-A:14, IV(n) as inserted by section 34 of the bill by replacing it with the following:

(n) Engage in unfair, deceptive, unethical, or fraudulent business practices.

Amend RSA 397-A:1, XX-b(e) as inserted by section 44 of the bill by replacing line 1 with the following:

(e) Offering to engage in any activity, or act in any capacity, described in subparagraph

Amend RSA 397-A:10-a, I(a) as inserted by section 46 of the bill by replacing line 5 with the following:

through the Nationwide Mortgage Licensing System and Registry, or by registered or

Amend RSA 397-A:10-a, I(b) as inserted by section 46 of the bill by replacing line 2 with the following:

by the commissioner of the ***notice or*** license ~~or within such shorter period of time as the~~

Amend RSA 397-B:1, IV-b as inserted by section 48 of the bill by replacing line 2 with the following:

as provided in RSA 397-A:1, XIV-c.

Amend RSA 397-B:4, V(d) as inserted by section 49 of the bill by replacing line 2 with the following:

reporting requirements of the National Mortgage Licensing System and Registry; and

Amend RSA 397-B:4, V(e) as inserted by section 49 of the bill by replacing line 4 with the following:

statement of changes in owners' equity, cash flow statement, and note disclosures. If the financial

Amend section 52 of the bill by replacing line 3 with the following:

hereby appropriated to the banking department to fund the 4 positions established in section 51 of

Adopted.

June 5, 2009
2009-2070-EBA
03/09

Enrolled Bill Amendment to HB 619

The Committee on Enrolled Bills to which was referred HB 619

AN ACT relative to medical records and patient information.

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 619

This enrolled bill amendment corrects certain references in the bill and adds contingent provisions to prevent a conflict with HB 542 of the 2009 regular legislative session.

Enrolled Bill Amendment to HB 619

Amend RSA 332-I:3, II(a)(3) as inserted by section 4 of the bill by replacing line 2 with the following:
the opportunities in subparagraph (1) or (2), in any subsequent written fundraising

Amend RSA 332-I:5 as inserted by section 4 of the bill by replacing lines 1-2 with the following:

332-I:5 Complaints; Right of Action. An aggrieved individual may bring a civil action under RSA 332-I:3 or RSA 332-I:4 and, if successful, shall be awarded special or general damages of not less than \$1,000

Amend the bill by replacing all after section 4 with the following:

5 Definitions Added. RSA 332-I:1, II is repealed and reenacted to read as follows:

II. In this chapter:

(a) The following terms have the same meaning as given in the regulations under sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA):

- (1) Business associate;
- (2) Use;
- (3) Disclosure; and
- (4) Protected health information.

(b) "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital, office, clinic, health center or other health care facility, dentist, nurse, optometrist, pharmacist, podiatrist, physical therapist, or mental health professional, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

(c) "Health information exchange" means an entity established for the primary purpose of enabling and overseeing the exchange of protected health information for clinical decision-making purposes. The entity may operate on a regional, statewide, or multi-state basis. The entity may be developed by multiple stakeholders, including, but not limited to, the department of health and human services, a non-profit entity, or a for-profit entity. For the purpose of this chapter, "health information exchange" does not include entities solely owned and operated by health care providers, integrated delivery systems, or pharmacy exchanges.

(d) "Marketing" means:

(1) To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless the communication is made by the individual's health care provider;

- (A) For treatment of the individual;
- (B) For case management or care coordination for the individual;
- (C) To direct or recommend to the individual:

- (i) Alternative treatments or therapies if recommended by the individual's health care provider;
- (ii) Health care providers;
- (iii) Settings of care; or

(D) For treatment-related reminders or health promotion activities by health care providers.

(2) An arrangement between a health care provider and any other person whereby the health care provider discloses protected health information to the other person, in exchange for direct or indirect remuneration, for the other person or an affiliate of the other person to make a communication about the person's own product or service that encourages recipients of the communication to purchase or use that product or service.

6 New Sections; Use and Disclosure of Protected Health Information; Marketing; Fundraising. Amend RSA 332-I by inserting after section 3 the following new sections:

332-I:4 Use and Disclosure of Protected Health Information; Marketing; Fundraising.

I. A health care provider, or a business associate of the health care provider, shall obtain an authorization for any use or disclosure of protected health information for marketing. Such authorization shall meet the authorization implementation specifications for marketing under the regulations adopted pursuant to sections 262 and 264 of HIPAA, as amended.

II.(a) For use or disclosure of protected health information for fundraising, a health care provider, or a business associate of the health care provider, shall, in a clear and conspicuous manner, provide an opportunity for any intended recipient of one or more fundraising communications to elect not to receive such communications. A clear and conspicuous opportunity shall include, but not be limited to, simple election language and type of a sufficient size as to be easily readable by the average adult reader. Such opportunity shall be provided:

(1) Sixty days prior to any fundraising communication; or

(2) Upon presentation of the notice of privacy practices required by regulations adopted pursuant to sections 262 and 264 of HIPAA, as amended, if such notice is given to the intended recipient prior to any fundraising communication; or

(3) To an individual who does not elect to not receive fundraising communications in the opportunities in subparagraph (1) or (2), in any subsequent written fundraising communications.

(b) When an individual elects not to receive any fundraising communication, such election shall be treated as a revocation of authorization under 45 C.F.R. section 164.508.

III. Protected health information disclosed for marketing or fundraising shall not be disclosed by voice mail, an unattended facsimile, or through other methods of communication that are not secure.

332-I:5 Unauthorized Disclosure. In the event of a use or disclosure of protected health information by a health care provider or a business associate of a health care provider that is allowed under federal law but not permitted by RSA 332-I:4, the health care provider shall promptly notify in writing the individual or individuals whose protected health information was disclosed. A business associate shall be responsible for the cost of such notification if the use or disclosure was by the business associate.

332-I:6 Complaints; Right of Action. An aggrieved individual may bring a civil action under RSA 332-I:4 or RSA 332-I:5 and, if successful, shall be awarded special or general damages of not less than \$1,000 for each violation, and costs and reasonable legal fees.

7 Contingency. If HB 542 of the 2009 regular legislative session becomes law, sections 5 and 6 of this act shall take effect January 1, 2010 at 12:01 a.m. and sections 1-4 of this act shall not take effect. If HB 542 of the 2009 regular legislative session does not become law, sections 1-4 of this act shall take effect January 1, 2010 and sections 5 and 6 of this act shall not take effect.

8 Effective Date.

I. Sections 1-6 of this act shall take effect as provided in section 7 of this act.

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

Adopted.

**June 26, 2009
2009-2345-EBA
10/04**

Enrolled Bill Amendment to HB 623

The Committee on Enrolled Bills to which was referred HB 623

AN ACT making various changes to the election laws.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 623

This enrolled bill amendment makes a technical correction to the RSA text amended by section 2 of the bill.

Enrolled Bill Amendment to HB 623

Amend RSA 654:20, subparagraph 8), as inserted by section 2 of the bill, by replacing it with the following:

8) That my permanent address outside the [continental] *boundaries of the* United States is:

Street or Route Number

City, Province, Country

Adopted.

June 29, 2009
2009-2358-EBA
05/10

Enrolled Bill Amendment to HB 648-FN

The Committee on Enrolled Bills to which was referred HB 648-FN

AN ACT relative to the use of marijuana for medicinal purposes.

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 648-FN

This enrolled bill amendment inserts a contingency to renumber RSA 126-S as RSA 126-T to prevent a conflict with SB 147-FN of the 2009 legislative session.

Enrolled Bill Amendment to HB 648-FN

Amend the bill by inserting after section 2 the following and renumbering the existing section 3 to read as section 4:

3 Contingency. If SB 147-FN of the 2009 legislative session becomes law, RSA 126-S and all references to RSA 126-S as inserted by this act shall be renumbered as RSA 126-T.

Adopted.

June 17, 2009
2009-2270-EBA
08/10

Enrolled Bill Amendment to HB 680

The Committee on Enrolled Bills to which was referred HB 680

AN ACT making technical changes in the insurance laws.

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 680

This enrolled bill amendment makes a technical correction to the RSA text in section 2 of the bill.

Enrolled Bill Amendment to HB 680

Amend RSA 405:12, I as inserted by section 2 of the bill by replacing it with the following:

405:12 Licenses.

I. If the foregoing provisions are complied with and the commissioner is satisfied that the company has the requisite capital and assets and is a safe, reliable company, entitled to confidence, he shall grant a license to it to do insurance business by authorized agents within the state, subject to the laws of the state, 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.

Adopted.

June 22, 2009
2009-2339-EBA
05/09

Enrolled Bill Amendment to HB 688

The Committee on Enrolled Bills to which was referred HB 688

AN ACT relative to the chartered public school approval process and relative to open enrollment schools.

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 688

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 688

Amend RSA 194-B:2, I as inserted by section 4 of this act by replacing it with the following:

I. Any school district legislative body may vote to designate one or more of its schools as [~~an open enrollment~~] ***a chartered public*** school.

Amend RSA 194-B:11, I(a) as inserted by section 7 of this act by replacing line 1 with the following:

I.(a) There shall be no tuition charge for any pupil attending [~~an open enrollment or~~] ***a*** charter

Amend RSA 194-D:3, III as inserted by section 14 of this act by replacing line 1 with the following:

III. This section shall apply to the establishment of each individual open

Adopted.