

June 1, 2011  
Nos. 18-19

# STATE OF NEW HAMPSHIRE

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**162<sup>nd</sup> Session of the New Hampshire General Court**  
**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – MAY 25, 2011 SESSION**  
**COMMENCEMENT – JUNE 1, 2011 SESSION**

# SENATE JOURNAL 18 *(continued)*

*May 25, 2011*

## HOUSE MESSAGE

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

**SB 22**, relative to alternative regulation of small incumbent local exchange carriers.

**SB 34-FN**, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

**SB 65**, making technical corrections to a law relative to court facility financing.

**SB 139-FN**, relative to state recoveries of public assistance caused by fraud.

**SB 176**, relative to marriage licenses.

## HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

**SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

## 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 109**, relative to residential fire sprinklers.

**HB 190**, relative to legislative study committees.

**HB 205-FN**, relative to notice to owners of upstream dams.

**HB 316**, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

**HB 347**, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

**HB 409**, relative to planning board members.

**HB 468-FN**, relative to assessments for aquatic resource compensatory mitigation.

**HB 487-FN**, relative to election day registrants.

**HB 579**, exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

**HB 585**, proclaiming the third week of October as New Hampshire history week.

## HOUSE MESSAGE

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

**SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country.

**SB 95**, establishing a commission to study youth sports concussions and other concussions received while at school.

**SB 158-FN**, relative to the payment of state aid grants for water and wastewater for 2009 and 2010.

**SB 171**, relative to prescription drug benefits for the treatment of pain.

**SB 192**, establishing a commission to identify strategies needed for delivering a 21st century education.

**May 17, 2011**  
**2011-1986-EBA**  
**06/09**

**Enrolled Bill Amendment to HB 291**

The Committee on Enrolled Bills to which was referred HB 291

AN ACT relative to permissible fireworks.

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 291

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 291

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

with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 158:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III,

**Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.**

**May 16, 2011**  
**2011-1955-EBA**  
**04/03**

**Enrolled Bill Amendment to HB 313**

The Committee on Enrolled Bills to which was referred HB 313

AN ACT requiring parental consent for court referral of a minor to a juvenile diversion 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 313

This enrolled bill amendment corrects a paragraph reference in the amending language in section 2 of the bill and inserts an omitted comma.

Enrolled Bill Amendment to HB 313

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

II(c) to read as follows:

(c) The child and parent, guardian, or other custodian *give knowing, informed, and*

**Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.**

**May 17, 2011**  
**2011-1968-EBA**  
**03/10**

**Enrolled Bill Amendment to HB 398**

The Committee on Enrolled Bills to which was referred HB 398

AN ACT relative to service animals.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 398

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 398

Amend RSA 167-D:1, I as inserted by section 2 of the bill by replacing line 3 with the following:

be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not

Amend RSA 167-D:2, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Providing nonviolent protection or rescue work.

Amend RSA 167-D:3 as inserted by section 2 of the bill by replacing line 5 with the following:

to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall

Amend RSA 167-D:9 as inserted by section 2 of the bill by replacing line 3 with the following:

privileges conferred by law upon other persons; and the failure of a person with a disability to use a

**Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.**

**May 13, 2011**

**2011-1916-EBA**

**06/03**

**Enrolled Bill Amendment to HB 532-LOCAL**

The Committee on Enrolled Bills to which was referred HB 532-LOCAL

AN ACT relative to municipal liability for dog bites.

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 532-LOCAL

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 532-LOCAL

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

III. RSA 466:23, relative to lawsuits against municipalities regarding damages caused by dogs.

**Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.**

**REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**HB 44**, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

**HB 132**, adopting and implementing the United States flag code.

**HB 178**, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

**HB 246**, relative to prearranged funeral contracts or burial plans.

**HB 262**, relative to beverage manufacturers.

**HB 284**, relative to contact lens prescriptions.

**HB 317**, relative to fire warning devices and carbon monoxide detection devices in dwellings.

**HB 339**, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

**SB 36**, relative to the permanent siting of the Hampton-Exeter District Court.

**SB 81**, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

**SB 96**, relative to amending the charter of The Pinkerton Academy.

**SB 107**, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

**SB 147**, relative to Medicaid managed care.

**SB 180**, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.

**Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

#### CONFEREE CHANGES

**SB 3-FN-A-L**, making comprehensive changes to the state retirement system to study the administrative structure and adjudicative process at the liquor commission.

**CONFEREE CHANGE: SEN. GROEN REPLACED SEN. LARSEN**

**Out of Recess. Call Senate to Order.**

#### MOTION TO ADJOURN FROM LATE SESSION

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

**Adopted. Adjournment from the Late Session.**

# SENATE JOURNAL 19

*June 1, 2011*

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

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

Religious illiteracy is a growing problem for us as Americans. Surveys and studies regularly show that we are unable to name the Ten Commandments, the five Books of the Torah, or the Buddhist Four Noble Truths. Now, as Senators, you represent the people of New Hampshire; you represent their whole selves, not just their economic and medical or educational selves, but you also represent their spiritual and religious and faith selves. We might relegate the naming of the Apostles or Sacraments or something to religious trivia, but a deeper religious literacy urges us to know the spiritual and moral values that our people hold dear. It is not trivial to ask if we know the Catholic teaching on labor unions, or the Jewish teaching on the death penalty, or a Buddhist teaching about our responsibility to others. There are times when we must take these values into account; there are times when we must let them go in light of the First Amendment. Your job is to listen and discern and know which case is which case—I'm glad that's your job and not mine. The discernment and judgment is never an easy choice, but among the options that are laid before us, not knowing and ignorance is never an option. Let us pray.

*Heavenly Father, You have created us as spiritual animals: wonderful creatures with bodies, minds, intellects, and souls. Give us a love of the beautiful and wonderful people of this state, that we might listen, hear, discern, and act on the values and beliefs and faiths that You have laid into their hearts.* Amen.

Sen. D'Allesandro led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS AND PRESENTATIONS

President Bragdon introduced Olivia Vordenberg and Olivia Cunis, students from Souhegan High School in Amherst, serving as Senate Pages today.

Sen. Houde introduced The Honorable Judge Gordon, a former Senator and current judge in Franklin.

Sen. White introduced his father-in-law, Claire Stepnitz, a guest in the Senate gallery today.

**Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.**

**COMMITTEE REPORTS**  
**SPECIAL ORDER**

**Without objection President Bragdon moved HB 1-A and HB 2-FN-A-L be Special-Ordered to the front of the Calendar.**

**FINANCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

(**Note:** Committee Amendment 2011-2213s to HB 1-A will be printed in its entirety in the 2011 Session of the *Journal of the Senate*.)

**Senate Finance**

**May 26, 2011**

**2011-2213s**

**01/10**

**Amendment to HB 1-A**

Amend the bill by replacing all after 1.07 with the following:

1:08 Footnotes; General. For any state department, as defined in RSA 9:1 the following general budget footnotes that contain class codes shall apply to all specified class codes in section 1.01 through 1.07 unless specifically exempted.

A. The appropriation budgeted in class 023-utilities, class 027-transfers to DoIT, class 028-transfers to general services, class 041-audit funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation, class 064-retiree pension benefit-health insurance, shall not be transferred or expended for any other purpose. For the fiscal year ending June 30, 2012, the following account numbers within the department of resources and economic development: 03-35-35-3515-3701, 03-35-35-3515-3745, 03-35-35-3515-3720, 03-35-35-3515-7300, 03-35-35-3515-3414, 03-35-35-3515-3556, 03-35-35-3515-3558, 03-35-35-3515-3484, 03-35-35-3515-3486, 03-35-35-3515-3488, 03-35-35-3515-3562, 03-35-35-3515-3415, 03-35-35-3515-3746, 03-35-35-3515-3777, 03-35-35-3515-8146, 03-35-35-3515-6161, 03-35-35-3515-3717 shall be exempt from these provisions. For the biennium ending June 30, 2013, the following account number 03-35-35-3515-3703 within the department of resources and economic development shall be exempt from these provisions.

B. The appropriation budgeted in class 047-own forces maintenance-buildings and grounds, class 048-contractual maintenance-buildings and grounds, shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2013. For the fiscal year ending June 30, 2012, the following account numbers within the department of resources and economic development: 03-35-35-3515-3701, 03-35-35-3515-3745, 03-35-35-3515-3720, 03-35-35-3515-7300, 03-35-35-3515-3414, 03-35-35-3515-3556, 03-35-35-3515-3558, 03-35-35-3515-3484, 03-35-35-3515-3486, 03-35-35-3515-3488, 03-35-35-3515-3562, 03-35-35-3515-3415, 03-35-35-3515-3746, 03-35-35-3515-3777, 03-35-35-3515-8146, 03-35-35-3515-6161, 03-35-35-3515-3717 shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision. For the biennium ending June 30, 2013, the following account number 03-35-35-3515-3703 within the department of resources and economic development shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision.

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 appropriation budgeted in class 040-indirect costs 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, 2013.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2013.

H. 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.

I. In the event that estimated revenue in revenue class 001-transfers for other agencies, 002-transfers from department of transportation, 003-revolving funds, 004-agency income, 005-private local funds, 006-agency income, 007-agency income, 008-agency income, 009-agency income 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. For the fiscal year ending June 30, 2012, account number 02-46-46-4620-5731 within the department of corrections shall be exempt from these provisions. 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.

2 General Fund and Total Appropriation Limits. The amounts included in section 1 for all university system accounts and community college system accounts, under estimated source of funds from general funds shall be the total appropriation from general funds for such accounting units that may be expended for the purpose of section 1 of this act. Any funds received by said systems from other than general funds are hereby appropriated for the use of the systems and may be expended by said systems whether or not this will result in an appropriation and expenditure by the system in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2013, 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 of the general court, 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, 2013, 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, the expansion of any existing 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, 2013.

#### 5 Positions Abolished.

I. The following positions are hereby abolished effective at the close of business on June 30, 2011:

##### Executive Office

01-02-02-020510-1004	10008	18000
01-02-02-020510-1006	16664	
01-02-02-024010-6400	10025	
01-02-02-024010-6570	18426	

##### Department of Information Technology

01-03-03-030010-7708	10196	10201	10232	10237	10239
	10257	11211	12303	12422	12432
	12451	12463	12474	12482	12869
	14283	14387	14400	14624	16665
	16689	16690	16692	18294	18957
	19616	19819	20039	20287	30037
	30552	41009	41109	41111	41112
	41116	41119	41123	41127	41218
	42503	43152	12498	17182	41257
	43156	40489	19863	40054	20056

	41673	41117	40318	41639	43154
	17151	40333	10178	9U447	18960
	14988	30323			
Department of Administrative Services					
01-14-14-140010-1042	10103				
01-14-14-140010-1350	41568	41567	16687		
01-14-14-140010-1360	18014				
01-14-14-140510-1310	10133	43171	40839	10069	10095
	30010				
01-14-14-140510-1330	43170				
01-14-14-141010-1044	10266	43169	41221	30022	30019
	10277				
01-14-14-141510-2006	18019				
01-14-14-141510-2040	16683				
01-14-14-141510-2042	16361	16380	16424	16443	41543
	41544	41545	41546	41547	43382
	42842				
01-14-14-141510-2045	40844	40011			
01-14-14-141510-2083	18672	41874	18021		
01-14-14-141510-2091	20412	21159	21625	21459	43184
01-14-14-141510-2098	41165				
01-14-14-141510-3403	10164	10171	30018		
01-14-14-141510-5320	43384				
01-14-14-141510-8050	10090				
01-14-14-142010-1370	10186	43178			
Real Estate Commission					
01-28-28-280010-2054	11343				
Joint Board Of Licensure And Certification					
01-31-31-310010-2250	41307	42762			
Secretary of State					
01-32-32-320010-7889	11353	40041			
01-32-32-322510-1610	11352				
01-32-32-324010-5176	19617	14802			
Department of Cultural Resources					
01-34-34-340010-3431	19882				
01-34-34-340510-6718	16754	11427	11403	11431	
01-34-34-340510-7000	11401	11407	18105	11414	11438
01-34-34-340510-7008	11433				
01-34-34-341010-1250	13767	13770			
Department of Treasury					
01-38-38-380010-1050	11585	11583			
Board of Accountancy					
01-51-51-510010-2115	42763				
Department of Revenue Administration					
01-84-84-840010-7884	14462	18952	41210	41784	43621
	9U264				
01-84-84-840510-1301	14445	14450	14520	18232	19227
	19232	19270	41267	41276	43320
	43321	43561	43562	43563	
01-84-84-840510-1401	14447	14487	14509	14516	14521
	14527				



01-84-84-840510-1501	14432	14446	14452	14471	14472
	14475	14477	14502	18236	18964
	19963	19965	30526	30532	40617
	43620	9U340			
01-84-84-841010-5413	14438	18953	19970	19986	19987
	19989	30528	41243	41808	
01-84-84-841010-7885	14442	14506	18481	19984	
Board of Tax & Land Appeals					
01-89-89-890010-1241	14584	41677			
Developmental Disabilities Council					
01-97-97-970010-7135	30585				
Adjutant General Department					
02-12-12-120010-2233	41563	42520			
Department of Agriculture					
02-18-18-180510-2133	43609	43606	43607	43608	
02-18-18-182010-2700	10308				
02-18-18-183010-2137	41166	10309			
02-18-18-183510-2135	10299				
02-18-18-185010-2810	10300				
Department of Justice					
02-20-20-200010-2601	10343	16702	41891	43340	
02-20-20-200510-2610	40850	9U501			
02-20-20-200510-2611	10342	9U358			
02-20-20-200510-2613	10338				
02-20-20-200510-2615	18495	18493	9U356		
02-20-20-201010-2620	9U286	9U039	9U285	16703	
Department of Safety					
02-23-23-231015-2304	10453	40019	40021	40023	41897
02-23-23-232015-2316	18698				
02-23-23-232015-2320	10419				
02-23-23-232015-3110	18050				
02-23-23-233015-2302	41955	41956			
02-23-23-233015-2311	41582	10567	30075	41579	10373
	10557	30062	10660	10592	
02-23-23-233015-2312	10413	10470	18679	10377	
02-23-23-233015-2314	10450	10469	10594	10467	41925
	18680	18683	10492		
02-23-23-233015-2315	10487	10657	10399	10479	10610
	30073	41931	10476		
02-23-23-233015-3100	10447	10493	10494		
02-23-23-234015-2305	41792				
02-23-23-234015-4003	10715	10757			
02-23-23-234010-4008	41950				
02-23-23-234010-8239	14545	19566			
02-23-23-234015-4022	18063				
02-23-23-234010-4215	15799				
02-23-23-234015-8241	43345				
02-23-23-235010-5001	10367	10676	42569	41982	
02-23-23-234015-4003	42560				
02-23-23-236010-2740	18244	18247	42573		
02-23-23-236510-1395	40586	41160	41846	41856	41857
	41867	42541			

02-23-23-237010-4065	41984				
02-23-23-238010-5006	43350				
02-23-23-238010-5007	43212	43422			
02-23-23-238010-5895	30448	30449			
Insurance Department					
02-24-24-240010-2520	10956	41775			
Highway Safety Agency					
02-25-25-250015-3000	41589				
NH Employment Security					
02-27-27-270010-8040	11055	11056	11226	11227	11324
	19701	41606	43221		
Department of Corrections					
02-46-46-460010-7101	18575	41527			
02-46-46-460010-8301	13037				
02-46-46-460510-8334	43515	43516			
02-46-46-461010-8300	12839	16878			
02-46-46-463010-7113	12800	16885	9U367		
02-46-46-463010-7120	12830	12836	12891	12929	12947
	12998	12999	13026	16315	16328
	16346	16821	16865	16869	18471
	18843	18844	18845	18846	19246
	19248	19539	40181	40187	40191
	40195	40209	40210	40230	12909
	12962	16828	16860	18834	19237
	40741				
02-46-46-463010-7140	16926				
02-46-46-464010-8302	18775	19556	42272	18868	19917
	19918	19920	19923	30354	
02-46-46-464510-5172	18793	19258	19265	19540	
02-46-46-464510-7106	16880	18838			
02-46-46-464510-7107	12925				
02-46-46-465010-5833	12992	16278	16329	16335	16344
	16263	16285	16312	16332	30798
02-46-46-465010-8231	16325	16923			
02-46-46-465010-8234	12878	30346	9U335	9U322	
02-46-46-465010-8235	18832	18833	19928	30342	30898
	41377	12911	41461	41468	
02-46-46-466010-7111	12898	16896	18796	40166	40235
02-46-46-468010-8250	41318	41369	41446	41487	41516
	41319	41320	41339	41349	41422
	41445	41472	41480	41510	41515
02-46-46-469010-8232	12858	18853	42251		
Public Employees Labor Board					
02-73-73-730010-2006	19857				
Human Rights Commission					
02-76-76-760010-7882	42416	13938	18220		
NH Liquor Commission					
02-77-77-770012-1010	14325				
02-77-77-770512-7878	14247	14319	17083	41540	43301
02-77-77-771012-1023	14309	43619	14273	43600	
02-77-77-771512-1024	43597	43598	43614	43615	43617
	43618				

02-77-77-771512-1030	13986	13998	14012	14068	14070
	14117	14148	14157	14180	14199
	14218	14230	14249	14268	14295
	14328				
02-77-77-771512-1040	14293				
Public Utilities Commission					
02-81-81-810010-2812	18226	14381			
Racing & Charitable Gaming Commission					
02-86-86-860010-2210	43566	14546			
02-86-86-861213-2212	14425	14393	17114		
Department of Resources and Economic Development					
03-35-35-350010-3400	11457	11458	30187	11450	
03-35-35-350010-3401	11441	11523	42065		
03-35-35-350510-3600	16757				
03-35-35-350510-3610	40051				
03-35-35-350510-3612	40777	40778	40779	41309	
03-35-35-350510-5336	43645	43646	43648	43650	
03-35-35-351010-3505	43225	43226			
03-35-35-351010-3510	11477				
03-35-35-351010-3511	11471				
03-35-35-351010-3513	11482				
03-35-35-351010-3520	11575	11578	11570	11571	
03-35-35-351010-5300	19713				
03-35-35-351510-3414	42057				
Department of Environmental Services					
03-44-44-440010-1002	13046	13508	42126	19495	43235
	19530	12042	12077	19492	
03-44-44-440010-1011	13057	30258	19497	42130	
03-44-44-440010-1013	12021				
03-44-44-440010-3851	42722	18154	40156	19518	11388
03-44-44-440010-3853	14774	19524			
03-44-44-440010-3854	18461	18996	18997	19700	42726
03-44-44-442010-1000	12034	18555	12072	40497	41638
03-44-44-442010-1518	40143	42149			
03-44-44-442010-3800	19732	19517	30249	11394	
03-44-44-442010-3815	40158	19735			
03-44-44-444010-5401	16779				
03-44-44-444010-5402	18143	42206	42211	42178	19531
	19134	19528	19529		
03-44-44-444010-5492	14731	19139			
03-44-44-443010-5496	19631	19632			
03-44-44-443010-9100	17147	18162			
Fish And Game Commission					
03-75-75-750520-2118	13925				
03-75-75-751520-2150	40467				
03-75-75-752020-2132	13929				
03-75-75-753020-2288	19698				
03-75-75-753520-2163	13888				
Department of Transportation					
04-96-96-960515-5033	19674	21556	21559	21560	21618
04-96-96-960515-3005	17259	20249	21441		

04-96-96-960515-3007	19672	20568	21848		
04-96-96-960515-3008	20393	20400			
04-96-96-960515-3031	21862				
04-96-96-960515-5034	17390	17393	17398	17400	17401
	18561	18570	18662	21076	21077
04-96-96-960315-3017	20153	21597	21515		
04-96-96-962015-3021	17187	20436			
04-96-96-962015-3025	17223	17239	17247	17256	20192
	20227	20447	20587	20927	21028
	21776	21780	21794	21797	20147
	20150	20175	20202	20505	21026
	21055	21791	21793		
04-96-96-962015-3028	20065	20070	21630	21738	
	21319	21631			
04-96-96-962015-3032	19670	20205	21566		
04-96-96-962015-3033	20060				
04-96-96-962015-3034	20083	21236	21453	21863	
04-96-96-964010-2931	21866				
New Hampshire Veterans Home					
05-43-43-430010-5358	19466	42633	11971	43116	
05-43-43-430010-5359	41711	42672	42663	42673	42656
Department of Health & Human Services					
05-95-40-400010-5800	11735	11934	40886		
05-95-40-400510-5801	11776	11790	11796	11818	11859
	11872	11914	11933	16018	19449
05-95-40-401010-5842	19771	40112	40878	40880	40883
05-95-40-402510-5802	11803	11847	11876	12403	14779
	16037	16586	16963	19614	42107
	42108				
05-95-41-410010-5809	11633	16020	16256	16531	18511
	19448	42613	42625	42626	
05-95-41-411010-5810	11605				
05-95-41-411010-5813	11663				
05-95-41-411010-5814	18749				
05-95-41-412010-5811	11711	18122			
05-95-41-412010-5812	11634	11659	11664	11710	11720
05-95-41-412010-5815	11613	11619	11624	11628	11636
	11639	11641	11644	11646	11647
	11651	11653	40094	11660	11662
	11667	11674	11684	11690	11691
	11695	11698	11701	11716	11719
	11722	11726	11741	30201	30202
	30211	30215	11621		
05-95-41-412010-5817	11649				
05-95-41-412010-5821	16562	16643	16644	16645	16646
	16649	16650	16656	16657	16659
	18595	18597	19445		
05-95-45-450010-6125	12179	12511	12531	12612	30283
	30295				
05-95-45-450010-6127	11198	12581	12653	19760	
05-95-45-450010-6132	12295	12641	12703	12712	12721
	19756	41042			

05-95-48-480010-7873	30316				
05-95-48-480510-8930	16062				
05-95-48-480510-8931	12424	12491	15974	16149	16481
	30918	40394	41010	42755	
05-95-48-480510-9250	12344	12345	12505	12665	16161
	40538	40545	43250	43251	43253
05-95-48-481010-2202	14739	40325			
05-95-48-481010-7872	16217	40398			
05-95-48-481510-7856	14530				
05-95-90-900010-5110	14608				
05-95-90-901510-5497	42919	43327	43328	43374	
05-95-90-902010-5190	14635				
05-95-90-902010-9062	14832	19609			
05-95-90-902010-5260	42927				
05-95-90-902510-5170	14784	40321			
05-95-90-902510-5171	42871				
05-95-90-903010-5230	14693	14773			
05-95-91-910010-5710	12170	14846	14909	14920	15184
	15338	19644	19648	42967	42981
05-95-91-910010-5720	14872	19653	30581		
05-95-91-910010-5740	14620	30562	40351		
05-95-91-910010-7892	14864	40353	42986		
05-95-92-920010-5945	12313	14634	17149	30594	
05-95-92-920010-7877	40409				
05-95-93-930010-5191	14682	14783	42998		
05-95-93-930010-7164	15201	15326	15448	15452	15467
	15470	15487			
05-95-94-940010-7131	15750	40395			
05-95-94-940010-8400	16132	16141	16240	30943	
05-95-94-940010-8410	15794	16154	16394	16401	16459
	16495	16499	16500	15715	15698
	15718	15731	15739	15764	15783
	30869	16362			
05-95-94-940010-8750	15709	15711	15713	15744	15769
	15776	15777	15797	15813	15818
	15854	15878	15880	15883	15886
	15887	15921	15952	15958	15960
	15963	15965	16000	16011	16034
	16039	16043	16055	16056	16057
	16064	16090	16091	16094	16100
	40447	16103	40432	16109	16128
	16142	16143	16148	16162	16164
	16175	16182	16193	40431	16222
	16225	16228	16232	16236	16242
	16247	16530	16547	16548	16638
	18616	18631	18636	18637	30774
	30830	30838	30842	30848	30850
	30856	30857	30859	30860	30861
	30868	30901	30912	30927	30935
	30938	30939	30942	40388	40400
	40406	40412	9U439	16145	18640
	30925	16101			
05-95-95-950010-5010	19817				

05-95-95-950010-5025	30951				
05-95-95-950010-5076	12309	12338	12421	12457	12623
	14529	15917	15935	40972	
05-95-95-951010-5695	43000				
05-95-95-951010-5959	17151				
05-95-95-952010-5143	14769				
05-95-95-952010-5146	14628	18249	42994		
05-95-95-952010-5680	12199				
05-95-95-953010-5677	15689	15696	16593	19654	30899
	40456				
05-95-95-953010-5687	14963	16452	30282		
05-95-95-956010-6126	14831	14991	19143		
05-95-95-957010-5684	41029				
05-95-95-957010-6128	12155	12230	12255	12413	19146
	19781	40514	40518	40532	41098
	43339				
05-95-95-958110-5193	19624	41011	41014		
05-95-95-958310-5193	15271				
05-95-95-958410-1387	16599	42935			
05-95-95-958410-5367	16589	16592	16598	16610	17175
	17176				
05-95-95-958410-5370	19029	19030	19031	19032	19033
	19034	19035	19036	19037	19038
	19041	19042	19043	19044	19045
	19046	19047	19048	19049	42931

## HHS: Administratively Attached Boards

05-74-74-743010-7430	13062
05-74-74-743510-7435	17373
05-74-74-744510-7445	41538
05-74-74-745010-7450	18933

## Department of Education

06-56-56-560510-6002	13155				
06-56-56-560510-6003	19792	18339			
06-56-56-562010-3260	41208	13132	43255	13134	13314
06-56-56-562010-6401	13297				
06-56-56-562510-6525	18183	18184			
06-56-56-563510-4000	16943	13169	18879	41207	13291
06-56-56-564510-6094	13149	13193			
06-56-56-565010-6030	13206	13213	13205	13215	
06-56-56-565010-4082	9U299				

## Postsecondary Education Commission

06-57-57-570010-5407	13326	13327	13329	16954	9U120
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## Lottery Commission

06-83-83-830013-1029	16635	18354			
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II. The following position is hereby abolished effective at the close of business on July 15, 2011:

## Board of Tax &amp; Land Appeals

01-89-89-890010-1241	9U168
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III. The following positions are hereby abolished effective at the close of business on September 22, 2011:

## Department of Revenue Administration

01-84-84-840010-7884	14484	14501	41274	41787	
01-84-84-840510-1501	14461	14483	14489	18235	18238
	19967	41781	41782		

IV. The following positions are hereby abolished effective at the close of business on December 31, 2011:

Department of Health and Human Services

05-95-94-940010-7131	15748	15871	15774	15822	15835
	15845	15857	15865	15869	16171
	15873	15891	15898	15900	15909
	15915	15929	15936	15937	15948
	15966	15967	15971	15972	43337
	15976	15980	15981	15987	15996
	16006	16008	16015	16028	16046
	16048	16050	16076	16095	16117
	16122	16144	16156	16177	16216
	16318	16527	16571	18617	18619
	18624	18628	19002	19003	19004
	19005	19006	19007	19008	19009
	19010	19011	19012	19013	19014
	19015	19016	19017	19018	19019
	19020	19021	19022	19023	19026
	19027	30824	30825	30833	30854
	30855	30863	30866	30894	30921
	30923	30924	30936	43336	40426
	40434	40449	43329	43330	43331
	43332	43333	43334	43335	

V. The following positions are hereby abolished effective at the close of business on June 30, 2012:

Department of Corrections

02-46-46-460510-8333	43513	43514
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Department of Health and Human Services

05-95-90-902510-5171	42876
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Department of Transportation

04-96-96-960515-5034	17395	17402	17403	18562	18661
	18663	21685			

6 Department of Health and Human Services; Reduction in Appropriation. In the event that estimated restricted revenues collected by the department of health and human services in the aggregate are less than budgeted, during the biennium ending June 30, 2013, 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, in writing, no later than April 1<sup>st</sup> of each year 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 05-95-95-957010-5029, 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, 2013, 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 Legislative Branch; General Fund Appropriation Reductions. The legislative branch shall reduce state general fund appropriations by \$1,000,000 for the fiscal year ending June 30, 2012 and by \$1,000,000 for the fiscal year ending June 30, 2013.

10 Department of Information Technology; Appropriation Reductions.

I. The department of information technology, in consultation with the department of administrative services, shall reduce appropriations of the department by \$1,663,653 for the fiscal year ending June 30, 2012 and by \$1,809,244 for the fiscal year ending June 30, 2013 in order to agree with income received from state agency class 27 appropriations for said fiscal years. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the class lines which will be reduced as a result of this section.

II. The department of administrative services, in consultation with the department of information technology and impacted agencies, shall reduce appropriations in class 27 for any agency where the appropriation exceeds the amount necessary for the provision of information technology services to that agency. Said reductions shall total \$952,486, of which not less than \$378,588 shall be state general funds, for the fiscal year ending June 30, 2012, and shall total \$689,061, of which not less than \$270,576 shall be state general funds, for the fiscal year ending June 30, 2013. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the reductions required by this section.

III. 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 a reduction of state class 27 appropriations by \$571,618, of which \$547,426 shall be general funds, in the fiscal year ending June 30, 2012 and by \$505,907, of which \$497,411 shall be general funds, in the fiscal year ending June 30, 2013. As part of achieving these reductions, the department of information technology shall implement a pilot program to use open source software in certain state agencies in an effort to reduce costs. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the reductions required by this section.

11 Judicial Branch; General Fund Appropriation Reductions.

I. The judicial branch shall reduce state general fund appropriations by \$9,158,822 for the fiscal year ending June 30, 2012 and by \$12,086,800 for the fiscal year ending June 30, 2013. The branch shall not reduce the transfers to the department of administrative services for court facilities unless the reduction is agreed to by the commissioner of administrative services and the chief justice of the supreme court.

II. The branch shall provide a quarterly status report beginning July 1, 2011 to the fiscal committee of the general court on the implementation of recommendations contained in the innovation commission report. Said report shall include, but not be limited to, cost savings, position changes, and other successes and challenges as a result of such implementation.

III. On or after April 1, 2012, if the judicial branch has successfully implemented the innovation commission report to the extent feasible to that time, has demonstrated a nonjudicial, full-time position count reduction from 538 to 500, and is continuing the implementation, the judicial branch may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding for the fiscal year ending June 30, 2013. The governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

12 New Position; Department of Information Technology. There is established in the department of information technology a systems development specialist VI position for the purpose of implementing the business one stop project. In addition to any other sums appropriated to the department of information, the sum of \$89,889 for the fiscal year ending June 30, 2012 and \$91,284 for the fiscal year ending June 30, 2013 is appropriated for the purpose of funding the position. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Department of Corrections; General Fund Appropriation Reductions. The department of corrections shall reduce state general fund appropriations by \$6,000,000 for the fiscal year ending June 30, 2012 and \$7,000,000 for the fiscal year ending June 30, 2013. The department shall not close the North Country Facility located in Berlin as a result of meeting the required reductions. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

14 Department of Revenue Administration; General Fund Appropriations Reductions.



I. The department of revenue administration shall reduce state general fund appropriations for classes 010, 011, 012, 013, 014, and 015 contained in section 1 of this act by a total of \$1,000,000 for the fiscal year ending June 30, 2012, and \$1,000,000 for the fiscal year ending June 30, 2013.

II. The department of revenue administration shall reduce state general fund appropriations in class 060, benefits, contained in section 1 of this bill by \$87,775 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

15 Department of Safety; Highway Fund Appropriations Reduction. The department of safety shall reduce highway fund appropriations by \$1,065,489 for the fiscal year ending June 30, 2012 and \$974,964 for the fiscal year ending June 30, 2013. The department shall provide a bi-monthly report of reductions made under this section to the fiscal committee of the general court.

16 Department of Environmental Services; Reduction in Appropriations. The department of environmental services shall reduce appropriations in class 080, out of state travel, by \$221,917 for the fiscal year ending June 30, 2012 and by \$217,832 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

17 Department of Health and Human Services; New Hampshire Hospital. For the biennium ending June 30, 2013, the New Hampshire hospital contract for psychiatric service funded in appropriation 05-095-090-940010-87500000, class 102, shall not allow or fund contractor indirect costs greater than 10 percent.

18 Department of Safety; Navigation Safety Fund Appropriations Reduction. The department of safety shall reduce appropriations from the navigation safety fund by \$675,560 for the fiscal year ending June 30, 2012 and \$677,293 for the fiscal year ending June 30, 2013. The department shall provide a bi-monthly report of reductions made under this section to the fiscal committee of the general court.

19 Department of Transportation; Highway Fund Appropriation Reductions.

I. The department of transportation shall reduce highway fund appropriations by the following amounts and include the following position reductions:

<u>Position</u>				
<u>Accounting Unit</u>	<u>Description</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Reductions</u>
04-96-96-9640-3030	Rideshare/Bike/Ped Program	\$64,051	\$64,246	1
04-96-96-9630-3049	Non-Participating Cons/Recons	\$20,000	\$20,000	0
04-96-96-9655-3018	Transfers to Other Agencies	\$500,000	\$500,000	0
04-96-96-9620-3022	SPR Planning Funds	\$193,913	\$193,913	0
04-96-96-9620-3025	Highway Design Bureau	\$98,711	\$97,702	4
04-96-96-9620-3033	Bridge Design Bureau	\$54,504	\$54,687	1
04-96-96-9620-3034	Materials and Research Bureau	\$66,379	\$68,161	1
04-96-96-9605-3007	Highway Maintenance Bureau	\$2,397,131	\$2,465,329	42
04-96-96-9605-3008	Bridge Maintenance Bureau	\$437,251	\$448,169	7
04-96-96-9605-3009	Traffic Operations	\$315,315	\$319,909	5
04-96-96-9605-3052	Transportation Management Center	\$137,625	\$138,682	2
04-96-96-9605-5034	Lift Bridge Operation	\$42,205	\$42,636	1
04-96-96-9603-3027	Employee Training	\$70,745	\$71,088	0
04-96-96-9603-5031	Office of Stewardship & Compliance	<u>\$313,172</u>	<u>\$316,757</u>	<u>4</u>
Total		\$4,711,002	\$4,801,279	68

II. In addition to the reductions in paragraph I, the department of transportation shall reduce highway fund appropriations further by \$18,050,468 for the biennium ending June 30, 2013. The department shall submit a plan detailing the plan for the total reduction required under this section to the fiscal committee of the general court for approval by July 1, 2011.

20 Department of Cultural Resources; General Fund Appropriations Reductions. The department of cultural resources shall reduce state general fund appropriations by \$536,533 for the fiscal year ending June 30, 2012, and by \$539,643 for the fiscal year ending June 30, 2013.

21 Department of Justice; General Fund Appropriation Reduction. The department of justice shall reduce state general fund appropriations by \$484,834 for the fiscal year ending June 30, 2012 and \$484,834 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

22 Transfer of Funds from Highway Fund to Department of Resources and Economic Development. The sum of \$200,000 is hereby appropriated from the highway fund to the department of resources and economic development for the biennium ending June 30, 2013, and shall be used for the purpose of funding the operations of 4 existing rest areas at the following locations: US Route 3 in Colebrook, I-89 in Lebanon, US Route 2 in Shelburne, and I-93 in Littleton. These funds shall not lapse until June 30, 2013.

23 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	\$256,480,000	\$263,648,000
BUSINESS ENTERPRISE TAX	<u>62,854,000</u>	<u>64,585,000</u>
SUBTOTAL BUSINESS TAXES	319,334,000	328,233,000
MEALS AND ROOMS TAX	214,642,000	221,322,000
TOBACCO TAX	129,453,000	133,050,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	84,500,000	86,900,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	52,562,000	54,030,000
COURT FINES & FEES	13,800,000	14,000,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,300,000	13,300,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,258,591,000	1,292,435,000
MEDICAID ENHANCEMENT TAX	98,600,000	106,600,000
MEDICAID RECOVERIES	<u>18,300,000</u>	<u>18,400,000</u>
TOTAL GENERAL FUND	<u>1,375,491,000</u>	<u>1,417,435,000</u>
EDUCATION FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	54,960,000	56,496,000
BUSINESS ENTERPRISE TAX	<u>125,706,000</u>	<u>129,171,000</u>
SUBTOTAL BUSINESS TAXES	180,666,000	185,667,000
MEALS AND ROOMS TAX	7,058,000	7,278,000
TOBACCO TAX	100,847,000	103,650,000
REAL ESTATE TRANSFER TAX	26,238,000	26,970,000
TRANSFER FROM LOTTERY COMMISSION	77,000,000	85,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,900,000	4,000,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,500,000	28,500,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	827,309,000	844,165,000
HIGHWAY FUND	FY 2012	FY2013
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	<u>276,400,000</u>

FISH AND GAME FUND	FY 2012	FY2013
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	<u>1,875,000</u>	<u>1,875,000</u>
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

24 Effective Date. This act shall take effect July 1, 2011.

**The question is on the adoption of the Committee Amendment. Adopted.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**Sen. Larsen, Dist. 15.**

**Sen. Kelly, Dist. 10**

**Sen. Houde, Dist. 5**

**Sen. Merrill, Dist. 21**

**May 31, 2011**

**2011-2241s**

**05/03**

#### **Floor Amendment to HB 1-A**

Amend the bill by inserting after section 23 the following and renumbering the original section 24 to read as 25:

24 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

<u>Accounting Unit</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2012</u>	<u>FY 2013</u>
05-95-95-9500-7136	Uncompensated Care Fund	General Funds	\$16,000,000	\$16,000,000

Total appropriations and charges as included

General fund \$32,000,000

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**Yeas: 5 - Nays: 19**

**Failed.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**Sen. Larsen, Dist. 15**

**Sen. Kelly, Dist. 10**

**Sen. Houde, Dist. 5**

**Sen. Merrill, Dist. 21**

**May 31, 2011**

**2011-2245s**

**03/05**

#### **Floor Amendment to HB 1-A**

Amend the bill by replacing all after section 22 with the following:

23 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

<u>Accounting Unit</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2012</u>	<u>FY 2013</u>
05-95-48-4810-8915	Congregate Housing	General Funds	\$737,000	\$737,000

05-95-90-9025-2227	STD Prevention	General Funds	\$344,000	\$344,000
06-50	University System	General Funds	\$4,000,000	\$4,000,000
06-58	Community College	General Funds	\$1,000,000	\$1,000,000

System of New Hampshire

Total appropriations and charges as included

General fund \$12,162,000

24 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	\$256,480,000	\$263,648,000
BUSINESS ENTERPRISE TAX	<u>62,854,000</u>	<u>64,585,000</u>
SUBTOTAL BUSINESS TAXES	319,334,000	328,233,000
MEALS AND ROOMS TAX	220,548,000	227,325,000
TOBACCO TAX	129,453,000	133,050,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	84,500,000	86,900,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	52,562,000	54,030,000
COURT FINES & FEES	13,800,000	14,000,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,300,000	13,300,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,264,497,000	1,298,438,000
MEDICAID ENHANCEMENT TAX	98,600,000	106,600,000
MEDICAID RECOVERIES	<u>18,300,000</u>	<u>18,400,000</u>
TOTAL GENERAL FUND	<u>1,381,397,000</u>	<u>1,423,438,000</u>

EDUCATION FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	54,960,000	56,496,000
BUSINESS ENTERPRISE TAX	<u>125,706,000</u>	<u>129,171,000</u>
SUBTOTAL BUSINESS TAXES	180,666,000	185,667,000
MEALS AND ROOMS TAX	7,252,000	7,475,000
TOBACCO TAX	100,847,000	103,650,000
REAL ESTATE TRANSFER TAX	26,238,000	26,970,000
TRANSFER FROM LOTTERY COMMISSION	77,000,000	85,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,900,000	4,000,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,500,000	28,500,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	<u>827,503,000</u>	<u>844,362,000</u>

HIGHWAY FUND	FY 2012	FY2013
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	<u>276,400,000</u>

FISH AND GAME FUND	FY 2012	FY2013
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	<u>1,875,000</u>	<u>1,875,000</u>
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

25 Effective Date. This act shall take effect July 1, 2011.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon .

Yeas: 6 - Nays: 18

Failed.

Sen. Larsen offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15.

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2244s

03/05

#### Floor Amendment to HB 1-A

Amend the bill by replacing all after section 22 with the following:

23 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

<u>Accounting Unit</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2012</u>	<u>FY 2013</u>
05-95-95-9560-6138	SCHIP	General Funds	\$1,709,000	\$3,540,000

Total appropriations and charges as included

General fund	\$5,249,000
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24 Estimates of Unrestricted Revenue.

<u>GENERAL FUND</u>	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	\$256,480,000	\$263,648,000
BUSINESS ENTERPRISE TAX	62,854,000	64,585,000
SUBTOTAL BUSINESS TAXES	319,334,000	328,233,000
MEALS AND ROOMS TAX	220,548,000	227,325,000
TOBACCO TAX	129,453,000	133,050,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	84,500,000	86,900,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	52,562,000	54,030,000
COURT FINES & FEES	13,800,000	14,000,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,300,000	13,300,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	2,400,000	2,400,000
SUBTOTAL	1,264,497,000	1,298,438,000
MEDICAID ENHANCEMENT TAX	98,600,000	106,600,000
MEDICAID RECOVERIES	18,300,000	18,400,000
TOTAL GENERAL FUND	1,381,397,000	1,423,438,000

EDUCATION FUND	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	54,960,000	56,496,000
BUSINESS ENTERPRISE TAX	<u>125,706,000</u>	<u>129,171,000</u>
SUBTOTAL BUSINESS TAXES	180,666,000	185,667,000
MEALS AND ROOMS TAX	7,252,000	7,475,000
TOBACCO TAX	100,847,000	103,650,000
REAL ESTATE TRANSFER TAX	26,238,000	26,970,000
TRANSFER FROM LOTTERY COMMISSION	77,000,000	85,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,900,000	4,000,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,500,000	28,500,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	827,503,000	844,362,000
HIGHWAY FUND	<u>FY 2012</u>	<u>FY 2013</u>
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	<u>276,400,000</u>
FISH AND GAME FUND	<u>FY 2012</u>	<u>FY 2013</u>
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	<u>1,875,000</u>	<u>1,875,000</u>
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

25 Effective Date. This act shall take effect July 1, 2011.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**The following Senators voted Yes: Houde, White, Kelly, Larsen, D'Allesandro, Merrill.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**Yeas: 6 - Nays: 18**

**Failed.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 19 - Nays: 5**

**Adopted, bill ordered to Third Reading.**

**HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

**Senate Finance**

**May 27, 2011**

**2011-2221s**

**01/09**

#### **Amendment to HB 2-FN-A-LOCAL**

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

1 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other provision of law, for each fiscal year of the biennium ending June 30, 2013, 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 2011 distribution.

2 Suspension; Revenue Sharing. Notwithstanding any provision of law to the contrary, RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2013.

3 Reference to Revenue Sharing Removed. Amend RSA 31:94-d to read as follows:

31:94-d Debt During Transition Period. Towns, cities, and counties which have adopted the provisions of RSA 31:94-a may incur debt under the provisions of RSA 33 in an amount not to exceed 1/3 of all taxes assessed on April 1 of the year following adoption of RSA 31:94-a, excluding payments upon outstanding debts, said debt to be discharged in not more than 20 years. For the purposes of this section, taxes assessed shall include all taxes reimbursed to the town, city or county ~~[in accordance with the provisions of RSA 31-A]~~. Debt incurred pursuant to this section shall not be included in the debt limit of the town, city or county, and the funds borrowed pursuant to this section shall be used only to defray additional costs that result from the adoption of an 18 month transitional accounting period.

4 Repeal. School Portion of Revenue Sharing; Education Trust Fund. RSA 198:39, I(j) relative to inclusion of the school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4, is repealed.

5 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal year ending June 30, 2012 an amount of \$120,000, and for the fiscal year ending June 30, 2013 an amount of \$120,000, received from the recording surcharge collected by registrars of deeds under RSA 478:17-g, II(a) shall be deposited in the land and community heritage investment program administrative fund under RSA 227-M:7-a, and the remainder of funds received for the surcharge shall be credited to the general fund.

6 School Building Aid; Alternative School Building Aid.

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after June 30, 2011 through June 30, 2013.

II.(a) The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the state fire marshal or designee determines, based on reasonable information and belief, that:

(1) The condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, and requires remediation prior to July 1, 2013; or

(2) A structural deficiency in the function or operation of a school building or portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more than a technical violation of the fire code, and requires remediation prior to July 1, 2013.

(b) Any school building aid provided under a waiver granted pursuant to this paragraph shall be limited to the costs associated with the remediation of the conditions or structural deficiencies set forth in this paragraph.

III. Paragraph I of this section shall not apply to the Unity School District for the project approved by the town at a special meeting held on August 23, 2010.

7 Driver Training Fund. Amend RSA 263:52 to read as follows:

263:52 Driver Training Fund.

I. The proceeds from original license fees as provided in RSA 263:42 and the vanity plate service fee collected in accordance with RSA 261:89, plus the fee for the renewal of the use of such plates, 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]~~ **course materials, licensing of schools, and certification of instructors in connection with** 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. The \$40 vanity plate service fee and the fee for renewal of vanity number plates shall automatically be credited to the driver training fund until all fees in such fund equal the amount of money estimated by the general court as available for expenditure for [the] **course materials, licensing of schools, and certification services in connection with** 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 **driver training course materials, licensing of schools, and certification services have been funded in accordance with the** legislative estimates [~~have been matched~~] for the current fiscal year, **the next 1.5 million dollars shall be transferred to the department of safety as restricted revenue, thereafter** the balance of all such fees shall be transferred to the general fund and shall be available as unrestricted revenue.

8 Driver Training; Rulemaking Authority; Commissioner of Safety. Amend RSA 21-P:14, I to read as follows:

I. The commissioner of safety shall [~~act jointly with the commissioner of education to~~] develop and adopt rules, under RSA 541-A, relating to driver education courses to be given in the secondary schools of the state and motor vehicle drivers' schools licensed under the provisions of RSA 263:44, and relating to the licensing of the schools and of their teachers and instructors, which rules shall cover the subjects of:

(a) Facilities and equipment.

(b) The educational background and other qualifications of teachers and instructors.

(c) Curriculum and hours during which instruction may be given.

(d) Amounts of insurance with respect to training vehicles and other facilities of the school, which may be in addition to any other insurance coverage required by law.

(e) [~~Payments to secondary schools or districts.~~]

(f) Admission and advertising practices, together with terms of enrollment, of schools licensed under the provisions of RSA 263:44.

[~~(g)~~] (f) Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

[~~(h)~~] (g) Any other subject which in the judgment of the [~~commissioners~~] **commissioner** requires rulemaking to promote the effectiveness of driver education courses.

9 Repeal. RSA 21-N:6, VI, relative to administering department responsibilities for driver education, is repealed.

10 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as follows:

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw a warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed the amount appropriated for **the fund, which shall include** the budget of the workers' compensation division of the department of labor for the fiscal year in which the assessment is made **and all other costs of administering this chapter**. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

11 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Notwithstanding 2010S, 1:40, 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) effective July 1, 2011 through June 30, 2013. 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 shall be suspended for the biennium ending June 30, 2013.

12 Department of Health and Human Services; Indirect Graduate Medical Education; Suspension. Notwithstanding 2010S, 1:83, 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 indirect graduate medical education payments to hospitals effective July 1, 2011 through June 30, 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of indirect graduate medical education shall be suspended for the biennium ending June 30, 2013.

13 Department of Health and Human Services; Authority to Fill Unfunded Positions. Notwithstanding any provision of law, the commissioner of the department of health and human services may fill unfunded positions during the biennium ending June 30, 2013, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

14 Repeal. The following are repealed:

I. RSA 137-G, relative to the catastrophic illness program.

II. RSA 6:12, I(b)(145), relative to application of receipts from the catastrophic illness fund.

15 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. Notwithstanding 2009, 144:160 and 2010S, 1:84, 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 all catastrophic aid payments to hospitals effective July 1, 2011 through June 30, 2013.

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

I. For the biennium ending June 30, 2013, the department of health and human services shall not authorize, without prior consultation with the house health and human services and elderly affairs committee and the senate health and human services committee and the 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, 2013, 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; provided, that such expenditures 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, 2013, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all accounting units 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.

17 Mental Health Services System; Definitions. Amend RSA 135-C:2, II-a to read as follows:

II-a. "Advanced practice registered nurse" or "APRN" means an advanced practice registered nurse licensed by the board of nursing who is ***certified as*** a psychiatric mental health ***nurse practitioner by a board-recognized national certifying body***.

18 Mental Health Services System; State-Funded Clients. Amend RSA 135-C:5, II to read as follows:

II. The commissioner or designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of the program providing the service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and monitoring may include review of the

individual records of *persons with severe mental disabilities, persons who receive emergency services, and/or persons whose services are paid for, in whole or in part, by state funds or federal funds* in the state mental health services system, notwithstanding the provisions of RSA 329:26, RSA 330-A:32, or any other law.

19 Mental Health Services System; Community Mental Health Program Outcomes. Amend RSA 135-C:7 to read as follows:

135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation may establish and administer a community mental health program for the purpose of providing mental health services to individuals and organizations in the area. Every program shall, at a minimum, provide emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services. The department may contract with a community mental health program, pursuant to RSA 135-C:3, for the operation and administration of any services which are part of the state mental health services system. In the event that the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state mental health services system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services.

20 Discrimination Prohibited; Eligibility for Services. Amend RSA 135-C:13 to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. ***Admission to the state mental health services system and access to treatment and other services within the system shall be contingent upon the availability of appropriations. The community mental health program responsible for providing services shall conduct a clinical assessment of every applicant for services. The community mental health program shall prioritize delivery of services based on the severity of the individual's clinical needs. Emergency services shall be provided as needed. Services shall not be denied to persons who are conditionally discharged from a receiving facility under RSA 135-C:50, or who are ordered to submit to treatment at a community mental health program under RSA 135-C:45.*** Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, ~~[such service shall be documented through individual service plans. When services have been documented to be necessary but unavailable;]~~ each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

21 Discrimination Prohibited; Eligibility for Services. RSA 135-C:13 is repealed and reenacted to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the

mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

22 Department of Health and Human Services, Division of Community-Based Care Services, Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the biennium ending June 30, 2013, 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 shall also establish, by rule under RSA 541-A, a procedure for such persons or community health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the commissioner of the department of health and human services, the fiscal committee of the general court may authorize a higher per person per year limit.

23 County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. RSA 167:18-a, II is repealed and reenacted 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 2011-2014:

- (1) State fiscal year 2011, \$105,000,000.
- (2) State fiscal year 2012, \$105,000,000.
- (3) State fiscal year 2013, \$107,000,000.
- (4) State fiscal year 2014, \$109,000,000.

(b) The caps on total billings for fiscal years after fiscal year 2014 shall be established by the legislature at least on a biennial basis.

24 New Subparagraph; County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Additional Credit. Amend RSA 167:18-a, III by inserting after subparagraph (b) the following new subparagraph:

(c) For the biennium ending June 30, 2013, the counties shall have an additional credit against the amounts due for long term care expenditures under RSA 167:18-a. The credit in the amount of \$2,498,000 for the fiscal year ending June 30, 2012 and \$2,547,000 for the fiscal year ending June 30, 2013 shall be in addition to the \$5,000,000 annual credit set forth in subparagraph (a). The additional credit shall be allocated among the counties based on the percentage of total payments each county had for the preceding fiscal year from the nursing facility trust fund under RSA 151-E:15 and shall be made available to the counties as soon as possible after the start of the fiscal year. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

25 Repeal of Prospective Repeal. 2007, 263:26, relative to the repeal of RSA 167:18-a, is repealed.

26 Department of Health and Human Services, Division of Community Based Care Services, Bureau of Behavioral Health, 1915(b) Prepaid Health Plan. The department of health and human services shall seek approval from the federal Centers for Medicare and Medicaid Services (CMS) for a 1915(b) waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan. Upon receipt of approval, the department shall promptly implement the prepaid health plan by entering into contracts with community mental health service providers, subject to approval by the governor and executive council.

27 Department of Health and Human Services; Division for Children, Youth and Families. Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending June 30, 2013, the rates for all services, placements, and programs that are paid for by the department of health and human services pursuant to RSA 169-B:40, 169-C:27, 169-D:29, with the exception of rates for contracted services that are approved by the governor and council and rates for out-of-state placements, shall be the rate in effect for the particular service, placement, or program as of June 30, 2011.

28 Health and Human Services; General Provisions. Amend RSA 126-A:3, I(b) to read as follows:

(b) Transfer or reassign personnel within and between any division, office, unit, or other component of the department. ***Upon written notice to the commissioner of administrative services, such changes shall be reflected in the state's payroll and financial systems accounts.***

29 Department of Health and Human Services; 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.

30 Repeal. RSA 170-G:4, XVI, relative to prevention programs for juveniles, is repealed.

31 Prevention Programs for Juveniles; Reference Deletion. Amend RSA 169-D:17, I(e) to read as follows:

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding~~[-including but not limited to funding distributed pursuant to RSA 170-G:4, XVI].~~ Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

32 Repeal. RSA 151-E:3, III, relative to an assessment tool to determine clinical eligibility for nursing facility care, is repealed.

33 Health and Human Services; Social Services Block Grant Cost of Living Adjustment to Income Levels. Notwithstanding any other provision of law, the department of health and human services shall raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

34 Treasury; Establishment of Revolving Funds for New Hampshire Hospital Accounting Units 05-95-94-940010-9064 and 05-95-94-940010-8028. There shall be established in the state treasury 2 funds for use as a depository account by the department of health and human services, New Hampshire hospital. The funds shall be nonlapsing, continually appropriated to the department, and used to receive and temporarily hold funds for the hospital's education programs and emergency preparedness events until the funds are disbursed.

35 Suspension; Department of Health and Human Services; Bureau of Developmental Services; Full Funding of Wait List. Notwithstanding any provision of law to the contrary, RSA 171-A:1-a shall be suspended for the biennium ending June 30, 2013.

36 Transfer of Account Authority. The commissioner of administrative services shall make the necessary changes in the state accounting system to transfer sole authority of the following revenue accounts from the department of health and human services to the department of revenue administration, effective July 1, 2011: Medicaid enhancement tax accounting unit 8805-1042 and Medicaid enhancement tax receipt account 401624.

37 Uncompensated Care Fund; Definitions. Amend RSA 167:63, IV to read as follows:

IV. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 ~~[and receiving medicaid diagnosis related group (DRG) payments]~~, but not including government facilities ***and hospitals excluded from taxation under RSA 84-A pursuant to federal approval of a waiver of the broad-based requirement as described in 42 C.F.R. section 433.68.***

38 Uncompensated Care Fund. Amend RSA 167:64, I to read as follows:

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.]~~ ***The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall also be used to make medical provider payments and to support the state's Medicaid enhancement tax unrestricted revenue account, in amounts directed by the budget in each year of the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be made in the following order of priority:***

*(1) To support medical provider payments as budgeted in each year of the biennium;*

*(2) To ensure that critical access hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit or at the highest uniform percentage that available funding would permit should funds be inadequate to cover 100 percent of the hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder;*

*(3) To support the state's medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium; and*

*(4) If authorized, to reimburse non-critical access hospitals at the highest uniform percentage of each hospital's disproportionate share hospital payment limit as the funds made available under this section permit and are consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder.*

(b) The commissioner is hereby authorized and directed to develop and implement, ***in connection with the payment by the state to hospitals for reimbursement of uncompensated care costs***, 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 ***reimbursement of uncompensated care costs paid in state fiscal year 2012 and state fiscal year 2013 shall be in accordance with the*** schedule of payments to hospitals ~~[shall take]~~ ***that takes*** effect on ~~[January 1,]~~ ***or after July 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 ***(i) Title XIX disproportionate share hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial participation, and (iii) permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.***

(c) For purposes of this section, uncompensated care costs shall include: ***any*** charity care ~~[costs]~~ ***cost***, ***and*** any portion of ~~[Medicaid]~~ ***Medicaid-covered*** 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 ***and the provisions of all federal regulations promulgated thereunder.***

(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 ***funds made available for uncompensated care*** 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.

39 Uncompensated Care Fund; Duties of the Commissioner. Amend RSA 167:65, II to read as follows:

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]~~ ***the*** hospitals currently participating in the uncompensated care program ~~[in developing]~~ ***during the development of*** the uncompensated

care payment system required under paragraph I, and present a report ~~[detailing all the options and making recommendations]~~ **describing the planned payment methodology** to the oversight committee on health and human services, established under RSA 126-A:13~~[-not later than January 1, 2010]~~ **prior to payments being made and submit a waiver calculation pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for Hampstead Hospital, HealthSouth Rehabilitation Hospital, and Northeast Rehabilitation Hospital, no later than September 30, 2011.**

40 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, III to read as follows:

III. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 **that provide inpatient and outpatient hospital services** ~~[and receiving medicaid diagnosis related group (DRG) payments]~~, but not including government facilities **and any hospital excluded from taxation under this chapter pursuant to federal approval of a waiver of the broad-based requirement as described in the relevant provisions of 42 C.F.R. section 433.68.**

41 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, IV-a to read as follows:

IV-a. "Net patient services revenue" means the gross charges of the hospital less any deducted amounts for bad debts, charity care, and payor discounts. **"Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of inpatient and outpatient patient care.**

42 Applicability; Null and Void. The applicability of paragraphs I and II of RSA 84-A:3 as they were applied in 1991 and 1992 is hereby declared null and void.

43 Repeal. RSA 167:65, III, relative to the uncompensated care payment system and the requirement of fiscal committee review and approval prior to submission of a Medicaid state plan amendment, is repealed.

44 Department of Health and Human Services; Consolidation. For the biennium ending June 30, 2013, the commissioner of the department of health and human services is directed to pursue operating and service consolidation initiatives, in an effort to improve service delivery, obtain operating efficiencies, and promote the well-being of the state's citizens. The commissioner shall consolidate district offices of the department of health and human services to achieve a reduction of \$648,000 in general fund appropriations for the biennium ending June 30, 2013. The commissioner, through 2 percent attrition in field operations staff assigned to district offices, shall achieve a reduction of \$744,000 in general fund appropriations for the fiscal year ending June 30, 2012, and a reduction of \$754,000 in general fund appropriations for the fiscal year ending June 30, 2013. The commissioner shall provide regular notice of these efforts to the committees with jurisdiction over health and human services and finance of the house and senate.

45 Children's Health Insurance Program. RSA 126-A:3, VIII is repealed and reenacted to read as follows:

VIII. The commissioner shall submit a Title XXI state plan amendment, subject to approval by the fiscal committee of the general court and the oversight committee on health and human services, to administer the children's health insurance program within the department commencing upon implementation of Medicaid managed care. The commissioner shall operate the children's health insurance program utilizing the program model that demonstrates the greatest efficiency and value which includes, but is not limited to, Medicaid expansion, accountable care organization, or risk-based managed care models.

46 Responsibility for Public Medical Assistance. Amend RSA 167:3-b to read as follows:

167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do not apply to the administration of medical assistance, **except with respect to the spouse of the individual who needs medical care or services, or the parent of such individual, if said individual is under the age of 21.**

47 Child Protection Act; Liability of Expenses and Hearing on Liability. 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]~~ **New Hampshire hospital** or to expenses incurred for the cost of accompanied transportation **or to expenses incurred for the cost of alcohol and drug testing.**

48 Nursing Facility Quality Assessment; Contingency. Notwithstanding RSA 84-C:11, I, for the biennium ending June 30, 2013, the nursing facility quality assessment imposed by RSA 84-C shall not be assessed, and no return shall be required to be made, upon the occurrence of any proceeds collected from nursing facilities as defined in RSA 84-C:1, V(a), from the nursing facility quality assessment being expended by the state or any state agency for any purpose other than funding nursing facility expenditures through the nursing facility trust fund under RSA 151-E:14 and long-term care services through the department of health and human services.

49 Intermediate Care Facilities; Use of ICF Separate Account. Notwithstanding the provisions of RSA 84-D:5, for the biennium ending June 30, 2013, moneys from the ICF separate account may be expended by the state for long-term care services through the department of health and human services.

50 Quality Assessment Expenditures; State Expenditures for Long-Term Care Services. For the biennium ending June 30, 2013, notwithstanding the provisions of RSA 151-E:14 and RSA 151-E:15-a, 25 percent of the receipts from the nursing facility quality assessment under RSA 84-C:3 and the ICF quality assessment under RSA 84-D:3 shall be deposited as restricted revenue in accounts of the department of health and human services and shall be used in support of long-term care services and not for any other purpose.

51 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium ending June 30, 2013, the commissioner of the department of transportation is authorized, with the prior approval of the fiscal committee of the general court, to enter into agreements to lease-purchase vehicles and equipment.

52 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2012 or June 30, 2013 from the Federal Emergency Management Agency of 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.

53 New Sections; Department of Labor Nonlapsing Restricted Fund. Amend RSA 273 by inserting after section 1 the following new sections:

273:1-a Budget and Accounting. The department of labor shall budget and account for its operations through restricted funds rather than through the general fund; said restricted funds to be funded through all fees, licenses, certificates, and civil penalties of the department of labor, as well as existing assessment procedures.

273:1-b Restricted Fund. There is hereby established in the state treasury a department of labor restricted fund for the sole purpose of paying costs of operating the department of labor other than workers' compensation. All moneys in the restricted fund shall be continually appropriated to the department of labor. The commissioner shall administer the fund, and the state treasurer shall be the custodian of the fund. All moneys in the fund in excess of amounts used by the department for authorized personnel expenses, administrative costs, and other related costs for the operation of the department, shall be transferred on June 30 of each year to the general fund. The existence and operation of this restricted fund shall not affect the continued existence and operation of the administration fund established by RSA 281-A:59.

54 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph 304 the following new subparagraph:

(305) Moneys deposited in the department of labor restricted fund established in RSA 273:1-b.

55 Reference Changes. Amend the following RSA provisions by replacing the words "general fund" or "state's general fund" with "department of labor restricted fund established in RSA 273:1-b": RSA 157-A:10-a, I; 157-B:13-a, I; 273:11-a, I; 275-F:9, I; 277-B:12, II; 277-B:13; 281-A:4-a, I; 281-A:7, I(a)(2); 281-A:43, I(d); 281-A:43, I (e); 281-A:59, IV; 281-A:60, I(r); 281-A:70.

56 Reference Changed. Amend RSA 277-B:12, III to read as follows:

III. Any client company which does business with an unlicensed employee leasing company may be fined by the commissioner up to \$1,000 per employee for each day the violation continues. Any funds collected under this section shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

57 Reference Changed. Amend RSA 277-B:15-a, I to read as follows:

I. Employee leasing firms shall maintain a list of current and past clients which shall be available for inspection by the department of labor without notice. The list shall be submitted to the labor department on a quarterly basis. Failure to maintain an updated client list shall subject the licensee to a \$1,000 fine, and a \$2,500 fine and loss of license for a second or subsequent offense if deemed appropriate by the commissioner. Funds generated from fines shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

58 Reference Changed. Amend RSA 281-A:5-d, III to read as follows:

III. Any client company which knowingly does business with an unlicensed third party administrator may, after written notification, be fined up to \$1,000 per day for each day the violation continues. Any funds collected under this section shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

59 Reference Changed. Amend RSA 281-A:43, II to read as follows:

II. A decision of the commissioner, the commissioner's authorized representative, or the board shall take effect and shall become final, in the absence of an appeal from it, 30 days from the date of the decision. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner or the board, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the decision or of a final court determination. If the commissioner determines that the employer or carrier has failed to comply with any order, then the commissioner may assess a penalty not to exceed \$100 for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b** any penalty collected under this section.

60 Reference Changed. Amend RSA 281-A:53, I to read as follows:

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of up to \$2,500. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b.**

61 Reference Added. Amend RSA 275:57, IV to read as follows:

IV. An employer who willfully violates the provisions of this section may be assessed interest and a civil penalty of up to \$1,000 per violation, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.**

62 Reference Added. Amend RSA 276-A:7-a to read as follows:

276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed \$2,500 for each violation of any provision of this chapter or rule adopted pursuant to this chapter, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.** In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations, and the employer's good faith.

63 Reference Changed. Amend RSA 281-A:42, III to read as follows:

III. Upon failure of any insurance carrier or self-insurer to comply with either an order for payment of compensation or an assessment of a civil penalty, the commissioner shall recover either or both in a civil action in the superior court of the county of jurisdiction. Anyone owing a civil penalty under this section shall pay it to the commissioner, who shall deposit it ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b.**



64 Reference Added. Amend RSA 281-A:23-a, VI(b) to read as follows:

(b) If the commissioner determines that a managed care program has failed to comply with the provisions of this section or the rules adopted to implement such section, but that such failure does not warrant withdrawal of approval of the program, the commissioner may, after notice to the managed care program and hearing, assess a civil penalty of not more than \$100 for each such failure, ***which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.*** If a managed care program fails to pay such penalty, the commissioner shall recover the penalty in a civil action in the superior court of the county of jurisdiction.

65 Reference Added. Amend RSA 281-A:30, VII to read as follows:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue, ***which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.***

66 Reference Added. Amend RSA 281-A:55, V to read as follows:

V. An insurance carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue, ***which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.***

67 Guardian Ad Litem Fees. Amend RSA 461-A:16, IV to read as follows:

IV. The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine. ~~[Where the parties are indigent, compensation for guardians ad litem and others utilized by the guardian and approved by the court shall be based upon the applicable fee schedule established by the supreme court for indigent defense counsel.]~~

68 Liability for Expenses. RSA 461-A:17 is repealed and reenacted to read as follows:

461-A:17 Guardians Ad Litem and Mediators; Liability for Expenses. The judicial council shall have no responsibility for the payment of the costs of a mediator or guardian ad litem for any party under this chapter.

69 Judicial Council; Appropriation for Marital Services for Indigent Parents.

I. The sum of \$240,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purposes of covering costs associated with marital services provided to indigent parents for the fiscal year ending June 30, 2011. Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a warrant for said sum from the special fund for mediator and guardian ad litem services established pursuant to RSA 461-A:17.

II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal committee of the general court.

70 Repeal. RSA 6:12, I(b)(81), relative to the special fund for mediator and guardian ad litem services, is repealed.

71 Mediation of Cases Involving Children; Payment of Mediator Fees by Indigent Parties. Amend RSA 461-A:7, X to read as follows:

X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the ~~[special fund established pursuant to RSA 461-A:17]~~ ***mediation and arbitration fund established in RSA 490-E:4*** and repaid by the parties in accordance with RSA 461-A:18, ***including fees for pre-suit marital mediation authorized pursuant to RSA 490-E:2, V. The supreme court shall determine by rule a percentage amount of the entry fee paid to each clerk of court for each petition in domestic relations cases to be deposited into the mediation and arbitration fund to be used to pay for mediation where both parties are indigent. At no time shall the percentage amount exceed 25 percent of the entry fee for each petition.***

72 Repayment of Mediator and Guardian Ad Litem Fees. Amend RSA 461-A:18, I to read as follows:

I. In any case where a mediator has been appointed pursuant to RSA 461-A:7 or a guardian ad litem has been appointed pursuant to RSA 461-A:16 and the responsible party's proportional share of the expense [is] *was* ordered to be paid by the judicial council from the *prior* special fund established pursuant to RSA 461-A:17 *or is ordered to be paid by the judicial branch from the mediation and arbitration fund pursuant to RSA 490-E:4*, the party shall be ordered by the court to repay the state through the unit of cost containment, office of administrative services, the fees and expenses paid on the party's behalf as the court may order consistent with the party's ability to pay, such ability to be determined by the unit of cost containment.

73 Mediation and Arbitration Fund. Amend RSA 490-E:4, I(a) to read as follows:

(a) All moneys collected pursuant to ***RSA 461-A:7, X***, RSA 490:27, II, RSA 490-D:12, III, RSA 503:4, II, and RSA 502-A:28, III.

74 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

(f) ~~[Notwithstanding any provision of law to the contrary,]~~ ***Neither*** the department ***nor the judicial council*** shall have ~~[no responsibility]~~ ***authority*** for the payment of the cost of assigned counsel for any party under this chapter.

75 Judicial Council; Supplemental Appropriation; Counsel for Indigent Parents in Abuse and Neglect Cases.

I. In addition to any other sums appropriated to the judicial council, the sum of \$250,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purpose of covering costs associated with payment of counsel for indigent parents in abuse and neglect cases filed in the fiscal year ending June 30, 2011 and pending in the fiscal year ending June 30, 2012. Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal committee of the general court.

76 Adequate Representation Costs. 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.]~~

77 Child Protection Act; Guardians Ad Litem. Amend RSA 169-C:10, I to read as follows:

I. In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a ~~[guardian ad litem or]~~ Court Appointed Special Advocate (CASA) ***or other approved program*** guardian ad litem for the child. ***If a CASA or other approved program guardian ad litem is unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the guardian ad litem for the child.*** The court shall not appoint an attorney for any guardian ad litem appointed for the child~~[- but may appoint an attorney or any other qualified individual as the guardian ad litem for the child]~~. The CASA ***or other approved program*** guardian ad litem shall have the same authority and access to information as any other guardian ad litem. ***For purposes of this paragraph, "unavailable for appointment" means that there is no CASA or other approved program guardian ad litem available for appointment by the court following a finding of reasonable cause at the preliminary hearing held under RSA 169-C:15 so that the child's interests may effectively be represented in preparation for and at an adjudicatory hearing.***

78 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

(a) Appoint ***a CASA or other approved program guardian ad litem*** or an attorney ***or other qualified guardian ad litem*** to represent the child pursuant to RSA 169-C:10.

79 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

(a) In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for dispositional orders of the guardian ad litem, the court may

appoint an attorney to represent the interests of the child. ~~[In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.]~~

80 Termination of Parental Rights. Amend RSA 170-C:13 to read as follows:

170-C:13 Fees and Court Costs.

***I. The petitioner shall pay*** all entry fees and court costs including costs of giving notice, ***costs of*** advertising, and court-appointed guardian ad litem fees ~~[shall be paid by the petitioner]~~. The court, however, may waive entry fees and court costs where payment would work a hardship on the petitioner. Where the court waives payment by the petitioner, the state, through the court system, shall pay court costs ~~[and the fee of any court appointed guardian ad litem]~~. ***The judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state is the moving party.***

***II.*** The department of health and human services is exempted from paying any entry fees and court costs.

***III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a parent determined to be financially unable to employ counsel, the court shall use a financial eligibility guideline established by the office of cost containment to determine if the party is indigent. Upon determination that the party is indigent, the court may appoint counsel, subject to an order of repayment through the office of cost containment. The judicial council shall bear no financial responsibility for the payment of appointed attorney costs in such cases where the state is not the moving party for the termination of parental rights. The state shall bear no responsibility in private termination of parental rights cases for payment of either counsel or guardian ad litem.***

81 Parental Rights and Responsibilities; Non-Certified Guardians Ad Litem. Amend the introductory paragraph of RSA 461-A:16, VI to read as follows:

VI. The supreme court shall provide the following relative to ***non-certified*** guardians ad litem appointed pursuant to this section:

82 Sale of Property. Notwithstanding RSA 10, the commissioner of the department of administrative services shall offer for sale to the city of Laconia the lakes region facility property in Laconia for consideration of not less than \$10,000,000 by July 1, 2012. If the city refuses the offer, the lakes region facility property shall be offered for sale to Belknap county at the current market value. If the county refuses the offer, the commissioner of administrative services shall issue a request for proposals for the sale of the lakes region facility property in Laconia at no less than the current market value, such sale to be completed no later than May 1, 2013. The sale of such property shall be subject to the requirements of RSA 4:40, except that review and approval of the sale of the property by the council on resources and development and the long range capital planning and utilization committee shall not be required. All proceeds from the sale shall be deposited into the general fund.

83 State Institutions; Governor and Council. Amend RSA 10:1 to read as follows:

10:1 Governor and Council. The ultimate executive authority over the New Hampshire hospital, formerly the state hospital; ~~[Laconia developmental services, formerly the Laconia state school and the Laconia state school and training center;]~~ the New Hampshire youth development center, formerly the industrial school; and the Glencliff home, formerly the state sanatorium, including all real and personal estate used in connection therewith, the purchase of materials and supplies for said institutions and the departments of state, as hereinafter provided, is vested in the governor and council.

84 Department of Administrative Services; Appropriation. Amend 2010S, 1:96 to read as follows:

1:96 Appropriation; Department of Administrative Services. The sum of \$250,000 is hereby appropriated to the department of administrative services for the biennium ending June 30, 2011[;]. ***Said funds shall be used for the purpose of employing a consultant with real estate and financial expertise in the completion of the sale of the lakes region facility property and the preparation of the request for proposals, and any remaining balance may be used by the commissioner of the department for the purpose of retaining independent real estate and financial expertise [for the commission's work under RSA***

~~21-I:87-RSA 21-I:91~~ ***for the sale of other state properties and assets.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. ***Such funds shall not lapse until June 30, 2013.***

85 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, 2013.

86 Department of Administrative Services; Consolidation of Human Resources.

I. Notwithstanding any law or administrative rule to the contrary, the commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, is authorized to make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services, from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of human resource and payroll functions within state government.

II. The commissioner of administrative services is authorized to establish the number and classification of personnel required for human resource and payroll management in state government and, with the prior approval of the governor and council, is authorized to eliminate unnecessary positions and to transfer to the department of administrative services any position in another agency identified by the commissioner of administrative services as necessary to effectuate the efficient consolidation of human resource and payroll functions within state government. Such transfers shall include the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology equipment, and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel. All commissioners and department heads shall cooperate with the commissioner of administrative services to accomplish the intent of this section.

III. The commissioner of administrative services may locate personnel whose positions have been transferred in such work spaces as the commissioner determines will efficiently effectuate the consolidation of human resource and payroll functions. Such work spaces may include either space currently owned or rented by the state, or space which may be rented by the commissioner utilizing amounts which may be saved by the state as the result of the consolidation of human resources and payroll functions.

IV. The consolidation of human resource and payroll functions shall achieve a savings in the fiscal year ending on June 30, 2013 of no less than \$1,428,000 in total funds and \$571,200 in general funds.

87 Department of Administrative Services; Consolidation of Certain Business Processing Functions.

I. The commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, is authorized to make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services, from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of business processing functions within state government. Such business processing functions shall include (i) accounts receivable, (ii) accounts payable, (iii) collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state, and (iv) such other finance and accounting functions and transactions the commissioner of administrative services determines would achieve substantial efficiencies from consolidation.

II. The commissioner of administrative services is authorized to issue a request for proposals or purchases in accordance with RSA 21-I:22 and RSA 21-I:22-a for the services and assistance of a qualified consultant to evaluate and identify opportunities for business processing consolidation in state government and to make recommendations, including for a proposed implementation plan, for consolidation of such functions.

III. The commissioner of administrative services is authorized to establish the number of total personnel required for business processing functions in the executive branch of state government and, with the prior approval of the governor and council, is authorized to eliminate unnecessary positions and to transfer to the department of administrative services any position in another agency identified by the commissioner of administrative services as necessary or desirable to effectuate the efficient consolidation of business processing functions within state government. Such transfers shall include the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology

equipment, and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.

IV. The commissioner of administrative services may locate personnel whose positions have been transferred in such work spaces as the commissioner determines will efficiently effectuate the consolidation of business functions. Such work spaces may include either space currently owned or rented by the state, or space which may be rented by the commissioner utilizing amounts which may be saved by the state as the result of the consolidation of human resources and payroll functions.

V. The consolidation of business processing functions shall achieve a savings in the fiscal year ending on June 30, 2012 of no less than \$352,000 in total funds and \$88,000 in general funds, and savings in the fiscal year ending on June 30, 2013 of \$1,000,000 in total funds and \$250,000 in general funds.

88 Sweepstakes Fund. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission and all moneys received from the racing and charitable gaming commission under **RSA 284**, RSA 287-D, and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of the racing and charitable gaming commission under **RSA 284**, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

89 McAuliffe-Shepard Discovery Center; Appropriation.

I. The sum of \$227,000 is hereby appropriated for the fiscal year ending June 30, 2013 to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity. This sum shall be in addition to any revenue or grants that may become available to the discovery center. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

II. The discovery center shall, no later than December 15, 2011, report to the fiscal committee of the general court and the governor and council detailing the discovery center's plan to maintain its operations in fiscal year 2013 as a state agency utilizing no more than the general funds appropriated under this section, or its plan to become a self-sufficient not-for-profit organization no later than January 1, 2013.

90 Lottery Commission; Incentive Program. The lottery commission may develop and implement an employee recognition program for monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance and funded from an existing lottery budget line item. The incentive program shall be implemented through rules adopted by the lottery commission in accordance with RSA 541-A. The lottery commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program.

91 Lottery Retailer Commissions. Amend the introductory paragraph of RSA 284:21-h, II(d) to read as follows:

(d) May be sold by or for the lottery commission at designated locations, other than grounds and campuses of public and private schools, colleges, and universities, by persons, whether natural, associate, or corporate, authorized to sell such tickets on a ~~[minimum]~~ 5 percent commission basis for services rendered. The commission ~~[may establish higher sales]~~ **shall pay a 10 percent** commission ~~[rates no greater than 6 percent and other sales incentives deemed necessary to increase lottery sales]~~ **on those sales made during a fiscal year which exceed the sales made during the previous fiscal year. The lottery commission shall report quarterly to the fiscal committee of the general court on commissions paid under this subparagraph.** All sales shall be subject to the rules and regulations of the commission provided:

92 Liquor Commission; Employee Incentive Program. The liquor commission may develop and implement an employee incentive system for monetary incentives for its store managers and employees to reward superior customer service, organization and appearance of retail stores, creativity and attractiveness of displays, workplace safety records, and other relevant and objective criteria related to customer service and sales. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program. The incentive program shall be implemented through rules adopted by the commission in accordance with RSA 541-A.

93 New Section; Temporary State Liquor Stores. Amend RSA 177 by inserting after section 1 the following new section:

177:1-a Temporary State Stores. The commission may lease, rent, and equip, in the name of the state, stores or space in buildings such as airports or shopping malls and in large venues such as racetracks, temporary stores for the sale or promotion of liquor or related products as are necessary to carry out the provisions of this chapter, except that no such store shall be operated within 200 feet of any public or private school, church, chapel, or parish house. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of temporary stores.

94 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2013, 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.

95 Department of Environmental Services; Water Quality Laboratory Services; 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 water quality laboratory authorized by RSA 21-O:12 shall be transferred to the department of health and human services on July 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and records of the water quality laboratory.

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

96 Department of Health and Human Services; Laboratory Services. Amend the introductory paragraph of RSA 131:3-a to read as follows:

131:3-a Fee Required. Notwithstanding the provisions of RSA 131:4, the commissioner of [~~environmental services~~] ***the department of health and human services*** shall collect a fee for analyses made pursuant to RSA 131:3 on the following schedule:

97 Department of Health and Human Services. Amend RSA 131:3-a, II to read as follows:

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

98 Repeal. RSA 125:15-b, relative to access to laboratory data and results, is repealed.

99 Office of the Commissioner of Environmental Services; Reference Deleted. Amend RSA 21-O:12, VI to read as follows:

VI. Laboratory services shall include such expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the department of environmental services. The commissioner shall provide the commissioner of the department of health and human services with direct access to all raw data, test results, and other information and samples received or generated by the laboratories in the department deemed necessary by the commissioner of the department of health and human services in order to carry out his ***or her*** responsibilities to protect the public health. [~~The commissioner shall consult with the commissioner of the department of health and human services relative to such access as provided by RSA 125:15-b.~~]

100 Joint Board of Licensure and Certification; Accountants, Real Estate Appraisers, and Board of Manufactured Housing Added. Amend RSA 310-A:1, as follows:

310-A:1 Joint Board Established. There shall be a joint board of licensure and certification for professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists, landscape architects,

court reporters, [and] home inspectors, **accountants, and real estate appraisers, and the board of manufactured housing**, consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, the board of landscape architects, the board of court reporters, [and] the board of home inspectors, **the board of accountancy, the real estate appraiser board, and the board of manufactured housing**. [The joint board shall meet at least quarterly to carry out its duties established under this chapter.]

101 New Section; Manufactured Housing Board; Administrative Functions Transferred to Joint Board. Amend RSA 205-A by inserting after section 29 the following new section:

205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

102 New Paragraph; Board of Accountancy; Administrative Functions Transferred to Joint Board. Amend RSA 309-B:4 by inserting after paragraph IX the following new paragraph:

X. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

103 New Paragraph; Real Estate Appraisers Board; Administrative Functions Transferred to Joint Board. Amend RSA 310-B:4 by inserting after paragraph IX the following new paragraph:

X. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

104 Commissions and Boards; Functioning within Department of State. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission[~~, the board of accountancy~~] and the joint board of licensure and certification shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

105 Repeal. RSA 5:13-b, relative to the attachment of the real estate appraiser board to the department of state, is repealed.

106 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspension of Allocation to Department of Safety. For the biennium ending June 30, 2013, RSA 9:9-b, II, relative to the highway fund allocation to the department of safety, shall be suspended.

107 Duties of the Office of Energy and Planning. Amend RSA 4-C:1, II(g)-(i) to read as follows:

(g) Participate and advise in matters of land use planning regarding [~~lakes and rivers management programs~~] **water resources and floodplain management**.

(h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.

(i) Administer the following programs: the statewide comprehensive outdoor recreation plan, the national flood insurance program, the land conservation investment program, [~~the scenic and cultural byways system~~], fuel assistance contracts, and weatherization contracts. The office shall employ necessary personnel to administer these programs. In administering fuel assistance and weatherization contracts, the office shall ensure that when an individual applies for fuel assistance or weatherization, the individual shall be provided with application forms and information about the Link-Up New Hampshire and Lifeline Telephone Assistance programs, and shall be provided assistance in applying for these programs.

108 Office of Energy and Planning. Amend RSA 4-C:2, I, to read as follows:

I. The office of energy and planning, under the direction of the governor, shall:

(a) Assist the governor in preparing, publishing, and revising the comprehensive development plan required under RSA 9-A.

(b) [~~Develop and maintain a technical data base of information to support statewide policy development and planning.~~]

(e) Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

~~[(d)]~~ (c) Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent, to the extent practical, with the policies and priorities established in the state development plan.

109 Repeal. RSA 4-C:4, relative to the coordination of federal funds in the office of energy and planning, is repealed.

110 Old Age and Survivors Insurance; Reference Change. Amend RSA 101:2, IV to read as follows:

IV. The term “state agency” means the commissioner of health and human services and any person to which the commissioner has delegated any functions under this chapter, or any other agency duly designated to administer the provisions of this chapter by the governor and council in accordance with RSA 124:4 ~~[and RSA 4-C:4];~~

111 Office of Energy and Planning; Rulemaking. Amend RSA 4-C:5 to read as follows:

4-C:5 Rulemaking Authority. The director of the office of energy and planning shall adopt rules, *as necessary*, under RSA 541-A[-

I-], establishing procedures for grant programs administered by the office. These rules shall be adopted for all ~~[federal or]~~ state grant programs administered by the office in which the office has authority to establish requirements or procedures or interpret ~~[federal requirements and]~~ state statutes. These rules shall include, as appropriate:

~~[(a)]~~ I. Application or grant distribution procedures.

~~[(b)]~~ II. Criteria and procedures for evaluating applications.

~~[(c)]~~ III. Procedures for administration of funds by grantees.

~~[(d)]~~ IV. Monitoring and report procedures.

~~[(e)]~~ V. Appeal procedures for parties dissatisfied with grant decisions.

~~[-H. As provided by RSA 4-C:16, I(a)-]~~

112 Repeal. The following are repealed:

I. RSA 4-C:5-a, relative to model ordinances.

II. RSA 4-C:6-a, relative to reports on economic development loans and grants.

113 Review of Reports by Department of Resources and Economic Development; Reference Change. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under ~~[RSA 4-C:6-a,]~~ RSA 12-A:33, and RSA 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

114 Repeal. The following are repealed:

I. RSA 4-C:19-23, relative to the water protection assistance program.

II. RSA 485-C:3, III, relative to cooperation between the department of environmental services and the office of state planning in implementing the water protection assistance program.

III. RSA 21-O:3, IX, relative to the office of state planning’s role in the water protection assistance program.

115 Local Land Use; Master Plan. Amend RSA 674:2, III(d) to read as follows:

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section provides a factual basis for any land development regulations that may be enacted to protect natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. ~~[The natural resources section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22.]~~



116 Repeal. RSA 4-C:24-28 and RSA 4-C:30, relative to housing and conservation planning, are repealed.

117 Repeal. RSA 125-G, relative to the high-level radioactive waste act, is repealed.

118 Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

673:3-a Training. Within ~~[6 months]~~ **the first year** of assuming office, ~~[for the first time, any non-ex-officio]~~ **a new** member of ~~[the]~~ **a** zoning board of adjustment ~~[and the]~~ **or** planning board may ~~[at the member's option]~~ complete ~~[at least 6 hours of]~~ training ~~[for the member's respective position. The training shall be designed and furnished]~~ **offered** by the office of energy and planning. **The office of energy and planning may provide this training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, traditional classroom style, or self study.**

119 Zoning Ordinances; Place for Filing Documents and Reporting Amendments. RSA 675:9 is repealed and reenacted to read as follows:

675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation, historic district regulation, site plan review regulation or amendment which is adopted by a municipality shall be placed in a central file with the office of energy and planning; provided, however, that failure to file these documents or amendments with the office of energy and planning shall not affect the validity of the document. Every municipality which adopts a master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation or site plan review regulation or amendment thereto, shall inform the office of energy and planning of such adoption or amendment. The office of energy and planning is hereby authorized to gather this information by way of an annual survey of the municipalities or other such means as may be deemed appropriate. The office of energy and planning shall periodically create lists and reports of the information gathered for use by the municipalities and the general public.

120 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense **who has not been previously convicted of a sexually violent offense as defined in RSA 135-E:2, XI, aggravated felonious sexual assault pursuant to RSA 632-A:2, felonious sexual assault pursuant to RSA 632-A:3, sexual assault pursuant to RSA 632-A:4, I(a)-(b), kidnapping pursuant to RSA 633:1, I, first degree assault pursuant to RSA 631:1, I, possession of child sexual abuse images pursuant to RSA 649-A:3, I, or distribution of child sexual abuse images pursuant to RSA 649-A:3-a, I** shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, **unless the parole board votes to deny such release.**

121 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c) ~~[All prisoners who have not been previously paroled]~~ **A prisoner who has not been previously paroled**, or who ~~[were]~~ **was** recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence, **unless the parole board votes to deny such release.** This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

122 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, **or may be subject to an extended term of recommitment pursuant to paragraphs III and IV.** The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ **provided access to** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

**III. The parole board may impose an extended term of recommitment for greater than 90 days if:**

**(a) The prisoner has previously been recommitted for a parole violation; or**

*(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and*

*(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or*

*(2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or*

*(3) Both subparagraphs (1) and (2); or*

*(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or*

*(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.*

*IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:*

*(1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or*

*(2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.*

*(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.*

*V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.*

*VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.*

*VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:*

*(a) The prisoner has not been previously recommitment for a parole violation;*

*(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;*

*(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;*

*(d) The parole violation is not substantially related to his or her offense or offending pattern; and*

*(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.*

123 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the [anticipated] **potential** release on parole pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

124 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

125 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-A:15, III-IV to read as follows:

III. Any person placed on probation for a felony shall be subject to active supervision for up to the first 12 months and thereafter be placed on administrative supervision unless the probationer has been designated high risk [or], has been adjudicated by the court for a violation of the conditions of probation during the first 12 months under supervision, ***or was placed on probation for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.***

IV. Any person placed on parole for a felony shall be subject to active supervision for up to the first 18 months and thereafter be placed on administrative supervision unless the parolee has been designated high risk [or], has violated the conditions of parole during the first 18 months under supervision, ***or was placed on parole for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.***

126 New Paragraph; College Tuition Savings Plan. Amend RSA 195-H:4 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 6:12, I(b)(115), for the biennium ending June 30, 2013, annual administrative fees, less any annual administrative costs that are generated from the New Hampshire college tuition savings plan, less any funds distributed to private New Hampshire colleges and universities under the UNIQUE endowment allocation program established in administrative rule Csp 701-703, shall be allocated in the following manner: 70 percent of such total shall be paid annually prior to the end of each state fiscal year to the university system of New Hampshire and 30 percent of such total shall be paid annually prior to the end of each state fiscal year to the community college system of New Hampshire.

127 New Hampshire Excellence in Higher Education Endowment Trust Fund. Notwithstanding RSA 6:12, I(b)(115), the balance of the New Hampshire excellence in higher education endowment trust fund established pursuant to RSA 6:38, as of June 30, 2011 shall be transferred as follows: 70 percent of such fund balance, less \$3,000,000, shall be paid to the university system of New Hampshire and 30 percent of such fund balance shall be paid to the community college system of New Hampshire. Interest accrued on the \$3,000,000 shall be used to fund scholarships to New Hampshire students at private New Hampshire colleges and universities. The fund balance transfers to the university system of New Hampshire and to the community college system of New Hampshire shall be paid no later than July 30, 2011.

128 Repeals. The following are repealed:

I. RSA 6:12, I(b)(140), relative to moneys deposited in the forgivable loan fund and the loan repayment fund in the workforce incentive program under RSA 188-D:18-f through RSA 188-D:18-h.

II. RSA 6:12, I(b)(241), relative to moneys deposited by the postsecondary education commission in the essential functions fund established under RSA 188-D:8, IX.

III. RSA 6:12, I(b)(243), relative to moneys used for the New Hampshire incentive program established in RSA 188-D:10.

IV. RSA 6:12, I(b)(244), relative to moneys used for the leveraged incentive grant program established in RSA 188-D:33.

V. RSA 6:12, I(b)(245), relative to moneys used for the granite state scholars program established in RSA 188-D:36.

VI. RSA 6:12, I(b)(247), relative to moneys used for the veterinary/medical/optometric education program established in RSA 200-J.

VII. RSA 6:12, I(b)(270), relative to the large animal veterinarian net tuition repayment fund established in RSA 200-J:7.

VIII. RSA 6:12-d, II(k), relative to the surety indemnification accounts of the postsecondary education commission.

IX. RSA 188-D, relative to the postsecondary education commission.

X. RSA 200-J, relative to the veterinary/medical/optometric education program.

129 New Section; Department of Education; Division of Higher Education. Amend RSA 21-N by inserting after section 8 the following new section:

21-N:8-a Division of Higher Education.

I. There is hereby established within the department the division of higher education, under the supervision of an unclassified director of higher education who shall be responsible for the following functions, in accordance with applicable laws:

(a) Provide support to the higher education commission established in paragraph II in furtherance of its duties.

(b) Facilitate and secure for the students and higher education institutions of this state all benefits provided by Congress in federal law.

(c) Apply for, accept, and expend federal grants.

(d) Establish and collect reasonable fees related to the performance of statutory duties.

(e) Perform the functions of the veterans' State Approving Agency for the purpose of administering veterans education and job training programs as authorized by Congress.

(f) Administer scholarships for orphans of veterans program pursuant to RSA 193:19-21.

(g) Administer scholarships under the New England higher education compact pursuant to RSA 200-A.

(h) Administer the tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(i) Administer the tuition waiver program for foster children established in RSA 187-A:20-b.

(j) Administer the Paul Douglas scholarship program.

(k) Administer the College Access Challenge grant.

(l) Administer the CART Provider and Sign Language Interpreter Net Tuition program.

(m) Assume other responsibilities as may be provided in state or federal law.

II.(a) There is hereby established a higher education commission which shall consist of the following members:

(1) The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system of New Hampshire; a president of one of the institutions of the community college system of New Hampshire, to be chosen by the board of trustees of the community college system.

(2) Two members to be appointed by the trustees of the university system of New Hampshire, one of whom shall be a full-time undergraduate student who is a resident of the state, and whose term shall expire upon graduation or when the member is no longer a full-time student.

(3) The commissioner of the department of education and the chancellor of the community college system of New Hampshire.

(4) One full-time student to be appointed by the board of trustees of the community college system of New Hampshire who shall be a representative of the community college system of New Hampshire who shall be a resident of the state and whose term shall expire upon graduation or when the member is no longer a full-time student.

(5) Six representatives of the private 4-year colleges in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college.

(6) One full-time undergraduate student of a private 4-year college in the state of New Hampshire, to be appointed by the governor and council on recommendation by the New Hampshire College and University Council, who shall be a resident of New Hampshire and whose term shall expire upon graduation or change of status from a full-time student.

(7) One member to be appointed by the governor and council as a representative from a for-profit college or university not a member of the New Hampshire College and University Council.

(8) Four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any college, university, or private postsecondary career school as an employee, trustee or member on a board of directors.

(9) One member to be appointed by the governor and council on recommendation by the New Hampshire Council for Professional Education, who shall be a resident of the state and a representative of a private postsecondary career school.

(b) The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

(c) Commission appointments shall be made in such a way as to preserve broad and equitable representation on the basis of gender, ethnicity, and socioeconomic groups in the state.

(d) The members of the commission, except the ex-officio members, shall serve without compensation, but may be reimbursed for actual travel and other expenses incurred in the performance of their duties on the commission from funds appropriated to the department of education specifically for this purpose.

(e) The commission shall:

(1) Regulate institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk. The commission may accept accreditation by a recognized accrediting association in place of its own evaluation.

(2) Administer financial aid programs as provided in state law for students attending higher education institutions who have been residents of New Hampshire for at least 12 consecutive months prior to the date of enrollment.

(3) Regulate private postsecondary career schools pursuant to RSA 188-G.

(4) Establish and collect reasonable fees related to the performance of statutory duties.

(5) Participate in, and administer for the state of New Hampshire, the integrated postsecondary education data system as developed by the United States Department of Education, Institute of Education Sciences.

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

(A) Organization and operation of the higher education commission established in RSA 21-N:8-a, II.

(B) Approval and regulation of institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk.

(C) Licensing of private postsecondary career schools pursuant to RSA 188-G.

(D) Administration of financial aid programs for institutions of higher education.

(E) Establishment and collection of reasonable fees for functions performed by the division of higher education established in RSA 21-N:8-a.

130 New Paragraph; Department of Education; Rulemaking. Amend RSA 21-N:9 by inserting after paragraph II the following new paragraph:

III. The department of education shall adopt rules, pursuant to RSA 541-A relative to:

(a) Administration of the tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(b) Administration of the tuition waiver program for foster children established in RSA 187-A:20-b.

131 Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) by deleting:

EE [~~Postsecondary education commission~~] [executive] director,

**Department of Education**

**division of higher education**

132 Branches or Extension Courses in This State. Amend RSA 186:13-b to read as follows:

186:13-b Branches or Extension Courses in This State. Any out-of-state institution of higher learning planning to establish a branch, branches, or extension courses, in this state, shall apply to the [~~postsecondary education commission~~] **the higher education commission** for an evaluation of its plans. Plans for each such branch, branches, or extension courses shall thereupon be evaluated, and, if approved, the branch, branches, or extension courses shall thereupon be accredited for such period and under such regulations as [~~said commission~~] **the commission** may determine. If a branch, or branches, or program of extension courses are disapproved at any time by [~~said commission~~] **the commission** all operations and publicity of it shall cease without delay.

133 State College and University System; Tuition Waiver and Room and Board Scholarships. Amend RSA 187-A:20-a to read as follows:

187-A:20-a Tuition Waived for Children of Certain Firefighters and Police Officers; Room and Board Scholarships.

I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in a program leading to a certificate, associate, or bachelor degree at any public postsecondary institution within the state, approved by the [~~postsecondary education commission pursuant to RSA 188-D~~] **department of education, division of higher education**, shall not be required to pay tuition for attendance at such institution if he or she is the child of a firefighter or police officer who died while in performance of his or her duties, and whose death was found to be compensable pursuant to RSA 281-A.

II.(a) Any person entitled to a waiver of tuition under this section may apply for a room and board scholarship while attending the institution, to the extent of available funds. Applications for a room and board scholarship shall be filed annually with the [~~postsecondary education commission~~] **director of the division of higher education**. The [~~commission~~] **department of education** shall adopt rules, pursuant to RSA 541-A, relative to the development of criteria for awarding scholarships, development of scholarship application forms, application deadlines, scholarship amounts, provisions for continuing eligibility, and other procedures necessary to administer the room and board scholarships.

(b) There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the room and board scholarship fund. The state treasurer shall invest the fund pursuant to RSA 6:8 and earnings shall be added to the fund. The fund shall be continually appropriated to the [~~postsecondary education commission~~] **division of higher education** for the purpose of providing room and board scholarships as provided in this section, and shall not be diverted or used for any other purpose. The [~~commission~~] **director of the division of higher education** may apply for and accept gifts, grants, and donations from any source to be used for the purpose of providing room and board scholarships as provided in this section.

134 New Section; State College and University System; Tuition Waivers for Foster Children. Amend RSA 187-A by inserting after section 20-a the following new section:

187-A:20-b Tuition Waiver for Children in State Foster Care or Guardianship.

I. An eligible individual who enrolls full-time in a program leading to a certificate, associate's, or bachelor's degree at any public postsecondary institution within the state that is approved by the department of education, division of higher education, shall not be required to pay tuition or fees for attendance at such institution.

II. In this subdivision, an eligible individual is a person who is less than 23 years of age and who is or was:

(a) In state foster care for the immediate 6-month period prior to his or her 18th birthday;

(b) In state guardianship or custody at the time of his or her 18th birthday;

(c) Adopted while in state guardianship or adopted from the care, custody, and control of the department following a surrender of parental rights; or

(d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her 17th birthday.

III.(a) Eligible individuals interested in a tuition waiver shall annually apply to the division of higher education on a form provided by the division of higher education and within the deadlines established by the division of higher education. No more than 20 tuition waivers per year shall be granted. The department of education shall adopt rules, pursuant to RSA 541-A, relative to the development of eligibility criteria designed to give the children with the greatest financial need first priority in the tuition waiver program, the creation of an application form, application deadlines, and provisions for continuing eligibility which require continued full-time enrollment as provided in this section and maintaining satisfactory academic progress as defined by the institution.

(b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the division of children, youth and families shall submit a report to the health and human services oversight committee, established in RSA 126-A:13, and the house children and family law committee, or their successor committees, detailing the status of the tuition waiver program.

135 Scholarships for Orphans of Veterans. Amend RSA 193:21 to read as follows:

193:21 Payment. The amounts payable to recipients shall be determined by the ~~[postsecondary education commission]~~ **department of education, division of higher education**. The ~~[commission]~~ **department** shall determine the eligibility in accordance with rules adopted under RSA 541-A of the children who make application for the benefits provided for in this subdivision~~[- provided that no member of the commission shall receive any compensation for such service.]~~

136 College Tuition Savings Plan; Commission Established. Amend RSA 195-H:2, I(a)(7) to read as follows:

(7) ~~[One member of the postsecondary education commission, appointed by the members of such commission]~~ **One member of the higher education commission established in RSA 21-N:8-a, II, appointed by majority vote of the members of the commission.**

137 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:3 to read as follows:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. The second resident member shall be the ~~[executive director of the postsecondary education commission]~~ **director of the division of higher education, department of education**. The third resident member shall be the chancellor of the community college system of New Hampshire. The fourth and fifth resident members shall be citizens of the state appointed by the governor and council. The sixth resident member shall be a member of the house of representatives appointed by the speaker of the house. The seventh member shall be a member of the senate appointed by the president of the senate. The eighth resident member shall be a representative of a private college in New Hampshire appointed by the governor and council. The term of office for each of the first 3 resident members shall be concurrent with his or her term as chancellor or ~~[executive director]~~ **director**. The term of office for each of the latter 5 resident members shall be for 4 years and until a successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his or her expenses actually and necessarily incurred by the member in the performance of his or her duties as a member. In addition to their expenses, the fourth, fifth, sixth, seventh, and eighth members shall receive \$15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such 5 members shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

138 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:5 and 6 to read as follows:

200-A:5 Certification to ~~[Postsecondary Education Commission]~~ **Department of Education**. The New England Board of Higher Education shall certify to the ~~[postsecondary education commission]~~ **department of education, division of higher education** on or before October 1 of the year preceding each legislative

session the amounts needed to carry out the purposes of RSA 200-A:4 for the coming biennium. Upon such certification, the ~~[postsecondary education commission]~~ **division** shall include such amounts in the budget request for its ~~[department]~~ **division**. The sums appropriated by the legislature in accordance with the provisions of this subdivision shall be a continuing appropriation and shall not lapse.

200-A:6 Payments From Funds. The amount that may be or may become due to any college, university, or institution shall be payable by the state treasurer to such institution from funds appropriated for carrying out the purposes hereof upon certification by the New England Board of Higher Education. Said board, before approving such vouchers, shall satisfy itself that such student would be unable to receive the course of instruction at any institution of public education in New Hampshire, and shall satisfy itself that the charge made by said institution is in accordance with the terms and conditions of the regional and/or reciprocal agreement in effect between the New England Board of Higher Education and the charging institution. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall examine and audit the accounts showing the payments made by the board under the authority of this section. In submitting the budget request made by it pursuant to the certification of the board as provided in RSA 200-A:5, the ~~[postsecondary education commission]~~ **division** shall forward with such request a report of such examination and audit, showing the details of such payments for the 2 fiscal years next preceding the time of said budget requests.

139 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:8 and 9 to read as follows:

200-A:8 Enforcement. The ~~[postsecondary education commission]~~ **department of education, division of higher education** is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

200-A:9 Repayment of Funds by Medical Students. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall prepare a note for signature of any medical student who is a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur, provided, however, that if the recipient continues without interruption **of his or her** medical education and/or his **or her** intern requirements said anniversary date shall be the anniversary of the date on which said continued education or internship terminates. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the ~~[postsecondary education commission]~~ **division**. The ~~[postsecondary education commission]~~ **division** shall reduce any annual installment by 1/2, providing the recipient has practiced medicine on a full time basis in New Hampshire during 8 of the preceding 12 months.

140 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:1, II to read as follows:

II. "Net tuition" means tuition costs for post-secondary school education that was directed toward the completion of a degree or certificate in judicial reporting, broadcast captioning, real time transcription, or sign language interpretation, or any other degree or certificate that the ~~[postsecondary education commission]~~ **department of education, division of higher education** deems acceptable for purposes of CART provider and sign language interpreter net tuition repayment.

141 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:2 and 3 to read as follows:

200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program Established. The ~~[postsecondary education commission]~~ **department of education, division of higher education** 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]~~ **department of education, division of higher education** 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 in-state 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.

142 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:4, I to read as follows:

I. There is hereby established in the office of the state treasurer a fund to be known as the CART provider and sign language interpreter net tuition repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the ~~[postsecondary education commission is authorized to]~~ **department of education, division of higher education may** accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this chapter. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the ~~[postsecondary education commission]~~ **department of education**. The fund may be expended by the ~~[postsecondary education commission]~~ **department of education** to accomplish the purposes of this chapter. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund.

143 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:5 to read as follows:

200-M:5 Administration; Rulemaking. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a CART provider and/or sign language interpreter, procedures for repayment of net tuition costs, and the administration of the program by the ~~[postsecondary education commission]~~ **department of education, division of higher education**. The commissioner of the ~~[postsecondary education commission]~~ **department of education** shall annually report to the general court on the effectiveness of this program.

144 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(b)(1) to read as follows:

(1) Seek and receive approval from the ~~[postsecondary education commission]~~ **department of education, division of higher education** prior to applying for approval from the board.

145 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(c) to read as follows:

(c) The board shall approve, disapprove, or withdraw approval for nursing assistant education programs that meet or fail to meet the requirements of this chapter and the rules adopted by the board. The board shall require that nursing assistant education programs seek and receive approval from the ~~[postsecondary education commission]~~ **department of education, division of higher education** prior to applying for approval from the board.

146 Higher Education Corporations; Terms Defined. Amend RSA 292:8-b, I to read as follows:

I. "Commission" means the ~~[postsecondary education commission, established by RSA 188-D]~~ **higher education commission established in RSA 21-N:8-a**.

147 Higher Education Corporations. Amend RSA 292:8-c to read as follows:

292:8-c Organization. The articles of agreement for the purpose of organizing a corporation for the establishment of an institution for postsecondary education or higher learning shall be submitted to the ~~[postsecondary education]~~ commission for its consent for said incorporation.

148 Higher Education Corporations. Amend RSA 292:8-h, III to read as follows

III. The ~~[postsecondary education]~~ commission shall specify the degrees an institution may grant, and the commission may renew, for a set term of years, degree granting authority granted by the legislature. The commission's actions shall be subject to biennial certification by the legislature. The commission shall report its action by January 31 of each odd-numbered year to both the house and senate standing committees on education.

149 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ee to read as follows:

292:8-ee Freedom From Liability. No ~~[member of the postsecondary education commission nor]~~ **employee of the division, member of the commission, or** any member of an evaluation committee established under

any provision of this subdivision shall be held personally liable, either as an individual or as a member of a group, for any loss which may accrue to an educational institution as a result of the denial of degree granting authority under any section of this subdivision, so long as said **employee or** member was acting in good faith in the furtherance of duties as ~~[a member of the postsecondary education commission]~~ **an employee of the division or member of the commission** or an evaluation committee. All such members shall be entitled to the protections afforded by RSA 99-D.

150 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ff, III to read as follows:

III. The commission shall suspend or revoke the accreditation or degree granting authority of any institution which no longer meets the standards established by rule ~~[under RSA 188-D:8-a]~~ **RSA 21-N:8-a, II(e)**.

151 Higher Education Corporations; Reports Required. Amend RSA 292:8-kk to read as follows:

292:8-kk Reports Required.

I. When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the original written academic record, or a legible, certified copy thereof as defined by the institution, of each student who has been registered for instruction at the institution shall be forwarded to the ~~[postsecondary education]~~ commission together with an explanation of the institution's credit and grading system. The ~~[postsecondary education]~~ commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be sufficient to cover related costs.

II. All transcript request fees collected by the ~~[postsecondary education]~~ commission under this section shall be deposited into a nonlapsing, revolving fund to be used for managing the storage, maintenance, and retrieval of closed school transcripts.

152 Postsecondary Education Commission; Transfer of Powers, Duties, and Programs to the Department of Education, Division of Higher Education and the Higher Education Commission.

I. Notwithstanding any provision of law to the contrary, the following programs are hereby transferred to the department of education, division of higher education as of July 1, 2011:

(a) Scholarships for orphans of veterans pursuant to RSA 193:19-21.

(b) Scholarships awarded under New England board of higher education compact pursuant to RSA 200-A.

(d) Veterans education services pursuant to RSA 188-D:24.

(e) The tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(f) The tuition waiver program for foster children established in RSA 187-A:20-b.

(g) The Paul Douglas scholarship program.

(h) The College Access Challenge grant.

(i) The CART provider and sign language interpreter net tuition program.

II. Notwithstanding any provision of law to the contrary, the following programs are hereby transferred to the higher education commission established in RSA 21-N:8-a, II as of July 1, 2011:

(a) The approval of new educational programs and regulation of institutions of higher education pursuant to RSA 292:8-h through RSA 292:8-kk.

(b) Regulation of private postsecondary career schools pursuant to RSA 188-G.

(c) Administration of the integrated postsecondary education data system as developed by the United States Department of Education, Institute of Education Sciences.

III. The transfer required in this section shall include all of the equipment, books, papers, and records of the postsecondary education commission. All existing rules, statutory responsibilities, regulations, and procedures relating to the transferred programs in effect, in operation, or adopted in or by the postsecondary education commission are hereby transferred to the department of education, division of higher education or the higher education commission and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

153 New Chapter; Private Postsecondary Career Schools. Amend RSA by inserting after chapter 188-F the following new chapter:

CHAPTER 188-G  
PRIVATE POSTSECONDARY CAREER SCHOOLS

188-G:1 Definitions; Exclusions.

I. In this chapter:

(a) "Alternative delivery" means a mode of instruction, which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "Commission" means the higher education commission established in RSA 21-N:8-a, II.

(c) "Commissioner" means the commissioner of the department of education.

(d) "Conference" or "seminar" means a scheduled meeting of 2 or more persons for discussing matters of common concern and where, if training or education is offered, it shall be incidental to the purpose of the conference.

(e) "Director" means the director of the division of higher education in the department of education.

(f) "Division" means the department of education, division of higher education.

(g) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, school, or other legal entity or combination of these entities.

(h) "Operating balance" means the amount of funds necessary for indemnification as determined by the director.

(i) "Physical presence" means any physical location, place of contact, telephone exchange, or mail drop in this state, and if an individual is conducting one or more of the following activities within this state:

- (1) Advertising.
- (2) Solicitation of potential students.
- (3) Enrollment of students.
- (4) Providing student services.
- (5) Student mentoring.
- (6) Instruction of students.

(j) "Private postsecondary career school" means any for-profit or nonprofit postsecondary career entity maintaining a physical presence in this state providing education or training for tuition or a fee that enhances a person's occupational skills, or provides continuing education or certification, or fulfills a training or education requirement in one's employment, career, trade, profession, or occupation. Schools that offer resident or non-resident programs, including programs using modes of alternative delivery, beyond the secondary school level to an entity shall be included in this definition regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.

(k) "Vendor" means an entity that promotes or exchanges goods or services for money.

(l) "Workshop" means a brief, intensive education or training program that focuses on developing techniques and skills in a particular area.

II. "Private postsecondary career school" shall not include:

- (a) Schools authorized to grant degrees pursuant to RSA 292.
- (b) Schools specifically licensed as an education or training school by a state agency other than the commission.
- (c) Schools operated by a business organization exclusively for the training of that business' own employees and at no charge to its employees.
- (d) Schools offering noncredit courses exclusively for avocational purposes.

(e) Schools established, operated, and governed by the state of New Hampshire or any of its political subdivisions, or any other state or its political subdivisions.

(f) Noncredit courses or programs sponsored by recognized trade, business, or professional organizations solely for the instruction of their members that do not prepare or qualify individuals for employment in any occupation or trade.

(g) Schools that offer programs and courses exclusively on federal military installations.

(h) Companies, individuals, or other legal entities that offer training at seminars, workshops, or conferences, if :

(1) Any training or education offered is incidental to the purpose of the seminar, workshop, or conference; and

(2) The attendee receiving the training is not awarded any form of a certificate, diploma, or credit including continuing education units for having received the training.

(i) Vendors that offer incidental training associated with the purchase of a product from said vendor, if the training is at no cost, its purpose is to familiarize the purchaser with its use and the purchaser is not awarded any form of a certificate or diploma for having received the training.

(j) An individual or facility training students under 14 C.F.R. part 91 or 14 C.F.R. part 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

(k) Entities offering only training courses at a total cost, including tuition and all other fees and charges of not more than \$800 per course for which no payment, including a deposit, is required or collected prior to the first day of the course. This subparagraph shall not apply to entities that use alternative delivery methods.

(l) Entities offering training in the trades that have been approved by a state agency with appropriate jurisdiction, including but not limited to the plumbers' board, the electricians' board, the office of the state fire marshal, and the division of fire standards and training and emergency medical services.

(m) Computer technology vendors that offer fee based training on courses of instruction in the use of hardware or software if the course is offered to purchasers of such hardware or software, or to the purchaser's employees, by a person who manufactures and sells, develops and sells, or supports the hardware or software, and if the seller is not primarily engaged in the business of providing courses of instruction in the use of the hardware or software.

(n) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software that it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software that it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software that it licenses.

#### 188-G:2 Licenses and Fees.

I. Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the commission to determine if the entity requires a license. The commission shall establish procedures to accomplish this review.

II. A private postsecondary career school maintaining a physical presence in this state shall register to obtain a license or license renewal from the commission. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the commission. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

III. A school that is not required to obtain a license may apply for a license and, upon issuance of the license, shall be subject to the provisions of this chapter. Such school may voluntarily surrender its license and revert to its original status.

IV. The commission shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this chapter.

V. A private postsecondary career school which the commission has determined requires a license shall, prior to the issuance of a license, comply with this section, RSA 188-G:3, and RSA 188-G:4.

188-G:3 Surety Indemnification. Before a license is issued or renewed, a school shall meet the requirements of this section or RSA 188-G:4, by providing acceptable surety indemnification as determined in this section.

I. A surety bond shall be provided by the school in an amount prescribed in this section. The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. The amount of such bond shall be based on income from tuition at 10 percent of gross tuition, with a \$10,000 minimum. If a school licensed under RSA 188-G:2 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the director in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the commission with the commission designated as the beneficiary; or

(b) A term deposit account held in the state treasury, payable to the commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the commission. Any interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including any interest, shall be released to the appropriate school subject to the approval of the commission.

#### 188-G:4 Student Tuition Guaranty Fund.

I.(a) A student tuition guaranty fund is hereby established within the department of education, division of higher education and shall be administered by the director.

(b) The fund shall be funded from an annual fee to be established by rule and assessed against each school duly licensed by the commission and all applicants for a license under RSA 188-G:2.

(c) The funds shall be placed in an interest-bearing account in the office of the state treasurer and the state treasurer shall deposit all interest earned on the funds into the account.

(d) The fund shall be used to reimburse students when a school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. The owner of a school which fails to perform its contractual obligations shall be personally liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

II. The department of education, in consultation with the commission, shall adopt rules, pursuant to RSA 541-A, relative to the administration and maintenance of the fund.

188-G:5 Inspections. The commission may at any time inspect the premises, curriculum, teaching materials, faculty performance, sales literature, financial data, or other matters which are relevant to the educational and business activities of a licensed school in order to determine compliance with applicable laws and rules.

188-G:6 Revocation; Hearing. The commission may, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-G:2 for violating the provisions of this chapter or rules adopted hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

188-G:7 Waiting Period. Every contract that purports to bind any entity to pay money to a private postsecondary career school in return for training shall be construed to be a home solicitation sales contract under RSA 361-B and shall be subject to the provisions of RSA 361-B.

188-G:8 Veterans, Education and Services Approval. The division may approve for veterans' education and services any institution licensed under this chapter. The department of education may adopt rules, under RSA 541-A, relative to the procedures for approval of institutions for veterans' education and benefits.

188-G:9 Use of Fees. Notwithstanding any provision of law to the contrary, all license fees collected under the provisions of this chapter shall be retained by the commission for use in meeting the expenses of administering this chapter.

188-G:10 Penalty.

I. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the commission determines that a person is violating any provision of this chapter or the rules adopted hereunder, the commission shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. The commission, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.

IV. The commission shall be notified whenever a cease and desist order is issued to a school, or if a school fails to provide the services required under a contract with any entity causing the bond to be forfeited, or if a school is required to have a license but is operating without a license.

154 Application of Receipts; Funds Collected by the Department of Education. Amend RSA 6:12, I(b)(228) to read as follows:

(228) Fees ~~deposited in the postsecondary education vocational school licensing fund under RSA 188-D:25~~ **collected by the department of education, division of higher education pursuant to RSA 188-G:9.**

155 Application of Receipts; Student Tuition Guaranty Fund. Amend RSA 6:12, I(b)(233) to read as follows:

(233) Moneys deposited in the student tuition guaranty fund established in RSA ~~[188-D:20-b]~~ **188-G:4.**

156 Distribution of Adequate Education Grants. RSA 198:42, IV is repealed and reenacted to read as follows:

IV. For the fiscal year beginning July 1, 2011, and every fiscal year thereafter, with the approval of the fiscal committee of the general court and the governor and council, the department of education may expend funds in excess of budgeted amounts as necessary to fund chartered public school tuition payments under RSA 194-B:11, I. Said funds shall be paid from the education trust fund established under RSA 198:39 upon the warrant of the governor out of any money in the fund not otherwise appropriated.

157 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(c) to read as follows:

(c) ~~[Notwithstanding RSA 198:42,]~~ The commissioner of the department of education shall calculate and distribute chartered public school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full

school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible chartered public schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

158 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a ~~[and RSA 198:40-c]~~ **plus an additional grant of \$2,000** directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

159 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be ~~[calculated as follows:~~

~~(a) An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.~~

~~(b) An additional \$863 per pupil in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

~~(c) An additional \$1,725 per pupil in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

~~(d) An additional \$2,588 per pupil in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

~~(e) An additional \$3,450 per pupil in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program]~~ **in the amount of \$1,725 for each pupil in the public school's ADMA in the determination year who is in kindergarten through grade 12 and who is eligible for the federal free and reduced-price meal program.**

II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in the public school's ADMA in the determination year who is an English language learner and who is receiving English language instruction.

***II-a. An additional \$675 for each third grade pupil in the public school's ADMA in the determination year who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year.***

III. In addition to the amounts in paragraphs I ~~[and]~~, II, **and II-a**, an additional \$1,856 for each pupil reported in the public school's ADMA in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be used to determine the cost of an adequate education which shall be used in each year of the biennium.

(b) The department shall allocate the cost of an adequate education for each municipality by totaling the cost of an adequate education as determined in RSA 198:40-a, I-III for all children who reside in that municipality.

(c) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the cost of an adequate education for the pupils in each school within its jurisdiction sorted by the pupil's municipality of residence. In addition, the department shall furnish to each school district a report showing the cost of an adequate education for pupils who are residents of that school district sorted by a pupil's school of attendance.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

160 School Money; Determination of Grants. Amend RSA 198:41 to read as follows:

198:41 Determination of **Education** Grants ~~[and Excess Tax]~~.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the ~~[amount of the]~~ **total** education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education ~~[property]~~ tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year~~[-and from such amount; and~~

~~(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c].~~

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the ~~[amount of the adequate]~~ **total** education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education ~~[property]~~ tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

III.~~(a)~~ For the ~~[fiscal years beginning July 1, 2009 and July 1, 2010]~~ **biennium ending June 30, 2013**, the department of education shall not~~[:~~

~~(a)]~~ distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds that municipality's total education grant ~~[for the 2009 fiscal year]~~ **in the second year of the previous biennium** ~~[by more than 15 percent; or~~

~~(b) Reduce the total state aid for an adequate education provided on behalf of all pupils who reside in a municipality to an amount less than that municipality's total state aid for an adequate education received in the 2009 fiscal year]~~

**(b) Beginning July 1, 2013, and each fiscal year thereafter, the department of education shall not distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds 105.5 percent of the total education grant distributed to such municipality in the previous fiscal year.**

**IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education grant. The department shall distribute a stabilization grant to each of those municipalities equal to 100 percent of the decrease.**

**(b) For fiscal year 2013, and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2012 stabilization grant, if any, distributed to the municipality.**

161 New Section; School Money; Severability. Amend RSA 198 by inserting after section 43 the following new section:

198:43-a Severability. If any provision of RSA 198:38 through RSA 198:43 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of RSA 198:38 through RSA 198:43 which can be given effect without the invalid provision or application, and to this end, such provisions are declared to be severable.



162 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

~~[Excess Education Property Tax Payment]~~  
***Local Control and Alternative Kindergarten Programs***

163 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, ~~[RSA 198:46,]~~ and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

164 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts ~~[and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund].~~ Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

165 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, ~~[2011]~~ **2013** and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

166 Repeal. The following are hereby repealed:

I. RSA 198:40-c, relative to fiscal capacity disparity aid.

II. RSA 198:46, relative to excess education tax payments.

III. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

IV. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

167 Municipal Budget Law, Lapse of Appropriations. Notwithstanding any law to the contrary, the \$20,000,000 in federal funds approved by the fiscal committee of the general court for distribution to local school districts in fiscal year 2011 from the Education Jobs program shall not lapse at the end of the school district's 2011 fiscal year. Any such moneys not expended by the school districts by the end of their 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year in accordance with federal law.

168 Veterinary Medicine; Biennial License Renewal. Amend RSA 332-B:13 to read as follows:

332-B:13 License Expiration and Renewal.

I. All licenses shall expire ***biennially*** on December 31 of each ***even-numbered*** year ***for even-numbered licenses and on December 31 of each odd-numbered year for odd-numbered licenses*** but may automatically be renewed by filing a renewal application and paying a renewal fee established in rules adopted by the board, subject to paragraph II; ***except that for licenses which expire December 31, 2011, odd numbered licenses shall be issued for 2 years and even numbered licenses shall be issued for one year, and the board shall charge fees accordingly. Not later than*** one month prior to the expiration date, the board shall mail a notice to licensed veterinarians that their license will expire on December 31 and provide them with a license renewal application. Persons previously licensed who allow their license to lapse shall be required to file a reinstatement application containing such information as required by the board. Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17.

II. The board may by rule waive the payment of the ~~[registration]~~ renewal fee of a licensed veterinarian during the period when the person is on active duty with any branch of the armed services of the United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.

III. As a condition of renewal of license, each licensed veterinarian shall be required to show proof that he or she has attended an approved educational program or programs totaling at least ~~[12]~~ **24** hours ~~[per calendar year]~~ **in the 2-year period** preceding each renewal date. Approved educational programs shall be at the discretion of the board, in accordance with rules adopted by the board. The board may excuse a licensee from all or a portion of the educational requirement upon the filing of a petition establishing good cause for the waiver as set forth in rules adopted by the board.

169 Veterinary Medicine; Reference to Annual Renewal Changed. Amend RSA 332-B:8 to read as follows:

332-B:8 Status of Persons Previously Licensed. Any person holding a valid license to practice veterinary medicine in this state on August 24, 1971, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as the person complies with the provisions of this chapter, including ~~[annual]~~ **biennial** renewal of the license.

170 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ~~[all]~~ members **who have attained vested status prior to January 1, 2012** the full base rate of compensation paid, **as determined by the employer**, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities ~~[or for other extra or special duty]~~, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. **Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.** However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) **For members who begin service after December 31, 2011 or who are not in vested status on January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity pay, cost of living bonus, additional pay for extracurricular and instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 5 years of creditable service as provided in paragraph XVIII. Earnable compensation shall not include incentives to encourage members to retire, severance pay, and pay for unused sick or vacation time. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating**

*average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.*

171 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

*(a) For members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.*

*(b) For members who began service after December 31, 2011 or have not attained vested status on January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 5 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.*

172 Maximum Initial Benefit; Effective 2016. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, ~~[for members who commenced service before July 1, 2009,] a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of [earnable compensation]~~ **full base rate of compensation paid.** ~~[For members who commenced service on or after July 1, 2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.]~~ Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

173 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II **who is in vested status before January 1, 2012**, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, **and any group II member who commenced service after December 31, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d).**

174 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, **who is in vested status before January 1, 2012**, who has attained age 45 and completed 20 years of creditable service, **and any group II member who commenced**

*service after December 31, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members not in vested status on January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.*

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before January 1, 2012*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service after December 31, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *is in vested status before January 1, 2012 and* has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any group II member who commenced service after December 31, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

*(d) Active group II members who are not in vested status on January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on January 1, 2012 according to the following table:*

<u>Creditable service</u> <u>on January 1, 2012</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
(1) <i>Less than 4 years</i>	24	age 49	2.1%
(2) <i>At least 4 years but less than 6 years</i>	23	age 48	2.2%
(3) <i>At least 6 years but less than 8 years</i>	22	age 47	2.3%
(4) <i>At least 8 years but less than 10 years</i>	21	age 46	2.4%

175 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, *for members who are in vested status before January 1, 2012*, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess

of 40 at the time of [his] ordinary disability retirement, **or for members who commenced service after December 31, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50** provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his **or her** disability retirement.

176 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his **or her** average final compensation at the time of [his] disability retirement.

(1) For **members who are in vested status before January 1, 2012**, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) For **members who commenced service after December 31, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 50 years.**

(3) For **group II members not in vested status on January 1, 2012 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.**

177 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) For **members who are in vested status before January 1, 2012**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, **or for members who commenced service after December 31, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)**, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

178 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member **who is in vested status before January 1, 2012 and**, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) For **a member who commenced service after December 31, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.**

(c) For **group II members not in vested status on January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.**

179 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 **for members who are in vested status with**

**group II service before September 1, 2011 or at least 50 for members who commenced group II service after December 31, 2011, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d),** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

180 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(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:

~~(1) [Employees of employers other than the state 5.00-~~

~~Employees of the state hired on or before June 30, 2009 5.00-~~

~~Employees of the state hired after June 30, 2009 7.00-~~

~~Teachers 5.00-]~~

**Group I members, 7.00**

~~(2) [Permanent Policemen 9.30-~~

~~Permanent Firemen 9.30]~~

**Group II permanent fireman members, 11.80**

**Group II permanent police members, 11.55**

(aa) 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 **who are in vested status before January 1, 2012** with creditable service in excess of 40 years **and group II members who commenced service after December 31, 2011 with creditable service in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50,** 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 **who is in vested status before January 1, 2012** with creditable service in excess of 40 years, **and any group II member who commenced service after December 31, 2011 with creditable service in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50,** 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.

181 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of [14] **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 2 trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of one of the nonmember trustees shall be for a term of one year. The remaining [11] **10** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen]~~: **one employee member, one teacher member, one permanent police member, one permanent fireman member, 4 employer members**; one member of the senate who shall be appointed annually by the senate president, **and** one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house~~[-and one person representing management in local government]~~. Whenever a vacancy occurs **for a legislative member**, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association~~[-and the New Hampshire Local Government Center]~~ shall each annually nominate from their members a panel of 5 persons, all of whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the retirement system~~[-or one of the 4 predecessor systems]~~, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ **the active member trustees of** the board~~[-except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ **as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees.** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

182 Quorum. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee, including the chairman, shall be entitled to one vote in the board of trustees. ~~[Seven]~~ **Six** trustees shall constitute a quorum for the transaction of any business of the board of trustees. ~~[Seven]~~ **Six** votes shall be necessary for any resolution or action by the board at any meeting.

183 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to changes to the retirement system board of trustees made by this act, upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I.

184 Repeal of Special Account Funding. RSA 100-A:16, II(h)(2), relative to the method of allocating funds to the special account, is repealed.

185 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. A group I member shall cease to be an active member

if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined ~~[under RSA 100-A:16, II(h)]~~ **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

186 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. A group II member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined ~~[under RSA 100-A:16, II(h)]~~ **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

187 Medical Benefits Subsidy; Payment by Retirement System. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 until and including July 1, 2007, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. After July 1, 2007 ~~[and until and including July 1, 2011]~~, the rate payable under this paragraph shall not be increased. ~~[As of July 1, 2012, and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 4 percent, compounded on previous increases.]~~

188 New Sections; Retirement System; Return to Work; Form Required. Amend RSA 100-A by inserting after section 27 the following new sections:

100-A:27-a Return to Work; Suspension of Benefits. No person who retires after January 1, 2012 and is receiving retirement benefits under this chapter shall within 6 months of his or her retirement be employed by the state or another participating employer. Beginning January 1, 2012, no person shall be hired into a full-time position for which membership is required under RSA 100-A:3, or hired into a full-time state position for which membership is optional under RSA 100-A:3, I, while concurrently receiving a retirement benefit under this chapter. Benefits shall be suspended during any such period of employment.

100-A:27-b Form Required. The retirement system shall provide to employers a form to be signed, dated, and submitted by persons hired by the employer containing such information as determined necessary by the retirement system and a statement establishing that the person is not currently receiving an allowance under this chapter. Employers shall submit such forms to the retirement system.



189 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is repealed.

190 Transfer Required; Special Account of the Retirement System. The board of trustees of the retirement system shall forthwith transfer the remaining balance in each of the components of the special account established under RSA 100-A:16, II(h) to the state annuity accumulation fund.

191 Study Committee Established; Voluntary Defined Contribution Plan.

I. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

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

(a) One member of the senate, who shall be from the executive departments and administration committee, appointed by the president of the senate.

(b) Three members of the house of representatives, each of whom shall be from the special committee on public employee pensions reform, appointed by the speaker of the house of representatives.

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

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

192 Repeal. The following are repealed:

I. RSA 100-A:16, III-a, relative to employer assessments for excess benefits paid by employers in the retirement system.

II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-state service.

III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

193 Severability. If any provision of sections 170-192 of this act or the application of such provision to any person or circumstance is held invalid or is deemed not to comply with applicable law or regulations of the Internal Revenue Service so as to jeopardize the retirement system's status as a qualified governmental pension plan, the invalidity or non-compliance does not affect other provisions or applications of such sections of this act which can be given effect without the invalid provisions or applications, and to this end such provisions of this act are severable.

194 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 2012 and 2013 to reflect the requirements of this act. The recertification of such rates shall be a recalculation of those rates previously established, using the same actuarial assumptions that were applied for the initial calculation. This recertification shall not include the lower assumed rate of return recently approved by the retirement system board of trustees which shall take effect in fiscal year 2014. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective as soon as possible following July 1, 2011. The recertification of employer contribution percentages shall be effective when provided to each employer within a reasonable period of time not to exceed 30 days from the recertification. 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, 2011.

195 Contingency; Retirement System Changes. If SB 3-FN-A-LOCAL of the 2011 legislative session becomes law then sections 170 through 194 of this act shall not take effect.

196 Retirement System, Employer Contributions; Non-State Employees; State Share Eliminated. Amend RSA 100-A:16, II(b) and (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 ***beginning with state fiscal year 2012 and for each state fiscal year thereafter***, any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 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] ***beginning with state fiscal year 2012 and for each state fiscal year thereafter***, any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 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).

197 Statutory Construction; Publication of Notice. Amend RSA 21:32 to read as follows:

21:32 Publication of Notice; ***Publication for Statewide Circulation.***

***I.*** By the words “publish,” “published,” “publishing,” or “publication,” when notice is required or permitted to be given by publication, shall be intended publication in a newspaper circulated in the vicinity, and the publication shall be for 3 weeks successively, and the last publication one week, at least, before the day or thing of which notice is given, unless otherwise specially provided.

***II. The terms “publication of daily statewide circulation,” “publication of general statewide circulation,” or “publication in a newspaper of statewide circulation” regarding any requirement of any executive branch state agency, board, department, or official to provide notice under state law in respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, shall mean publication of such notice at the offices of the agency, board, department, or official; prominently on a publicly accessible Internet site maintained by the agency, board, department, or official; and in any local or regional publication circulated where the real or personal property is located or where the act, event, hearing, or other occurrence is to take place, all in accordance with the time frame for notice prescribed by law.***

198 Rest Areas and Welcome Centers. Amend RSA 12-A by inserting after section 43-a the following new section:

12-A:43-b Rest Areas and Welcome Centers.

***I.*** The department of resources and economic development shall be responsible for the staffing of rest areas and welcome centers along the state’s highways. There is established in the department a bureau of visitor service to administer this function. The commissioner may consult with the local chambers of commerce relative to said function, and shall have the authority to enter into contracts with private or public entities for said function as the commissioner deems appropriate.

***II.*** Notwithstanding paragraph I, the department of transportation and the liquor commission may undertake and/or participate in the development of new welcome centers in Hooksett on the northbound and southbound lanes of Interstate Route 93 as authorized by the legislature.

199 Repeal. RSA 228:106, relative to the bureau of visitor service, is repealed.

200 Flood Control; Reimbursement to Cities and Towns. Amend RSA 122:4 to read as follows:

122:4 Reimbursement to Cities and Towns.

**I.** On a date not later than 30 days following the establishment and approval of tax rates for each city and town affected by and subject to the provisions of this chapter, the state treasurer shall pay to each town and city in which any taxable real estate or interest therein has been acquired under this chapter by the United States and thus become tax exempt for such year, a sum equal to the taxes which would have been assessed against the real estate or interest therein in such town or city if the same had been included in the list of taxable property as proposed by the commissioner of revenue administration in RSA 122:6. For land acquired by the United States under this chapter, reimbursement shall be made upon a valuation determined as provided herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be land hereunder. For all artificial improvements on land acquired by the United States under this chapter, including buildings, structures and other artificial real estate fixtures of any kind, reimbursement shall be made upon a valuation determined initially as provided herein and thereafter annually reduced by 2-1/2 percent so that at the end of 40 years reimbursement therefor shall have terminated. On land and improvements thereon acquired by the United States under this chapter the initial assessed valuation of the land and improvements for purposes of reimbursement shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the assessors and the commissioner of revenue administration acting as a joint board, so as to make such valuation proportional to the value of all other property in such town or city subject to taxation. For purposes of this section the joint board may subdivide such assessment equitably between land and improvements thereon or between real estate acquired and that not acquired, if the official assessment was not thus subdivided. The valuations of improvements thus determined shall thereafter be annually reduced over a 40-year period as above provided. On land, and artificial improvements, the valuations initially established as above provided in a town or city shall be reviewed by the commissioner at least once in every 5 years and more frequently if reasonably necessary and be changed as necessary to make them proportional with the assessed value of all other taxable property in such town or city. The amount of the reimbursement due to each town and city hereunder shall be determined by the commissioner and certified by it to the state treasurer not later than 30 days following the establishment and approval of the tax rates of each town and city under this chapter. The commissioner shall reduce the amount of reimbursement thus determined by any amount paid or due that town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. The governor is authorized to draw ~~[his]~~ **a** warrant for the payment of such reimbursements out of any money in the treasury not otherwise appropriated. Provided, however, that reimbursement payments for loss of taxes on account of the acquisition of railroad or public utility property shall be reduced to the extent that such railroad or public utility property is relocated and reconstructed in the same town or city as a result of such acquisition, and thereby is included to that extent in the list of taxable property in said town or city as relocated.

**II. Notwithstanding paragraph I, the commissioner of revenue administration shall reduce the amount of reimbursement thus determined by any amount paid or due the state on behalf of a town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. Any subsequent payments received by the state from the United States, another state, an interstate flood control agency or other source shall first be applied to outstanding amounts due the state, and any remainder shall be apportioned to the towns.**

201 Assistant Director of Document Processing Deleted. Amend RSA 21-J:5, IV to read as follows:

IV. The commissioner shall appoint an assistant director for each division. Assistant division directors shall be classified employees, except for the assistant director of audits ~~[and the assistant director of document processing]~~, who shall be **an** unclassified ~~[employees]~~ **employee**.

202 Unclassified Salaries. Amend RSA 94:1-a by deleting:

FF Department of revenue administration      director of document processing

203 Document Processing Division. Amend RSA 21-J:12 to read as follows:

21-J:12 Document Processing Division. There is established within the department the division of document processing~~;~~ ~~under the supervision of an unclassified director of document processing who shall be responsible]~~ for processing all tax returns filed with the department.

204 Equalization Standards Board; Administrative Merger. Beginning on July 1, 2011, the administrative and business processing functions of the equalization standards board under RSA 21-J:14-c shall be merged with and performed by the assessing standards board under RSA 21-J:14-a.

205 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of Appropriation. The appropriation for the administration of the client assistance program that is received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years 2012 and 2013 shall be transferred to the New Hampshire Disability Rights Center upon certification by the governor to the commissioner of administrative services that the program has been redesignated to the New Hampshire Disability Rights Center. If the redesignation occurs and the governor's certification is made after July 1, 2011, the unexpended portion of the appropriation shall be transferred.

206 Penalty Assessment; Waiver of Penalty. Amend RSA 188-F:31, IV 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 ~~[54.17]~~ **66.67** percent of the amount collected in the police standards and training council training fund, 16.67 percent of the amount collected in the victims' assistance fund, **and** 16.67 percent of the amount collected in the judicial branch information technology fund.

207 Compensation and Benefit Cost Reductions. For the biennium ending June 30, 2013, the governor shall reduce total appropriations for compensation and/or benefits for classified employees in any department, as defined in RSA 9:1, by not less than \$20,000,000 in fiscal year 2012 and not less than \$50,000,000 for the biennium, of which the general fund component shall be not less than \$20,000,000. If a plan for compensation and/or benefit reductions is not implemented as a result of negotiations with employees by September 1, 2011, the governor shall implement other compensation and/or benefit reduction measures or personnel reductions not later than December 1, 2011.

208 Department Budgets; Transfer of Federal Funds. For the biennium ending June 30, 2013, in order to maximize the use of federal grant funds and to avoid lapsing such funds where changes in the state or federal accounting systems, changes in federal grant guidelines, or overestimation or underestimation of funds required in various class codes due to program needs or requirements have occurred subsequent to the passage of the budget, every department as defined in RSA 9:1 is hereby authorized, for the biennium ending June 30, 2013, subject to the prior approval of the fiscal committee of the general court and the approval of governor and council, to transfer funds in or out of any class code and to create new class codes within federally funded areas of the department's operating budget so long as such transfers do not result in an overexpenditure of any grant.

209 Use of Federal Grants. In order to maximize the use of federal grant funds and not lapse such funds, every department as defined in RSA 9:1 is hereby authorized to carry forward budgeted appropriation balances in class from federal grants for the duration of that federal grant award from one state fiscal year to the following fiscal years subject to the approval of the commissioner of administrative services.

210 Rehiring of Laid Off Classified State Employees.

I. For purposes of this section, "laid off" means any person in a classified position as described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2011 and June 30, 2013, as a result of reorganization or downsizing of state government.

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

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2011 and June 30, 2013, to the director of the division of personnel within 10 days of the layoff.

211 Freeze of Executive Branch Hiring, Purchases, and Out-of-State Travel.

I. Except as provided in paragraph II, all full-time classified and unclassified employee positions funded in whole or in part by the general fund which are vacant on July 1, 2011 or become vacant after that date shall remain vacant until June 30, 2013 with the exception of direct care, custodial care, and law enforcement positions. The appropriation for each such position shall lapse to the salary adjustment fund under RSA 99:4

and the employee benefit adjustment account under RSA 9:17-c, as applicable. No general fund moneys appropriated for class 30 equipment or appropriated for out-of-state travel shall be expended or encumbered on or after July 1, 2011.

II. Individual exceptions to any of these provisions may be requested by any department in writing to the governor. Any exception granted by the governor shall be transmitted to the fiscal committee of the general court at its next meeting.

III. For the biennium ending June 30, 2013, no purchases shall be submitted or processed which require a standard requisition order form (P4) or an agency requisition form (P28), pursuant to purchase and property rules and procedures adopted by the department of administrative services, if the purchases are funded in whole or in part with general funds, with the exception of purchases for food, drugs, fuel, medical supplies, or items necessary under emergency conditions that are required for the continued operation of a department. The commissioner of administrative services shall have the authority to determine whether there exists an emergency condition at any department that necessitates the purchase of items.

212 General Fund Balance. Notwithstanding RSA 9:13-e, II, any budget surplus for the close of the fiscal biennium ending June 30, 2011 shall not be deposited in the revenue stabilization account but shall remain in the general fund.

213 Department of Information Technology; Technical Support Services. The department of information technology shall not discontinue technical support services to any executive branch agency, except at the request of the agency.

214 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.

215 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.

216 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as follows:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability". On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

217 Judicial Retirement Plan; Recalculation and Recertification of Employer Rate. Notwithstanding the requirements of RSA 100-C:13, I, the board of trustees of the judicial retirement plan shall direct the plan's actuary to recalculate the employer contribution rate for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-C:13, III(d) as amended by section 216 of this act. Such recalculated employer contribution rate shall be recertified by the board of trustees to the judicial branch and shall be used by the judicial branch for state fiscal years 2012 and 2013 until the next biennial valuation.

218 Vital Records Improvement Fund; Transfers to General Fund. Notwithstanding RSA 5-C:15, the department of state shall transfer \$400,000 in the fiscal year ending June 30, 2012 and \$400,000 in the fiscal year ending June 30, 2013 from the special fund for the improvement and automation of vital records at the state and local levels established in RSA 5-C:15, also known as the vital records improvement fund, to the general fund.

219 Distribution of Rooms and Meals Tax; Division of Travel and Tourism Development. Notwithstanding any other provision of law, for the biennium ending June 30, 2013, the state treasurer shall suspend the distribution of net income pursuant to RSA 78-A:26, I(a)(2) credited to the department of resources and economic development, division of travel and tourism development.

220 Legislative Branch; Special Account; Transfer to the General Fund.

I. For fiscal year 2011, after applying the reductions authorized by SS 2010, 1:30 and 2010, 4, all unexpended and unencumbered appropriations of the legislative branch, except the state house visitor's center revolving fund established pursuant to RSA 17-E:7 shall be transferred to a special legislative account and any amount in the account in excess of \$3,000,000 shall be transferred to the general fund.

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$750,000 at the end of the fiscal year shall transfer the excess to the general fund.

III. Funds may be transferred from the senate's subaccount with prior approval of the senate subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the house of representatives' subaccount with prior approval of the house subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the joint offices' subaccount with prior approval of the joint committee on legislative facilities established pursuant to RSA 17-E:1. Funds may be transferred from the office of legislative budget assistant's subaccount with prior approval of the fiscal committee of the general court established pursuant to RSA 14:30-a.

221 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

548:17 Salaries. The annual salary of the registers of probate shall be \$100 per year.

222 Contingency. If HB 609-FN of the 2011 legislative session becomes law, section 221 of this act shall take effect July 1, 2011 at 12:01 a.m. If HB 609-FN does not become law, section 221 of this act shall not take effect.

223 Navigation Safety Fund. Amend RSA 270-E:6-a to read as follows:

270-E:6-a Navigation Safety Fund. There is established the navigation safety fund which shall be ~~nonlapsing and~~ continually appropriated to the department of safety, division of ~~[safety services]~~ **state police**. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The fund shall only be used to promote the safety of navigation and the administration and enforcement of RSA 270, RSA 270-B, RSA 270-D, and RSA 270-E. **Any balance remaining in the navigation safety fund at the close of each fiscal year shall lapse to the general fund.**

224 Fines Paid by Mail; General Fund. 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]~~ **to the general fund** 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 state treasurer, and shall be credited ~~[as agency income by the department of safety]~~ **to the general fund** within 14 days of their receipt.

225 Carnival-Amusement Operators Rules. Amend RSA 321-A:2 to read as follows:

321-A:2 Rules. The commissioner shall adopt rules, ~~[in consultation with the amusement ride advisory board and]~~ pursuant to RSA 541-A, for the safe installation, repair, maintenance, use, operation, and inspection

of all carnival or amusement rides, air supported structures, and amusement attractions, as covered by this chapter, for the protection of the general public. The rules shall be based upon generally accepted engineering standards, formulas, and practices.

226 Reference Changed. RSA 321-A:1, IV is repealed and reenacted to read as follows:

IV. "Department" means the department of safety.

227 Drug-Free School Zones; Penalty Assessment. Amend RSA 193-B:7 to read as follows:

193-B:7 Penalty Assessment[; ~~Sign Fund~~].

[~~E~~] In addition to the penalties imposed under RSA 193-B:6, I and RSA 318-B:26, V, every court shall levy a penalty assessment of \$100 for an offense in violation of RSA 193-B:2. [~~Such penalty assessment shall be used to provide and replace drug-free school zone signs.~~

[~~H. There is created the drug-free school zone sign fund in the department of education to be administered by the commissioner of education.~~] The clerk of each court shall collect all penalty assessments and, notwithstanding RSA 6:11, shall transmit the amount collected [~~under paragraph I designated for the drug-free school zone sign fund to the department of education~~] **to the general fund.**

228 Repeal. RSA 6:12, I(b)(212), relative the drug-free school zone sign fund, is repealed.

229 Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

IV. The state shall appropriate [~~\$300,000~~] **an amount** for each fiscal year to assist special education programs that are statewide in their scope, and that meet the standards for such programs established by the state board of education. Funds under this paragraph shall be administered and distributed by the state board of education through the commissioner.

230 Transfer of Marine Patrol from Department of Safety, Division of Safety Services, to the Division of State Police.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the department of safety, division of safety services, relative to the marine patrol bureau shall be transferred to the division of state police. The transfer provided in this section shall include all of the equipment, books, papers, and records related to marine patrol functions.

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

231 New Subparagraph; State Police; Duty Added; Marine Patrol. Amend RSA 21-P:7, I by inserting after subparagraph (f) the following new subparagraph:

(g) Carrying out the duties assigned to the marine patrol bureau.

232 Fish and Game Department; Divisions Established. For the biennium ending June 30, 2013, there are established the following divisions, as defined in RSA 21-G, within the fish and game department:

I. The marine division, as specified in RSA 211:65.

II. The fisheries division.

III. The wildlife division.

IV. The business division.

V. The facilities and lands division.

VI. The law enforcement division.

VII. The public affairs division.

VIII. The office of the executive director.

233 Reference Deleted. Amend RSA 12-A:23, VIII to read as follows:

VIII. Encourage law enforcement personnel [~~and personnel within the division of safety services~~] to assist, whenever possible, the traveling public by providing them with a hospitable reception and appropriate information.





such accident, and to any person injured, and to the owner of any property damaged, the operator's name and the owner's name and address, the vessel registration number, and the name and address of each occupant. If by reason of injury or absence or removal from the place of the accident or other cause, such injured person, or operator of such other vessel, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any marine patrol officer or other police officer with jurisdiction arriving at the scene of the accident or immediately to a marine patrol officer or other police officer at the nearest police station or at marine patrol headquarters. Any person operating a vessel that is in any manner involved in the accident shall, within 15 days after such accident, report in writing to the ~~[division]~~ **department** of safety ~~[services]~~ the facts required hereunder together with a statement of the circumstances if any person is injured or killed or if damage to property is in excess of \$2,000. If the operator is physically or mentally incapable of making such report, the owner of the vessel involved in the accident or the owner's representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish to the ~~[division]~~ **department** such relevant information as the ~~[division]~~ **department** shall require.

243 Reference Changed. Amend RSA 270:1-b to read as follows:

270:1-b Penalty. Whoever fails to file the reports required by RSA 270:1-a, I or otherwise fails to comply with the requirements relating to injury to property, or relating to the report to be made to the ~~[division]~~ **department**, shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if any other person. Whoever fails to comply with the requirements when death or personal injury resulted or whoever gives information required knowing or having reason to believe that such information is false, or fails to comply with any of the other requirements thereof shall be guilty of a class B felony.

244 Reference Changed. Amend the introductory paragraph of RSA 270:12-a, I to read as follows:

I. The director of ~~[the division of safety services]~~ **state police** and his or her duly authorized representatives shall have all the powers of a peace officer in all counties in the state in the enforcement of:

245 Reference Changed. Amend RSA 270:12-a, I-a to read as follows:

I-a. The director of ~~[safety services]~~ **state police** and his **or her** duly authorized representatives shall be authorized to call upon any peace officer to render assistance to them in the performance of their duties and shall render assistance to any peace officer having jurisdiction in the area when so requested.

246 Reference Changed. Amend RSA 270:12-a, III to read as follows:

III. The director of ~~[the division of safety services]~~ **state police** shall adopt rules pursuant to RSA 541-A prescribing the type and amount of training required for his **or her** duly authorized representatives to perform their duties under this section.

247 Reference Changed. Amend RSA 270:12-c, I to read as follows:

I. The commissioner of safety may establish a force of individuals to assist the director of ~~[safety services]~~ **state police** and the marine patrol officers to patrol the various bodies of water in the state. Any person that patrols any water body on behalf of the department shall either be a certified marine patrol officer or an auxiliary officer appointed under the provisions of this section.

248 Reference Changed. Amend RSA 270:26, IV(a) to read as follows:

IV.(a) Any person who knowingly places a swim line in any public body of water without first obtaining a permit issued by the director of ~~[safety services]~~ **state police** shall be guilty of a violation.

249 Reference Changed. Amend RSA 270:27 to read as follows:

270:27 Boat Racing. No commercial boat, private boat, or sail boat shall race with another such boat over a predetermined course on any of the public waters of the state unless the course is laid out and marked in a manner satisfactory to the director of ~~[safety services]~~ **state police** and said race is held under a permit issued by said director to a recognized sponsoring organization stating the date and place of the race.

250 Reference Changed. Amend RSA 270:32, III to read as follows:

III. The director of ~~[safety services]~~ **state police** may prohibit further scuba activity, in addition to the penalties prescribed in either paragraph I or II, until the provisions of RSA 270:31 have been complied with.

251 Reference Changed. Amend RSA 270:36, I to read as follows:

I. "Director" means the director of the division of ~~[safety services]~~ **state police**.

252 References Changed. Amend RSA 270:45, II-III to read as follows:

II. Boats involved in or attending a fireworks display, a boat parade, a boat race, or any other such public events as the director of ~~[safety services]~~ **state police** may designate;

III. Boats which have converged at the direction of the director of ~~[safety services]~~ **state police** or the executive director of fish and game or the agents of either in order to protect members of any threatened or endangered species of wildlife which ~~[the director of safety services or]~~ the executive director of fish and game deems to be in immediate danger;

253 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, I to read as follows:

I. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of ~~[safety services]~~ **state police** shall be assessed an administrative penalty of \$200 to be paid to the director of ~~[safety services]~~ **state police** who shall forward such sum to the state treasurer for deposit in the navigation safety fund established under RSA 270-E:6-a:

254 Reference Changed. Amend RSA 270:46-a, II to read as follows:

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety classroom course as specified in rules adopted, under RSA 541-A, by the director of ~~[safety services]~~ **state police** shall have his or her \$200 refunded to him or her from the navigation safety fund by the director.

255 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, III to read as follows:

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of ~~[safety services]~~ **state police**, and who has not already successfully completed an approved boating safety course shall complete a boat safety classroom course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety classroom course within 6 months may be prevented from reregistering the boat:

256 References Changed. Amend RSA 270:59, I-II to read as follows:

I. "Director" means the director, division of ~~[safety services]~~ **state police**, department of safety.

II. "Division" means the division of ~~[safety services]~~ **state police**, department of safety.

257 Reference Changed. Amend RSA 270:65 to read as follows:

270:65 Special Exceptions. The division of ~~[safety services]~~ **state police** shall propose rules to develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property shall require approval pursuant to RSA 270:67, I and II.

258 References Changed. Amend RSA 270:67, I(a) to read as follows:

(a) The division of ~~[safety services]~~ **state police** shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of ~~[safety services]~~ **state police** that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the division of ~~[safety services]~~ **state police**. The division of ~~[safety services]~~ **state police** shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

259 References Changed. Amend RSA 270:67, II(a) to read as follows:

(a) The division of ~~[safety services]~~ **state police** may identify suitable locations for congregate mooring fields. In determining said locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of ~~[safety services]~~ **state police** that adequate access exists to serve the needs of the users of the

congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of ~~[safety-services]~~ **state police**. The division of ~~[safety-services]~~ **state police** shall review all recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

260 Reference Changed. Amend RSA 270:67, II(d) to read as follows:

(d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of ~~[safety-services]~~ **state police** who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

261 Reference Changed. Amend RSA 270:115 to read as follows:

270:115 Connecticut River. The department of safety, division of ~~[safety-services]~~ **state police**, shall post at all boat launching sites on the Connecticut River, within the jurisdiction of the state, a speed limit of headway speed within 150 feet of the shoreline. Any person who violates the posted speed limits shall be guilty of a violation.

262 Reference Changed. Amend RSA 270:132 to read as follows:

270:132 Silver Lake. The division of ~~[safety-services]~~ **state police** shall institute a no wake order encompassing all of Silver Lake whenever the department of environmental services gauging station on Silver Lake measures 467.0 feet or more above sea level. The order shall remain in effect until the measure falls below 467.0 feet.

263 Reference Changed. Amend RSA 270-B:3 to read as follows:

270-B:3 Jurisdiction. The director of ~~[safety-services]~~ **state police** or his **or her** authorized representatives may impound any such abandoned boat or may order the removal and storage at a place of safe keeping of any such abandoned boat. All reasonable charges of such impoundment, removal, and storage shall be a lien against the boat.

264 Reference Changed. Amend RSA 270-B:3-a to read as follows:

270-B:3-a Improperly Registered or Equipped Boats. Nothing in RSA 270-B:3 shall be construed as limiting the power of the director of ~~[safety-services]~~ **state police** or his **or her** authorized representatives to tow any boat which they find being operated without proper registration or equipment, but such boat shall not be considered to be abandoned and the provisions of this chapter relating to impoundment, removal, and storage shall not apply.

265 Reference Changed. Amend RSA 270-B:4 to read as follows:

270-B:4 Notification. The director of ~~[safety-services]~~ **state police** shall notify the owner, if known, of the fact of such impoundment, removal, and storage. If the abandoned boat is registered in this state, such notification shall be mailed to the person identified as the owner on the registration at the address listed on said registration. If the boat is not so registered, notice shall be placed on file with the director of motor vehicles and published in a newspaper of general circulation.

266 Reference Changed. Amend RSA 270-B:7 to read as follows:

270-B:7 Disposal. Upon expiration of the 90-day period identified in RSA 270-B:5, the director of ~~[safety-services]~~ **state police** may dispose of any unredeemed boat by destroying such boat or by offering such boat for sale at public auction or the director may retain such boat for use by the state; provided, however, that if the boat is sold or retained, the purchaser or the state, in the event of retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the lien described in RSA 270-B:3. Any money received by reason of sale of such abandoned boat at public auction shall be deposited in the state general fund.

267 References Changed. Amend RSA 270-D:1, IV-V to read as follows:

IV. "Director" means the director of the division of ~~[safety-services]~~ **state police**, department of safety.

V. "Division" means the division of ~~[safety-services]~~ **state police**, department of safety.

268 Reference Changed. Amend RSA 270-D:2-a to read as follows:

270-D:2-a Boaters Guide. The department of safety, division of ~~[safety-services]~~ **state police**, shall publish the New Hampshire Boaters guide.

269 Reference Changed. Amend RSA 270-D:3, V to read as follows:

V. No person shall be towed on water skis or other appurtenances unless the person is wearing a Coast Guard approved type 1, 2, or 3 PFD, except when directly participating or competing in an American Water Ski Association approved event or exhibition, authorized by a special permit issued by the director of ~~[safety-services]~~ **state police**.

270 Reference Changed. Amend RSA 485-A:14, III to read as follows:

III. The lawful owner of a vehicle shall notify the department of safety, division of ~~[safety-services]~~ **state police**, if any person is injured or killed in an incident involving a submerged vehicle.

271 Reference Changed. Amend RSA 485-A:14, V to read as follows:

V. Any person who fails to remove a submerged or partially submerged vehicle or container, as required by paragraph I, shall be guilty of a violation. Agents of the department of safety, division of ~~[safety-services]~~ **state police**, or any police officer having jurisdiction over the water body, may issue citations for a violation of this section and issue fines of \$500 for each day the vehicle remains in the water.

272 Reference Changed. Amend RSA 487:17, II(d) to read as follows:

(d) Designate, in consultation with the department of fish and game and the division of ~~[safety-services]~~ **state police**, department of safety, restricted use of exotic aquatic weed control areas.

273 Repeal. The following are repealed:

I. RSA 21-P:10, relative to division of safety services.

II. RSA 21-P:10-a, relative to director of safety services.

III. RSA 21-P:48, I(ii). relative to membership of advisory council on emergency preparedness and security.

274 Department of Safety; Special Assistant to the Commissioner. The commissioner of safety is authorized to retain a special assistant to the commissioner for the purpose of assisting the office of the commissioner with special projects determined by the commissioner. The special assistant shall be a temporary unclassified employee and shall be compensated at grade FF under RSA 94:1-a. The authority under this section shall expire on March 1, 2012.

275 Department of Transportation; Use of Contractors.

I. During the FY 2012 and FY 2013 biennium, the department of transportation shall study and make recommendations relative to increasing the use of contractors to perform certain duties of the department of transportation to achieve a savings of highway funds. The study topics shall include operational activities relative to summer and winter maintenance of state highways, bridge maintenance, pavement striping, signal service, bridge inspections, and fleet maintenance. The department of transportation shall present said recommendations, costs, and savings to the house public works and highways committee and the senate transportation committee on or before March 15, 2013.

II. The department of transportation shall manage the highway and bridge betterment program, as defined in RSA 235:23-a, with an emphasis on bidding out the work to contractors and suppliers. Individual projects approaching \$500,000 in value shall be carefully considered for alternate bid procedures for letting and processing the construction. A report detailing project costs, contracting method, and the private contractors, vendors, and suppliers directly involved in the overall construction shall be prepared by the department of transportation, if requested by the house public works and highways committee, and presented to the house public works and highways committee within 6 months of the request.

276 Foster Grandparent Program. The reimbursements to the foster grandparent program through the senior volunteer grant program established in RSA 161-F:40 are hereby suspended for the biennium ending June 30, 2013.

277 Department of Health and Human Services; Children in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as follows:

II. "Child in need of services" means a child under the age of 18 with a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C.

278 Department of Health and Human Services; Children in Need of Services. Amend RSA 169-D:5, I to read as follows:

I. A petition alleging a child is in need of services may, ***with the consent of the department***, be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

279 Reference To CHINS Definition. Amend RSA 189:36, II to read as follows:

II. A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, [H(a)] ***II*** until all steps in the school district's intervention process under RSA 189:34, II have been followed.

280 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, VI to read as follows:

VI. Nothing in this section shall be construed to affect any obligation to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, ***the state children's health insurance program authorized by 42 U.S.C. section 1397aa et seq.***, or the provision of services to an individual under any other federal or state law.

281 Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E:2, IV to read as follows:

IV. Nothing in this section shall be construed to affect any obligation by a school district or the state of New Hampshire to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, ***the state children's health insurance program authorized by 42 U.S.C. section 1397aa et seq.***, or the provision of services to an individual under any other federal or state law.

282 Repeal. RSA 170-F, relative to discretionary adoption subsidies for hard to place children, and administrative rule He-C 6438, relative to adoption subsidies, are repealed.

283 Department of Health and Human Services; Adoption Assistance Program. The department of health and human services shall administer its adoption assistance program consistent with federal law and regulations and the state's Title IV-E plan for foster care and adoption assistance.

284 Assistance Program for 2-Parent Families with Dependent Children; Case-Load Management. Amend RSA 167:77-e to read as follows:

167:77-e Assistance Program for 2-Parent Families with Dependent Children. The department may establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. ~~[In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.]~~

285 Employment Program Eligibility; Case-Load Management. Amend RSA 167:79, I(b) to read as follows:

(b) A needy child who is deprived of parental support or care by reason of unemployment or underemployment of a parent may receive assistance under TANF or under the state-funded assistance program in RSA 167:77-e. ~~[In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to the state funded assistance program in RSA 167:77-e as funding permits and transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.]~~

286 Emergency Assistance Program for Aid to Families with Dependent Children. Amend RSA 167:7, V to read as follows:

V. Subject to applicable federal regulations, the commissioner may establish criteria to operate a special needs program, ~~[or to operate an emergency assistance program only for aid to families with dependent children,]~~ subject to the amount of available funds in the budget of the department of health and human services.

287 New Paragraph; Public Assistance Eligibility. Amend RSA 167:6 by inserting after paragraph IX the following new paragraph:

X.(a) For purposes hereof, an individual is ineligible for cash assistance benefits under the aid to the needy blind, aid to the permanently and totally disabled, and old age assistance programs for any month during which he or she is:

(1) Fleeing to avoid prosecution for a crime which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state; or

(2) Fleeing to avoid custody or confinement after conviction for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state; or

(3) Violating any condition of probation or parole imposed under federal or state law.

(b) Suspension of benefit payments because an individual is a fugitive as described in subparagraph (a)(1) or (a)(2) or a probation or parole violator as described in subparagraph (a)(3) is effective on the first day of whichever of the following months is earlier:

(1) The month in which a warrant or order for the individual's arrest or apprehension, an order requiring the individual's appearance before a court or other appropriate tribunal, such as a parole board, or a similar order is issued by a court or other duly authorized tribunal on the basis of an appropriate finding that the individual:

(A) Is fleeing, or has fled, to avoid prosecution as described in subparagraph (a)(1);

(B) Is fleeing, or has fled, to avoid custody or confinement after conviction as described in subparagraph (a)(2);

(C) Is violating, or has violated, a condition of his or her probation or parole as described in subparagraph (a)(3); or

(D) The first month during which the individual fled to avoid such prosecution, fled to avoid such custody or confinement after conviction, or violated a condition of his or her probation or parole, if indicated in such warrant or order, or in a decision by a court or other appropriate tribunal.

(2) If benefits are otherwise payable, they shall be resumed effective on the first month throughout which the individual is determined to be no longer fleeing to avoid such prosecution, fleeing to avoid such custody or confinement after conviction, or violating a condition of his or her probation or parole.

288 Department of Health and Human Services; Public Assistance; Definitions. 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. ***Notwithstanding any provision of law to the contrary, eligibility for cash assistance and medical assistance shall be conditioned upon the recipient filing an application or applications for any federal cash assistance benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding of clinical ineligibility for such federal benefits, except that any individual receiving cash assistance on June 30, 2011 shall only be ineligible for cash assistance upon a second finding of clinical ineligibility. Notwithstanding any provision of the law to the contrary, an individual who appeals the closure of cash assistance, pursuant to RSA 161:4, IV, for the reasons set forth in this paragraph, shall not continue to receive such cash assistance benefits during the pendency of such appeal.*** 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.

289 Health and Human Services; Drug Rebates, Regular Care. Notwithstanding any provision of law to the contrary, funds collected into revenue source code 407041 Drug Rebates – Regular Care shall be deposited into a restricted revenue account to be used by the department of health and human services for expenditures in accounting unit 05-95-95-956010-6143 Pharmacy Services in an amount not to exceed \$4,690,000 in FY 2012, and \$5,506,000 in FY 2013. Revenue in excess of said amounts shall continue to be deposited as unrestricted revenue into the state general fund.

290 Department of Health and Human Services, Outpatient Prospective Payment. The general court recognizes the need for increased transparency and uniformity in the Medicaid hospital outpatient reimbursement methodology. The commissioner of the department of health and human services shall implement a single fee schedule for procedures performed in hospital or non-hospital ambulatory surgical centers as an interim step while awaiting implementation of a hospital outpatient prospective payment methodology. The fee schedule shall reflect non-hospital ambulatory surgical center reimbursement rates in effect as of the effective date of this section. The commissioner shall set the outpatient prospective payment system conversion factor to maintain compliance with 42 U.S.C. section 1396a(a)(30)(A) and RSA 126-A:3, VII(a) and ensuring the Medicaid program pays only the most favorable and acceptable rate for outpatient services. The commissioner shall have authority, consistent with RSA 126-A:3, VII(a), to propose reductions to the conversion factor so as not to exceed the outpatient appropriation for the biennium. In determining the adequacy of the reimbursement rate, the commissioner shall rely upon the findings of the biennial benchmarking report mandated by RSA 126-A:18-b.

291 Department of Health and Human Services; Division of Community Based Care, Bureau of Behavioral Health. For the biennium ending June 30, 2013, no state appropriations shall be used by the department of health and human services for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

292 Department of Health and Human Services; Position of Medical Director Suspended. The position of medical director established by RSA 135-C:6, VI within the department of health and human services is suspended for the biennium ending June 30, 2013.

293 Family Support Services. RSA 126-G, relative to family support services, is hereby suspended for the biennium ending June 30, 2013.

294 Funding for Alzheimer's Disease. Suspension. Notwithstanding any provision of law to the contrary, the department of health and human services shall suspend funding for the Alzheimer's disease and related disorders (ADRD) program for the biennium ending June 30, 2013.

295 Congregate Housing and Congregate Services. Congregate services provided pursuant to RSA 161-F:37 and congregate housing provided under the Medicaid waiver pursuant to RSA 151-E are hereby suspended for the biennium ending June 30, 2013.

296 New Section; Health and Human Services; Sean William Corey Program; Home Health Aide Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program. Amend RSA 126-A by inserting after section 4-g the following new section:

126-A:4-h Home Health Aide Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program.

I. The parent of a child described in paragraph II may be authorized by the department to provide home health aide services to his or her child if the parent:

- (a) Is employed by a licensed home health agency;
- (b) Is reimbursed through the Medicaid program for the care of his or her child only; and
- (c) Meets the undue hardship standard in paragraph III.

II. A child is eligible for home health aide services if the child is medically fragile or has a chronic illness and such child:

- (a) Is aged birth to 19;
- (b) Has a medical diagnosis of an acute onset medical condition or a chronic medical condition;
- (c) Requires a nursing facility or hospital level of care, as defined in RSA 167:3-g;
- (d) Resides at home; and

(e) Is determined eligible for the home health aide service through the use of a standardized rating tool developed by the department.

III. The department may authorize reimbursement to a parent providing home health aide services in the case of undue hardship. Subject to approval from the Centers for Medicare and Medicaid Services, this section shall apply only to families whose income is no greater than 200 percent of the federal poverty limit. Such reimbursement shall occur only when the department determines that the needs of the child, the unavailability of appropriate providers or suitable alternative care services, and cost efficiencies make utilization of a parent for the provision of such services necessary and appropriate. Reimbursement shall be limited to care that is medically necessary due to specific health needs and shall not be made for care generally expected and provided by parents to a child of similar age and developmental stage. The department shall not authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are reviewed and approved by the oversight committee on health and human services, established in RSA 126-A:13.

IV. The department shall establish a Medicaid reimbursement rate for home health aide services. Such reimbursement rate shall be based on the current average wage of personal care workers reimbursed through the Medicaid program and the cost of nursing supervision required by federal law for unskilled care. The annual expenditure for such service shall not exceed \$25,000 per child and the home health agency shall not retain more than 10 percent of the Medicaid reimbursement rate received for the home health aide service.

V. No more than 10 Medicaid-eligible children may receive home health aide services under the program at any given time.

VI. The department shall operate the program established in this section as a 3-year pilot program, beginning July 1, 2011, at the end of which time the department shall evaluate its success and recommend its continuation, expansion, or conclusion. The department of health and human services shall provide an annual report on the pilot program to the fiscal committee of the general court. The report shall be filed with the chairperson of the committee by July 1 of each year beginning July 1, 2012.

297 Repeal. RSA 126-A:4-h, as inserted by section 296 of this act, is repealed.

298 Family Planning Accounting Unit; Funding Abortions Prohibited. Notwithstanding any provision of law to the contrary, the appropriation in accounting unit 05-95-90-902010-5530, family planning program class, and any other funds shall not be used for evaluation, assessment, consultation about, preparation for, or provision of an abortion.

299 New Hampshire Healthy Kids Corporation. 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 under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.]~~

300 Healthy Kids Board; Authority to Secure Staff. Amend RSA 126-H:5, I(g) to read as follows:

(g) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from ~~[state funds appropriated by the legislature and such other private or public funds as become]~~ available **private funds**. The board of directors shall determine the number of staff members necessary to administer the corporation.

301 Healthy Kids Board. Amend the introductory paragraph of RSA 126-H:3, I to read as follows:

I. The powers of the corporation shall be vested in ~~[13]~~ **12** members for 3-year terms of office as follows:

302 Healthy Kids Board; Membership Terms. Amend RSA 126-H:3, II to read as follows:



II. The ~~[initial]~~ terms of office shall be as follows: the members in subparagraphs I(a), (g), and (j) shall serve for 2 years; the members in subparagraphs I(b), (h), (k), and (m) shall serve for 3 years; and the members in subparagraphs I(c), (i), and (l) shall serve for 4 years. The ~~[other]~~ members in subparagraphs I(d)~~;~~  
**and** (e) ~~[and (f)]~~ shall serve terms which are coterminous with their terms in office. Two of the 4 members in subparagraph I(n) shall serve for 3 years, one shall serve for 2 years, and one shall serve for 4 years.

303 Repeal. The following are repealed:

I. RSA 126-H:3, I(f), relative to the commissioner of the department of health and human services.

II. RSA 126-H:6-a, establishing the healthy kids subcommittee, is repealed.

304 Applicability. Sections 299 and 300 of this act shall take effect on the date the commissioner of the department of health and human services certifies to the director of the office of legislative services and the secretary of state that responsibility for the state children's health insurance program has been transferred from the New Hampshire healthy kids corporation to the department's Medicaid managed care program administrator.

305 Department of Health and Human Services; Medicaid Managed Care Reporting. The department of health and human services shall provide a detailed update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee of the general court until the contracts for Medicaid managed care are approved by the governor and council.

306 Medicaid Managed Care. Amend RSA 126-A:5, XIX(a) to read as follows:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout New Hampshire consistent with the provisions of 42 U.S.C. 1396u-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. The department shall present the opportunities of the various models or combination of models with a recommendation for the best managed care model for New Hampshire, no later than July 15, 2011, to the fiscal committee of the general court which shall consult with the oversight committee on health and human services. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. The model shall not include mandatory dental services. The commissioner shall issue a 5-year request for proposals to enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for proposals shall be released no later than October 15, 2011. The vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected **by the commissioner and approved by the fiscal committee** no later than January 15, 2012 with final contracts submitted to the governor and council no later than March 15, 2012 unless this date is extended by the fiscal committee. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the vendors. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with the approval of the fiscal committee, all necessary and appropriate waivers to implement the provisions of this paragraph.

307 Contingency. If SB 147-FN of the 2011 legislative session becomes law, section 306 of this act shall take effect at 12:01 am on the effective date of SB 147-FN.

308 Reclassification of Positions. For the biennium ending June 30, 2013, the director of the division of personnel shall not approve any reclassification of classified positions which will result in an increase in pay, unless the director obtains a waiver for the specific position from the governor and council.

309 Repeal; Meals and Rooms Tax Operator License Renewal Fee. RSA 78-A:4, II, relative to the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor, is repealed.

310 Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of [~~\$350~~] **\$200**. After January 1, the license fee shall be [~~\$175~~] **\$100**. If after inspection the department finds that the premises[,] **and** cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of [~~\$350~~] **\$200**. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them, and **shall be** adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than [~~every 6 months~~] **once a year**. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

311 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 [~~\$50~~] **\$30** per unit, except that the initial application fee shall be not less than [~~\$600~~] **\$300** nor more than [~~\$5,000~~] **\$2,000**, and the fee for any application for registration of additional units shall be not less than [~~\$400~~] **\$200** nor more than [~~\$5,000~~] **\$2,000**.

312 Land Sales Full Disclosure Act; 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 [~~\$60~~] **\$30** per lot, parcel, unit or interest, except that the initial application fee shall not be less than [~~\$600~~] **\$300** nor more than [~~\$5,000~~] **\$2,000**, and the fee for any application for registration of additional lots, parcels, units or interests shall not be less than [~~\$400~~] **\$200** nor more than [~~\$5,000~~] **\$2,000**.

313 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$50~~] **\$45** to be paid by the parties entering into the marriage . The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15[, and \$5 to the state treasurer for deposit in the general fund]. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [~~\$43~~] **\$38** portion of the marriage license fee.

314 Repeal. The following are repealed:

I. RSA 167:3-h, I-III, relative to coverage of services and certain items under the medical assistance program.

II. RSA 167:3-c, XIV, relative to rulemaking for a review process for medically necessary services.

315 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

LL Department of information technology commissioner/CIO

316 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

GG Board of medicine executive director

317 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

EE Department of state, director and state registrar

318 State Veterinarian. Amend RSA 94:1-a, I(b) by:

I. Deleting:

FF Department of agriculture, markets, and food state veterinarian

II. Inserting:

II Department of agriculture, markets, and food state veterinarian

319 Pease Development Authority; Skyhaven. Amend RSA 12-G:14, VI to read as follows:

VI. Notwithstanding any other provision of law, all property formerly held by the department of transportation and transferred to the authority, or acquired by the authority pursuant to this chapter, ***including property that is leased to or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23*** is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof, ***including any property tax assessed by the municipality in which the property is located; provided such property is used for airport or aeronautical related purposes.***

320 Suspension. The following are suspended for each fiscal year of the biennium ending June 30, 2013:

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.

321 Appropriation; Kindergarten Construction Program; Bonds Authorized.

I. The sum of \$3,700,000 for the biennium ending June 30, 2013 is hereby appropriated to the department of education to provide kindergarten construction funds to a school district which is eligible to receive such funds pursuant to RSA 198:15-r and RSA 198:15-s. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Notwithstanding RSA 198:15-r, I(a) and (b), and for the biennium ending June 30, 2013, the commissioner of the department of education shall disburse not more than \$1,000,000 of the kindergarten construction program funds appropriated in paragraph I of this section to a school district eligible to receive such funds.

III. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,700,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds shall be 20-year bonds.

322 New Section; Joint Board of Licensure and Certification; Administration. Amend RSA 310-A by inserting after section 1 the following new section:

310-A:1-a Administration of the Joint Board. The administrator of the joint board shall be responsible for:

I. The performance of the administrative, clerical, and business processing responsibilities of the boards.

II. Employment of personnel needed to carry out the functions of the boards.

III. Issuance of a license or certification to any applicant who has met the requirements for licensure and denying a license or certification to applicants who do not meet the minimum qualifications for licensure.

IV. Maintenance of the official record of all applicants and licensees.

323 Repeal. The following are repealed:

I. 2008, 3:2, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge.

II. 2008, 3:6, relative to dissolution of the Maine-New Hampshire Interstate Bridge Authority.

324 Kindergarten Construction Program; Eligibility. Amend RSA 198:15-s, III(b) to read as follows:

(b) Construction plans and cost estimates, prepared by a licensed architect. ***Construction plans and cost estimates shall comply with the following:***

***(1) To be eligible for reimbursement pursuant to RSA 198:15-r, kindergarten construction shall be approved by the school district's legislative body on or before June 30, 2013.***

***(2) The number of classrooms shall be based upon the largest projected kindergarten enrollment in the first 5 years following construction, based on a minimum of 20 students per half-day kindergarten class.***

***(3) Classrooms shall be no larger than 1,000 square feet in size including restrooms and storage space.***

***(4) Costs shall be limited to the annual maximum eligible cost standards in accordance with RSA 198:15-b,VII, unless waived by the commissioner of the department of education for good cause.***

***(5) Classroom furniture and equipment purchased for temporary classrooms pursuant to RSA 198:15-r, IV shall be relocated to permanent classrooms or replaced at district expense.***

325 State Government Telecommunication Services; Transfer to Department of Safety.

I. All of the functions, positions, powers, duties, responsibilities, and funding for the telecommunication services to state government, formerly authorized by RSA 21-I:12, III, shall be transferred to the division of emergency services and communications, department of safety, on July 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and records of the bureau of general services, division of plant and property management, department of administrative services related to telecommunication services to state government.

II. All contracts, rules, statutory responsibilities, regulations, and procedures related to statewide telecommunication services to state government in effect, in operation, or adopted in or by the bureau of general services, division of plant and property management, department of administrative services are transferred to the division of emergency services and communications, department of safety.

326 Bureau of General Services. Amend RSA 21-I:12, III(a) to read as follows:

(a) Providing support services, including but not limited to, mailing[;] ***and*** messenger[; ~~and telecommunications~~] services to state government.

327 Reference Deleted. Amend RSA 21-P:38 to read as follows:

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

328 Duty Added. Amend RSA 21-P:48-a, II to read as follows:

II. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of emergency services and communications. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With general oversight by the assistant commissioner, the director ***shall provide telecommunications services to state government***, shall coordinate the activities of all organizations for emergency 911 telecommunications within the state, state and local, county, and private, and shall maintain liaison with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency telecommunications organizations of other states and of the federal government. The director shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

329 Board of Tax and Land Appeals; Members. Amend RSA 71-B:1 to read as follows:

71-B:1 Board Established. There is hereby established a board of tax and land appeals, hereinafter referred to as the board, which shall be composed of [4] **3** members who shall be learned and experienced in questions of taxation or of real estate valuation and appraisal or of both. ~~[At least one member of the board shall be an attorney admitted to practice in New Hampshire.]~~ The members of the board shall be full-time employees and shall not engage in any other employment during their terms that is in conflict with their duties as members of the board.

330 Board of Tax and Land Appeals; Appointment and Terms. RSA 71-B:2 is repealed and reenacted to read as follows:

71-B:2 Appointment; Term; Chairman. The members of the board shall be appointed and commissioned by the governor and council for a term of 3 years and until their successors are appointed and qualified; provided, however, that any vacancy on the board shall be filled for the unexpired term. The governor and council shall designate one member as chairman to serve in that capacity for the duration of his or her term.

331 Applicability. The provisions of section 330 of this act shall apply to members of the board of tax and land appeals who are appointed after July 15, 2011.

332 Judicial Branch; General Fund Appropriation Reduction. Notwithstanding 2009, 143:1, the state general fund appropriation for the judicial branch shall be reduced by an additional \$300,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to the reductions required of the judicial branch pursuant to SS 2010, 1:106 and pursuant to 2009, 143:18 and in addition to the reductions undertaken in order to attain the judicial branch's proportional reduction under 2009, 144:289, including, specifically, the reductions effected pursuant to Supreme Court Administrative Order 2010-01. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before July 30, 2011.

333 Economic Stimulus; Transfer of Funds. Notwithstanding any provision of law to the contrary, the sum of \$900,000 in state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) and accepted by the fiscal committee of the general court on June 30, 2009 as item 09-240 and approved by the governor and council on June 30, 2009 as item 1, and as subsequently amended, for use by the office of economic stimulus shall be transferred from the office of economic stimulus to the department of corrections, account 02-46-46-463010-7120 on June 30, 2011, to supplant state general fund appropriations at the department of corrections. In addition, the sum of \$300,000 from such ARRA state fiscal stabilization funds is hereby transferred to the audit account established under RSA 6:12, I(b)(89) in order to defray the costs of scheduled ARRA audits. The director of the office of economic stimulus shall be authorized to transfer funds within its remaining appropriations in connection with the winding down and conclusion of its operations on September 30, 2011.

334 Retiree Medical Benefits; Beneficiary Contributions Increased. Amend RSA 100-A:54, III to read as follows:

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]~~ **\$115** per month for each such retiree and ~~[\$65]~~ **\$115** per month for each applicable spouse; provided that the charge to each household shall not exceed ~~[\$130]~~ **\$230** 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.

335 Cost Containment Plan for Retiree Health Care Program. The commissioner of the department of administrative services shall develop a comprehensive and cohesive plan outlining cost containment options and managed care techniques available through the underlying insurer and other managed care vendors to generate additional savings for the state of New Hampshire retiree health care program. The cost containment plan shall be developed no later than July 15 and the commissioner of the department of administrative services shall make a report to the fiscal committee of the general court.

336 New Paragraph; Cost Containment Plan for Retiree Health Care Program. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. As of January 2, 2012, the commissioner of administrative services is authorized to utilize managed care and/or cost containment techniques for the state of New Hampshire retiree health care program through the underlying insurer and any additional specialized managed care or cost containment vendors as necessary. The commissioner may offer financial incentives to encourage the use of lower cost facilities, providers, and services, if the financial incentives are proportionately lower than the savings generated. In addition, the commissioner may offer financial incentives to encourage the use of alternative therapies, treatments, services, providers, and facilities that demonstrate better outcomes including, but not limited to lower complication rates, lower readmission rates, lower rejection rates, lower mortality and morbidity rates, or lower infection rates based on widely and generally accepted measures of such performance.

337 Committee Established; Privatizing Department of Corrections.

I. There is established a committee to develop a plan for privatizing the department of corrections.

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

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

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

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

IV. The committee shall develop a plan for privatizing the department of corrections and shall review the results of the request for proposals issued by the commissioner of administrative services under section 338 of this act.

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

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2011.

338 Request for Proposals. On or before September 1, 2011, the commissioner of administrative services shall issue a request for proposals by vendors for provision of correctional services or any other services provided by the department of corrections.

339 Department of Corrections; Transfer of Inmates from the State Correctional Facility in Concord.

I. Pursuant to the authority granted in RSA 21-H:8, VI-VII, the commissioner of the department of corrections may enter into one or more contracts, as may be necessary, with appropriate private and/or public correctional agencies or facilities and shall make proper and necessary arrangements with such agencies or facilities for the transfer and reception of not more than 600 inmates currently incarcerated at the state correctional facility in Concord.

II. The commissioner of the department of corrections may enter into one or more contracts to carry out pharmaceutical and nursing functions.

III. The department shall not close the North Country facility located in Berlin as a result of meeting the requirements of this section.

IV. If as a result of the transfer of inmates, the commissioner is able to reduce the department's general fund appropriation, the commissioner shall expend any excess funds on the development and implementation of programs and services for the probation, parole, and sentencing of certain offenders required under 2010, 247 (SB 500-FN of the 2010 legislative session), as it may be amended, with the approval of the fiscal committee of the general court.

340 Cannon Mountain; Request for Proposals.

I. Notwithstanding any other provision of law, the commissioner of the department of resources and economic development shall, in consultation with the committee established in section 341 of this act, develop and issue a request for proposals to include, but not be limited to, a lease, concession agreement, or management contract for the Cannon Mountain ski area operations.

II. The request for proposals shall include, but not be limited to, the following terms, conditions, and provisions:

- (a) Length of the agreement.
- (b) Assets to be included.
- (c) Outline of master plan.
- (d) Environmental regulation and controls, including:
  - (1) Soils.
  - (2) Water quality.
  - (3) Wetlands.
  - (4) Wildlife habitat.
  - (5) Scenic and aesthetic qualities.
  - (6) Multi-seasonal recreational opportunities.
  - (7) Forestry issues.
- (e) Expansion limitations.
- (f) State and local regulatory authority.
- (g) Operational responsibilities remaining with the state.
- (h) Requirement of performance bonds.
- (i) Past practices and agreements.
- (j) Repurchase.
- (k) Federal agency requirements, conditions, and regulations.
- (l) Consideration of state employees.

III. All responses to a request for proposals developed under this act shall be reviewed by the committee established in section 341 of this act in cooperation with the commissioner of resources and economic development.

IV. The request for proposals, and any lease entered into by the state shall require that the lessor permit public and private access to, and use of, the World War I Veterans Memorial located at Profile Lake, under the same terms and conditions as were permitted prior to the lease.

V. The lessor shall permit use of the Cannon Mountain facilities by the New England Ski Museum and the Franconia Ski Club under the same terms and conditions as were permitted prior to the lease. Nothing in this paragraph shall prohibit the lessor from making commercially reasonable adjustments in rent, ski lift ticket prices, admission, or other similar costs.

VI. The commissioner of the department of resources and economic development shall secure an agreement or contract for the lease of Cannon Mountain no later than July 1, 2012.

#### 341 Committee Established; Cannon Mountain Ski Area.

I. There is established a committee for the purpose of advising the commissioner of resources and economic development, pursuant to section 340 of this act, on the creation of a request for proposals and the review of any responses to requests for proposals. The committee shall consist of the following members:

- (a) Four members of the house of representatives appointed by the speaker of the house of representatives.
- (b) Three members of the senate appointed by the president of the senate.

II. The members of the committee shall elect a chairperson from among its members. Members shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall submit a report no later than November 1, 2011 to the speaker of the house of representatives and the president of the senate detailing its findings relative to requests for proposals.

342 Review by Capital Budget Overview Committee; Public Comments. Any agreement or contract recommended pursuant to sections 340 and 341 of this act shall be submitted to the capital budget overview committee established in RSA 17-J for review and approval. No agreement or contract shall take effect until such approval is obtained. The capital budget overview committee shall receive written public comments submitted prior to the time the committee votes on a recommended agreement or contract.

343 New Section; State Park Capital Improvement Fund; Effective July 1, 2013. Amend RSA 216-A by inserting after section 3-m the following new section:

216-A:3-n State Park Capital Improvement Fund.

I. There is established a nonlapsing fund in the department of resources and economic development to be known as the state park capital improvement fund. This shall be a revolving fund and shall be continually appropriated to the department of resources and economic development for the purposes of capital improvements to state park facilities. The commissioner of the department of resources and economic development shall collect and deposit all income derived from the public-private partnership of the state ski area at Cannon Mountain into the fund. Such moneys shall be used as provided in this section, and shall not be diverted for any other purpose.

II. The commissioner of the department of resources and economic development shall annually submit a report detailing the activities of the fund to the governor and council and the fiscal committee of the general court within 60 days of the close of each fiscal year.

344 New Subparagraph; Application of Receipts; State Park Capital Improvement Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (304) the following new subparagraph:

(305) Moneys deposited in the state park capital improvement fund established in RSA 216-A:3-n.

345 Report on Future Status of Ski Area Employees. The commissioner of the department of resources and economic development shall provide along with any agreement or contract submitted under section 342 of this act, a report on the disposition of employees of the ski areas at Cannon Mountain and any appropriate statutory changes to RSA 216-A as a result of the lease agreement.

346 Cannon Mountain Advisory Committee; Version Effective July 1, 2013. Amend RSA 12-A:29-b, V to read as follows:

V. The commission shall make recommendations for capital improvements for the ski area and related state park facilities at Cannon Mountain to the commissioner of resources and economic development. The commission shall review the servicing of debt obligations relating to the Cannon Mountain capital improvement fund ***established in RSA 12-A:29-c and the state park capital improvement fund established in RSA 216-A:3-n*** prior to making any such recommendations. Recommendations approved by the commissioner shall be submitted by the commissioner to the capital budget overview committee. Recommendations approved by the capital budget overview committee shall be submitted to the governor and council for final approval. Notwithstanding any other provision of law, recommendations may be implemented upon final approval, pursuant to solicited requests for proposals. Funding for capital improvements shall be from the Cannon Mountain capital improvement fund established [by] ***in RSA 12-A:29-c and the state park capital improvement fund established in RSA 216-A:3-n.***

347 Applicability; Cannon Mountain Revenues.

I. For the biennium ending June 30, 2013, all revenues in excess of budgeted expenses derived by the department of resources and economic development from fees, services, accommodations, rentals, revenue from lift and tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited into the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

II. All proceeds from the Cannon Mountain lease agreement collected on or after July 1, 2012, less \$50,000 per fiscal year which shall be deposited into the fish and game search and rescue fund established in RSA 206:42, and less the amount necessary each fiscal year to pay the cost of debt service for upgrades



to the Cannon Mountain aerial tram drive and control systems as authorized in 2001, 202:1, XI, D, shall be deposited in the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

348 Department of Resources and Economic Development; Cannon Mountain. For the biennium ending June 30, 2011, \$800,000 in revenue derived by the department of resources and economic development from fees, services, accommodations, rentals, revenue from lift and tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited into the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

349 Lease of Rental Space for Superior Court Center. In consultation with the bureau of court facilities of the department of administrative service, the administrative office of the courts shall identify and lease rental space in which to house the superior court center at a rate of no more than \$11 per square foot, and shall lease no more than 2500 square feet for this purpose.

350 Department of Resources and Economic Development; Transfer of Funds Authorized. The commissioner of the department of resources and economic development may transfer funds between and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-3520-5919) and may transfer funds between and among the class line appropriations in the turnpike welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2013. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this section.

351 Shoreland Water Quality Protection Act. Amend the chapter heading of RSA 483-B to read as follows:  
CHAPTER 483-B

[COMPREHENSIVE] SHORELAND **WATER QUALITY** PROTECTION ACT

352 Shoreland Water Quality Protection; Minimum Standards Required. Amend RSA 483-B:2, IX to read as follows:

IX. Control building sites, placement of structures, and land uses ***that may potentially damage the public waters.***

353 Minimum Standards Required. Amend RSA 483-B:2, XV to read as follows:

XV. Anticipate and respond to the impacts of development in shoreland areas ***to the extent they may potentially damage the public waters.***

354 Definitions. Amend RSA 483-B:4, VII-b to read as follows:

VII-b. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, ***and unless designed to effectively absorb or infiltrate water,*** decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways [~~unless designed to effectively absorb or infiltrate water~~]

***VII-c. "Horticultural professional" means any arborist, landscape architect, or gardening consultant whose function is that of providing services relative to horticulture.***

355 Definitions. Amend RSA 483-B:4, X-b to read as follows:

X-b. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. [~~Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders.~~] Natural ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

356 Definitions. Amend RSA 483-B:4, XIII to read as follows:

XIII. "Primary building line" means a setback for primary structures of [~~at least~~] 50 feet from the reference line.

357 Definitions. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shoreland" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, ***except private garden water features and ponds of less than 10 acres,*** and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

358 Definitions. Amend RSA 483-B:4, XVIII to read as follows:

XVIII. "Removal or removed" means girdled, felled, ~~[killed, or]~~ cut, sawed, pruned, pushed over, buried, burned, or any other activity conducted to the extent that it otherwise ~~[destructively alters or altered]~~ **kills** the vegetation.

359 Definitions. Amend RSA 483-B:4, XVIII-c to read as follows:

XVIII-c. "Replace in kind" means the substitution of a new structure for an existing legal structure, whether in total or in part~~[, with no change in size, dimensions, footprint, interior square footage, and location, with the exception of changes resulting in an increase in the setback to public waters]~~.

360 Definitions. Amend RSA 483-B:4, XX-a to read as follows:

XX-a. "Shoreland frontage" means the ~~[average of the distances of the actual natural shoreline footage and a straight line drawn between property lines]~~ **actual shoreland frontage along the water front measured at the reference line.**

361 Definitions. Amend RSA 483-B:4, XXII to read as follows:

XXII. "Structure" means anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed **permanent** location on or in the ground, exclusive of fences.

362 Definitions. Amend RSA 483-B:4, XXIV-b to read as follows:

XXIV-b. "Unaltered state" means ~~[native]~~ vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed ~~[to maintain the health of the plant being trimmed, as allowed by rules of the department]~~ **for plant health, normal maintenance, and renewal.**

363 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his **or her** designee may, for cause, enter upon any **subject** land or parcel at any reasonable time **after written notification** to perform oversight and enforcement duties provided for in this chapter.

364 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

I.(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. ***Projects which have no impact on water quality and which follow department rules shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and accepted notification has been received by the department. A notification shall be complete and accepted provided it meets or exceeds all of the minimum standards under RSA 483-B:9, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:***

***(1) Construction, excavation, and filling, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.***

***(2) Construction, excavation, and filling, directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.***

***(3) Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.***

***(4) Any similar activities defined as qualified for a permit by notification by rules of the department.***

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

(1) For projects that qualify for permit by notification under **this paragraph and** RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

(2) For projects of 0-9,999 square feet, **that do not qualify for a permit by notification**, \$750.

(3) For projects of 10,000-24,999 square feet, \$1,875.

(4) For projects of 25,000 square feet or more, \$3,750.

**(c) If the application is denied after relying on the recommendations of the department, the application fee shall be refunded to the applicant within 30 days of such denial.**

365 New Paragraph; Permit Required; Exemption. Amend RSA 483-B:5-b by inserting after paragraph IV-a the following new paragraph:

IV-b. No permits issued by the department pursuant to this chapter that involve private, non-federal undertakings shall require coordination with or clearance by the New Hampshire division of historical resources.

366 Permit Required; Exemption. Amend RSA 483-B:5-b, V to read as follows:

V.(a) Within 30 days of receipt of an application for a permit or ~~[75]~~ **30** days of receipt of an application for a permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or a]~~ waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information **reasonably** required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within ~~[60]~~ **120** days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within ~~[30]~~ **20** days of the department's receipt of the information:

(1) Approve the application~~[-in whole or in part,]~~ and issue a permit; or

(2) Deny the application, and issue written findings in support of the denial; or

(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or ~~[75]~~ **30** days of receipt of an application for a permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or a]~~ waiver of the minimum standards of RSA 483-B:9[;],

~~[(1)]~~ approve or deny the application~~[-in whole or in part, and issue a permit; or-~~

~~(2) Deny the application, and issue]~~ **with** written findings in support of the ~~[denial; or-~~

~~(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant]~~ **decision.**

**(d) Within 5 business days of receipt of a permit by notification filing, the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected. If the department does not respond within the 5-day period, the property owner or agent may submit to the department a written request for a response. A request submitted electronically by the applicant shall constitute a written request provided that the applicant has previously agreed to accept electronic communication. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have a permit by notification and may proceed with the project as presented in the notification filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.**

~~[(d)]~~ (e)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) Approve the application, in whole or in part, and issue a permit; or

(B) Deny the application and issue written findings in support of the denial.

(3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph [(d)] (e)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

[(e)] (f) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.

[(f)] (g) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

[(g)] (h) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

367 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except limestone, shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. ***Beyond 25 feet,*** ~~[low-phosphate, slow-release nitrogen fertilizer or limestone,]~~ ***slow or controlled release fertilizer, as defined by rules adopted by department,*** may be used ~~[on areas beyond 25 feet from the reference line].~~

368 Minimum Shoreland Protection Standards. RSA 483-B:9, V(a) through V(b)(2)(A)(ii) is repealed and reenacted to read as follows:

(a) Maintenance of a Waterfront Buffer.

(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.

(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:

(A) No chemicals, including pesticides or herbicides of any kind shall be applied to ground, turf, or established vegetation except if applied by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).

(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA 483-B:11, II or unless rocks are removed to improve runoff control or the planting in the waterfront buffer, and stumps that are removed are replaced with pervious surfaces, new trees, or other woody vegetation.

(C) No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9, V(a)(2)(D), **(viii) and** (ix), for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline, or as specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 by 50 foot segments. Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs (i) through (ix).

(i) Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper Score

1 to 3 inches – 1

3 to 6 inches – 5

6 to 12 inches –10

12 to 24 inches –15

Greater than 24 inches- 25

(ii) Shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area – 1 point.

Ground cover planted in the form of sod or mat – one point for every 50 square feet.

Shrub and groundcover shall not count for more than 25 points in each full segment.

(iii) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

(v) The department shall approve applications pursuant to RSA 482-A or RSA 483-B that include the planting of trees, saplings, shrubs, and groundcover as necessary to at least maintain either the existing point score or the minimum score required. The department shall not approve any application that would result in a combined vegetation score of less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the point score where the segment does not initially meet the minimum score.

(vi) Owners of lots and holders of easements on lots that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II.

(vii) Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area as well to protect structures, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plant.

(viii) When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. On those properties accessible only by water, this access path may be maintained provided it is stabilized with a surface that will infiltrate stormwater. On other properties the access path shall be completely restored and replanted with vegetation upon completion of construction except as allowed under subparagraph (ix).

(ix) A permanent 6-foot wide foot path as well as access to any docks, beaches, structures, existing open areas, and the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, are allowed.

(b) Maintenance of a Natural Woodland Buffer.

(1) A natural woodland buffer shall be maintained within 150 feet of the reference line. The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a). The purpose of the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer of a given lot the vegetation, except lawn, within at least 25 percent of the area outside the waterfront buffer shall be maintained unaltered or improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area to be maintained in an unaltered state. The percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.

369 Impervious Surfaces. Amend RSA 483-B:9, V(g) to read as follows:

(g) Impervious surfaces.

(1) ~~[Subject to subparagraph (2);]~~ No more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, ***unless a stormwater management system designed and certified by a professional engineer that will not concentrate stormwater runoff or contribute to erosion is implemented.***

(2) If the impervious surface area will exceed 20 percent, ***but is less than 30 percent***, a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17.

(3) If the impervious surface area will exceed ~~[20]~~ **30** percent and the ~~[natural]~~ tree, ~~[and]~~ sapling ~~[cover]~~, ***shrub, and groundcover*** in the waterfront buffer does not meet the ~~[50-point minimum]~~ **point** score ***requirement*** of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with ~~[native]~~ trees, saplings, ***shrubs***, or ~~[natural ground cover]~~ ***groundcover*** in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a).

370 Waivers. Amend RSA 483-B:9, V(i) to read as follows;

(i) The commissioner shall have the authority to grant ~~[variances]~~ ***waivers*** from the minimum standards of this section. Such authority shall be exercised ~~[subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)]~~ ***if the commissioner deems that strict compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state. Waivers shall also be granted to accommodate the reasonable needs of persons with disabilities.***

371 Nonconforming Lots of Record. Amend RSA 483-B:10, I to read as follows:

I. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a single family residential dwelling ***and appurtenant accessory structures*** on it, notwithstanding the provisions of this chapter. Conditions may be imposed which, in the opinion of the commissioner, more nearly meet the intent of this chapter, while still accommodating the applicant's rights.

372 New Paragraph; Nonconforming Lots of Record; Merger. Amend RSA 483-B:10 by inserting after paragraph II the following new paragraph:

III. Consistent with RSA 674:39-a, a municipality shall not merge adjacent nonconforming lots in common ownership without the consent of the owner.

373 Nonconforming Structures. RSA 483-B:11 is repealed and reenacted to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law or applicable municipal ordinance, nonconforming structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in place, altered, or expanded. Repair, replacement-in kind, or reconstruction in place may alter or remodel the interior design or existing foundation of the nonconforming structure, but shall result in no expansion or relocation of the existing footprint within the waterfront buffer. However, alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property.

II. For the purposes of this section, a proposal that is “more nearly conforming” means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, enhancing stormwater management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection.

III. An expansion that increases the sewerage load to an onsite septic system, or changes or expands the use of a septic system, shall require a subsurface approval issued by the department.

IV. Under paragraph I, and except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with continued encroachment into the waterfront buffer, provided the replacement structure is located farther back from the reference line than the preexisting nonconforming structure.

374 Rulemaking. Amend RSA 483-B:17, IV to read as follows:

IV. Procedures and criteria for the size[,] **and** placement[~~and construction~~] of small accessory structures such as storage sheds and gazebos, which are consistent with the intent of this chapter, between the reference line and the primary building line.

375 Penalties. RSA 483-B:18, III is repealed and reenacted to read as follows:

III. Persons violating the provisions of this chapter and damaging the public waterway who, after notification by the department, fail to make a good faith effort at remediation and restoration shall be subject to the following:

(a) Upon petition of the attorney general or of the municipality in which the violation occurred, the superior court may levy upon any person violating this chapter a civil penalty in an amount not to exceed \$5,000 for each continuing violation. The superior court shall have jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

(b) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil penalties under this chapter.

(c) Notwithstanding the \$5,000 fine limit in subparagraph (b), the administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous violation committed by the person or entity.

376 New Paragraph; Shoreland Advisory Committee. Amend RSA 483-B:21 by inserting after paragraph VII the following new paragraph:

VIII. Any permit applications denied under any section of this chapter shall be reported to the shoreland advisory committee by the department.

377 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

II. Section 27 of this act shall take effect July 1, ~~[2011]~~ **2016**.

378 Definitions. Amend RSA 483-B:4, XVII(a) to read as follows:

(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to the ~~[Comprehensive]~~ shoreland **water quality** protection act as maintained by the department.

379 Shoreland Advisory Committee. Amend the introductory paragraph of RSA 483-B:21 to read as follows:

There is established a shoreland advisory committee. All members shall be New Hampshire residents representing diverse geographic areas of the state. The primary focus of this committee is to address residential shorefront owner input and perspective relating to shoreland development regulated under the ~~[comprehensive]~~ shoreland **water quality** protection act under this chapter and the regulation of shoreline structures under RSA 482-A.

380 Approval to Increase a Load on a Sewage System. Amend RSA 485-A:38, II-a(c) to read as follows:

(c) When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the ~~[comprehensive]~~ shoreland **water quality** protection act, RSA 483-B. 381 Repeal. RSA 483-B:9, V(c)(1), relative to subdivision of land within the protected shoreland, is repealed.

382 Department of Health and Human Services; Children's Health Insurance Program Reporting. The department of health and human services shall provide a detailed update on the status of the transition of the healthy kids program from the New Hampshire healthy kids corporation to the department of health and human services Medicaid managed care program for each meeting of the fiscal committee of the general court until the transition to the Medicaid managed care program is complete and any necessary contracts have been approved by the governor and council.

383 Department of Health and Human Services; Hospitals for High Intensive Neonatal and Pediatric Care; Contracts and Rate Setting. Beginning July 1, 2011, the department of health and human services shall only contract with New Hampshire hospitals which provide high intensive neonatal and high intensive pediatric care unless the commissioner of health and human services finds that the high intensive neonatal and high intensive pediatric care needed is not available in New Hampshire, in which case, the department of health and human services may contract with an out-of-state hospital to provide such care. On or before August 1, 2011, the commissioner of health and human services shall develop a new rate structure for high intensive neonatal and high intensive pediatric care for New Hampshire hospitals which provide such care.

384 Department of Health and Human Services; Estate Recovery; Priority of Claims. Amend RSA 554:19 to read as follows:

554:19 Priority of Charges.

I. The administrator of an estate shall make payment of the claims in the following order:

- (a) Costs and expenses of administration of the estate.
- (b) Reasonable and necessary funeral, burial, and cremation expenses.
- (c) Debts and taxes with preference under federal law.

(d) ***Claims made for financial and/or medical assistance provided to the deceased by the department of health and human services, as well as under certain circumstances, changes pursuant to RSA 166:19.***

(e) Just debts of the deceased~~[, including claims for medical assistance made by the department of health and human services.]~~

~~(e) Total amount paid for old age assistance or aid to the permanently and totally disabled and, under certain circumstances, charges pursuant to RSA 166:19].~~

(f) Legacies given by the will of the deceased or distribution to heirs according to law.

II. No preference shall be given in the payment of any claim over any other claim of the same class.

III. No creditor of a lower class shall receive any payment until all those of the preceding class shall have been fully paid.



385 Appropriations to New Hampshire Public Television. Notwithstanding any other provision of law, any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television, and shall not be appropriated through or expended by the university system of New Hampshire, the trustees of the university system of New Hampshire, or any other state agency.

386 Shelter Care Services. For the biennium ending June 30, 2013, the department of health and human services shall continue to fund the following shelter care services: 12 beds for boys at the Midway Shelter in Bradford, 13 beds for girls at the Antrim Girls Shelter in Antrim, and 12 beds at the co-educational North Country Shelter in Jefferson.

387 Department of Health and Human Services; Implementation and Reporting of Budget Reductions Relative to Developmental Services and Behavioral Health Services. The reduction in the appropriation to the division of developmental services and the bureau of behavioral health services contained in the operating budget for fiscal years 2012 and 2013 attributable to "right sizing" shall be undertaken in a collaborative fashion with the 10 area agencies and the 10 community mental health centers. Such plans shall be focused on reducing the cost structure of the area agency and community mental health systems without reducing quality or quantity of mandated services; maintaining the delivery of care in a community setting; and taking into account the needs of the systems to prepare for any future enhanced increase in the Medicaid population. Savings to the state general fund in the amount of \$1,800,000 for the biennium shall be identified, measured, and reported to the commissioner of the department of health and human services before January 1, 2012. On or before February 15, 2013, the commissioner of the department of health and human services shall provide a report of savings to the legislative fiscal committee and the legislative health and human services oversight committee.

388 New Section; Community College System Debt Service Fund. Amend RSA 6 by inserting after section 12-g the following new section:

6:12-h Community College System Debt Service Fund. There is hereby established in the office of the treasurer a fund to be known as the community college system debt service fund, which shall be accounted for separately from other funds. All moneys credited to the fund from payments made to the treasurer by the community college system shall be used exclusively for repayment of principal and interest on bonds issued by the treasurer, the proceeds of which fund the construction or renovation of capital projects undertaken by the community college system of New Hampshire self-supporting campus facilities. The moneys in the fund shall be nonlapsing and continually appropriated to the treasurer.

389 Community College System; Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(d) to read as follows:

(d) The exemptions provided in subparagraph (a) shall apply to the lands and the buildings and structures thereon and therein and personal property owned by the university system of New Hampshire **or the community college system of New Hampshire**. The requirements of subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after April 1, 2006, the terms of which provide for the use or occupation by others of real or personal property owned by the university system of New Hampshire **or the community college system of New Hampshire**. The remedies set forth in subparagraph (c) shall be available to enforce the payment of real and personal property taxes assessed against the lessees of property owned by the university system of New Hampshire **or the community college system of New Hampshire** pursuant to this subparagraph.

390 New Section; Community College System of New Hampshire; Transfer. Amend RSA 188-F by inserting after section 1 the following new section:

188-F:1-a Transfer. All functions, powers, duties, books, papers, records, and property of every kind, tangible and intangible, real and personal, heretofore possessed, controlled, or used by the former department of regional community-technical colleges are hereby transferred to and vested in the board of trustees of the community college system of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer property of the McAuliffe-Shepard discovery center or the police standards and training council.

391 New Subparagraph; Business Profits Tax; Net Operating Loss Carryovers. Amend RSA 77-A:4, XIII by inserting after subparagraph (d) the following new subparagraph:

(e) On or after July 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000.

392 Use of Certain Unrestricted General Funds to Mitigate Department of Health and Human Services Spending Reductions; Uncompensated Care.

I. The department of health and human services shall present a plan for approval to the fiscal committee of the general court detailing a proposal for making uncompensated care payments to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Said plan shall be presented to the fiscal committee of the general court no later than September 12, 2012.

II. Notwithstanding any provision of law to the contrary, upon approval of the plan pursuant to paragraph I, with the approval of the joint legislative fiscal committee and the governor and council, the department of health and human services may expend funds in excess of budgeted amounts for the purpose of making uncompensated care payments to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Such payments may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

393 Medicaid Management Information System. The commissioner of the department of information technology shall, in consultation with the commissioner of the department of health and human services, engage the services of an information systems consultant experienced with implementation of large healthcare and or governmental information systems. The consultant shall review and evaluate the state's Medicaid management information system implementation project and provide a report on the progress of the implementation and the projected go live date to the fiscal committee of the general court no later than October 1, 2011. The cost of the evaluation and report shall be borne by ACS State Healthcare, LLC.

394 New Paragraph; Department of State. Amend RSA 5:1 by inserting after paragraph III the following new paragraph:

IV. Pursuant to RSA 9:1 the term "department" shall not apply to the department of state in the execution of the constitutional duties of the office of the secretary of state.

395 Effective Date.

I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 341, and 347 of this act shall take effect upon its passage.

II. Sections 340, 342, 345, 351-376, and 378-381 of this act shall take effect 60 days after its passage.

III. Sections 69, 75, 84, 209, paragraph I of section 220, 223, 332, 333, 348 and 377 of this act shall take effect June 30, 2011.

IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

V. Sections 29, 30, 33, 46, 170-171, 173-179, RSA 100-A:16, I(aa) as inserted by section 180, 188-189, and 287 of this act shall take effect January 1, 2012.

VI. Sections 21, 343-344, 346, and 391 of this act shall take effect July 1, 2013.

VII. Sections 277-279 of this act shall take effect September 30, 2011.

VIII. Section 297 of this act shall take effect July 1, 2014.

IX. Sections 299 and 300 of this act shall take effect as provided in section 304 of this act.

X. Section 221 of this act shall take effect as provided in section 222 of this act.

XI. Section 172 of this act shall take effect July 1, 2016.

XII. Sections 330-331 of this act shall take effect July 15, 2011.

XIII. Section 224 of this act shall take effect July 1, 2012.

XIV. The remainder of this act shall take effect July 1, 2011.

## **2011-2221s**

### **AMENDED ANALYSIS**

1. Funds meals and rooms distributions to cities and towns for the biennium ending June 30, 2013 at no more than the fiscal year 2011 level of distribution.

2. Suspends RSA 31-A, relating to revenue sharing with cities and towns for the biennium ending June 30, 2013.

3. Requires a portion of funds received for the recording surcharge collected by registers of deeds to be deposited each year of the biennium in the land and community heritage investment program administrative fund with the remainder being deposited in the general fund.

4. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2011 through June 30, 2013, and provides a waiver of the suspension of school building aid.

5. Limits the uses of funds held in the driver training fund, eliminates payment to secondary schools and districts, and removes responsibility of the department of education for driver education.

6. Requires the workers' compensation administration fund to fund all costs of the administration of workers' compensation under RSA 281-A.

7. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2013.

8. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2013 under certain circumstances.

9. Repeals the catastrophic illness program.

10. Suspends funding for catastrophic aid payments to hospitals for the biennium ending June 30, 2013.

11. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law and allows the department to transfer funds within and among accounting units.

12. Implements recommendations of the office of legislative budget assistant's 2010 performance audit report of the New Hampshire community health system.

13. Requires that for the biennium ending June 30, 2013, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.

14. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2014.

15. Requires the department of health and human services to apply for a waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan.

16. Provides that the rate for services, placements, and programs paid for by the department for delinquent children, child protection act, and children in need of services are to be maintained at the rates in effect on June 30, 2011.

17. Requires the commissioner of the department of health and human services to notify the commissioner of the department of administrative services regarding transfers or reassigned personnel.

18. Requires the commissioners of the departments of safety and health and human services to negotiate a reduced fee for performing certain state criminal records checks.

19. Repeals the prevention programs for juveniles and incentive grants for such programs.

20. Allows the department of health and human services to use a new assessment tool to determine eligibility for nursing facility care even if such tool is not reviewed by the county-state finance committee or the oversight committee on health and human services.

21. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

22. Establishes 2 temporary special funds in the state treasurer's office to receive and temporarily hold funds for certain New Hampshire hospital programs.

23. Suspends the funding for the developmental services waitlist for the biennium ending June 30, 2013.

24. Transfers the Medicaid enhancement tax accounting unit and the Medicaid enhancement tax receipt account from the department of health and human services to the department of revenue administration. Establishes priorities for the allocation and use of moneys in the uncompensated care fund for the biennium ending June 30, 2013.

25. Directs the commissioner of the department of health and human services to pursue certain consolidation initiatives to achieve general fund appropriations reductions in fiscal years 2012 and 2013 and to report the progress of such efforts to the committees of the house and senate with jurisdiction over health and human services and finance issues.

26. Requires the commissioner of the department of health and human services to submit a state plan amendment to administer the children's health insurance program.

27. Allows the commissioner of the department of health and human services to recover for medical assistance for a spouse of an individual or a parent if an individual is under the age of 21.

28. Clarifies the liability of expenses payable by the department of health and human services under the child protection act.

29. Establishes that for the biennium ending June 30, 2013, a portion of the nursing facility assessment and intermediate care facility assessment shall be used for purposes of long-term care services provided by the state.

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

31. Appropriates federal emergency assistance grants to the department of transportation.

32. Establishes the department of labor restricted fund to fund operations of the department of labor from fees, licenses, certificates, and civil penalties.

33.(a) Eliminates the special fund for payment of mediators and guardians ad litem in cases where parents are indigent.

(b) Makes supplemental appropriations to the judicial council for payment of council for indigent parents in child protection cases and in divorce cases.

(c) Limits the circumstances in which the court may appoint an attorney to represent the parent in cases of abuse or neglect.

(d) Requires the supreme court to adopt practice standards for non-certified guardians ad litem appointed in parental rights and responsibilities cases.

34. Requires that proceeds from the sale of the lakes region facility property be deposited into the general fund.

35. Suspends bumping rights.

36. Requires the department of administrative services to consolidate certain business processing functions.

37. Makes an appropriation to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity.

38. Authorizes the lottery commission to use monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance.

39. Modifies lottery sales commission rates.

40. Authorizes monetary incentives to liquor commission employees and temporary state liquor stores.

41. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2013.

42. Transfers the water quality laboratory services from the department of environmental services to the department of health and human services.

43. Adds the board of accountancy, the real estate appraiser board, and the board of manufactured housing to the joint board of licensure and certification.

44. Suspends the statutory limitation on highway funds allocated to the department of safety for the biennium ending June 30, 2013.

45. Revises the duties of the office of energy and planning by removing certain program responsibilities, including the coordination of federal funds, economic development reporting requirements, the water protection assistance program, housing and conservation planning, the high-level radioactive waste act, and land use board member training.

46. Requires municipal zoning and ordinance documents, including amendments, to be filed with the office of energy and planning and authorizes the office to gather such information from municipalities in order to generate publicly available lists and surveys.

47. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so, and provides the parole board with greater discretion to recommit a person who reoffends while on mandatory early supervised release.

48. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

49. For the biennium ending June 30, 2013, transfers the balance of the New Hampshire excellence in higher education endowment trust fund in part to the university system of New Hampshire and in part to the community college system of New Hampshire.

50. Repeals the postsecondary education commission and transfers all powers, duties, and programs to the newly established division of higher education and higher education commission within the department of education.

51. Transfers authority over regulation of private postsecondary career schools from the postsecondary education commission to the higher education commission.

52. Authorizes the department of education to expend funds in excess of budgeted amounts to fund chartered public school tuition payments, with the approval of the fiscal committee and governor and council.

53.(a) Sets the amount of differentiated aid at \$1,725 for each pupil eligible for the free or reduced-price meal program.

(b) Repeals the calculation and distribution of fiscal capacity disparity aid.

(c) Provides a grant in the amount of \$2,000 for chartered public school pupils.

(d) Provides \$675 for each third grade pupil who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds.

(e) Beginning July 1, 2013, provides that a municipality's total education grant shall not exceed 105.5 percent of the total education grant received in the previous fiscal year.

(f) Provides a stabilization grant to certain municipalities in fiscal year 2012 equal to the decrease from the municipality's fiscal year 2011 total education grant, and provides that a municipality shall continue to receive this stabilization grant in fiscal year 2013 and each fiscal year thereafter.

(g) Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

54. Authorizes that any funds from the federal Education Jobs program not expended by a school district during the 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year.

55. Changes the renewal of licenses of veterinarians by the board of veterinary medicine to be biennial rather than annual.

56. This bill makes various changes to the state retirement system if SB 3-FN-A-LOCAL of the 2011 legislative session does not become law, including:

(a) Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

(b) Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

(c) Changing the composition of the board of trustees.

(d) Eliminating the special account.

(e) Eliminating the retirement system funding of medical benefits premium payments.

(f) Increasing member contribution rates beginning July 1, 2011.

(g) Establishing a committee to study the establishment of a federal tax qualified voluntary defined contribution plan administered by the board of trustees.

(h) Limiting when a member in service may concurrently receive benefits.

(i) Eliminates the state share of employer contributions for non-state employees.

57. Provides statutory construction for certain terms relating to publication for statewide circulation.

58. Requires the department of resources and economic development to staff rest areas and welcome centers along Interstate Route 93.

59. Repeals the bureau of visitor services.

60. Modifies the amount of reimbursement paid to towns and cities for land acquired by the United States for flood control.

61. Makes changes to the document processing division of the department of revenue administration.

62. Adds certain functions of the equalization standards board to the functions of the assessing standards board.

63. Transfers an appropriation received by the governor's commission on disability.

64. Modifies the percentage of the penalty assessment designated to the police standards and training council training fund.

65. Requires the governor to reduce total appropriations for classified employee compensation and benefits.

66. Allows for transfers of federal grant funds between class codes and to newly created class codes and permits certain budgeted federal grant appropriation balances from one state fiscal year to be carried over to the following fiscal years subject to the approval of the commissioner of administrative services.

67. Establishes hiring priority for laid off classified state employees.

68. Freezes executive branch hiring, purchases, and out-of-state travel.

69. Requires any budget surplus remaining at the end of fiscal year 2011 to remain in the general fund.

70. Prohibits the department of information technology from discontinuing technical support services to any executive branch agency.

71. 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.

72. 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.

73. Allows the annual contribution for unfunded accrued liability of the judicial retirement plan to be calculated over a 30-year period or the maximum period allowed, whichever is less and requires recalculation of the employer contribution rate for the biennium ending June 30, 2013.

74. Requires transfers from the special fund for the improvement and automation of vital records at the state and local levels, also known as the vital records improvement fund, to the general fund.

75. Suspends distribution of a portion of the rooms and meals tax to the division of travel and tourism development for the biennium ending June 30, 2013.

76. Establishes a special legislative account.

77. Sets the annual salary of the registers of probate at \$100 per year, contingent upon the passage of HB 609-FN of the 2011 legislative session.

78. Requires that any balance remaining in the navigation safety fund at the close of each fiscal year lapse to the general fund.

79. Credits fines paid by mail to the division of motor vehicles to the general fund.

80. Provides that all penalty assessments imposed under the drug-free school zone statute shall be deposited in the general fund. The bill also repeals the drug-free school zone sign fund.

81. Modifies appropriation language for statewide special education programs.

82. Transfers the marine patrol bureau from the division of safety services, department of safety, to the division of state police.

83. Establishes certain divisions within the fish and game department for the biennium ending June 30, 2013.

84. Eliminates the division of safety services in the department of safety.

85. Requires the department of transportation to study the use of contractors to perform certain duties performed by the department of transportation in order to save highway funds.

86. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

87. Redefines a "child in need of services" for purposes of RSA 169-D.

88. Directs the department of health and human services to administer its adoption assistance program consistent with federal law and the state's Title IV-E plan, and repeals state law and regulations relative to discretionary adoption subsidies for hard to place children.

89. Removes the discretion of the commissioner of the department of health and human services to transfer cases between the employment program and assistance program for 2-parent families in order to meet federal work participation funding requirements.

90. Removes the commissioner's authority to operate an emergency assistance program to aid families with dependent children.

91. Prohibits persons fleeing to avoid criminal prosecution from receiving public assistance benefits.

92. Modifies eligibility for cash assistance for purposes of aid to the permanently and totally disabled.

93. Requires certain funds from drug rebates to be deposited in a separate account for the department of health and human services to expend for pharmacy services.

94. Clarifies the duty and authority of the commissioner of health and human services for the Medicaid hospital outpatient reimbursement methodology.

95. Prohibits use of state appropriations for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

96. Suspends the position of medical director within the department of health and human services for the biennium ending June 30, 2013.

97. Suspends RSA 126-G, relative to family support services.

98. Suspends funding for the Alzheimer's disease and related disorders (ADRD) program through June 30, 2013.

99. Suspends congregate housing and congregate services.

100. Authorizes the department of health and human services to reimburse the parent of a child who is medically fragile or has a chronic illness for home health aide services provided by the parent. The program is a 3-year pilot program.

101. Prohibits appropriations in the family planning accounting unit to be used to fund abortions.

102.(a) Removes the commissioner of the department of health and human services from the healthy kids board.

(b) Removes responsibility for administration of the state children's health insurance program from the statutory duties of the New Hampshire healthy kids corporation, contingent on implementation of a Medicaid managed care model by the department of health and human services.

103. Requires the commissioner of the department of health and human services to issue a 5-year request for proposal to enter into a contract with a vendor or vendors of a managed care model after consultation

with and approval by the fiscal committee of the general court to provide for managed care services to the Medicaid population. The commissioner, in consultation with the fiscal committee of the general court, is granted rulemaking authority.

104. Requires the department of health and human services to provide an update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee until the contracts for Medicaid managed care are approved by the governor and council.

105. Requires a waiver from the governor and council for reclassification of a classified position.

106. Repeals the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor.

107. Reduces fees for licenses to sell animals or birds customarily used as household pets.

108. Reduces the filing fees under the condominium act and the land sales full disclosure act.

109. Deletes the general fund designation for a portion of the marriage license fee.

110. Repeals the law regarding coverage for services and certain items covered under the medical assistance program.

111. At the request of the joint committee on employee classification established under RSA 14:14-c, establishes the salary for the positions of:

(a) Commissioner/CIO of the department of information technology.

(b) Executive director of the board of medicine.

(c) Director and state registrar of the division of vital records administration.

(d) State veterinarian of the department of agriculture, markets, and food.

112. Clarifies that property at Skyhaven leased by the authority for airport or aeronautical related purposes is not subject to taxation.

113. 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.

114. Authorizes the issuance of bonds in the amount of \$3,700,000 for the biennium ending June 30, 2013 to provide kindergarten construction funds to eligible school districts.

115. Clarifies the responsibilities of the administrator of the joint board of licensure and certification.

116. Repeals the 2008 repeal of the of the Maine-New Hampshire Interstate Bridge Authority, for which required Congressional approval for the dissolution of the Authority was not requested or obtained.

117. This bill adds additional construction and cost estimate factors for determining eligibility for the kindergarten construction program.

118. Transfers the responsibility for telecommunications services to state government from the bureau of general services, division of plant and property management, department of administrative services to the division of emergency services and communications, department of safety.

119. Changes the membership, appointment authority, and terms of the board of tax and land appeals.

120. Requires the department of health and human services to provide an update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee until the contracts for Medicaid managed care are approved by the governor and council.

121. Increases the monthly contribution for medical benefits paid by retired state employees under age 65.

122. Requires the general fund appropriation for the judicial branch to be reduced by a certain amount in addition to other reductions.

123. Requires certain state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) to be transferred from the office of economic stimulus to the department of corrections.

124. Requires the commissioner of the department of administrative services to develop a plan for cost containment options and managed care options to generate savings for the state of New Hampshire retiree



health care program. Allows the commissioner of the department of administrative services to utilize managed care and/or cost containment techniques for the New Hampshire retiree health care program and allows the commissioner to offer financial incentives under certain circumstances.

125. Establishes a committee to develop a plan for privatizing the department of corrections.

126. Requires the commissioner of the department of corrections to transfer not more than 600 inmates currently incarcerated at the state correctional facility in Concord to private and/or public correctional agencies or facilities.

127.(a) Requires the commissioner of the department of resources and economic development to solicit lease proposals for the Cannon Mountain ski area and requires that a lease be secured no later than July 1, 2012.

(b) Establishes a legislative committee to develop the proposal and review responses and requires the capital budget overview committee to approve any lease agreement.

(c) Creates the state park capital improvement fund.

(d) For the biennium ending June 30, 2013, requires revenues in excess of budgeted amounts derived from the operations of Cannon Mountain, less the amount deposited into the fish and game search and rescue fund and the annual amount for debt service for upgrades to the Cannon Mountain aerial tram, to be deposited into the general fund and applied to the negative balance in the state park fund.

128. Requires \$800,000 in revenue derived from Cannon Mountain to be deposited in the general fund and applied to the negative balance contained in the state park fund.

129. Establishes the community college system debt service fund.

130. Authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

131. Requires the lease of rental space in which to house the superior court center.

132 Authorizes transfers between and among class line appropriations in the highway welcome centers and the class line appropriations in the turnpike welcome centers for the biennium ending June 30, 2013.

133. Makes extensive changes to the comprehensive shoreland protection act.

134. Requires the department of health and human services to provide an update on the status of transition of the healthy kids program from the New Hampshire healthy kids corporation to the department's Medicaid managed care program for each meeting of the fiscal committee until the transition is complete.

135. Requires the department of health and human services to contract with in-state hospitals for high intensive neonatal and pediatric care unless such services are not available in New Hampshire, and directs the department to revise the rate structure for such services.

136. Authorizes the department of health and human services to make claims against an estate for financial and medical assistance provided to the deceased by the department.

137. Requires that any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television.

138. Funds certain shelter care services in Bradford, Antrim, and Jefferson.

139. Requires the department of health and human services to collaborate with the 10 area agencies and 10 community mental health centers to minimize the impact of the reduced appropriation to the division of developmental services and the bureau of behavioral health services and to submit a legislative report of the savings generated.

140. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

141. Transfers all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

142. Requires the commissioner of the department of health and human services, with the cooperation of ACS State Healthcare, LLC, to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court.

143. Limits the amount of net operating loss generated in a tax year that may be carried forward under the business profits tax to \$10,000,000.

144. Requires the department of health and human services to present to the fiscal committee a proposal for making uncompensated care payments to hospitals and allows funds in excess of budgeted amounts to be expended for such payments.

145. Requires the retirement system to recalculate employer contribution rates for fiscal years 2012 and 2013.

146. Requires the department of information technology, in consultation with the commissioner of the department of health and human services, to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court.

147. States that the department of state is not a department of the state in the execution of the constitutional duties of the office of the secretary of state.

**The question is on the adoption of the Committee Amendment. Adopted.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**Sen. Larsen, Dist. 15.**

**Sen. Kelly, Dist. 10**

**Sen. Houde, Dist. 5**

**Sen. Merrill, Dist. 21**

**May 31, 2011**

**2011-2242s**

**03/05**

#### **Floor Amendment to HB 2-FN-A-LOCAL**

Amend the bill by deleting sections 277-279, 282, 283, and 294 and renumbering the original sections accordingly.

Amend the bill by inserting after section 388 the following and renumbering the original section 389 to read as 396:

389 Department of Safety; Motor Vehicle Registration Fees Decreased. 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 [ <del>\$30</del> ] <b>\$20</b> surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [ <del>\$30</del> ] <b>\$20</b> surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [ <del>\$45</del> ] <b>\$30</b> surcharge)
8001-10,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [ <del>\$45</del> ] <b>\$30</b> surcharge)
10,001-26,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [ <del>\$55</del> ] <b>\$35</b> surcharge)
26,001-73,280 lbs.	\$.96 per hundred lbs. gross weight		(plus a [ <del>\$75</del> ] <b>\$50</b> 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~~] **\$50** 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.	\$ <del>[8.00]</del> <b>5.50</b>
1001-1500 lbs.	<del>[11.00]</del> <b>8.50</b>
1501-3000 lbs.	<del>[17.00]</del> <b>14.50</b>
3001-5000 lbs.	<del>[34.00]</del> <b>29.00</b>
5001-8000 lbs.	<del>[46.00]</del> <b>41.00</b>
8001-up	<del>[-90]</del> <b>.75</b> 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 ~~[\$.90]~~ **\$ .75** 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—~~[\$25]~~ **\$20**.

390 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, 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—~~[\$25]~~ **\$17.50**.

391 Department of Safety; Motor Vehicle Registration Fees Decreased. 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 <del>[\$20]</del> <b>\$10</b> surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a <del>[\$20]</del> <b>\$10</b> surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a <del>[\$30]</del> <b>\$15</b> surcharge)
8001-10,000 lbs.	.96 per hundred lbs. gross weight	(plus a <del>[\$30]</del> <b>\$15</b> surcharge)	
10,001-26,000 lbs.	.96 per hundred lbs. gross weight	(plus a <del>[\$35]</del> <b>\$17.50</b> surcharge)	
26,001-73,280 lbs.	.96 per hundred lbs. gross weight	(plus a <del>[\$50]</del> <b>\$25</b> 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 ~~[\$50]~~ **\$25** 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.	\$ <del>[5.50]</del> <b>4.25</b>
1001-1500 lbs.	<del>[8.50]</del> <b>7.25</b>
1501-3000 lbs.	<del>[14.50]</del> <b>13.25</b>
3001-5000 lbs.	<del>[29.00]</del> <b>26.50</b>
5001-8000 lbs.	<del>[41.00]</del> <b>38.50</b>
8001-up	<del>[-75]</del> <b>.675</b> 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 ~~[\$.75]~~ **\$.675** 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—~~[\$20]~~ **\$17.50**.

392 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, 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—~~[\$17.50]~~ **\$13.75**.

393 Elimination of Registration Fee Increases; Effective Date. Amend 2009, 144:301, IX to read as follows:

IX. Sections 247 and 248 of this act shall take effect July 1, ~~[2011]~~ **2013**.

394 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations are to be a charge to the highway fund and are hereby authorized for the following accounting units within the department of safety. Said appropriations shall be used to supplant general funded appropriations within these accounting units:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
02-23-23-2310-2300	Office of the Commissioner	Highway	\$3,100,000	\$3,150,000
02-23-23-2340-5412	Detective Bureau	Highway	\$0	\$5,600,000
02-23-23-2340-8239	Urine & CODIS Testing Lab	Highway	\$0	\$460,000
02-23-23-2360-2730	Dir of Homeland Sec-Emer Mgmt	Highway	\$0	\$650,000
02-23-23-2310-1234	Office of Policy - Planning	Highway	\$0	\$34,000
02-23-23-2340-4023	State Police Evidence Account	Highway	\$0	\$11,000
02-23-23-2340-4014	State Police Witness Fees	Highway	\$0	\$15,000
02-23-23-2340-4022	State Police Forensic Lab	Highway	\$0	\$880,000
Total appropriations and charges as included				
Highway Fund			\$13,900,000	

395 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013 the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation. The department may use any additional federal funds available to match the following general fund appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
01-84	Department of Revenue Administration	General Funds	\$1,000,000	\$1,000,000
02-46	Department of Corrections	General Funds	\$1,000,000	\$1,000,000
05-95-40-4030-5855	Children in Need of Services	General Funds	\$0	\$1,284,000
05-95-40-4030-5855	Adoption Services	General Funds	\$697,000	\$1,030,000
05-95-40-4035-6148	Child Development Program	General Funds	\$0	\$4,479,000
05-95-48-4810-8943	Alzheimer's and Related Disease Caregiver Program	General Funds	\$321,000	\$321,000

Total appropriations and charges as included

General fund \$12,132,000

Amend the bill by replacing section 396 with the following:

396 Effective Date.

I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 336, and 342 of this act shall take effect upon its passage.

II. Sections 335, 337, 340, 346-371, and 373-376 of this act shall take effect 60 days after its passage.

III. Sections 69, 75, 84, 209, 223, 327, 328, 343, 372, and 393 of this act and paragraph I of section 220 of this act shall take effect June 30, 2011.

IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

V. Sections 29, 30, 33, 46, 170-171, 173-179, 188-189, and 283 of this act and RSA 100-A:16, I(aa) as inserted by section 180 of this act shall take effect January 1, 2012.

VI. Sections 21, 338-339, 341, and 386 of this act shall take effect July 1, 2013.

VII. Section 292 of this act shall take effect July 1, 2014.

VIII. Sections 294 and 295 of this act shall take effect as provided in section 299 of this act.

IX. Section 221 of this act shall take effect as provided in section 222 of this act.

X. Section 172 of this act shall take effect July 1, 2016.

XI. Sections 325-326 of this act shall take effect July 15, 2011.

XII. Sections 224 and 391-392 of this act shall take effect July 1, 2012.

XIII. The remainder of this act shall take effect July 1, 2011.

## 2011-2242s

### AMENDED ANALYSIS

Amend the analysis by deleting paragraphs 87, 88, and 98 and renumbering accordingly, and inserting the following new paragraphs:

145. Delays the elimination of the motor vehicle registration surcharge from July 1, 2011 to July 1, 2013 and decreases the amount of the surcharge in each fiscal year.

146. Replaces certain general fund appropriations with highway fund appropriations and makes additional general fund appropriations.

**The question is on the adoption of the Floor Amendment.**

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Failed.

Sen. Houde offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15.

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2243s

05/03

#### **Floor Amendment to HB 2-FN-A-LOCAL**

Amend the bill by deleting sections 309-313 and renumbering the original sections and effective dates accordingly.

Amend the bill by inserting after section 389 the following and renumbering the original section 390 to read as 391:

390 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-90-9020-5530	Family Planning	General Funds	\$118,000	\$88,000

Total appropriations and charges as included

General fund	\$206,000
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2011-2243s

#### **AMENDED ANALYSIS**

Amend the analysis by deleting paragraphs 106-109 and renumbering accordingly, and inserting the following new paragraph:

144. Makes a supplemental appropriation for family planning services.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Houde, seconded by Sen. Larsen.

The following Senators voted Yes: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 6 - Nays: 18

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2240s

05/03

#### **Floor Amendment to HB 2-FN-A-LOCAL**

Amend the bill by replacing section 340 with the following:

340 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2013, the following appropriations and charges are hereby authorized for the department of resources and economic development. Said appropriations shall be a charge against the state park fund, state owned ski area account as established in RSA 216-A:3-i:

<u>Accounting Unit</u>	<u>Class</u>	<u>Department/Agency</u>	<u>FY 2013</u>
03-35-35-3515-3703		Cannon Mountain	
03-35-35-3515-3703	010	Personal Services-Perm Class	\$713,653
03-35-35-3515-3703	011	Personal Services-Unclassified	\$74,060
03-35-35-3515-3703	018	Overtime	\$36,000
03-35-35-3515-3703	019	Holiday Pay	\$29,000
03-35-35-3515-3703	020	Current Expenses	\$523,500
03-35-35-3515-3703	022	Rents-Leases Other Than State	\$380,000
03-35-35-3515-3703	023	Heat-Electricity-Water	\$1,000,000
03-35-35-3515-3703	024	Maint. Other Than Build. Grnds	\$273,000
03-35-35-3515-3703	026	Organizational Dues	\$35,000
03-35-35-3515-3703	027	Transfers To DOIT	\$31,036
03-35-35-3515-3703	030	Equipment New/Replacement	\$78,003
03-35-35-3515-3703	039	Telecommunications	\$17,000
03-35-35-3515-3703	042	Additional Fringe Benefits	\$46,000
03-35-35-3515-3703	044	Debt Service Other Agencies	\$82,303
03-35-35-3515-3703	047	Own Forces Maint.- Build.-Grnds	\$100,000
03-35-35-3515-3703	050	Personal Service-Temp/Appoint	\$836,628
03-35-35-3515-3703	059	Temp Full Time	\$246,000
03-35-35-3515-3703	060	Benefits	\$745,415
03-35-35-3515-3703	061	Unemployment Compensation	\$39,000
03-35-35-3515-3703	062	Workers Compensation	\$85,000
03-35-35-3515-3703	069	Promotional- Marketing Expens	\$320,000
03-35-35-3515-3703	070	In-State Travel	\$1,600
03-35-35-3515-3703	080	Out-of State Travel	\$9,400

Total appropriations and charges as included:

Other funds \$5,701,598

Amend the bill by deleting sections 341-347 and renumbering the original sections and effective dates accordingly.

#### **2011-2240s**

#### **AMENDED ANALYSIS**

Replace paragraph 127 with the following:

127. Makes certain appropriations for the department of resources and economic development which shall be a charge against the state park fund established in RSA 216-A:3-i.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Houde.**

**The following Senators voted Yes: Houde, Odell, Kelly, Carson, Larsen, D'Allesandro, Merrill.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**Yeas: 7 - Nays: 17**

**Failed.**

**Recess. Out of recess.**

**Sen. Kelly offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**Sen. Larsen, Dist. 15**

**Sen. Kelly, Dist. 10**

**Sen. Houde, Dist. 5**

**Sen. Merrill, Dist. 21**

**May 31, 2011**

**2011-2247s**

**03/05**

#### **Floor Amendment to HB 2-FN-A-LOCAL**

Amend paragraph II of section 220 of the bill by replacing it with the following:

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$125,000 at the end of the fiscal year shall transfer the excess to the general fund.

Amend the bill by inserting after section 394 the following and renumbering the original section 395 to read as 396:

395 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

<u>Accounting Unit</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2012</u>	<u>FY 2013</u>
05-95-93-9300-7100	Developmental Services Waitlist	General Funds	\$2,500,000	\$2,500,000

Total appropriations and charges as included

General fund \$5,000,000

**2011-2247s**

#### **AMENDED ANALYSIS**

Amend the analysis by inserting the following new paragraph:

148. Makes an additional appropriation for developmental services.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Boutin.**

**The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**Yeas: 5 - Nays: 19**

**Failed.**

**Sen. Kelly offered a floor amendment.**



Sen. D'Allesandro, Dist. 20  
 Sen. Larsen, Dist. 15  
 Sen. Kelly, Dist. 10  
 Sen. Houde, Dist. 5  
 Sen. Merrill, Dist. 21  
 May 31, 2011  
 2011-2246s  
 03/05

### Floor Amendment to HB 2-FN-A-LOCAL

Amend paragraph II of section 220 of the bill by replacing it with the following:

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$125,000 at the end of the fiscal year shall transfer the excess to the general fund.

Amend the bill by inserting after section 394 the following and renumbering the original section 395 to read as 396:

395 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

<u>Accounting Unit</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2012</u>	<u>FY 2013</u>
05-95-92-9200-7010	Community Mental Health Service	General Funds	\$2,500,000	\$2,500,000

Total appropriations and charges as included

General fund	\$5,000,000
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2011-2246s

### AMENDED ANALYSIS

Amend the analysis by inserting the following new paragraph:

148. Makes an additional appropriation for community mental health services.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Houde, seconded by Sen. Larsen.**

**The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**Yeas: 5 - Nays: 19**

**Failed.**

**Sen. Prescott offered a floor amendment.**

Sen. Prescott, Dist. 23  
 June 1, 2011  
 2011-2257s  
 03/09

### Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing all after section 394 with the following:

395 Department of Safety; Motor Vehicle Registration Fees Decreased. 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 [ <del>\$30</del> ] <b>\$20</b> surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [ <del>\$30</del> ] <b>\$20</b> surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [ <del>\$45</del> ] <b>\$30</b> surcharge)
8001-10,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [ <del>\$45</del> ] <b>\$30</b> surcharge)
10,001-26,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [ <del>\$55</del> ] <b>\$35</b> surcharge)
26,001-73,280 lbs.	\$.96 per hundred lbs. gross weight		(plus a [ <del>\$75</del> ] <b>\$50</b> 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~~] **\$50** 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.	<del>[\$8.00]</del> <b>5.50</b>
1001-1500 lbs.	<del>[11.00]</del> <b>8.50</b>
1501-3000 lbs.	<del>[17.00]</del> <b>14.50</b>
3001-5000 lbs.	<del>[34.00]</del> <b>29.00</b>
5001-8000 lbs.	<del>[46.00]</del> <b>41.00</b>
8001-up	<del>[-90]</del> <b>.75</b> 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 [~~\$90~~] **\$75** 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—[~~\$25~~] **\$20**.

396 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, 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—[~~\$25~~] **\$17.50**.

397 Department of Safety; Motor Vehicle Registration Fees Decreased. 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 [ <del>\$20</del> ] <b>\$10</b> surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [ <del>\$20</del> ] <b>\$10</b> surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [ <del>\$30</del> ] <b>\$15</b> surcharge)
8001-10,000 lbs.	.96 per hundred lbs. gross weight		(plus a [ <del>\$30</del> ] <b>\$15</b> surcharge)
10,001-26,000 lbs.	.96 per hundred lbs. gross weight		(plus a [ <del>\$35</del> ] <b>\$17.50</b> surcharge)
26,001-73,280 lbs.	.96 per hundred lbs. gross weight		(plus a [ <del>\$50</del> ] <b>\$25</b> 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 [~~\$50~~] **\$25** 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.	\$ [ <del>5.50</del> ] <b>4.25</b>
1001-1500 lbs.	[ <del>8.50</del> ] <b>7.25</b>
1501-3000 lbs.	[ <del>14.50</del> ] <b>13.25</b>
3001-5000 lbs.	[ <del>29.00</del> ] <b>26.50</b>
5001-8000 lbs.	[ <del>41.00</del> ] <b>38.50</b>
8001-up	[ <del>.75</del> ] <b>.675</b> 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 [~~\$.75~~] **\$.675** 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—[~~\$20~~] **\$17.50**.

398 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, 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—[~~\$17.50~~] **\$13.75**.

399 Elimination of Registration Fee Increases; Effective Date. Amend 2009, 144:301, IX to read as follows:

IX. Sections 247 and 248 of this act shall take effect July 1, [2011] **2013**.

400 Effective Date.

I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 341, and 347 of this act shall take effect upon its passage.

II. Sections 340, 342, 345, 351-376, and 378-381 of this act shall take effect 60 days after its passage.

III. Sections 69, 75, 84, 209, 223, 332, 333, 348, 377, and 399 of this act and paragraph I of section 220 of this act shall take effect June 30, 2011.

IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

V. Sections 29, 30, 33, 46, 170-171, 173-179, 188-189, and 287, and RSA 100-A:16, I(aa) as inserted by section 180 of this act shall take effect January 1, 2012.

VI. Sections 21, 343-344, 346, and 391 of this act shall take effect July 1, 2013.

VII. Sections 277-279 of this act shall take effect September 30, 2011.

VIII. Section 297 of this act shall take effect July 1, 2014.

IX. Sections 299 and 300 of this act shall take effect as provided in section 304 of this act.

X. Section 221 of this act shall take effect as provided in section 222 of this act.

XI. Section 172 of this act shall take effect July 1, 2016.

XII. Sections 330-331 of this act shall take effect July 15, 2011.

XIII. Sections 224 and 397-398 of this act shall take effect July 1, 2012.

XIV. The remainder of this act shall take effect July 1, 2011.

**2011-2257s**

#### AMENDED ANALYSIS

Amend the analysis by inserting the following new paragraph:

148. Delays the elimination of the motor vehicle registration surcharge from July 1, 2011 to July 1, 2013 and decreases the amount of the surcharge in each fiscal year.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Boutin.**

**The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill, Prescott, Stiles.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Bragdon.**

**Yeas: 7 - Nays: 17**

**Failed.**

**Sen. Bradley offered a floor amendment.**

**Sen. Bradley, Dist. 3**

**Sen. Boutin, Dist. 16**

**Sen. Forrester, Dist. 2**

**Sen. Rausch, Dist. 19**

**Sen. Forsythe, Dist. 4**

**Sen. Stiles, Dist. 24**

**Sen. DeBlois, Dist. 18**

**June 1, 2011**

**2011-2260s**

**10/03**

#### Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 394 the following and renumbering the original sections and effective dates accordingly:

395 Retirement System; Political Subdivision Costs; Expenditure Authorized. On or before August 30, 2012, the state treasurer upon approval of the fiscal committee of the general court may expend funds on a one-time basis in the fiscal year ending June 30, 2013 should retirement reforms not produce savings in the fiscal year ending June 30, 2012 that match a 25 percent state contribution towards retirement costs for political subdivisions in the fiscal year ending June 30, 2012. Said amounts shall be distributed to political subdivisions, and may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

**2011-2260s**

**AMENDED ANALYSIS**

Amend the analysis by inserting after paragraph 147 the following new paragraph:

148. Requires distributions to political subdivisions if specified retirement system savings are not realized.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Boutin, seconded by Sen. Houde.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 19 - Nays: 5**

**Adopted.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**Sen. Morse, Dist. 22**

**June 1, 2011**

**2011-2268s**

**01/04**

**Floor Amendment to HB 2-FN-A-LOCAL**

Amend the bill by inserting after section 394 the following and renumbering the original section 395 to read as 396:

395 Department of Health and Human Services, Division of Community Based Care Services, Bureau of Behavioral Health, Services in Region 6. The department of health and human services shall contract with the community mental health provider designated under He-M 426.04 to provide all Medicaid services to Medicaid-eligible persons with severe mental illness and severe and persistent mental illness in region 6, for all such persons that the community mental health provider provides residential support services to, as of July 1, 2011. The sum of \$1,650,000 shall be allocated from accounting unit 05.95.92.920010.7010 (general funds) for the fiscal year ending June 30, 2012 for this contract.

**2011-2268s**

**AMENDED ANALYSIS**

Requires the department of health and human services to contract with a certain provider to provide Medicaid services to Medicaid-eligible persons with severe mental illness in region 6 and allocates moneys for the fiscal year ending June 30, 2012 for such contract.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Barnes, seconded by Sen. D'Allesandro.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: (None).**

**Yeas: 24 - Nays: 0**

**Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Bradley.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 19 - Nays: 5**

**Adopted, bill ordered to Third Reading.**

**Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.**

#### **COMMERCE**

**HB 276-FN**, relative to wine manufacturers. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**June 1, 2011**

**2011-2254s**

**06/05**

#### **Floor Amendment to HB 276-FN**

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

AN ACT relative to wine manufacturers and relative to auction houses.

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

5 New Section; Auction Permit. Amend RSA 178 by inserting after section 17-a the following new section:

178:17-b Auction House.

I. The commission may issue a permit to any person authorized as an auction house in this state or any person currently licensed in its state of domicile as a public auction house. The holder of any permit under this section shall be authorized to auction wine to individuals and licensees. Auction shipment applicants shall be subject to all requirements under RSA 178:3.

II. An auction permit holder may ship directly to New Hampshire consumers over 21 years of age in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments shall be made by a licensed carrier or other carrier approved by the commission, and such carriers are required to obtain an adult signature. Any shipments made to a person less than 21 years of age, shall be guilty of a class B felony and shall have such permit revoked. No auction houses or carriers shall ship into any New Hampshire city or town where alcoholic beverages are not lawfully sold or prohibit direct shipments of wine.

III. No auction house shall ship any wine to a New Hampshire resident that is currently approved for sale within the state of New Hampshire. No licensee shall purchase or sell wine at an auction house without first obtaining written approval from the commission.

IV. Except with written permission from the commission, no auction house shall ship not more than 12, 9-liter cases or equivalent of wine to any one New Hampshire consumer in any calendar year.

V. For the purpose of this section, an in state auction house may obtain wine to be auctioned from within or outside of New Hampshire. All wine shall be shipped directly to or delivered to the auction house for auction.

VI. In addition, auction houses shall pay a fee of 8 percent of the auction hammer price of the wine shipped to any one New Hampshire consumer not to exceed \$400.

VII. Auction houses shall file a report on or before the tenth day of each month in which a shipment was made and pay the additional fees provided in section VI, covering all shipments by the auction house made during the preceding calendar month. Such reports shall be made in a manner and form required by the New Hampshire liquor commission division of enforcement and licensing. Shipping records shall be maintained for at least 3 years by the auction house.

VIII. The New Hampshire liquor commission may assess a \$250 penalty for failure to report to the commission any shipment.

IX Upon notification by authorities in another state which imposes a reciprocal enforcement policy, a New Hampshire permit holder making illegal direct shipments to consumers in said state shall be subject to action by the liquor commission.

**2011-2254s**

#### AMENDED ANALYSIS

This bill:

I. Permits wine manufacturers to sell wine at annual fairs or similar events.

II. Eliminates the requirement that wine provided as samples by a wine manufacturer be purchased from the liquor commission.

III. Establishes an auction house permit.

**The question is on the adoption of the Floor Amendment. Failed.**

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

#### EDUCATION

**HB 130**, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

**Senate Education**

**May 24, 2011**

**2011-2162s**

**04/10**

#### Amendment to HB 130

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

AN ACT relative to accountability for the opportunity for an adequate education.

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

1 Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E:3-b to read as follows:

193-E:3-b Accountability for the Opportunity for an Adequate Education. Beginning with the 2009-2010 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the requirements of ~~[paragraph I]~~ **subparagraphs I(a) and (b)** of this section. Beginning with the 2011-2012 school year, a school shall demonstrate, by the end of the school year, that it provides the opportunity for an adequate education by meeting the requirements of either paragraph I or II of this section. Following the adoption of the performance-based accountability system as provided in RSA 193-E:3-c and RSA 193-E:3-d, the department shall evaluate all schools using both the input-based school accountability system under ~~[paragraph I]~~ **subparagraphs I(a) and (b)** of this section and the performance-based accountability system under RSA 193-E:3-c and RSA 193-E:3-d. A school that satisfies the requirements of either ~~[system]~~ **paragraph I or II** shall be providing the opportunity for an adequate education.

I. ~~(a)~~ A school may demonstrate ~~[through the input-based school accountability system,]~~ that it provides the opportunity for an adequate education as set forth in RSA 193-E:2-a by establishing that it ~~[met]~~ **meets** the following **input-based** school **accountability** standards in effect as of the effective date of this section:

~~[(a)]~~ **(1)** English/language arts and reading as set forth in Ed 306.37.

~~[(b)]~~ **(2)** Mathematics as set forth in Ed 306.43.

~~[(c)]~~ **(3)** Science as set forth in Ed 306.45.

~~[(d)]~~ **(4)** Social studies as set forth in Ed 306.46.

~~[(e)]~~ **(5)** Arts education as set forth in Ed 306.31.

~~[(f)]~~ **(6)** World languages as set forth in Ed 306.48.

~~[(g)]~~ (7) Health education as set forth in Ed 306.40.

~~[(h)]~~ (8) Physical education as set forth in Ed 306.41.

~~[(i)]~~ (9) Technology education, and information and communication technologies as set forth in Ed 306.42 and Ed 306.47.

~~[(j)]~~ (10) School year as set forth in Ed 306.18.

~~[(k)]~~ (11) Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).

~~[H. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.~~

~~HH. In order to demonstrate that a school provides the opportunity for an adequate education through the input-based school accountability system under paragraph I:]~~

(b)(1) The commissioner shall require school officials to submit a narrative explanation detailing how the school has complied with each of the standards included in the opportunity for an adequate education contained in ~~[paragraph I]~~ **subparagraph (a)**. The school principal and school district superintendent shall certify in writing that the responses submitted are accurate. The commissioner shall develop a form which conforms to the provisions of this paragraph.

(2) The commissioner shall review the responses to each school's self-assessment required under this section and shall verify that the responses comply with the standards included in the opportunity for an adequate education specified under ~~[paragraph I]~~ **subparagraph (a)**.

(3) Schools that successfully demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for any year beginning with the 2009-2010 school year shall be required by the commissioner to resubmit the narrative explanations at least once every 2 years.

(4) Schools that are unable to demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for the 2009-2010 school year, or for any year thereafter, shall be required by the commissioner to resubmit the narrative explanations annually until such demonstration has been made.

(5) The commissioner shall integrate, to the maximum extent practicable, the input-based school accountability system to demonstrate the opportunity for an adequate education with the school approval process pursuant to RSA 21-N:6, V.

(6) Beginning September 1, 2012, the department shall annually conduct site visits at 10 percent of schools statewide to assess the validity of the input-based school accountability system and to determine whether those schools demonstrate the opportunity for an adequate education by meeting the school standards identified in **this** paragraph [H]. To the extent feasible, the commissioner shall conduct these site visits together with other site visits conducted by the department for other purposes and programs. The commissioner may require more frequent site visits at schools which have been unable to demonstrate that they provide the opportunity for an adequate education. To the extent that the department conducts school site visits for other state and/or federal programs after the commencement of the 2009-2010 school year, but prior to September 1, 2012, the department shall, to the maximum extent practicable, endeavor to audit the input-based school accountability self-reporting completed by the visited school.

***(c) A school that furnishes the commissioner with evidence that it has received full accreditation from the New England Association of Schools and Colleges (NEASC) shall be deemed to be in compliance with the provisions of subparagraphs (a) and (b). The school shall submit to the commissioner copies of documentation necessary during the school's accreditation process including, but not limited to, the accreditation self-study report, peer review reports, reports of any follow-up activities taken by the school in response to NEASC's recommendations for accreditation, and the annual school update report as required by NEASC each fall. In the fifth year of the 10-year accreditation, the school shall submit a progress report to the commissioner. A school accredited by NEASC shall meet or exceed NEASC's standards and shall use those standards to measure improvement.***

***II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-***



***based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.***

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

**2011-2162s**

#### AMENDED ANALYSIS

This bill allows a school to demonstrate compliance with the input-based school accountability standards by furnishing evidence that it has received full accreditation from the New England Association of Schools and Colleges.

**The question is on the adoption of the Committee Amendment. Adopted.**

**President Bragdon ruled Amendment 2232s non-germane.**

**Sen. Larsen moved to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 2232s to HB 130. Adopted by necessary 2/3 vote.**

**Sen. Larsen offered a floor amendment.**

**Sen. Larsen, Dist. 15**

**Sen. Barnes, Dist. 17**

**May 31, 2011**

**2011-2232s**

**04/09**

#### Floor Amendment to HB 130

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

AN ACT relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

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

2 School District Election Dates. Amend RSA 671:2 to read as follows:

671:2 Election Dates. School district officers shall be elected either at the town meeting as provided in RSA 671:22-26 or at an annual meeting of the district held between the dates set forth in RSA 197:1. Notwithstanding any other provision of law, no election for school district officers shall be held in conjunction with the biennial election. The prohibition in this section against holding an election for school district officers in conjunction with the biennial election shall not apply to the election of the board of education members of the Concord union school district as provided in 1961, 355 as amended by 1983, 123, ***or any successor charter thereto***, or to the election of the Laconia board of education members as provided in section 9:01 of the city charter of Laconia as amended by 1975, 357.

**2011-2232s**

#### AMENDED ANALYSIS

This bill allows a school to demonstrate compliance with the input-based school accountability standards by furnishing evidence that it has received full accreditation from the New England Association of Schools and Colleges. The bill also extends an exception from the statutory school district election date requirements to any successor charter adopted by the Concord school district.

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

**Senate Education**

**May 24, 2011**

**2011-2160s**

**04/05**

#### Amendment to HB 164

Amend RSA 193-E:2-a, IV(b) as inserted by section 1 of the bill by replacing it with the following:

***(b)(1) The “common core state standards” developed jointly by the National Governors Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted or approved, without prior approval of the general court.***

***(2) This subparagraph shall not apply to the English language arts and mathematics common core state standards which have been approved, in principle, by the state board of education prior to the effective date of this subparagraph.***

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

2 State Board of Education; Report on Review of English Language Arts and Mathematics Common Core State Standards. On or before December 31, 2011, the state board of education shall submit a report to the speaker of the house of representatives, senate president, and the chairmen of the house and senate education committees on the board's review of the English language arts and mathematics common core state standards and the relevance of those standards to the delivery of public education in this state.

**2011-2160s**

#### AMENDED ANALYSIS

This bill requires prior approval of the general court for the adoption, approval, or implementation of the common core state standards in any school district of this state, or as part of the New Hampshire curriculum frameworks, or as part of an adequate education. The bill also requires the state board of education to submit a report on the board's review of the English Language Arts and Mathematics common core state standards and the relevance of those standards to the delivery of public education in this state.

**The question is on the adoption of the Committee Amendment.**

**Sen. Stiles moved to Lay on the Table HB 164.**

**A roll call was requested by Sen. Forsythe, seconded by Sen. Barnes.**

**The following Senators voted Yes: Gallus, Houde, Odell, Kelly, Lambert, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Carson, De Blois, Morse.**

**Yeas: 14 - Nays: 10**

**Adopted.**

**HB 429**, permitting a child 16 years of age or older to withdraw from school with parental permission. Inexpedient to Legislate, Vote 3-1. Senator Prescott for the committee.

**The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Houde, Odell, Kelly, Lambert, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Forsythe, Groen, Sanborn, White, Luther, Carson.**

**Yeas: 18 - Nays: 6**

**Adopted.**

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 390**, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

**Senate Executive Departments and Administration**

**May 26, 2011**

**2011-2216s**

**04/01**

**Amendment to HB 390**

Amend section 2 of the bill by inserting after paragraph (6) the following new paragraphs:

(7) RSA 9-C:4

Interagency Recycling and Product Purchase Committee

(8) RSA 19-L

Citizens Trade Policy Commission

Amend the bill by replacing section 12 with the following:

12 Repeal. The following are repealed:

I. RSA 19-B:1-9, relative to the commission on the status of women.

II. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.

III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.

IV. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.

V. RSA 9-C:2, I, relative to the definition of the interagency recycling and product purchase committee.

VI. RSA 9-C:3, II, relative to cooperation with the interagency recycling and product purchase committee.

VII. 2007, 365:2 and 2007, 365:3, I, relative to the prospective repeal date of January 1, 2015 for the citizens trade policy commission.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 18:

16 State Government Waste Reduction; Procurement. Amend RSA 9-C:8 to read as follows:

9-C:8 Procurement. The division shall fulfill its responsibility as the state's procurement agency in a manner consistent with and in advancement of the policy principles of RSA 9-C:3. This shall be reflected, in part, in the division's procurement specifications and the information required from vendors and bidders. The division shall keep all state agencies that make purchases through it informed of the requirements of this chapter and shall work with such agencies ~~[and the committee]~~ in furtherance of such requirements. The division shall put in place the necessary contracts to facilitate the purchase of those materials, supplies, and products identified by the ~~[committee under RSA 9-C:4, H(b)]~~ **division** when they are of a type normally procured through the division, as well as other materials, supplies, and products containing recycled materials for which there is a demand. The division~~[-in consultation with the committee,]~~ shall also arrange for the pickup of recycled materials, where feasible, at those state agencies that purchase through the division.

17 State Government Waste Reduction; Reporting. Amend RSA 9-C:10 to read as follows:

9-C:10 Reporting.

I.(a) ~~[The committee]~~ **Each agency** shall prepare a form, with assistance from the director of the division, that shall be used to report on agency success in complying with this chapter. The head or governing board of each department or other primary state agency shall complete the form to the extent that the information requested is applicable to the agency, and return it to the ~~[committee]~~ **division** by September 1 of each year beginning in 2009. Information concerning administratively attached agencies, as identified by the ~~[committee]~~ **division**, shall be included within the report of the primary state agency. The form shall require the reporting of information in sufficient detail to allow the ~~[committee]~~ **division** to prepare its annual report under paragraph II. When possible, the ~~[committee]~~ **division** shall rely upon information already recorded by the division through the procurement process.

(b) The primary state agency shall certify on such form that the agency is in compliance with each policy provision of RSA 9-C:3, I and if not, the reasons for non-compliance and the agency's plan for compliance.

II. The ~~[committee]~~ **division** shall submit a report on compliance with this chapter by November 1 of each year beginning in 2009 to the governor, the legislative committees of jurisdiction, the department of environmental services, and the state library that shall include, but not be limited to, both detailed and summarized information, as best can be determined, on:

(a) The waste materials that were either recycled or otherwise disposed of by state agencies during the prior fiscal year by type, quantity, disposal cost or sales revenue, and agency.

(b) Purchases made by state agencies during the prior fiscal year of those types of materials, supplies, and products identified by the ~~[committee under RSA 9-C:4, H(b)]~~ **division** as being available with recycled

material content, by type, recycled material content, if any, quantity, cost, and agency. ~~[Where possible, the committee shall rely upon information recorded by the division through the procurement process.]~~

(c) The response given by each state agency to the certification requirement under subparagraph I(b) relative to its compliance with each policy principle of RSA 9-C:3, I.

(d) Any recommended changes to state laws, policies, or practices that would advance the policy principles of RSA 9-C:3, I, including any offered by state agencies under paragraph I.

(e) The actions taken by the division to fulfill its responsibilities under RSA 9-C:8 as the state's procurement agency.

~~[(f) The activities of the committee during the past year, including a copy of the document prepared by the committee under RSA 9-C:4, III.]~~

III. The legislative branch shall devise its own method of reporting compliance with this chapter and shall not be considered a state agency for purposes of reporting under this section.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 565**, establishing a dental hygienists committee within the board of dental examiners. Ought to Pass, Vote 5-0. Senator Luther for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. Ought to Pass with Amendment, Vote 4-1. Senator Groen for the committee.

## **Senate Executive Departments and Administration**

**May 26, 2011**

**2011-2212s**

**05/01**

### **Amendment to HB 623**

Amend RSA 21-I:52, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, **religion**, religious beliefs or affiliations, age, sex, **sexual orientation**, **national origin**, or race. ~~[In addition, no person shall have any such employment action taken on account of such person's sexual orientation.]~~ **Additionally, except as provided in paragraph I-a, there shall be no preferential treatment or discrimination in recruiting, hiring, or promotion based on race, sex, sexual orientation, national origin, religion, or religious beliefs.** Nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with the employee's employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting such classified employment. Determination of such conflict shall be made by the personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave the employee's public office or other employment or otherwise end the conflict before the appointing authority initiates that action.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 623.**

#### **FINANCE**

**HB 462-FN**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

**Senate Finance**

**May 26 2011**

**2011-2211s**

**10/05**

#### **Amendment to HB 462-FN**

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3-5, respectively:

2 Application. The provisions of RSA 100-A:16, III-a as inserted by section 1 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect on the effective date of this section, to the extent required by the contract or agreement, before the termination of such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of either the operation of law or the status quo doctrine, or a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after the effective date of this section.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 489-FN**, establishing a health information organization corporation. Ought to Pass, Vote 7-0. Senator Barnes for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 489-FN.**

**HB 490-FN**, adopting the interstate compact for juveniles. Ought to Pass, Vote 7-0. Senator Forrester for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 505-FN**, making charter schools eligible for grants for leased space. Ought to Pass, Vote 6-1. Senator Barnes for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 519-FN**, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. Ought to Pass, Vote 6-1. Senator Odell for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass.**

**Sen. Bradley offered a floor amendment.**

**Sen. Bradley, Dist. 3**

**Sen. Sanborn, Dist. 7**

**Sen. Forsythe, Dist. 4**

**Sen. Groen, Dist. 6**

**June 1, 2011**

**2011-2272s**

**09/01**

#### **Floor Amendment to HB 519-FN**

Amend the bill by replacing section 17 with the following:

17 Contingency. If any 2 New England states participating in the regional greenhouse gas initiative end or agree to end their participation in the initiative or if a New England state which has at least 10 percent of the total load of the New England states participating in the regional greenhouse gas initiative ends its participation in the initiative, sections 11-15 of this act shall take effect upon the date that the commissioner of the department of environmental services certifies to the secretary of state and the director of the office of legislative services that such states have terminated or have authorized termination of their participation in the initiative or such state has terminated its participation in the initiative.

## **2011-2272s**

### **AMENDED ANALYSIS**

This bill replaces the greenhouse gas emission reduction fund with the energy efficiency fund, lowers the rebate threshold for auction proceeds to \$1, and allocates the remaining proceeds received by the state from the sale of allowances to core energy efficiency programs funds by system benefits charges. The bill also requires the legislative oversight committee on electric utility restructuring to monitor and report on certain core energy efficiency programs.

The bill contains a contingent repeal of New Hampshire's regional greenhouse gas initiative cap and trade program if 2 or more New England states withdraw or agree to withdraw from participating in the initiatives or if a state which has at least 10 percent of the total load of the New England states participating in the initiative withdraws or authorizes withdrawal from participation in the initiative.

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the adoption of the motion of Ought to Pass as Amended.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Boutin.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: (None).**

**Yeas: 24 - Nays: 0**

**Adopted, bill ordered to Third Reading.**

### **INTERNAL AFFAIRS**

**CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**

**Sens. Barnes, Groen, Morse, and Sanborn are in opposition to the motion of Re-refer to committee.**

**CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**

**Recess. Out of recess.**

### **SPECIAL ORDER**

**Without objection President Bragdon moved that the following bills be Special-Ordered to the end of the Calendar: HB 146, HB 147, HB 375, HB 648.**

### **JUDICIARY**

**HB 51**, relative to screening panel members for screening panels for medical injury claims. Ought to Pass, Vote 4-0. Senator Groen for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 82**, relative to the annulment of criminal records. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

**Senate Judiciary**

**May 25, 2011**

**2011-2195s**

**04/09**

**Amendment to HB 82**

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

1 Annulment of Criminal Records. Amend RSA 651:5, I-II to read as follows:

I. Except as provided in paragraphs V-VIII, the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely brought in accordance with the provisions of this section if in the opinion of the court, ~~[after hearing,]~~ the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare. ***The court may grant or deny an annulment without a hearing, unless a hearing is requested by the petitioner.***

II. Any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record ***or court record, or both***, at any time in accordance with the provisions of this section.

2 Annulment of Criminal Records. Amend RSA 651:5, XII to read as follows:

XII. A person is guilty of a misdemeanor if, during the life of another who has had a record of arrest or conviction annulled pursuant to this section, he ***or she, having knowledge of the annulment, knowingly*** discloses or communicates the existence of such record except as provided in subparagraph XI(b) ***and paragraphs XVI-XVII.***

3 New Paragraphs; Annulment of Criminal Records. Amend RSA 651:5 by inserting after paragraph XV the following new paragraphs:

XVI. A journalist or reporter shall not be subject to civil or criminal penalties for publishing or broadcasting:

(a) That a person had a criminal record that has been annulled, including the content of that record.

(b) That a person has a criminal record, including the content of such record, without reporting that the record has been annulled, if the journalist or reporter does not have knowledge of the annulment.

XVII. No person or entity, whether public or private, shall be subject to civil or criminal penalties for not removing from public access or making corrections to a report or statement that a person has a criminal record, including the content of such record, if thereafter the criminal record was annulled. This provision shall apply to any report or statement, regardless of its format.

4 Effective Date. This act shall take effect upon its passage.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 110**, requiring professional safety and security services personnel to report certain criminal offenses. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**

**HB 141**, relative to protected utility services. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

**Senate Judiciary**  
**May 25, 2011**  
**2011-2189s**  
**06/05**

**Amendment to HB 141**

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

AN ACT relative to the treatment of cable television as a protected utility service.

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

1 New Paragraph; Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited; Exception.  
Amend RSA 540-A:3 by inserting after paragraph I the following new paragraph:

I-a. The provisions of paragraph I shall not apply to cable television service.

2 Effective Date. This act shall take effect January 1, 2012.

**2011-2189s**

**AMENDED ANALYSIS**

This bill exempts cable television from utility services that are protected from interruption or termination by landlords.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 145**, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**

**HB 158**, relative to the misuse of social security numbers. Re-refer to committee, Vote 4-0. Senator Groen for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**

**HB 259**, requiring the supreme court to adopt rules of evidence for the judicial branch family division. Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

**The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.**

**HB 511**, relative to retired judges over 70 years of age. Ought to Pass with Amendment, Vote 3-1. Senator Luther for the committee.

**Senate Judiciary**  
**May 26, 2011**  
**2011-2217s**  
**08/03**

**Amendment to HB 511**

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

2 Applicability. Section 1 of this act shall apply only to cases filed on or after the effective date of this act.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 597**, revising the child support guidelines based on an income shares model of calculating child support. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**



**Recess. Out of recess.**

President Bragdon led the Senate in a moment of silence to honor former New Hampshire Governor Walter Peterson, who passed away the previous evening.

Sen. Kelly introduced her husband, Art, and her son, Patrick, guests in the Senate gallery today.

**SPECIAL ORDER**

**Without objection President Bragdon moved that HB 648 be Special-Ordered to 1:00 p.m.**

**JUDICIARY**

**HB 146**, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. Inexpedient to Legislate, Vote 2-2. Senator Houde for the committee.

**The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.**

**A division vote was requested.**

**Yeas: 8 - Nays: 12**

**Failed.**

**Sen. Carson moved Re-refer to committee. Adopted.**

**HB 147-FN**, making the commission of certain offenses punishable under the capital murder statute. Ought to Pass with Amendment, Vote 3-1. Senator Luther for the committee.

**Senate Judiciary**

**May 25, 2011**

**2011-2191s**

**04/10**

**Amendment to HB 147-FN**

Amend the bill by replacing section 2 with the following:

2 Homicide; Capital Murder. Amend RSA 630:1, I(f) to read as follows:

(f) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b)[-]; **or**

***(g) Another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary as defined in RSA 635:1.***

**2011-2191s**

**AMENDED ANALYSIS**

This bill provides that a person is guilty of capital murder if he or she knowingly causes the death of another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary.

**The question is on the adoption of the Committee Amendment. Adopted.**

**Sen. Barnes is in favor of the adoption of the Committee Amendment to HB 147-FN.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sens. Barnes, Bradley, and White are in favor to the motion of Ought to Pass as Amended on HB 147-FN.**

**HB 375**, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil. Ought to Pass with Amendment, Vote 3-1. Senator Groen for the committee.

**Senate Judiciary**

**May 26, 2011**

**2011-2218s**

**05/10**

**Amendment to HB 375**

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

1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II(a) is repealed and reenacted to read as follows:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary, to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

**2011-2218s**

**AMENDED ANALYSIS**

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises.

**The question is on the adoption of the Committee Amendment. Adopted.**

**Sen. Stiles offered a floor amendment.**

**Sen. Stiles, Dist. 24**

**June 1, 2011**

**2011-2271s**

**04/01**

**Floor Amendment to HB 375**

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

1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II(a) is repealed and reenacted to read as follows:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises when the minor's or pupil's behavior or continued presence on the premises would constitute a danger to that individual, or to other children or adults present. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

**2011-2271s**

**AMENDED ANALYSIS**

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises under certain circumstances.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Prescott, seconded by Sen. Houde.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Sanborn, Odell, Kelly, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, D'Allesandro, Merrill, Morse, Prescott, Stiles.**

**The following Senators voted No: Groen, White, Luther, Rausch, Bragdon.**

**Yeas: 19 - Nays: 5**

**Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 375.**

**Sen. Forsythe moved to remove HB 542-FN from the table. Adopted.**

**EDUCATION**

**HB 542-FN**, (New Title) prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

**The pending question is on the adoption of the Committee recommendation of Inexpedient to Legislate.**

**A division vote was requested.**

**Yeas: 5 - Nays: 16**

**Failed.**

**Sen. Forsythe moved Ought to Pass.**

**Sen. Forsythe offered a floor amendment.**

**Sen. Forsythe, Dist. 4**

**June 1, 2011**

**2011-2251s**

**04/09**

**Floor Amendment to HB 542-FN**

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

AN ACT relative to exceptions for objectionable material in public school courses.

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

1 New Paragraph; State Board of Education; Duties. Amend RSA 186:11 by inserting after paragraph IX-b the following new paragraph:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 Effective Date. This act shall take effect January 1, 2012.

**2011-2251s**

**AMENDED ANALYSIS**

This bill requires school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable.

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. Forsythe is in favor of the motion of Ought to Pass as Amended on HB 542-FN.**

**Sen. Stiles moved to remove HB 650-FN-L from the table. Adopted.**

**HB 650-FN-L**, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

**Senate Education**

**April 27, 2011**

**2011-1607s**

**04/10**

**Amendment to HB 650-FN-LOCAL**

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

1 New Chapter; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Amend RSA by inserting after chapter 197 the following new chapter:

CHAPTER 197-A  
SPECIAL MEETINGS  
REGARDING APPROPRIATIONS FOR STATE EDUCATION FUNDING

197-A:1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

2 Effective Date. This act shall take effect July 1, 2011.

**The pending question is on the adoption of the Committee Amendment. Failed.**

**Sen. Stiles offered a floor amendment.**

**Sen. Stiles, Dist. 24**

**May 31, 2011**

**2011-2227s**

**04/01**

**Floor Amendment to HB 650-FN-LOCAL**

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

1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section in a single session for deliberating and voting, and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

2 Repeal. Section 1 of this act, relative to special meetings for school districts, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2012.

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

**2011-2227s**

#### AMENDED ANALYSIS

This bill authorizes a school district to call a special meeting to address changes in the amount of education funding to be received from the state. This authorization is repealed effective July 1, 2012.

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. Boutin moved to remove HB 136-FN from the table. Adopted.**

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 136-FN**, repealing the uniform athlete agents act. Ought to Pass, Vote 3-1. Senator Carson for the committee.

**The pending question is on the adoption of the Committee recommendation of Ought to Pass.**

**President Bragdon ruled Amendment 2239s non-germane.**

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**  
**Sen. Boutin, Dist. 16**  
**May 31, 2011**  
**2011-2239s**  
**05/04**

**Floor Amendment to HB 136-FN**

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

AN ACT establishing a commission to study youth sports concussions and other concussions received while at school.

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

1 Commission Established. There is established a commission to study youth sports concussions and other concussions received while at school.

2 Membership and Compensation.

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

- (a) A physician licensed in New Hampshire or other health care professional, appointed by the governor.
- (b) A member from the New Hampshire School Boards Association, appointed by that association.
- (c) A member from the New Hampshire Athletic Trainers' Association, appointed by that association.
- (d) A member from the Brain Injury Association of New Hampshire, appointed by that association.
- (e) An athletics coach from a New Hampshire high school, appointed by the governor.
- (f) The director of the division of parks and recreation, or designee.
- (g) A member from the New Hampshire Interscholastic Athletic Association, appointed by that association.
- (h) A member from the New Hampshire School Nurses' Association, appointed by that association.
- (i) The president of a New Hampshire company specializing in head impact biomechanics, or designee, appointed by the governor.
- (j) The bureau chief of the bureau of developmental services, department of health and human services, or designee.

II. Members of the commission shall serve without compensation.

3 Duties.

I. The commission shall study:

- (a) Youth sports concussions and other concussions received while at school and how the adults involved should educate youths and their parents or guardians about the nature and risk of head injury and concussion, and how best to identify and handle suspected and confirmed youth concussions and brain injuries.
- (b) The logistics of implementing a so-called "return-to-play" system, including who can provide medical clearance in a return-to-play system.
- (c) What training or certification is necessary to certify that a youth is safe to return to play.
- (d) The impact, including but not limited to costs and liabilities, on municipalities and school-based athletic activities of implementing a return-to-play system.

II. The commission shall solicit the advice and expertise of helmet manufacturers on concussion-related issues and any other issue that the commission deems appropriate.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission 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, 2011. The commission shall submit an electronic copy of the signed final report to the office of information technology which shall post the report on the state of New Hampshire's website.

6 Effective Date. This act shall take effect upon its passage.

**2011-2239s**

#### AMENDED ANALYSIS

This bill establishes a commission to study youth sports concussions and other concussions received while at school.

**The pending question is on the adoption of the motion to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 2239s to HB 136-FN.**

**Sen. Boutin moved to Lay on the Table HB 136-FN. Adopted.**

**Sen. White moved to remove HB 187-FN-A from the table. Adopted.**

#### FINANCE

**HB 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

**The pending question is ordering the bill to Third Reading.**

#### MOTION OF RECONSIDERATION

**Sen. Sanborn, having voted on the prevailing side, moved to reconsider HB 187, the bill having been previously adopted. Adopted.**

**Sen. Sanborn offered a floor amendment.**

**Sen. Sanborn, Dist. 7**

**June 1, 2011**

**2011-2267s**

**09/10**

#### Floor Amendment to HB 187-FN-A

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

1 Business Profits Tax; Credit for Business Enterprise Tax. Amend RSA 77-A:5, X to read as follows:

X. Taxes paid pursuant to RSA 77-E. Such credit shall be applied in accordance with RSA 77-E:13. No amount of tax paid pursuant to RSA 77-E and used as a credit against the taxes due under ~~[RSA 83-C or]~~ RSA 400-A shall be allowed as a credit under this paragraph except as provided in ~~[RSA 83-C:2-a or]~~ RSA 400-A:34-a. Any unused portion of the credit allowed under this paragraph may be carried forward and allowed against the tax due under this chapter for [5] **10** taxable periods from the taxable period in which the tax was paid.

2 Applicability. Section 1 of this act shall take effect for taxable periods ending on or after July 1, 2014.

3 Effective Date. This act shall take effect July 1, 2014.

**2011-2267s**

#### AMENDED ANALYSIS

This bill changes the carry forward periods for the business enterprise tax credit against the business profits tax.

**The question is on the adoption of the Floor Amendment.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: (None).**

**Yeas: 24 - Nays: 0**

**Adopted.**

**The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. White moved to remove HB 590 from the table. Adopted.**

**HB 590**, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

#### **Internal Affairs**

**May 12, 2011**

**2011-1887s**

**05/10**

#### **Amendment to HB 590**

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

AN ACT establishing a committee to review state participation in federal grant-in-aid programs.

Amend the bill by deleting section 1 and renumbering the original sections 2-7 to read as 1-6, respectively.

**2011-1887s**

#### **AMENDED ANALYSIS**

This bill establishes a committee to review state participation in federal grant-in-aid programs.

**The pending question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 590.**

**Sen. Odell moved to remove HB 348 from the table. Adopted.**

**HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. Ought to Pass with Amendment, Vote 6-0. Senator Bradley for the committee.

#### **Senate Ways and Means**

**April 19, 2011**

**2011-1490s**

**08/10**

#### **Amendment to HB 348-FN**

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

AN ACT relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

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

1 Unclaimed Ticket Vouchers. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing or simulcast racing, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets *and vouchers* which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live or simulcast, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket *or voucher* to the holder thereof from funds not otherwise appropriated upon an order from the commission. Pari-mutuel tickets *and vouchers* which remain unclaimed after 11 months shall not be paid. *Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.*

2 Definitions; Game Operator. Amend RSA 287-D:1, V to read as follows:



V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, [or] handling chips, **or providing accounting services or security functions.**

(c) **"Game operator employer" means a primary game operator or a business entity who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be licensed as a primary game operator.**

3 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-b, I(d) to read as follows:

(d) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may employ, by means of a written agreement, a [primary] game operator **employer or a primary game operator** licensed under RSA 287-D:2-c to operate games of chance on their behalf.

4 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, III to read as follows:

III. An applicant for a primary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, a license shall be issued. A **primary game operator** license issued under RSA 287-D:2-c shall expire on December 31. The racing and charitable gaming commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter. An applicant for a secondary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, which shall not exceed \$45, a license shall be issued. **A secondary game operator license issued under RSA 284-D:2-c shall expire on the last day of the month of the licensee's birthday.**

5 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, VI to read as follows:

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the racing and charitable gaming commission. **Nothing in this section shall prevent a licensee from working for different licensed entities. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer and pay a separate fee for each badge.**

6 Bond; Game Operators. Amend RSA 287-D:2-b, VIII to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including [~~prizes of more than \$500~~] **prizes of \$500 or more** and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including [~~prizes of more than \$500 and~~] equipment and hall rental fees shall be paid by check **or electronic fund transfers** from the account established in RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission. **Prizes of \$500 or more shall be paid by check from the account established in RSA 287-D:2-c, VI.**

7 Bond; Game Operators. Amend RSA 287-D:2-c, V to read as follows:

**V. Prior to conducting any games of chance**, the game operator or the game operator's employer shall submit a bond for each location where the game operator is conducting games of chance, conditioned upon the game operator running games of chance in conformity with this chapter and with the rules and regulations prescribed by the racing and charitable gaming commission, in the amount of up to [\$300,000] **\$500,000 but not less than \$25,000** to the racing and charitable gaming commission with the application form. **The amount of the bond in excess of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.**

8 New Paragraph; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph VII the following new paragraph:

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator or game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than 5 business days following the date on which a game was conducted. Notwithstanding the provisions of any agreement with the charitable organization, the game operator or game operator employer shall pay over all moneys due to the charitable organization no later than 15 business days following a game date.

9 Wagering; Game Operators. Amend RSA 287-D:3, VII to read as follows:

VII. Unless a charitable organization rents a facility from a [~~primary~~] game operator **employer or a primary game operator** licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator.

10 Wagering; Game Operators. Amend RSA 287-D:5, I to read as follows:

I. A charitable organization [~~or~~], a licensed [~~primary~~] game operator **employer, or a primary game operator** under contract to conduct games of chance on behalf of a charitable organization **and designated by the charitable organization to be responsible for submitting financial reports** shall submit a complete financial report for all game dates licensed under RSA 287-D:2 and RSA 287-D:2-a to the racing and charitable gaming commission on forms approved by the racing and charitable gaming commission within 15 days of the end of each month during which a game of chance was held.

11 Operation of Bingo Games; Penalty Added. Amend RSA 287-E:7, XVI to read as follows:

XVI. In not more than one game conducted in accordance with [~~RSA 287-E:7;~~] **paragraph XIII**, a carry-over, cover-all game may be run with the prize money rolled over to the successive game dates in the event that there is no winner on the original or preceding game dates. Notwithstanding any provision of law to the contrary, the prize money may accumulate until there is a winner. The prize shall be awarded to any winner covering all 24 numbers on the card in less than 50 numbers, or a greater number if so designated prior to the game. If there is no winner on a given game date, a pre-designated consolation prize shall be awarded to the game winner who first achieves cover-all. The balance of the [~~monies~~] **moneys** collected shall be carried over to subsequent game dates until there is a winner. **Any person who purposely, knowingly, or recklessly deprives a charitable organization of any of its moneys collected from bingo or lucky 7 or any person who purposely, knowingly, or recklessly deprives players of any prizes collected from bingo or lucky 7, shall be guilty of a class A felony.**

12 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, I to read as follows:

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license; provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under [~~RSA 287-E:6, I-a~~] **RSA 287-E:6, II.**

13 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, IV to read as follows:

IV. All charitable organizations licensed under this chapter shall maintain a separate checking account for the deposit and disbursement of all income relating to bingo and lucky 7, except cash prizes awarded at the games. All expenses shall be paid by check, ~~[and all prizes of \$500 or more shall be paid by check]~~ **or electronic funds transfers. All prizes of \$500 or more shall be paid by check.** There shall be no commingling of bingo and lucky 7 funds with other funds of the charitable organization. The organization shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years. The organization may cash checks which it issues.

14 Campground Bingo. Amend RSA 287-E:12 to read as follows:

287-E:12 Bingo [~~License~~] for Private Campgrounds and Hotels. Any private campground or hotel may ~~[ap-  
ply to the commission for a special campground or hotel bingo license. Licenses may be granted under the  
following conditions]~~ **conduct bingo games provided:**

~~[I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.]~~

~~[H. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the  
operation of games for charitable organizations shall also apply to licenses issued under this section.]~~

~~[HH.]~~ **I.** The price to be paid for a single card or play under the license shall be \$.10.

~~[IV. A license shall permit no more than 2 game dates of bingo in any one calendar week and shall be  
issued on an annual basis.]~~

~~[V.]~~ **II.** All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, offered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

~~[VI.]~~ **III.** Games shall be operated only by persons on the staff of the campground or hotel ~~[holding the  
license under this section]~~. Such staff shall operate the games without compensation from the bingo revenues.

~~[VII.]~~ **IV.** The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

~~[VIII. Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved  
bingo under RSA 287-E.]~~

~~[IX.]~~ **V.** No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

~~[X. The campground or hotel holding the license issued under this section shall keep records and submit  
a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted  
to the commission within 15 days of the expiration of the bingo license. The report shall include the names  
and addresses of persons from whom bingo equipment was rented or leased.]~~

~~[XI.]~~ **VI.** The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

~~[XII. The campground or hotel shall be in compliance at the time of application with all applicable state  
and local requirements for the operation of private campgrounds or hotels.]~~

~~[XIII.]~~ **VII.** The campground or hotel shall maintain a current list of bona fide guests.

~~[XIV.]~~ **VIII.** The campground or hotel shall not have been established solely for the purpose of operating bingo games.

15 Campground Bingo. Amend the introductory paragraph RSA 287-E:13 to read as follows:

Any campground or hotel ~~[holding a license under RSA 287-E:12]~~ may conduct special bingo games for children under the conditions specified in RSA 287-E:12, except:

16 Payment to Distributor. Amend RSA 287-E:23-a to read as follows:

287-E:23-a Payment to Distributor. Licensees shall pay for purchased tickets no later than 30 **calendar** days after delivery. ***Unless a waiver is given by the commission for good cause shown, no charitable organization may purchase tickets from a different distributor when that charitable organization has failed to comply with the provisions of this section.***

17 Financial Reports and Inspection Required. Amend RSA 287-E:24, IV to read as follows:

IV. All expenses ***shall be paid by check or electronic funds transfers***, and all cash prizes ~~over~~ of \$500 ***or more*** shall be paid by check, and the charitable organization shall retain cancelled checks ***or bank produced facsimiles of cancelled checks*** for the payment of expenses and ***checks or bank produced facsimiles of checks and receipts for the payment of*** prizes for a period of 2 years.

18 Campground Bingo. Amend RSA 287-E:4, II to read as follows:

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and ~~[except as provided in RSA 287-E:12]~~, shall be refunded if the application is denied.

19 Games of Chance. Amend RSA 287-D:2-b, II-a to read as follows:

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, ~~[operators of games of chance]~~ ***game operators*** may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

20 Games of Chance. Amend RSA 287-D:2-b, VII-a to read as follows:

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the racing and charitable gaming commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator ~~[or the employer of the game operator]~~.

21 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a)-(c) to read as follows:

(a) The name and social security number of the ***primary or secondary*** game operator, or for ~~[an organization]~~ ***a game operator employer*** the name and federal tax identification number. The racing and charitable gaming commission shall not disclose any social security number submitted;

(b) The name, ~~[of the game operator's employer and the employer's]~~ address, and telephone number ***of the game operator employer***;

(c) A list of the ***known*** ~~[games of chance]~~ ***game dates*** in which the game operator will participate including the ~~[date]~~ ***name*** of the game, the location of the game, and the charitable organization holding the game;

22 Licensing of Game Operators. Amend RSA 287-D:2-c, VI to read as follows:

VI. To be eligible for licensure under this chapter, a licensed ***game operator employer or primary*** game operator shall maintain an account at a financial institution with at least one branch.

23 New Section; Surveillance Requirements. Amend RSA 287-D by inserting after section 2-d the following new section:

287-D:2-e. Surveillance Requirements.

I.(a) A game operator employer conducting games of chance at a facility that is required to be licensed pursuant to RSA 287-D:2-a, VI shall conduct and record, at the expense of the game operator employer, video surveillance that allows clear, unobstructed views of cashier transactions, table games where cash wagers are accepted, and the counting of money from storage boxes removed from a gaming table. A game operator employer which is authorized to conduct games of chance for no more than 50 calendar days in a calendar year at a particular location may petition the commission to adopt an alternate method of oversight of cash transactions in lieu of the surveillance requirements in this section. Upon approval of any such alternative method of oversight of cash transactions by the commission, the game operator employer may conduct games of chance at such location for not more than 50 calendar days at the particular location in a calendar year. The game operator employer shall be responsible for all costs and expenses associated with implementation of the alternative method of oversight as approved by the commission.

(b) Surveillance shall include the customer, the employee, and the surrounding area and shall monitor and record with sufficient clarity to identify employees and customers in all areas where currency is counted, verified, sorted, stacked, or stored, including monitoring and recording all table game drop boxes, safes, and counting surfaces, and all cashier personnel. The counting surface area shall be continuously monitored and recorded by a dedicated camera during the count.

(c) Access to the surveillance equipment shall be limited to management personnel, designated employees, state regulators, and other persons authorized in accordance with the surveillance policy.

(d) The game operator employer shall ensure at least one person at the facility while games of chance are being conducted is trained in the use of the equipment, knowledge of the games, and all applicable regulations.

(e) Each camera required by these regulations shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

(f) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within 72 hours after the malfunction is discovered.

(g) In the event of a dedicated camera malfunction, the gaming operator or the surveillance person shall immediately provide alternative camera coverage or other security measures.

II. The surveillance system, at a minimum, shall:

(a) Have an auxiliary or backup power source shall be available and capable of providing immediate restoration of power to all elements of the surveillance system.

(b) Include date and time generators that possess the capability to display the date and time of recorded events on all digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(c) Utilize cameras that possess the capability of having its picture displayed on a monitor and recorded.

(d) Include sufficient numbers of monitors and recorders to simultaneously display and record multiple table games and count room activities, and record the views of all dedicated cameras and motion-activated cameras.

(e) Record at 30 frames per second or its equivalent.

III.(a) All digital records of coverage provided by cameras required by the standards in this section shall be retained for a minimum of 30 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel, shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings may be destroyed after a period of 90 days.

24 New Paragraph; Surveillance. Amend RSA 284:12 by inserting after paragraph X the following new paragraph:

XI. Surveillance regulations pursuant to RSA 287-D:2-e.

25 New Paragraph; Racing and Charitable Gaming Commission; Authorization of Electronic Gaming. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine or historic racing machine. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to

January 1, 2011 with updated or new equipment which are the functional equivalent of the machines which are being replaced. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

26 New Paragraph; Lottery Commission; Authorization of Electronic Gaming. Amend RSA 284:21-h by inserting after paragraph V the following new paragraph:

VI. The commission shall not authorize the use of any electronic gaming device in any game, lottery or other offering which was not in use by the commission on or before January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and device used for the purpose of gaming, whether in physical presence or through the Internet, and shall include video slot machines and other gambling devices which function or are designed to emulate a video slot machine or other gambling machine, historic racing machine, and computer technology to reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new offerings, games or equipment which are the functional equivalent of those offerings, games or equipment which are being replaced.

27 Racing and Charitable Gaming Commission; Lucky 7; Authorization of Electronic Gaming. RSA 287-E:21, III-a is repealed and reenacted to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities. The commission may authorize electronic lucky 7 ticket dispenser devices so long as those devices have been certified by a testing laboratory, authorized and approved by the commission, as meeting the following criteria: communication with a server to obtain the next available ticket in a finite game set; offer only the game approved by the commission; assure that each game set is totally exhausted; possess the ability to retain accounting information in the event of a power failure; have the ability to accept \$1, \$5, \$10 and \$20 bills; have individual programmable ticket values; contain a tamper-proof money receptacle; dispense a paper ticket; dispense a redemption certificate and an electronically produced lucky 7 ticket that comply with commission rules; have a distinctive serial number; and have system servers that interface with the manufacturer's secure website database that is capable of tracking each charity location, vendor, terminal game form, game set, ticket number and time of sale for each ticket purchased.

28 Effective Date.

I. Sections 1 through 22 and sections 25 through 27 of this act shall take effect 60 days after its passage.

II. Section 23 of this act shall take effect January 1, 2012.

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

## **2011-1490s**

### **AMENDED ANALYSIS**

This bill:

I. Defines game operator employers.

II. Requires that game operators pay charities participating in charitable gaming no later than 15 business days following a game date.

III. Raises the amount of bond required for conducting games of chance.

IV. Requires charitable organizations to collect certain fees on lucky 7 deals and pay them to the racing and charitable gaming commission.

V. Allows private campgrounds and hotels to conduct certain bingo games without a license.

VI. Prohibits the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices in the state.

**The pending question is on the adoption of the Committee Amendment. Adopted.**

**Sen. Groen offered a floor amendment.**

Sen. Groen, Dist. 6  
 May 25, 2011  
 2011-2172s  
 04/10

### Floor Amendment to HB 348-FN

Amend the bill by replacing section 14 with the following:

14 Campground Bingo. Amend RSA 287-E:12 to read as follows:

287-E:12 Bingo [~~License~~] for Private Campgrounds and Hotels. Any private campground or hotel may [~~ap-  
 ply to the commission for a special campground or hotel bingo license. Licenses may be granted under the  
 following conditions~~] **conduct bingo games provided:**

[I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.]

[H. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the  
 operation of games for charitable organizations shall also apply to licenses issued under this section.]

[HH.] **I.** The price to be paid for a single card or play under the license shall be \$.10.

[IV.] **II.** [~~A license~~] **The campground or hotel** shall [~~permit~~] **conduct** no more than 2 game dates of  
 bingo in any one calendar week [~~and shall be issued on an annual basis~~].

[V.] **III.** All revenues received from the sale of bingo cards in any game or series of games on any one  
 calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, of-  
 fered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

[VI.] **IV.** Games shall be operated only by persons on the staff of the campground or hotel [~~holding the  
 license under this section~~]. Such staff shall operate the games without compensation from the bingo revenues.

[VII.] **V.** The games of bingo shall be open only to persons 18 years of age or older who are bona fide  
 guests at the campground or hotel.

[VIII.] Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved  
 bingo under RSA 287-E.

[IX.] **VI.** No campground or hotel shall act as an agent for operating games of bingo when it is unlawful  
 for such campground's or hotel's principal to operate bingo games.

[X. The campground or hotel holding the license issued under this section shall keep records and submit  
 a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted  
 to the commission within 15 days of the expiration of the bingo license. The report shall include the names  
 and addresses of persons from whom bingo equipment was rented or leased.]

[XI.] **VII.** The campground or hotel shall have been in existence for at least 2 years in the city or town  
 in which the bingo games are to be conducted.

[XII.] The campground or hotel shall be in compliance at the time of application with all applicable state  
 and local requirements for the operation of private campgrounds or hotels.]

[XIII.] **VIII.** The campground or hotel shall maintain a current list of bona fide guests.

[XIV.] **IX.** The campground or hotel shall not have been established solely for the purpose of operating  
 bingo games.

Amend RSA 287-D:2-e, III as inserted by section 23 of the bill by replacing it with the following:

III.(a) All digital records of coverage provided by cameras required by the standards in this section shall  
 be retained for a minimum of 90 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of inves-  
 tigations by management personnel, shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall  
 be maintained to demonstrate compliance with the storage, identification, and retention standards required  
 in this section.

(f) All recordings may be destroyed after a period of 90 days, provided prior written notice is given to the commission by the game operator employer and the game operator employer receives written approval from the commission.

Amend the bill by replacing section 25 with the following:

25 New Paragraph; Racing and Charitable Gaming Commission; Authorization of Electronic Gaming. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include, but not be limited to, video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine or historic racing machine. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011 with updated or new equipment which are the functional equivalent of the machines which are being replaced, provided the equipment is not an electronic gaming device as described in the previous sentence. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

Amend the bill by replacing all after section 26 with the following:

27 Racing and Charitable Gaming Commission; Lucky 7; Authorization for Dispenser Devices. RSA 287-E:21, III-a is repealed and reenacted to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities, provided that the commission shall not authorize the use of any lucky 7 dispenser device which was not in use on or before January 1, 2011, unless such device dispenses a paper or cardboard ticket which has a manual break-open feature and specifications for such dispenser device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be determined solely by and on the cardboard or paper ticket.

28 Racing and Charitable Gaming; Definition of Bingo. Amend RSA 287-E:1, I to read as follows:

I. "Bingo" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose. ***"Bingo" shall not include any game involving a slot machine or any other device in the nature of a slot machine.***

29 Effective Date.

I. Sections 1 through 22 and sections 25 through 28 of this act shall take effect 60 days after its passage.

II. Section 23 of this act shall take effect January 1, 2012.

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

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

### MOTION OF RECONSIDERATION

**Sen. Merrill, having voted on the prevailing side, moved to reconsider SB 161, the bill having been previously adopted. Adopted.**

### HOUSE MESSAGE

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

**SB 161-FN**, relative to procedures for adoption of agency rules under the administrative procedures act.



**Sen. Carson moves concurrence. Failed.**

**SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE**

**Sen. Merrill moves nonconcurrence and requests Committee of Conference. Adopted.**

**President appoints Senators Merrill, White, Luther.**

**Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.**

**HOUSE MESSAGE**

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

**SB 53-FN**, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

**SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE**

**Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.**

**President appoints Senators Luther, Larsen, D'Allesandro.**

**SB 45**, relative to criteria for designation as a Granite State scholar.

**Sen. Stiles moves nonconcurrence and requests Committee of Conference. Adopted.**

**President appoints Senators Stiles, Forsythe, D'Allesandro.**

**Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.**

**HOUSE MESSAGE**

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

**SB 37**, relative to the determination of residency for certain pupils.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**Sen. Stiles moves concurrence. Adopted.**

**SB 21**, relative to exemptions from excavating and drainage permits.

**Sen. Odell moves concurrence. Adopted.**

**SB 98**, revising the international registration plan.

**Sen. Rausch moves concurrence. Adopted.**

**SB 99**, relative to trailer brakes.

**Sen. Rausch moves concurrence. Adopted.**

**SB 58-FN-A**, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

**Sen. Odell moves concurrence. Adopted.**

**SB 125-FN-A**, relative to the business profits tax deduction for reasonable compensation.

**Sen. Odell moves concurrence. Adopted.**

**Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.**

**HOUSE MESSAGE**

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

**SB 40**, making technical corrections to meals and rooms tax laws.

**SENATE NONCONCURS WITH HOUSE AMENDMENT**

**Sen. Odell moves nonconcurrence.**

**A roll call was requested by Sen. White, seconded by Sen. Barnes.**

**The following Senators voted Yes: Bradley, Houde, Groen, Odell, Kelly, Luther, Larsen, Barnes, De Blois, D'Allesandro, Merrill, Prescott, Bragdon.**

**The following Senators voted No: Gallus, Forrester, Forsythe, Sanborn, White, Lambert, Carson, Boutin, Rausch, Morse, Stiles.**

**Yeas: 13 - Nays: 11**

**Adopted.**

**Sen. Houde moved to remove HB 136-FN from the table. Adopted.**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 136-FN**, repealing the uniform athlete agents act. Ought to Pass, Vote 3-1. Senator Carson for the committee.

**The pending question is on the adoption of the motion to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 2239s to HB 136-FN.**

**Sen. Houde withdrew Floor Amendment 2239s.**

**President Bragdon ruled Amendment 2280s non-germane.**

**Sen. Houde moved to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 2280s to HB 136-FN. Adopted by necessary 2/3 vote.**

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**

**Sen. Boutin, Dist. 16**

**June 2, 2011**

**2011-2280s**

**05/04**

**Floor Amendment to HB 136-FN**

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

AN ACT establishing a commission to study youth sports concussions and other concussions received while at school.

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

1 Commission Established. There is established a commission to study youth sports concussions and other concussions received while at school.

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the senate president.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A physician licensed in New Hampshire or other health care professional, appointed by the governor.
- (d) A member from the New Hampshire School Boards Association, appointed by that association.
- (e) A member from the New Hampshire Athletic Trainers' Association, appointed by that association.
- (f) A member from the Brain Injury Association of New Hampshire, appointed by that association.
- (g) An athletics coach from a New Hampshire high school, appointed by the governor.
- (h) The director of the division of parks and recreation, or designee.

(i) A member from the New Hampshire Interscholastic Athletic Association, appointed by that association.

(j) A member from the New Hampshire School Nurses' Association, appointed by that association.

(k) The president of a New Hampshire company specializing in head impact biomechanics, or designee, appointed by the governor.

(l) The bureau chief of the bureau of developmental services, department of health and human services, or designee.

II. Members of the commission shall serve without compensation.

### 3 Duties.

I. The commission shall study:

(a) Youth sports concussions and other concussions received while at school and how the adults involved should educate youths and their parents or guardians about the nature and risk of head injury and concussion, and how best to identify and handle suspected and confirmed youth concussions and brain injuries.

(b) The logistics of implementing a so-called "return-to-play" system, including who can provide medical clearance in a return-to-play system.

(c) What training or certification is necessary to certify that a youth is safe to return to play.

(d) The impact, including but not limited to costs and liabilities, on municipalities and school-based athletic activities of implementing a return-to-play system.

II. The commission shall solicit the advice and expertise of helmet manufacturers on concussion-related issues and any other issue that the commission deems appropriate.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission 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, 2011. The commission shall submit an electronic copy of the signed final report to the office of information technology which shall post the report on the state of New Hampshire's website.

6 Effective Date. This act shall take effect upon its passage.

### 2011-2280s

#### AMENDED ANALYSIS

This bill establishes a commission to study youth sports concussions and other concussions received while at school.

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Recess. Out of recess.**

**HB 648**, relative to eminent domain petitions by public utilities. Re-refer to committee, Vote 4-0. Senator Luther for the committee.

**Sen. Stiles called the question. Without objection President Bragdon closed debate with remaining speakers.**

**The question is on the adoption of the Committee recommendation of Re-refer to committee.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**The following Senators voted Yes: Bradley, Houde, Odell, Kelly, Luther, Carson, Larsen, Boutin, De Blois, Rausch, D'Allesandro, Merrill, Morse, Stiles.**

**The following Senators voted No: Gallus, Forrester, Forsythe, Groen, Sanborn, White, Lambert, Barnes, Prescott, Bragdon.**

**Yeas: 14 - Nays: 10**

**Adopted.**

**MOTION TO ADJOURN FROM EARLY SESSION**

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

**Adopted. Adjournment from the Early Session.**

**LATE SESSION**

**Third Reading and Final Passage**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

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

**HB 51**, relative to screening panel members for screening panels for medical injury claims.

**HB 82**, relative to the annulment of criminal records.

**HB 130**, relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

**HB 136-FN**, establishing a commission to study youth sports concussions and other concussions received while at school.

**HB 141**, relative to the treatment of cable television as a protected utility service.

**HB 147-FN**, making the commission of certain offenses punishable under the capital murder statute.

**HB 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

**HB 276-FN**, relative to wine manufacturers.

**HB 348-FN**, relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

**HB 375**, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

**HB 390**, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

**HB 462-FN**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

**HB 489-FN**, establishing a health information organization corporation.

**HB 490-FN**, adopting the interstate compact for juveniles.

**HB 505-FN**, making charter schools eligible for grants for leased space.

**HB 511**, relative to retired judges over 70 years of age.

**HB 519-FN**, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

**HB 542-FN**, relative to exceptions for objectionable material in public school courses.

**HB 565**, establishing a dental hygienists committee within the board of dental examiners.

**HB 590**, establishing a committee to review state participation in federal grant-in-aid programs.

**HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

**HB 650-FN-L**, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

### ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, as you mentioned at the beginning of our session, New Hampshire lost one of its great public servants last evening, with the passage of Walter Peterson: our former Governor, our former Speaker of the House, but most of all, public servant.

Now, what does the word "public servant" mean? Public servant means that you give more, and ask for nothing in return. And, that's what Walter Peterson was: a man who gave more and asked nothing in return. My life was made better by my association with Walter Peterson.

In this life, we meet very few people that we can call truly great, great Americans. Walter Peterson was a great American. No man that I have met ever did more for this state, and for many, many people, than Walter Peterson. I worked with Walter Peterson for ten years at Franklin Pierce University. I worked with him when I was President of Daniel Webster College. I spent many, many hours with Walter Peterson; he'd come to my home, we'd sit down at my kitchen table, we'd talk about things; we'd talk about life. And, Walter always was thinking about how he could make life better for somebody else. I don't think there's a cause in New Hampshire that Walter didn't contribute to. I don't think there's a place in this state that Walter didn't visit, as the Governor, as the Speaker, as the President of Franklin Pierce, as the President of the University of New Hampshire, as the Chancellor of the Community College System.

You know, Walter was always giving. He always had time for you; always had time. And, we know time's a very precious thing. Walter lived 89 years; it wasn't enough, because we always wanted more of Walter Peterson. You know, one of the great things about this political life is, I was told early on in the process that when you speak, you should always want people to want a little bit more when you leave. Well, we all want a little bit more of Walter Peterson, because that piece of Walter that we have and that we shared was so precious that we wanted to hold onto it. But, all of us know you can't hold onto life, because life has a finite value, and we're only here for such a short, short period of time. But, in Walter's lifetime, he did so much. He left a legacy. And, in my opinion, the legacy is this: Do what you can for others, because in the long run, you'll get it back a hundredfold.

As I said, Walter made my life better. But, I'm sure he affected the lives of everybody in this room, and really, everybody in this state, by making their lives just a little bit better. If we believe that there's something after this, Walter is there, and his presence will be felt as long as we're alive. Men like Walter come along once in a lifetime—once in a lifetime. You know, I said that about my dad, but I say it emphatically about Walter, because he set a model for all of us: a public servant, a community activist, a giver—a giver—well beyond anything that any of us know about. He was a giver.

His wife, Dorothy, is the greatest—just a tremendous woman. His children, Andy, and his daughter, Meg, you know, went through a tough life; this politics is a tough business. And, let me tell you that Walter was able to keep it all together during some very, very difficult times. But, I know that if he were here today, he would say that hey, he loves all of us, there's enough love to go around, and let's think positively about the future, and let's carry with us the great work that Walter has done, and let's try to replicate the work that Walter has done. In any way we can, let's try to make life better for the people that we associate with. Thank you, Mister President.

**Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.**

### MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

**Adopted. The Senate is in recess to the Call of the Chair.**