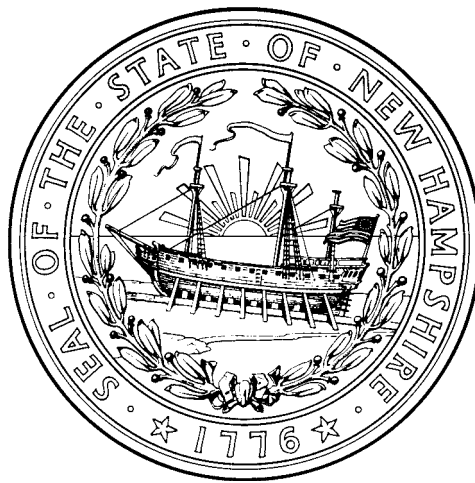


**June 6, 2013
Nos. 13-14**

STATE OF NEW HAMPSHIRE

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



**163rd Session of the New Hampshire General Court
Legislative Proceedings**

SENATE JOURNAL

**ADJOURNMENT – MAY 30, 2013 SESSION
COMMENCEMENT – JUNE 6, 2013 SESSION**

SENATE JOURNAL 13 *(continued)*

May 30, 2013

HOUSE MESSAGE

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

SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SB 47, relative to a surviving spouse's right to retain a Purple Heart plate.

SB 97, relative to high school equivalency and relative to illiteracy.

SB 146-FN-L, relative to aid to the permanently and totally disabled and old age assistance.

SB 155-FN-A, requiring revenue from commemorative liquor bottles to be used for the preservation of state house Civil War battle flags.

SB 173, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities.

SB 184-FN, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services.

SB 192-FN-L, establishing a committee to study the establishment of a state infrastructure bank.

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 123, relative to the limitation of liability for negligence regarding public safety officers.

HB 137, relative to special number plates for members of the national guard.

HB 140, relative to the committee on legislator orientation.

HB 225, relative to the rulemaking authority of the liquor commission.

HB 228, relative to insurance fraud.

HB 229-FN, relative to a financial examination supervisor.

HB 231, relative to reinsurance.

HB 246, relative to falsity by employer.

HB 261-FN, relative to the assistance program for 2-parent families with dependent children.

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

HB 278, relative to voluntary installation of fire suppression sprinklers.

HB 283, establishing a study committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B.

HB 306, relative to New Hampshire's regional greenhouse gas initiative.

HB 308, relative to technical changes to election laws.

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system.

HB 403, establishing a committee to study end of life decisions.

HB 410, establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B.

HB 413, relative to property abandoned by tenants.

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance.

HB 521, establishing a committee to study New Hampshire election laws and procedures.

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G.

HB 528, relative to support and care costs for children with disabilities.

HB 559, relative to the general banking laws of the state.

HB 575, relative to hours of sales of on-premises liquor licensees.

HB 588, extending the instream flow pilot program for 2 years.

HB 602, establishing a commission to study general court policies and procedures relative to persons with disabilities.

HB 630-FN, relative to the use of proceeds from the regional greenhouse gas initiative program.

HB 634, relative to water resource management and protection plans in municipal master plans.

HB 640, relative to the standard valuation law.

HB 686, relative to approval of liquor commission contracts.

HOUSE MESSAGE

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

HB 119, relative to voter registration.

HOUSE MESSAGE

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

SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SB 47, relative to a surviving spouse's right to retain a Purple Heart plate.

SB 97, relative to high school equivalency and relative to illiteracy.

SB 146-FN-L, relative to aid to the permanently and totally disabled and old age assistance.

SB 155-FN-A, requiring revenue from commemorative liquor bottles to be used for the preservation of state house Civil War battle flags.

SB 173, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities.

SB 184-FN, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services.

SB 192-FN-L, establishing a committee to study the establishment of a state infrastructure bank.

HOUSE MESSAGE

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

SB 35, relative to the master jury list.

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

REPRESENTATIVES: Berch, Woodbury, Heffron, Rowe

May 29, 2013
2013-1957-EBA
06/04

Enrolled Bill Amendment to HB 313

The Committee on Enrolled Bills to which was referred HB 313

AN ACT relative to the regulation of the compounding of drugs by pharmacists.

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 bill makes a grammatical correction.

Enrolled Bill Amendment to HB 313

Amend RSA 318:14 as inserted by section 3 of the bill by replacing line 5 with the following:

orders for the sale[,] and distribution of drugs, medicines, and poisons.

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 115, relative to the procedure for filling a vacancy on a cooperative school district budget committee.

HB 134, relative to contingency funds in towns.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts and ratifying the Greenland school district meeting held on March 11 and 12, 2013.

HB 160, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility.

HB 174, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

HB 177, relative to licensing requirements for homestead food and organic processor or handler certification.

HB 193, relative to registration of vehicles by residents without a permanent street address.

HB 195, relative to commercial driver learner permits.

HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property.

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities.

HB 327, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

HB 334, requiring pharmacy interns to register with the pharmacy board.

HB 450, relative to the annulment of criminal records.

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances, permitting the town of Derry to combine the positions of tax collector and treasurer, and dissolving the police commission for the town of Hooksett.

HB 522, relative to duties of town treasurers.

HB 551, relative to the composition and duties of the task force on work and family.

HB 644, relative to parole procedures and relative to sanctions for violations of probation.

SB 13, relative to hearings in the department of safety.

SB 21, making technical corrections to the International Registration Plan.

SB 22, exempting small trailers from inspection requirements; allowing qualified dealers to inspect trailers; and deleting a reference to highway enforcement officers.

SB 122, establishing a commercial shrimp license.

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

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 14

June 6, 2013

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

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Good morning. I have a story for you this morning. It's about a man who applied for a job as a Morse code operator. And he went in for his interview; he entered a busy office full of noise and shuffling paper and people talking and this constant click of the telegraph in the background. He was shown where to sit, he sat down with some other candidates, but a moment later he jumped up and went into the manager's office and closed the door. And a few minutes after that, the manager came out and said to the other candidates: "You can all go home now; I've decided to hire this man." Not surprisingly, they all objected, they argued; they said: "We've been here for hours; he just got here, and what's more, he just got up and barged into your office! Why should you hire him?" And the manager said: "Haven't you been listening? The whole time that you've been sitting here the telegraph has been clicking out a message in Morse code." So they stopped arguing and they started listening, and they heard: 'If you understand this message, come into the manager's office; you got the job.' Why do I tell that story? Because God speaks to us every day, in all kinds of ways, through the chaos, through the distractions; through all the things that are going on, God speaks to us like that Morse code message in that busy office. And the question is: Are we listening? Are we paying attention? And my prayer for you today comes from Major General Charles Gordon, a British soldier and administrator.

O Lord, whatever the world may say, may we only pay attention to what you are saying to us, and seek only your approval, which far outweighs any honor or praise that the world might bestow or withhold. Amen.

Bless you.

Sen. Boutin led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Sanborn introduced Brock Higley, a student from the Derryfield School, serving as a Senate Page for the day.

Sen. Larsen introduced Peter Lehmann, a student from the Derryfield School, serving as a Senate Page for the day.

CONSENT CALENDAR REPORTS

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

JUDICIARY

HB 224, relative to the authority of the superintendent of a county correctional facility. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes a procedure for the superintendent of a county correctional facility to order a prisoner in their facility who has been incarcerated for a short period of time into a work release program, if appropriate and the prisoner meets all the criteria. The amendment provides the ability for the prosecutor to object and the court to hold a hearing on the matter.

Senate Judiciary
May 28, 2013
2013-1947s
10/04

Amendment to HB 224

Amend the bill by replacing section 1 with the following:

1 Discretionary Sentences; Release for Certain Purposes. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment, Rehabilitation, or Home Confinement.

I. A sentencing court may [order] ***recommend at the time of sentencing, or the superintendent of the county correctional facility may, at any time during the sentence, allow*** any person who has been committed to a correctional institution other than state prison under a criminal sentence [may] ***to*** be released therefrom for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, under the terms of a day reporting program, provided the correctional facility has a day reporting program, or to serve the sentence under home confinement, provided the correctional facility has a home confinement program.

II. If the ***sentencing court recommends a person for release and the*** superintendent determines the person is inappropriate for such release, the court shall be notified and, at the request of the defendant, a hearing may be scheduled.

III. If the sentencing court does not include a recommendation for release pursuant to paragraph I in its order, but at any time during the sentence the superintendent deems such a release to be conducive to the person's rehabilitation, the court and the prosecutor shall be notified and, at the request of the prosecutor, a hearing may be scheduled. The decision of the superintendent for release under this paragraph shall stand unless, following the hearing, the court orders otherwise.

IV. In any case, the defendant shall first serve 14 consecutive days prior to eligibility for home confinement, or for such other purpose as the court ***or the superintendent*** may deem conducive to his or her rehabilitation, for such times or intervals of time and under such terms and conditions as the rules and regulations of the correctional facility may allow or as the court may order. Any part of a day spent in the free community, or in home confinement, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his or her conduct, custody, and employment, he or she shall be returned to the correctional facility. The superintendent may then require that the balance of the person's sentence be spent in actual confinement.

HB 426, relative to payment of costs and fees in guardianship cases. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This bill seeks to establish criteria for payment of certain fees and court costs in guardianship cases. Because of the tremendous power a guardian has over the ward and his or her assets, the committee wishes additional time to work on the legislation with attorneys and judges who are involved in these cases.

The question is on the adoption of the Consent Calendar. 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 187, posthumously emancipating enslaved Africans in New Hampshire.

Sen. Boutin moves concurrence. Adopted.

SPECIAL ORDER

Without objection HB 1-A and HB 2-FN-A-L are Special-Ordered to the front of the Regular Calendar. Adopted by the necessary 2/3 vote.

Without objection, HB 357, HB 414, HB 664-FN, HB 233, and HB 542 are Special-Ordered to the end of the Regular Calendar. Adopted by the necessary 2/3 vote.

REGULAR CALENDAR REPORTS

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015. Ought to Pass with Amendment, Vote 4-2.

Senator Morse for the committee.

(Note: Committee Amendment 2013-1953s to HB 1-A will be printed in its entirety in the 2013 permanent *Journal of the Senate*.)

Senate Finance

May 28, 2013

2013-1953s

01/10

Amendment to HB 1-A

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

1.08 Budget 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-heat-electricity - water, class 027-transfers to oit, class 028-transfers to general services, class 035-shared services support, class 041-audit fund set aside, class 042-additional fringe benefits, class 049-transfer to other state agency, class 061-unemployment compensation, class 062-workers compensation, class 064-ret-pension bene-health ins, shall not be transferred or expended for any other purpose. For the biennium ending June 30, 2015, the following account numbers within the department of resources and economic development: 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414, 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-351510-3777, 03-35-35-351510-8146, 03-35-35-351510-6161, 03-35-35-351510-3717 and 03-35-35-351510-3703 shall be exempt from these provisions.

B. The appropriation budgeted in class 047-own forces maint.-build.-grnds, class 048-contractual maint.-build-grnds, shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2015. For the biennium ending June 30, 2015, the following account numbers within the department of resources and economic development: 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414, 03-35-35-351510-3556, 03-35-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-35-351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-351510-3777, 03-35-35-351510-8146, 03-35-35-351510-6161, 03-35-35-351510-3717 and 03-35-35-351510-3703 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, 2015.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2015.

H. The appropriations budgeted in class 025-state owned equipment usage, are for the lease of 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 from 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 biennium ending June 30, 2015, account number 02-46-46-4620-5731 within the department of corrections shall be exempt from these provisions. The department of corrections shall provide a draft business plan for correctional industries to the chairpersons of the house finance committee and the house executive departments and administration committee by January 1, 2014 in order for accounting number 02-46-46-4620-5731 to be exempt from lapse provisions in the fiscal year ending June 30, 2015. The provisions of this footnote shall 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 therefore.

3 Assignment of Office Space. If, during the biennium ending June 30, 2015, 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 01-14-14-141510-2950 for maintenance of state buildings.

4 Lottery Commission; Authority Granted. For the biennium ending June 30, 2015, 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, 2015.

5 Positions Abolished. The following positions are hereby abolished effective at the close of business on June 30, 2013:

Department of Administrative Services

01-14-14-140510-2980	10371 12342 13058 13150 13295
15768 16953	18366 19751 20023 21286 21638 30304 41519 42586 42720 43363
01-14-14-141510-2045	41875
01-14-14-141510-3403	10175 18026 19417 30017
01-14-14-141510-8000	19699
Real Estate Commission	
01-28-28-280010-2054	11342

Department of Cultural Resources

01-34-34-340010-6999	11426				
01-34-34-340510-7000	11410	11423	11436	30175	

Department of Revenue Administration

01-84-84-840510-1301	43318	43564	9U154	9U328	9U564
01-84-84-840510-1501	41797				

Board of Tax & Land Appeals

01-89-89-890010-1241	19846				
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Department of Justice

02-20-20-200510-2610	9U502				
02-20-20-200510-2611	9U534				
02-20-20-201010-2620	9U542				

NH Employment Security

02-27-27-270010-8040	11067	11105	11120	11128	11132
11181 11203	11277	11285	11292		
11305 11306	11328	11340	19118		
30099 30121	30131	30140	40992		
41595 42026	43222	43224	43429	43435	

Department of Corrections

02-46-46-462010-5731	43502	43510			
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NH Liquor Commission

02-77-77-770012-1010	9U135				
02-77-77-770512-7878	14262				
02-77-77-771012-1023	14285				
02-77-77-771512-1024	14237				

Department of Environment Services

03-44-44-440010-3851	18334				
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Department of Transportation

04-96-96-960315-5031	17183	17324	20746	21171		
04-96-96-960515-3007	17275	17302	17329	17334	17355	
20303 20455	20461	20464	20469			
20504 20506	20558	20559	20569			
20621 20625	20660	20671	20702			
20745 20540	20752	20794	20837			
20858 20863	20896	20950	20986	20987	21332	21337
21364 21382	21389	21399	21411	21568	21577	21581
21688						
04-96-96-960515-3008	20375	20379	21426	21610	21613	
21677 21873						

04-96-96-960515-3009	20329	20330	21255	21261	21268
04-96-96-960515-3052	21470	21827			
04-96-96-960515-6034	17399				
04-96-96-962015-3025	20177	20196	20588	20220	
04-96-96-962015-3033	21729				
04-96-96-962015-3034	21455				
04-96-96-964015-3030	18279				
Police Standards and Training Council					
06-87-87-870510-8980	14561	14552			
06-87-87-871010-8999		18981			

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, 2015, 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 1st 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 05-95-42-427010-7929, class 049- transfer to other state agency 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, 2015, 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 Judicial Branch; General Fund Appropriation Reductions. The judicial branch shall reduce state general fund appropriations by \$5,000,000 for the fiscal year ending June 30, 2014 and by \$5,000,000 for the fiscal year ending June 30, 2015. 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.

10 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations by \$7,000,000 for the biennium ending June 30, 2015. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

11 Department of Information Technology; Appropriation Reductions. The department of administrative services, in consultation with the department of information technology and agencies which may be impacted by the deductions, 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 \$51,631 for the fiscal year ending June 30, 2014 and shall total \$53,555 for the fiscal year ending June 30, 2015. 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.

12 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, 2014 and by \$1,000,000 for the fiscal year ending June 30, 2015.

13 New Hampshire Veterans Home; Reduction in Appropriation. The New Hampshire Veterans Home is hereby directed to reduce state general fund appropriations by \$750,000 for each year of the biennium ending June 30, 2015.

14 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations to the Sununu Youth Services Center by \$500,000 for the fiscal year ending June 30, 2014 and by \$750,000 for the fiscal year ending June 30, 2015. The department shall develop a reduction plan for the reductions required under this section and present the plan to the fiscal committee of the general court no later than September 30, 2013.

15 Department of Revenue Administration; Reduction in Appropriation. The department of revenue administration shall reduce state general fund appropriations by \$1,000,000 for the fiscal year ending June 30, 2014 and by \$1,000,000 for the fiscal year ending June 30, 2015. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court

16 Police Standards and Training Council; Police Standards and Training Council Training Fund; Appropriations Reduction. The police standards and training council shall reduce appropriations from the police standards and training council training fund by \$250,000 for the fiscal year ending June 30, 2014 and \$250,000 for the fiscal year ending June 30, 2015. The council shall provide a report of reductions made under this section to the fiscal committee of the general court.

17 Estimates of Unrestricted Revenue.

GENERAL FUND	<u>FY 2014</u>	<u>FY 2015</u>
BUSINESS PROFITS TAX	\$276,010,000	\$281,700,000
BUSINESS ENTERPRISE TAX	<u>73,600,000</u>	<u>75,100,000</u>
SUBTOTAL BUSINESS TAXES	349,610,000	356,800,000
MEALS AND ROOMS TAX	242,400,000	247,360,000
TOBACCO TAX	127,000,000	121,900,000
TRANSFER FROM LIQUOR	133,400,000	136,800,000
INTEREST AND DIVIDENDS TAX	96,100,000	98,000,000
INSURANCE	86,900,000	109,500,000
COMMUNICATIONS TAX	62,500,000	62,500,000
REAL ESTATE TRANSFER TAX	61,900,000	63,160,000
COURT FINES & FEES	13,000,000	13,000,000
SECURITIES REVENUE	37,600,000	37,600,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE	27,322,000	27,965,000
BEER TAX	13,200,000	13,200,000
OTHER REVENUES	77,200,000	77,500,000
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>1,900,000</u>
SUBTOTAL	1,336,532,000	1,373,185,000
MEDICAID ENHANCEMENT TAX	72,200,000	73,700,000
MEDICAID RECOVERIES	<u>5,400,000</u>	<u>5,400,000</u>
TOTAL GENERAL FUND	<u>1,414,132,000</u>	<u>1,452,285,000</u>
EDUCATION FUND	<u>FY 2014</u>	<u>FY 2015</u>
BUSINESS PROFITS TAX	58,550,000	59,800,000
BUSINESS ENTERPRISE TAX	<u>149,440,000</u>	<u>152,600,000</u>
SUBTOTAL BUSINESS TAXES	207,990,000	212,400,000
MEALS AND ROOMS TAX	7,800,000	7,840,000
TOBACCO TAX	74,600,000	71,600,000
REAL ESTATE TRANSFER TAX	30,500,000	31,100,000
TRANSFER FROM LOTTERY	73,100,000	75,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,400,000	3,400,000

TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	34,500,000	35,400,000
STATEWIDE PROPERTY TAX	<u>363,600,000</u>	<u>363,600,000</u>
TOTAL EDUCATION FUND	835,490,000	840,340,000
HIGHWAY FUND	<u>FY 2014</u>	<u>FY 2015</u>
GASOLINE ROAD TOLL	122,750,000	122,050,000
MOTOR VEHICLE FEES	109,473,000	109,873,000
MISCELLANEOUS	<u>21,281,000</u>	<u>20,451,000</u>
TOTAL HIGHWAY FUND	<u>253,504,000</u>	<u>252,374,000</u>
FISH AND GAME FUND	<u>FY 2014</u>	<u>FY 2015</u>
FISH AND GAME LICENSES	8,500,000	8,500,000
FINES AND MISCELLANEOUS	<u>1,644,000</u>	<u>1,644,000</u>
TOTAL FISH AND GAME FUND	<u>10,144,000</u>	<u>10,144,000</u>

18 Effective Date. This act shall take effect July 1, 2013.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Without objection, the Senate is in recess. Out of recess.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

June 5, 2013

2013-2014s

10/04

Floor Amendment to HB 1-A

Amend the bill by replacing all after section 16 with the following:

17 Appropriations and Reductions; Health and Human Services. In addition to any other sums appropriated for the biennium ending June 30, 2015, the following appropriations and reductions are hereby authorized for the following departments and agencies. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

<u>Accounting Unit</u>	<u>Class</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2014</u>	<u>FY 2015</u>
05-95-93-9300-7100		Developmental Services			
05-95-93-9300-7100	558	Waitlist	General Funds	\$2,200,000	\$3,500,000
			Federal Funds	\$2,200,000	\$3,500,000

18 Estimates of Unrestricted Revenue.

GENERAL FUND	<u>FY 2014</u>	<u>FY 2015</u>
BUSINESS PROFITS TAX	\$276,010,000	\$281,700,000
BUSINESS ENTERPRISE TAX	<u>73,600,000</u>	<u>75,100,000</u>
SUBTOTAL BUSINESS TAXES	349,610,000	356,800,000
MEALS AND ROOMS TAX	\$244,500,000	\$250,760,000
TOBACCO TAX	127,000,000	121,900,000
TRANSFER FROM LIQUOR	133,400,000	136,800,000
INTEREST AND DIVIDENDS TAX	96,100,000	98,000,000
INSURANCE	86,900,000	109,500,000
COMMUNICATIONS TAX	62,500,000	62,500,000

REAL ESTATE TRANSFER TAX	61,900,000	63,160,000
COURT FINES & FEES	13,000,000	13,000,000
SECURITIES REVENUE	37,600,000	37,600,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE	27,322,000	27,965,000
BEER TAX	13,200,000	13,200,000
OTHER REVENUES	77,200,000	77,500,000
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>1,900,000</u>
SUBTOTAL	1,336,532,000	1,373,185,000
MEDICAID ENHANCEMENT TAX	72,200,000	73,700,000
MEDICAID RECOVERIES	<u>5,400,000</u>	<u>5,400,000</u>
TOTAL GENERAL FUND	<u>\$1,416,232,000</u>	<u>\$1,455,685,000</u>
EDUCATION FUND	<u>FY 2014</u>	<u>FY 2015</u>
BUSINESS PROFITS TAX	58,550,000	59,800,000
BUSINESS ENTERPRISE TAX	<u>149,440,000</u>	<u>152,600,000</u>
SUBTOTAL BUSINESS TAXES	207,990,000	212,400,000
MEALS AND ROOMS TAX	\$7,900,000	\$7,940,000
TOBACCO TAX	74,600,000	71,600,000
REAL ESTATE TRANSFER TAX	30,500,000	31,100,000
TRANSFER FROM LOTTERY	73,100,000	75,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,400,000	3,400,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	34,500,000	35,400,000
STATEWIDE PROPERTY TAX	<u>363,600,000</u>	<u>363,600,000</u>
TOTAL EDUCATION FUND	<u>\$835,590,000</u>	<u>\$840,440,000</u>
HIGHWAY FUND	<u>FY 2014</u>	<u>FY 2015</u>
GASOLINE ROAD TOLL	122,750,000	122,050,000
MOTOR VEHICLE FEES	109,473,000	109,873,000
MISCELLANEOUS	<u>21,281,000</u>	<u>20,451,000</u>
TOTAL HIGHWAY FUND	<u>253,504,000</u>	<u>252,374,000</u>
FISH AND GAME FUND	<u>FY 2014</u>	<u>FY 2015</u>
FISH AND GAME LICENSES	8,500,000	8,500,000
FINES AND MISCELLANEOUS	<u>1,644,000</u>	<u>1,644,000</u>
TOTAL FISH AND GAME FUND	<u>10,144,000</u>	<u>10,144,000</u>

19 Effective Date. This act shall take effect July 1, 2013.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 3, 2013

2013-1977s

04/10

Floor Amendment to HB 1-A

Amend the bill by replacing section 17 with the following:

17 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2014	FY 2015
BUSINESS PROFITS TAX	\$276,010,000	\$281,700,000
BUSINESS ENTERPRISE TAX	<u>73,600,000</u>	<u>75,100,000</u>
SUBTOTAL BUSINESS TAXES	349,610,000	356,800,000
MEALS AND ROOMS TAX	\$244,500,000	\$250,760,000
TOBACCO TAX	127,000,000	121,900,000
TRANSFER FROM LIQUOR	133,400,000	136,800,000
INTEREST AND DIVIDENDS TAX	96,100,000	98,000,000
INSURANCE	86,900,000	109,500,000
COMMUNICATIONS TAX	62,500,000	62,500,000
REAL ESTATE TRANSFER TAX	61,900,000	63,160,000
COURT FINES & FEES	13,000,000	13,000,000
SECURITIES REVENUE	37,600,000	37,600,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE	27,322,000	27,965,000
BEER TAX	13,200,000	13,200,000
OTHER REVENUES	77,200,000	77,500,000
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>1,900,000</u>
SUBTOTAL	1,336,532,000	1,373,185,000
MEDICAID ENHANCEMENT TAX	72,200,000	73,700,000
MEDICAID RECOVERIES	<u>5,400,000</u>	<u>5,400,000</u>
TOTAL GENERAL FUND	<u>\$1,416,232,000</u>	<u>\$1,455,685,000</u>
EDUCATION FUND	FY 2014	FY 2015
BUSINESS PROFITS TAX	58,550,000	59,800,000
BUSINESS ENTERPRISE TAX	<u>149,440,000</u>	<u>152,600,000</u>
SUBTOTAL BUSINESS TAXES	207,990,000	212,400,000
MEALS AND ROOMS TAX	\$7,900,000	\$7,940,000
TOBACCO TAX	74,600,000	71,600,000
REAL ESTATE TRANSFER TAX	30,500,000	31,100,000
TRANSFER FROM LOTTERY	73,100,000	75,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,400,000	3,400,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	34,500,000	35,400,000
STATEWIDE PROPERTY TAX	<u>363,600,000</u>	<u>363,600,000</u>
TOTAL EDUCATION FUND	<u>\$835,590,000</u>	<u>\$840,440,000</u>
HIGHWAY FUND	FY 2014	FY 2015
GASOLINE ROAD TOLL	122,750,000	122,050,000
MOTOR VEHICLE FEES	109,473,000	109,873,000
MISCELLANEOUS	<u>21,281,000</u>	<u>20,451,000</u>
TOTAL HIGHWAY FUND	<u>253,504,000</u>	<u>252,374,000</u>
FISH AND GAME FUND	FY 2014	FY 2015
FISH AND GAME LICENSES	8,500,000	8,500,000
FINES AND MISCELLANEOUS	<u>1,644,000</u>	<u>1,644,000</u>
TOTAL FISH AND GAME FUND	<u>10,144,000</u>	<u>10,144,000</u>

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 3, 2013

2013-1985s

06/01

Floor Amendment to HB 1-A

Amend accounting unit 05-95-90-902510-2227 as inserted by section 1 of the bill to read as follows:

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

90 HHS: DIVISION OF PUBLIC HEALTH

902510 BUR INFECTIOUS DISEASE CONTROL

2227 STD PREVENTION

	<u>FY 2014</u>	<u>FY 2015</u>
102 Contracts for program services	[0] 345,000	[0] 345,000
TOTAL	[0] 345,000	[0] 345,000
ESTIMATED SOURCE OF FUNDS FOR STD PREVENTION		
GENERAL FUND	[0] 345,000	[0] 345,000
TOTAL SOURCE OF FUNDS	[0] 345,000	[0] 345,000

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Watters, Pierce, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 9 - Nays: 15

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 4, 2013

2013-1986s

10/04

Floor Amendment to HB 1-A

Amend accounting unit 05-95-48-481010-8915 as inserted by section 1 of the bill to read as follows:

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

48 HHS:ELDERLY – ADULT SERVICES

481010 GRANTS TO LOCALS

8915 CONGREGATE HOUSING

502 Payments to Providers

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
CONGREGATE HOUSING

GENERAL FUND

TOTAL SOURCE OF FUNDS

	<u>FY 2014</u>	<u>FY 2015</u>
[0] 737,000	[0] 737,000	[0] 737,000
[0] 737,000	[0] 737,000	[0] 737,000
[0] 737,000	[0] 737,000	[0] 737,000
[0] 737,000	[0] 737,000	[0] 737,000
[0] 737,000	[0] 737,000	[0] 737,000

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Bradley, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 10 - Nays: 14

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 3, 2013

2013-1982s

01/10

Floor Amendment to HB 1-A

Amend accounting unit 05-95-90-952010-5146 as inserted by section 1 of the bill to read as follows:

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

90 HHS: COMMISSIONER

952010 OFFICE OF PROGRAM SUPPORT

5146 HEALTH FACILITIES ADMINISTRN

	<u>FY 2014</u>	<u>FY 2015</u>
ESTIMATED SOURCE OF FUNDS FOR		
HEALTH FACILITIES ADMINISTRN		
FEDERAL FUNDS	2,428,866	2,234,628
AGENCY INCOME	[660,797] 505,797	[669,401] 496,401
GENERAL FUND	[657,693] 812,693	[699,698] 872,698
TOTAL SOURCE OF FUNDS	3,747,356	3,603,727

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Bradley, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Pierce, Larsen, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Forrester, Bradley, Watters, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 4 - Nays: 20

Failed.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

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 4-2. Senator Morse for the committee.

Senate Finance
May 28, 2013
2013-1954s
10/05

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 the fiscal year ending June 30, 2014, 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 2013 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, 2015.

3 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, 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, 2013 through June 30, 2015.

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, 2015; 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, 2015.

(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.

4 Department of Health and Human Services; Suspension of Direct Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as provided in 42 U.S.C. section 1396a(a)(30)(A) effective July 1, 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, 2015.

5 Department of Health and Human Services; Suspension of Indirect Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of indirect graduate medical education payments to hospitals effective July 1, 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, 2015.

6 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, 2015, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

7 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. 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 for the biennium ending June 30, 2015.

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

I. For the biennium ending June 30, 2015, the department of health and human services shall not authorize, without prior consultation with the house health, human services and elderly affairs committee and the senate health, education 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, 2015, 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 \$100,000, 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, for the biennium ending June 30, 2015, 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, provided that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

9 Department of Health and Human Services; Bureau of Adult and Elderly Services; County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments; Credit. RSA 167:18-a, II-III 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 2014-2015:

- (1) State fiscal year 2014, \$109,000,000.
- (2) State fiscal year 2015, \$112,500,000.

(b) Beginning July 1, 2015 and every biennium thereafter, in order to determine the caps on total billings to all counties, the department of health and human services shall adjust separately both the sum of the total billings obligated by the counties provided in RSA 167:18-a and the portion of the nonfederal share attributable to the state based on a rolling 3-year average change in the Consumer Price Index for All Urban Consumers, Northeast Region, 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. For the fiscal year ending June 30, 2016, the determination shall utilize an initial base of \$109,000,000, and apply to such base the 3-year average change.

III.(a) The counties shall have an aggregate credit of \$5,000,000 against amounts due under this section for each fiscal year beginning July 1, 2008. The credit shall be allocated as follows:

- (1) For fiscal year 2009, \$4,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$1,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.
- (2) For fiscal year 2010, \$2,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$3,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.
- (3) For fiscal year 2011 and for each fiscal year thereafter, \$5,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(b) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

10 Health and Human Services; Social Services Block Grant Cost of Living Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending June 30, 2015 the department of health and human services shall raise the income eligibility for elderly and adult clients under the Social Services Block Grant program each January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

11 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, 2015.

12 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.

13 Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium ending June 30, 2015, any state agency or department is authorized, with the prior approval of the department of administrative services, to enter into agreements to rent, lease, or lease-purchase vehicles and equipment from any outside vendor or to rent or lease vehicles and equipment from any other state agency or department.

14 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2014 or June 30, 2015 from the Federal Emergency Management Agency or Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse costs incurred for emergency response, including but not limited to, equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared shall be collected by the appropriate agency and appropriated to the department of transportation.

15 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, 2015.

16 Lottery Commission; Incentive Program. For the biennium ending June 30, 2015, 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.

17 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2015, all gross revenue derived by the liquor commission from the sale of liquor and related products, or from license fees, shall be deposited into the liquor commission fund.

18 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspended. For the biennium ending June 30, 2015, RSA 9:9-b, relative to allocation of gross appropriations from the highway fund, shall be suspended.

19 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 2014 and 2015 may be transferred to another qualified agency (or agencies) upon certification by the governor to the commissioner of administrative services that the program has been redesignated. If the redesignation occurs and the governor's certification is made after July 1, 2013, the unexpended portion of the appropriation shall be transferred.

20 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, 2013 and June 30, 2015, 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, 2013 and June 30, 2015, to the director of the division of personnel within 10 days of the layoff.

21 Judicial Appointments; Number Limited; Vacancies.

I. Except as provided in paragraph II, for the biennium ending June 30, 2015 the number of judges serving on the superior court shall not exceed 20 and the number of full-time judges serving on the circuit court shall not exceed 31.

II. For the biennium ending June 30, 2015, the filling of a marital master position by a judge shall increase the authorized number of circuit court judges allowed under paragraph I for each position so filled.

22 Suspension. The following are suspended for each fiscal year of the biennium ending June 30, 2015:

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.

23 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, 2015. 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.

24 Medicaid Management Information System; Reports. Amend 2011, 224:365 to read as follows:

224:365 Medicaid Management Information System; Reports.

~~I. [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 (MMIS) implementation project and provide a report on the progress of the implementation and the projected go-live date. The consultant shall report on the readiness of the MMIS upon start-up to meet all current federal MMIS requirements and all New Hampshire specific contract requirements. The consultant shall provide a detailed list of any system features that will not be available upon start-up of operations and report specifically on the readiness of the system to meet New Hampshire's Medicaid managed care requirements. The consultant shall report on the MMIS readiness to comply with the current CMS certification Toolkit required to attain federal certification. The commissioner of the department of information technology shall present the consultant's report 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.~~

H.] *For the biennium ending June 30, 2015,* the commissioner of the department of health and human services shall provide the fiscal committee of the general court with monthly reports on the status of the new MMIS system implementation and shall report on the department's efforts to seek cost recovery under section 10.1 (Failure to Meet Start Date for Operations Phase) of the MMIS contract dated October 18, 2005 and approved by governor and council on December 17, 2005.

25 Department of Administrative Services; Manager of Risks and Benefits; Position Established.

I. There is established within the department of administrative services the unclassified position of manager of risks and benefits. The manager of risks and benefits shall be qualified to hold that position by reason of education and experience, shall be nominated by the commissioner of administrative services for appointment by the governor, with the consent of the executive council, and shall serve for a term of 4 years. The manager of risks and benefits shall supervise the department of administrative services' risk management unit and shall perform such duties as the commissioner from time to time may authorize.

II. The salary of the manager of risks and benefits shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted

pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the manager of risks and benefits, position 41835 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of manager of risks and benefits. Funding shall be transferred into a new expenditure class 011, within accounting unit 01-14-14-143510-2901. The incumbent in the abolished classified position shall be offered the opportunity to seek the commissioner's nomination for the unclassified position of manager of risks and benefits.

26 Department of Administrative Services; Risk Management. Amend the introductory paragraph of RSA 21-I:7-c to read as follows:

21-I:7-c Risk Management. There is established within the office of the commissioner of administrative services a risk management unit, ~~[which shall be under the supervision of such staff as may be employed by the commissioner of administrative services]~~ ***under the supervision of an unclassified manager of risks and benefits, who shall be qualified to hold that position by reason of education and experience and who shall perform such duties as the commissioner from time to time may authorize.*** The risk management unit shall be responsible for the following functions, in accordance with applicable laws:

27 Department of Administrative Services; Manager of Risks and Benefits; Nomination by Commissioner. Amend RSA 21-I:2, II, to read as follows:

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

28 Applicability. RSA 21-I:7-c and RSA 21-I:2, II as amended by sections 26 and 27 of this act shall take effect upon the abolition of position 41835, the transfer of funding and appropriations to the unclassified position, and the initial appointment of the manager of risks and benefits, as certified by the commissioner of administrative services to the director of legislative services.

29 Department of Administrative Services; Consolidation of Human Resources and Payroll Functions.

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 resources and payroll functions shall achieve a savings in the biennium ending June 30, 2015 of no less than \$1,428,000 in total funds and \$571,200 in general funds.

30 Department of Administrative Services; Consolidation of 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:

(a) Accounts receivable;

(b) Accounts payable;

(c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state; and

(d) 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.

31 Continuation of Appropriation. Department of Administrative Services. Any unspent balance remaining on the \$250,000 appropriation made by 2011, 224:86 to the department of administrative services for the biennium ending June 30, 2013, for the purpose of selecting and retaining an independent business processing consultant to evaluate and make recommendations relative to the consolidation of business processing functions within state government, shall not lapse until June 30, 2015. The department of administrative services may use this balance to fund such projects, functions or activities as the commissioner of administrative services may direct relating to the efficiency of state government, including but not limited to the selection and retention of an independent business processing consultant and/or other projects, functions, or activities relating to the consolidation of human resource, payroll, finance, business processing and accounting functions.

32 Department of Administrative Services; Transfer Among Accounts and Classes. Notwithstanding any 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, 2015, the commissioner of the department of administrative services is hereby authorized to transfer funds within and among all accounting units and/or class codes within the department, with the exception of class 60 transfers, and is further authorized to create new class codes within the department into which funds may be transferred or placed, 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.

33 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 September 15, 2013 and the commissioner of the department of administrative services shall make a report to the fiscal committee of the general court.

34 New Section; State Employees Group Insurance; Commission Established; Cost Containment Options; Retiree Health Plan for New Employees. Amend RSA 21-I by inserting after section 36-a the following new section:

21-I:36-b Commission Established; Cost Containment Options; Retiree Health Plan for New Employees. There is established a commission to review retiree health care benefits for employees hired after July 1, 2013 in light of the implementation of the Patient Protection and Affordable Care Act and recommend a cohesive plan outlining cost effective health plan models effective for such new employees.

I. The members of the commission shall be:

- (a) The commissioner of administrative services, or designee.
- (b) The president of the State Employees' Association, or designee.
- (c) The president of the New Hampshire Troopers Association, or designee.
- (d) The president of the New England Police Benevolent Association, or designee.
- (e) The president of Teamsters Local 633, or designee.

(f) Four members of the public, each of whom shall be a person who in the last 10 years was not a member of a labor union, appointed by the governor.

II. The commissioner of the department of administrative services shall be the chairperson and shall call the first meeting as soon as practicable after the effective date of this section. Five members shall constitute a quorum.

III. The commission shall report its findings and recommendations to the governor and the fiscal committee of the general court by November 15, 2013.

35 Repeal. RSA 21-I:36-b, relative to the commission on cost containment options, is repealed.

36 Impaired Driver Education Programs; Fees. Amend RSA 265-A:39, I to read as follows:

I. Except as provided in paragraph III, the commissioner of the department of health and human services shall be responsible for approving the impaired driver education programs which persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver's licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver education program unless such program is conducted without cost to the state. ~~[Notwithstanding RSA 6:12, any fees collected under subparagraph III(g) of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.]~~

37 Department of Health and Human Services; Bureau of Drug and Alcohol Services; Utilization of Funds. Amend RSA 265-A:41 to read as follows:

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18, **RSA 265-A:39**, and RSA 265-A:40 shall be ~~[paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the impaired driver education program (IDEP) and impaired driver care management program (IDCMP) account. These funds are appropriated as indicated in the operating budget as a source of funds for the department of health and human services' responsibilities under this subdivision. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year]~~ **deposited into the general fund.**

38 Repeal. The following are repealed:

I. RSA 6:12, I(b)(147), relative to the impaired driver education program (IDEP) and impaired driver care management program (IDCMP) account.

II. RSA 6:12, I(b)(175), relative to the alcoholism and alcohol abuse account.

39 Probate Courts and Decedents' Estates; Priority of Claims. Amend RSA 554:19, I(d) to read as follows:

(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]~~ **debts collected by the state pursuant to RSA 126-A:34, and charges** pursuant to RSA 166:19. **The department of health and**

human services may distribute claims made in the following order: first, that assistance funded entirely by moneys from the general fund; and second, that assistance funded by a combination of state and federal funds.

40 Department of Health and Human Services; Office of Reimbursements; Duties. Amend RSA 126-A:34, I(b) to read as follows:

(b) Investigate the ability of patients, residents, or clients of such institutions and of the persons receiving care, treatment, ~~or~~ maintenance, ***or services*** either in public or private institutions or otherwise at the direction of the commissioner and those legally chargeable for their support and maintenance to pay for such care, treatment, ~~and~~ maintenance, ***and/or services*** and recommend to the commissioner the charge to be rendered.

41 Department of Health and Human Services; Office of Reimbursements; Financial Statements. Amend RSA 126-A:38 to read as follows:

126-A:38 Financial Statements.

I.(a) Within 60 days after admittance, except as provided in paragraph II, and annually thereafter if requested by the commissioner, a financial statement shall be filed under penalty of perjury by a person legally chargeable for expenses pursuant to RSA 126-A:36 on forms provided for this purpose by the office of reimbursements.

(b) The commissioner is hereby authorized to request and receive from any and all former or current employers, including, but not limited to, personal information with respect to dates of employment, number of hours worked, rate of pay, date of birth, available health insurance, current address, payroll deductions, and social security number of any person with respect to whom the department is investigating the ability to pay; provided, however, the commissioner shall limit the request to the minimum information necessary for the review of the individual's ability to pay. The employer shall furnish the information within 15 days of the department's request unless the time period is extended for good cause shown. If the request for the information is burdensome to the employer, it shall give written notice to the commissioner within the 15-day period, and the commissioner shall review the request of the employer and modify the request if reasonably possible to alleviate the burden on the employer.

(c) The department or employer who discloses financial or employment records under this section shall not be subject to civil liability or criminal prosecution which is based upon its disclosure under this section, or for any other action taken in good faith to comply with the requirements of this section.

(d) Any records established or information collected pursuant to the provisions of this section shall be made available only to the commissioner and the attorney general and their authorized designees, attorneys employed by the department of health and human services, and the client or the client's authorized representative. Such records and information shall be available and used only for purposes directly connected with the investigation of a person's ability to pay under this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the department that is prohibited from release by federal law, state statute, state case law, or by contract or agreement between the department and another entity if such contract or agreement prohibits release of such information.

II. Persons admitted to the multiple DWI offender intervention program (M.O.P.) ***prior to January 1, 2013*** who do not pay program fees in full at the time of admission shall file a financial statement under penalty of perjury on forms provided for this purpose by the office of reimbursements and shall enter a payment contract for balance of fees due. The office of reimbursements shall be entitled to recover reasonable attorneys' fees and costs of collection for program fees not paid in accordance with a payment contract.

III. Persons admitted to the multiple DWI offender intervention program (M.O.P.) ***prior to January 1, 2013*** shall notify the office of reimbursements of each change of mail address and actual street address until that person has made payment in full of fees due in accordance with an M.O.P. payment contract. Whenever notice to a person subject to a payment contract is required, notice to the last mail address on file with the office of reimbursements shall be deemed notice to and binding on the payer.

42 Department of Health and Human Services; Office of Reimbursements; Recovery of Expenses. Amend RSA 359-C:11, IV to read as follows:

IV. Subject to the limitations of RSA 359-C:6, the examination by or disclosure to the commissioner of the department of health and human services of the financial records of a person upon a request by the commissioner ***pursuant to RSA 126-A:38, I(b) for the purpose of reviewing a person's ability to pay for care, treatment, maintenance, and services provided by institutions;*** pursuant to RSA 161-C:3-a, I for the purpose of establishing, modifying, or enforcing an obligation to pay child support against such person; or pursuant to RSA 167:4-a for purposes directly connected with the determination and verification of eligibility for medical assistance for applicants and recipients whose eligibility for medical assistance is based upon the applicant's or recipient's age, blindness, or disability.

43 New Subparagraph; Department of Health and Human Services; Office of Reimbursements; Recovery of Expenses. Amend RSA 126-A:42, II by inserting after subparagraph (e) the following new subparagraph:

(f) If an agreement was made under RSA 126-A:43, III, recovery shall be limited to any payment obligation resulting from such agreement.

44 Department of Health and Human Services; Office of Reimbursements Regular Rate. Amend RSA 126-A:43, III to read as follows:

III. The commissioner may compromise or reduce any debt or obligation owed to the state pursuant to an agreement with a group health plan carrier, as defined in RSA 420-G:2, or any health insurer as defined in 607(1) of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. section 1167 (1), federal and or state funded assistance, or any other legally liable third party or persons chargeable for support.

IV. The office of reimbursements shall, upon request, furnish to each estate from which, or to each person chargeable from whom, a recovery of expenses is sought pursuant to RSA 126-A:42, a record of the accumulated charges against said estate or said person.

45 Department of Health and Human Services; Office of Reimbursements; Administrators; Bond. Amend RSA 553:13, II to read as follows:

II. Notwithstanding the provisions of paragraph I, when the estate has a gross value of \$25,000 or less, only a personal bond without sureties will be required. ***In addition, in cases in which the department of health and human services is administering an estate pursuant to RSA 126-A:34, I(e), no bond shall be required.***

46 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, 2015, 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.

47 Department of Health and Human Services; Division for Children, Youth, and Families.

I. Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending June 30, 2015, 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 no greater than the rates in effect for the particular service, placement, or program as of June 30, 2013.

II. Notwithstanding paragraph I, upon the department's implementation of managed care, the rate of reimbursement for services and programs for a Medicaid eligible child shall be the rate agreed to by the provider and the managed care organization. The total rate of reimbursement for residential placement (board and care) for a Medicaid eligible child shall consist of the "room and board rate" and the "educational rate" as established by the department on July 1, 2013, and the treatment or the private non-medical institution rate as agreed to by the provider and the managed care organization.

48 Uncompensated Care Fund. Amend RSA 167:64, I(a) and (b) to read as follows:

(a)(1) 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, ***provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1).*** 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 ***for the following purposes*** in the following order of priority:

~~[(1)]~~ (A) 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)]~~ (B) To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium; ~~[and]~~

(C) ***To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation as available funding allows, to be shared among such hospitals in proportion to the amount of uncompensated care provided;***

(D) ***To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for "deemed disproportionate share hospitals" as that term is defined under 42 U.S.C. section 1396r-4 in an amount as budgeted in each year of the biennium;***

~~[(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] (E) ***To support the uncompensated care costs of New Hampshire's hospitals without critical access designation in proportion to the amount of uncompensated care provided by each hospital*** consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder[-]; ***and***

(F) ***Any remaining funds produced from the Medicaid enhancement tax shall be used to reduce hospital losses associated with providing services to Medicaid recipients through an increase in provider reimbursement rates.***

(2) ***Should funds be inadequate to make a disproportionate share hospital payment to hospitals within either of the groups identified in subparagraph (1)(C) or (1)(E), an amount of \$1,000,000 shall be designated to make payments in accordance with 42 U.S.C. section 1396r-4(b) and distributed as follows:***

(A) ***Equally to each group of hospitals should both groups be impacted, and distributed among each of the hospitals within each group in proportion to the amount of uncompensated care provided; or***

(B) ***If only hospitals in subparagraph (1)(E) are impacted, distributed to those hospitals in proportion to the amount of uncompensated care provided.***

(b)(1) 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] ***consistent with the level of funding made available for such payments in each year of the biennium, incurred by those hospitals that are qualified as follows:***

(A) ***The hospital is a "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment, or***

(B) ***The hospital participates in the provider network of the state Medicaid Care Management program as of July 1, 2013.***

(2) The reimbursement of uncompensated care costs paid in state fiscal year [2012] **2014** and state fiscal year [2013] **2015** shall be in accordance with the schedule of payments to hospitals that takes effect on or after July 1, [2011] **2013**, subject to the prior review and approval of the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that 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.

49 Health and Human Services; Uncompensated Care Fund Payments; Fiscal Year 2015. For the fiscal year ending June 30, 2015 only, after the disproportionate share payments are made pursuant to RSA 167:64, I(a)(1)(C) as amended by this act, any remaining uncompensated care funds shall be used to make payments for “deemed disproportionate share hospitals” under RSA 167:64, I(a)(1)(D).

50 Repeal. RSA 167:65, II, relative to reporting methodology of payment to the oversight committee on health and human services, is repealed.

51 *Department of Health and Human Services; Bureau of Adult and Elderly Services; Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver pursuant to RSA 151-E and congregated services provided for in RSA 161-F:37 are suspended for the biennium ending June 30, 2015.*

52 Repeal. 1988, 192:12 as amended by 1990, 201:16, relative to certification of shelter care/detention beds, is repealed.

53 Residential Care and Health Facility Licensing; Licenses. Amend RSA 151:5 to read as follows:

151:5 Licenses. Licenses issued hereunder shall expire one year after the date of issuance. Licenses shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable; ***provided that home health care providers, personal care providers, home health hospice providers, and case management agencies shall not be required to apply for and receive a new license if they change the physical location of their office within the one year licensing period.*** Licenses shall be posted in a conspicuous place on the licensed premises. Fees for an annual license shall be as follows:

- I. Hospitals; \$25 per licensed bed.
- II. Specialty hospital-psychiatric; \$25 per licensed bed.
- III. Specialty hospital-rehabilitation; \$25 per licensed bed.
- IV. Nursing homes; \$25 per licensed bed.
- V. Acute psychiatric residential treatment programs; \$25 per licensed bed.
- VI. Residential treatment and rehabilitation facilities; \$25 per licensed bed.
- VII. Hospice houses; \$25 per licensed bed.
- VIII. Adult family care homes; \$25 per licensed bed.
- IX. Residential and supported residential care; \$15 per licensed bed.
- X. Home health hospice providers; \$250.
- XI. Home health care providers; \$250.
- XII. Personal care providers:
 - (a) [~~Less~~] ***Fewer*** than 10 clients; [~~\$100~~] **\$25**.
 - (b) Ten (10) or more clients; \$250.
- XIII. Outpatient clinics; \$500.
- XIV. End stage renal dialysis centers; \$500.
- XV. Ambulatory surgical centers; \$500.
- XVI. Educational health centers; \$500.
- XVII. Freestanding emergency rooms; \$500.

XVIII. Health promotion clinics; \$500.

XIX. Collecting stations; \$250.

XX. Adult day care centers; \$200.

XXI. Birthing centers; \$150.

XXII. Case management agencies; \$150.

XXIII. Laboratories; \$150 per year for each category of testing licensed.

54 New Chapter; Innovation in Medicaid Delivery Commission. Amend RSA by inserting after chapter 126-V the following new chapter:

CHAPTER 126-W

INNOVATION IN MEDICAID DELIVERY COMMISSION

126-W:1 Innovation in Medicaid Delivery (I-MD) Commission Established; Membership; Duties.

I. There is established an innovation in Medicaid delivery (I-MD) commission, the purpose of which shall be to prepare a Medicaid waiver application under section 1115 of the Social Security Act, 42 U.S.C. 1315, to be submitted by the department of health and human services to obtain federal matching funds for so-called "costs not otherwise matchable" to improve access and quality of care for Medicaid-dependent patients.

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

(a) Two members appointed by the governor.

(b) Two members appointed by the senate president.

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

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

(e) Two representatives of non-critical access hospitals, appointed by the New Hampshire Hospital Association.

(f) A representative of critical access hospitals, appointed by the New Hampshire Hospital Association.

(g) A representative of the New Hampshire Medical Society, appointed by the society.

III. Legislative members of the I-MD commission, if any, shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The first meeting of the I-MD commission shall be called by the members appointed by the senate president and shall be held within 45 days of the effective date of this section. Members of the commission shall elect co-chairpersons of the commission. Four members of the commission shall constitute a quorum.

V. The I-MD commission shall:

(a) Prepare a Medicaid waiver application under section 1115 of the Social Security Act, 42 U.S.C. 1315, to be submitted by the department of health and human services to obtain federal matching funds for so-called "costs not otherwise matchable" to improve access and quality of care for Medicaid-dependent patients.

(b) Create any subcommittees it deems necessary, which may include members of the public appointed by the chairpersons, to assist with research, analysis, or other work necessary to support the waiver application.

(c) Review state-maintained data concerning the Medicaid program and interview state personnel with knowledge of the Medicaid program.

(d) Respond to questions or inquiries from the Centers for Medicare and Medicaid Services concerning the section 1115 waiver application. Members of the commission selected by the co-chairpersons shall attend all meetings with the Centers for Medicare and Medicaid Services during which the 1115 waiver application is to be discussed.

(e) Provide recommendations to the commissioner of the department of health and human services on the implementation of any section 1115 waiver approved.

(f) Prepare for submission through the department of health and human services any applications necessary to extend or modify the section 1115 waiver granted.

VI.(a) On or before October 31, 2013, the I-MD commission shall make an initial report on the status of its work to the fiscal committee of the general court. On or before December 31, 2013, the I-MD commission shall make a report of its findings and activities, including the form and status of the application for a section 1115 waiver and any recommendations for proposed legislation, to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library. The I-MD commission shall determine the deadline for submitting the application for a section 1115 waiver to the Centers for Medicare and Medicaid Services.

(b) Beginning November 1, 2014, the I-MD commission shall make an annual report of its findings and activities, including any recommendations for sustainable funding of the Medicaid program, to the governor, the senate president, the speaker of the house of representatives, and the state library.

55 Department of Corrections; Authority to Fill Unfunded Positions. Notwithstanding any provision of law to the contrary, the commissioner of corrections may fill unfunded positions during the biennium ending June 30, 2015, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

56 Department of Corrections; Transfers. Notwithstanding any provision of law to the contrary, and subject to approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2015, the commissioner of the department of corrections is authorized to transfer funds within and among all accounting units within the department and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the department.

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

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

58 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, at the preliminary hearing or a hearing pursuant to RSA 169-C:6-a, III, whichever occurs earlier, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter.***

59 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.

60 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 interest. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.***

61 School Money; Distribution Schedule of Adequate Education Grants. RSA 198:42, IV is repealed and reenacted to read as follows:

IV. For chartered public schools approved by the state board of education, the department of education may expend budgeted amounts to fund chartered public school tuition payments under RSA 194-B:11, I. Said amounts are hereby appropriated to the department from the education trust fund established under RSA

198:39. The education trust fund shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the education trust fund. The department of education may request additional funds from the fiscal committee of the general court, with the approval of governor and council, for a new chartered public school approved for initial operation by the state board of education pursuant to RSA 194-B:3-a.

62 Chartered Public School Approval by State Board of Education. Amend RSA 194-B:3-a, IV to read as follows:

IV. The state board of education shall either approve or deny an application using reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and (dd). ***Lack of state funding alone shall not constitute grounds for the denial of an application.*** Approval of an application constitutes the granting of charter status and the right to operate as a [public] chartered public school. The state board of education shall notify all applicants of its decision in writing, and shall include in any notice of denial a written statement specifying any areas deemed deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-B:3 or under this section in a subsequent year.

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

(b)(1) ***Except as provided in subparagraph (2), for [any] a 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 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.***

(2) ***For an online chartered public school which receives its initial authorization to operate from the state board of education pursuant to RSA 194-B:3-a on or after July 1, 2013, the state shall pay tuition pursuant to RSA 198:40-a directly to the online chartered public school for each pupil who is a resident of this state in attendance at such chartered public school. In this subparagraph, "online chartered public school" means a chartered public school which provides the majority of its classes and instruction on the Internet.***

64 Community College System; Retiree Health Care Payments; Task Force.

I. The community college system of New Hampshire shall remit to the state the sum of \$957,295 for the fiscal year ending June 30, 2014 and the sum of \$1,048,862 for the fiscal year ending June 30, 2015 for retiree health care benefits.

II. The commissioner of the department of administrative services and the chancellor of the community college system of New Hampshire shall jointly establish a task force consisting of representatives from each entity to evaluate and make recommendations for future cost allocation of retiree health care benefits for community college system employees and retirees. The task force shall submit its recommendations to the governor, the senate president, the speaker of the house of representatives, and the chairpersons of the senate and house finance committees by December 1, 2013.

65 Repeal. 2011, 224:221, relative to fines paid by mail, is repealed.

66 Police Standards and Training Council Training Fund. Amend RSA 188-F:30 to read as follows:

188-F:30 Police Standards and Training Council Training Fund. There is established in the state treasury a separate ***nonlapsing*** fund to be known as the police standards and training council training fund from which the state treasurer shall pay expenses incurred in the administration of this subdivision. ***In case the expenditure of additional funds in excess of appropriated amounts is necessary to meet the statutory obligations of the police standards and training council for the training of police and corrections officers on a timely basis because of unanticipated circumstances beyond the control of the police standards and training council, the governor and council, with approval of the fiscal committee of the general court, upon request of the police standards and training council, may authorize the transfer of unappropriated amounts from the police standards and training council training fund for such purposes.***

67 Repeal. RSA 188-F:32-b, relative to transfers of unappropriated funds, is repealed.

68 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the division of homeland security and emergency management, and the position of fireworks inspector, under RSA 160-C:17. *If the expenditure of additional funds over budget estimates was unanticipated and is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management, the commissioner of the department of safety may transfer funds, with the prior approval of the fiscal committee of the general court, from this fund to the department of safety for such purposes.*

69 Tax on Meals and Rooms; Disposition of Revenue. RSA 78-A:26, I is repealed and reenacted to read as follows:

I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay over all revenue, except revenues identified in paragraph III of this section, collected under this chapter to the state treasurer. On or before October 1 of each year, the department shall determine the cost of administration of this chapter for the fiscal year ending on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by them as to correctness. After deducting the cost of administration of the chapter from the total income, the state treasurer shall distribute the net income as follows:

(a) The amount necessary to provide payments of principal and interest on the bonds and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30, 2009 through June 30, 2030;

(b) An amount equal to 3.15 percent of the net income distributed under the introductory paragraph of paragraph I and subparagraph I(a) in the first year of the preceding fiscal biennium, which shall be credited to the department of resources and development, division of travel and tourism development;

(c) Forty percent of the net income under the introductory paragraph of paragraph I of the most recent fiscal year to the unincorporated towns, unorganized places, towns, and cities. The amount to be distributed to each such town, place, or city shall be determined by multiplying the amount to be distributed by a fraction, the numerator of which shall be the population of the unincorporated town, unorganized place, town or city and the denominator of which shall be the population of the state. The population figures shall be based on the latest resident population figures furnished by the office of energy and planning; and

(d) The remainder to the general fund.

70 Reference Change. Amend RSA 6:12, I(b)(21) to read as follows:

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

71 Fish and Game Department; Publications, Specialty Items and Fund Raising Revolving Fund. Amend RSA 206:22-a, III to read as follows:

III. The amount in the publications, specialty items and fund raising revolving fund shall not exceed ~~[\$200,000]~~ **\$100,000** and any amounts in excess of ~~[\$200,000]~~ **\$100,000** shall be deposited in the fish and game fund. Any moneys in the fund not in excess of ~~[\$200,000]~~ **\$100,000** shall not lapse.

72 Fish and Game Department; Utilization of Funds to Support Staff Costs. Notwithstanding any other provision of law, for the biennium ending June 30, 2015, the executive director of the fish and game department, with the approval of the fish and game commission, may utilize funds in the wildlife habitat account established in RSA 214:1-f and fisheries habitat account established in RSA 214:1-g for the wages, salaries, benefits, and other expenses of the department employees.

73 Fish and Game Department; Utilization of Funds to Support Staff Costs. Notwithstanding any other provision of law, for the biennium ending June 30, 2015, the executive director of the fish and game department may utilize funds in the statewide public boat access fund established in RSA 233-A:13 for the wages, salaries, benefits, and other expenses of the department employees.

74 New Section; Fish and Game Department; Divisions Within the Department. Amend RSA 206 by inserting after section 1 the following new section:

206:1-a Divisions Within the Department. There are established the following divisions, as defined in RSA 21-G:5, within the fish and game department:

- I. The division of marine fisheries, under 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.

75 Fish and Game Department; Fish Food Sales Revenue. Amend RSA 206:35-c to read as follows:

206:35-c Fish Food Sales Revenues. The state treasurer shall establish a separate account to which shall be credited all monies collected by the fish and game department from the sale of fish food at hatchery vending machines. The ~~monies~~ **moneys** in said account shall be used for the acquisition and maintenance of fish hatchery equipment **and/or emergency trout or salmon egg purchase** and are hereby appropriated for said purposes. Said funds shall be nonlapsing and are to be expended for the purposes of this section as determined by the executive director with the approval of the commission.

76 Certificate of Need; Nursing Home Beds; Rehabilitation Beds; Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, ~~2014~~ **2015**. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

77 Cannon Mountain. Amend RSA 2011, 224:350 to read as follows:

224:350 Department of Resources and Economic Development; Cannon Mountain. The department of resources and economic development shall deposit \$650,000 in the fiscal year ending June 30, 2012, and \$650,000 in the fiscal year ending June 30, 2013 in **net** revenue derived by the department of resources and economic development from fees, services, accommodations, rentals, lift and tramway operations, retail sales, and concession operations for Cannon Mountain into the ~~[state general fund which shall be applied to the negative balance contained in the]~~ state park fund established in RSA 216-A:3-i. The department of resources and economic development shall also deposit \$50,000 in each fiscal year of the biennium ending June 30, 2013 into the fish and game search and rescue fund established in RSA 206:42. **For the fiscal year ending June 30, 2013, the net revenue in excess of \$700,000 shall be credited to the Cannon Mountain capital improvement fund established in RSA 12-A:29-c for use in paying debt service related to capital improvements for the ski area and related state park facilities at Cannon Mountain.**

78 Department of Resources and Economic Development; Cannon Mountain. For each year of the biennium ending June 30, 2015, \$500,000 in net 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 in the state park fund established in RSA 216-A:3-i. Net revenue in excess of \$500,000 shall be credited to the Cannon Mountain capital improvement fund established in RSA 12-A:29-c for use in paying debt service related to capital improvements for the ski area and related state park facilities at Cannon Mountain.

79 Repeal. RSA 195-H:4, V, relative to allocation of administrative fees, is repealed.

80 Department of Employment Security; Deputy Commissioner. RSA 282-A:109 is repealed and reenacted to read as follows:

282-A:109 Deputy Commissioner.

I. The commissioner of employment security shall nominate for appointment by the governor, with the consent of council, a deputy commissioner of the department of employment security, who shall serve for a term of 4 years and shall be qualified to hold that position by reason of education and experience. The deputy commissioner shall act as commissioner whenever the commissioner of the department of employment security is incapacitated, absent, or unable to act for any cause. The deputy commissioner shall also act as commissioner of the department of employment security until a new commissioner is duly appointed whenever there is no commissioner.

II. The salary of the deputy commissioner shall be specified in RSA 94:1-a, I.

81 Department of Employment Security Deputy Commissioner.

I. There is established within the department of employment security the unclassified position of deputy commissioner. The deputy commissioner shall be qualified to hold that position by reason of education and experience, and shall be nominated by the commissioner of employment security for appointment by the governor, with the consent of the executive council, and shall serve for a term of 4 years.

II. The salary of the deputy commissioner shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the deputy commissioner, position 11303 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of deputy commissioner. Funding shall be transferred into expenditure class 011, within accounting unit 02-27-27-270010-8040. The incumbent in the abolished classified position shall be offered the opportunity to seek the commissioner's nomination for the unclassified position of deputy commissioner.

III. Paragraphs I and II shall take effect upon the abolition of position 11303, the transfer of funding and appropriations into the unclassified position and the initial appointment of the deputy commissioner, as certified by the commissioner of employment security to the director of legislative services.

82 Banks and Banking; Bank Commissioner; Payment of Cost of Examination. Amend RSA 383:11 to read as follows:

383:11 Payment of Cost of Examination.

~~I. The bank commissioner shall [each fiscal year,] charge and collect from [the institutions] **each institution**, the condition and management of which he or she is required to examine under the provisions of RSA 383:9, and which he or she supervises under the provisions of RSA 361-A, RSA 397-A, RSA 397-B, RSA 399-A, RSA 399-D, and RSA 399-G, [the total amount appropriated for the bank commissioner's department. Said sum shall be collected as follows:~~

~~I. From each such institution examined] **an examination fee, which shall be calculated as** a sum equal to the product of the average daily rate of overall salary costs, including the benefits portion thereof, and expenses of all examining personnel employed in making examinations pursuant to the provisions of RSA 383:9, multiplied by the number of personnel days devoted to the examination of the particular institution, provided, however, that no such institution shall be charged or pay for less than one full day. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited, in accordance with the banking department's accounting unit designation, to the appropriation for the bank commissioner or the consumer credit administration division.~~

~~II. [The balance of said sum remaining after the charges provided for in paragraph I have been deducted from the total sum shall be charged and collected] **If, after the close of each fiscal year, there remains**~~

any deficiency between the sums collected under paragraph I, combined with the other fees, fines, and penalties collected by the department during the fiscal year just closed, and actual department expenditures for the fiscal year just closed, the commissioner shall make an assessment of the institutions as follows:

(a) From banks and credit unions. Each state-chartered savings bank, commercial bank, trust company, cooperative bank, building and loan association, credit union, Morris Plan bank, or similar institution required to be examined under the provisions of RSA 383:9 shall be charged and pay such proportion of said balance applicable to such institutions under the banking department's accounting unit designation, as its total assets bear to the total assets of all such institutions as shown by their reports to the commissioner as of June 30 preceding such charges, except that the percent of the fiduciary assets used in the calculation of the total assets of each institution and all such institutions shall be determined as follows:

- (1) Fiduciary assets up to \$5,000,000,000 shall be calculated at 25 percent;
- (2) Fiduciary assets that are between \$5,000,000,000 and \$10,000,000,000, shall be calculated at 20 percent;
- (3) Fiduciary assets that are between \$10,000,000,000 and \$15,000,000,000, shall be calculated at 15 percent;
- (4) Fiduciary assets that are between \$15,000,000,000 and \$20,000,000,000, shall be calculated at 10 percent;
- (5) Fiduciary assets that are between \$20,000,000,000 and \$25,000,000,000, shall be calculated at 5 percent;
- (6) Fiduciary assets that are between \$25,000,000,000 and \$50,000,000,000, shall be calculated at 2.5 percent;
- (7) Fiduciary assets that are \$50,000,000,000 or more, shall be calculated at one percent.

(b) From non-depository lenders, debt adjusters, money transmitters, and brokers. Each licensee and registrant subject to the supervision of the bank commissioner under the provisions of RSA 397-A, RSA 397-B, RSA 399-A, RSA 399-D, RSA 399-G, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's accounting unit designation as the gross revenue received from the total dollar volume of loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage servicing fees received or money transmitted from each licensee's New Hampshire business bears to the total gross revenue received from the total dollar volume of all such loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage servicing fees received, or money transmitted, from New Hampshire business by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

III. Except for institutions supervised under RSA 361-A, 397-A, 397-B, 399-A, 399-D and 399-G where the individual regulatory chapter specifies a shorter time, payments of the charges provided for by paragraphs I and II shall be made within 60 days of receipt of the notice thereof.

IV. Any excess collected in any fiscal year under the provisions of this section shall be used to reduce the sum required to be collected in the next succeeding fiscal year.

83 Judicial Branch; Transfers. Notwithstanding any provision of law to the contrary, and subject to approval of the fiscal committee of the general court, for the biennium ending June 30, 2015, the supreme court is hereby authorized to transfer funds within and among all accounting units within the judicial branch as the supreme court deems necessary and appropriate to address budget reductions or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the judicial branch. If the supreme court intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA 9:17-d, prior approval of the fiscal committee shall be required for transfers of \$75,000 or more.

84 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by inserting after section 6-d the following new section:

7:6-e Disposition of Funds Obtained by the Attorney General.

I. No money received by the attorney general, on behalf of the state or its citizens as a result of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or other action or

threatened action, shall be expended or otherwise distributed until authorized by the general court, provided however that in the case of any judgment or settlement greater than \$1,000,000, the state treasurer shall first transfer 10 percent to the revenue stabilization reserve account established in RSA 9:13-e.

II. Upon resolving a matter described in paragraph I, the attorney general shall promptly report to the fiscal committee of the general court any money received under this section. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The reason for the judgment or settlement.
- (c) The amount of the judgment or settlement.

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, or enforcement actions taken by state agencies or the attorney general in which fines are authorized under state law.

85 Report; Mosaic Parcel GIS System. The department of revenue administration shall compile data on the sharing of the Mosaic Parcel GIS system with other state agencies that includes but is not limited to a listing of the agencies accessing the system, the amount of system time used by each agency, examples of cost allocation plans that could be applied to the use of the system, and any other information that would be necessary in determining the best approach to share costs associated with the system. The department shall provide a report to the house finance committee no later than November 1, 2013.

86 Liquor Commission; Reimbursement of Cost of Legal Services. Notwithstanding any other law to the contrary, for the biennium ending June 30, 2015, the liquor commission shall reimburse the cost for any legal services provided by the department of justice to the commission that would not normally be included as part of the statewide cost allocation paid by the commission.

87 State Aid Grants; Department of Environmental Services. Notwithstanding RSA 486, RSA 486-A, RSA 149-M, or any other law to the contrary, for the biennium ending June 30, 2015, the department of environmental services shall discontinue the first in, first out delayed and deferred infrastructure project list or any other infrastructure list as it relates to state aid grants under RSA 486, RSA 486-A, or RSA 149-M. Infrastructure projects that were approved by vote of the executive council prior to November 30, 2008 shall continue to be funded. Infrastructure projects on the first in, first out delayed and deferred infrastructure project list prior to December 31, 2012, as listed in section 88 of this act, shall be eligible for state aid grant payments. Infrastructure projects that had local authorization by December 31, 2008 to construct but are not listed in section 88 are eligible for state aid grants subject to availability of funding. A moratorium shall be in place for any infrastructure projects not listed in section 88 or that did not have local authorization by December 31, 2008 that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or RSA 149-M. Nothing in this section shall affect the provision of the future water supply land protection grants under RSA 486-A if funding is available for such purpose.

88 State Aid Grants; First in, First out Delayed and Deferred Project List. The following infrastructure projects from the department of environmental services first in, first out delayed and deferred infrastructure project list for state aid grants under RSA 486, RSA 486-A, or RSA 149-M prior to December 31, 2012 shall be eligible for state aid grant payments:

Wastewater Projects (RSA 486)

FIFO	Pending Grant Number	Applicant (Location)
1	P-001	Winnepesaukee River Basin Program
2	C-777	Manchester
3	C-778	Manchester
4	C-779	Manchester
5	C-780	Manchester
6	C-782	Manchester
7	C-783	Hillsborough

8	C-784	Hillsborough
9	C-781	Manchester
10	C-731	Swanzey
11	C-789	Bristol
12	C-787	Manchester
13	C-785	Portsmouth
14	C-788	Manchester
15	C-786	Manchester
16	P-002	Manchester
17	P-003	Concord
18	P-004	Manchester
19	P-005	Manchester
20	P-006	Hanover
21	P-007	Concord
22	P-010	Lebanon
23	P-009	Lebanon
24	P-008	Lebanon
25	P-011	Hinsdale
26	P-012	Newmarket
27	P-013	Manchester
28	P-014	Newmarket
29	P-015	Allenstown
30	P-016	Allenstown
31	P-017	Allenstown
32	P-018	Allenstown
33	P-019	Amherst
34	P-020	Exeter
35	P-021	Piermont
36	P-022	Derry
37	P-023	Derry
38	P-024	Salem
39	P-025	Epping
40	P-026	Littleton
41	P-027	Nashua
42	P-028	Nashua
43	P-029	Nashua
44	P-030	Newport
45	P-031	Claremont

46	P-032	Nashua
47	P-033	Nashua
48	P-034	Nashua
49	P-035	Manchester
50	P-036	Manchester
51	P-037	Manchester
52	P-038	Manchester
53	P-039	Hanover
54	P-040	Hudson
55	P-041	Merrimack
56	P-042	Jaffrey
57	P-043	Hanover
58	P-044	Manchester
59	P-045	Keene
60	P-046	Tilton
61	P-047	Hampton
62	P-048	Hampton
63	P-049	Manchester
64	P-050	Manchester
65	P-051	Manchester
66	P-052	Keene
67	P-053	Keene
68	P-054	Wolfeboro
69	P-055	Newbury
70	P-056	North Conway Water Precinct
71	P-057	North Conway Water Precinct
72	P-058	North Conway Water Precinct
73	P-059	North Conway Water Precinct
74	P-060	Concord
75	P-061	Manchester
76	P-062	Amherst
77	P-063	Manchester
78	P-064	Marlborough
79	P-065	Hampton
80	P-066	North Conway Water Precinct
81	P-067	Wakefield
82	P-068	Merrimack
83	P-069	Conway Village Fire District

84	P-070	Keene
85	P-071	Manchester
86	P-072	Manchester
87	P-073	Newmarket
88	P-074	Manchester
89	P-075	Manchester
90	P-076	Manchester
91	P-077	Manchester
92	P-078	Manchester
93	P-079	Manchester
94	P-080	Concord
95	P-081	Concord
96	P-082	Rochester
97	P-083	Rochester
98	P-084	Rochester
99	P-085	Bristol
100	P-086	Peterborough
101	P-087	Manchester
102	P-088	Berlin
103	P-089	Berlin

Public Water System Projects (RSA 486-A)

FIFO	Pending Grant Number	Applicant (Location)
1	612010	Lower Bartlett Water Precinct (Bartlett)
2	512020	Birch Hill (Pennichuck, Conway)
3	1471010	Manchester Water Works
4	1531010	Merrimack Village District
5	2353060	White Rock Estates (Tilton)
6	882050	Brake Hill (Gilford)
7	1831010	Orford Village Water District
8	2272010	Granliden Community (Sunapee)
9	511030	North Conway Water Precinct
10	511030	North Conway Water Precinct
11	2041010	Rye Water District
12	511010	Conway Village Fire District
13	1036020	Village Square Condo Assoc (Hampstead)
14	2041010	Rye Water District
15	1051010	Aquarion Water Company (Hampton)
16	1431010	Lyme Water Association

Landfill Projects (RSA 149-M)

FIFO	Pending Grant Number	Applicant (Location)
1	L-144	Nashua
2	L-145	Lebanon
3	L-125	Auburn
4	L-146	Tilton
5	L-148	Whitefield
6	L-147	Unity
7	L-149	Marlow
8	L-150	Farmington

89 Legislative Branch; Special Account; Transfer to the General Fund. Amend 2011; 224:217, II to read as follows:

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] **2013** and each year thereafter [all], **any** unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount, **provided that no subaccount balance shall exceed \$750,000.** [Any subaccount with a balance in excess of \$750,000 at the end] **All unexpended and unencumbered appropriations remaining at the close** of the fiscal year shall [transfer the excess] **lapse** to the general fund.

90 Repeal. RSA 12-L:14, II, relative to the McAuliffe-Shepard discovery center commission business plan, is repealed.

91 Appropriation; North Country Fire Training Facility. Amend 2012, 106:3 to read as follows:

106:3 Appropriation. The sum of \$550,000 is hereby appropriated to the department of safety, division of fire standards and training and emergency medical services, for the biennium ending June 30, 2013 for the purpose of establishing a North Country fire training facility. Said sum shall be a charge against the fire standards and training and emergency medical services fund established in RSA 21-P:12-d. **This appropriation shall not lapse until June 30, 2014.**

92 Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as follows:

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

93 Pharmacy Board; Inspectional Services. Amend RSA 318:9-a to read as follows:

318:9-a [Payment for] Inspectional Services. [For the purpose of providing inspectional services under this chapter and RSA 318-B:25,] The pharmacy board shall [enter into separate agreements with] **provide inspec-**

~~**tional services under this chapter and RSA 318-B:25** to the board of medicine, the board of veterinary medicine, the board of podiatry, the board of registration in optometry, the board of dental examiners, and the board of nursing[providing for each such board to compensate the pharmacy board for such inspectional services. The agreements shall provide for payment based upon a per capita charge for each person registered with each such board as a percentage of the total number of persons subject to inspection under this chapter and RSA 318-B:25. The fees received from agreements under this section shall be deposited with the treasurer as restricted revenue by the pharmacy board, and shall be included in the computation of fees to be established for the following fiscal year].~~

94 New Paragraph; Approved Alcohol Treatment Programs. Amend RSA 172-B:2 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall establish, by rules adopted under RSA 541-A, a uniform, sliding-fee scale, based on the client's income, for voluntary services provided by approved alcohol treatment programs.

95 New Section; Access to Budget and Expenditures for Persons Receiving State Services. Amend RSA 126-A by inserting after section 5 the following new section:

126-A:5-a Access to Budget and Expenditures for Persons Receiving State Services. The commissioner of the department of health and human services and the area agencies shall provide to any person, or that person's guardian, who is receiving state services pursuant to a plan with an individualized budget, a copy of such budget and the expenditures made under such budget.

96 Fees for Copies, Verifications, and Amendments to Vital Records. Amend RSA 5-C:10, II to read as follows:

II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15 ~~[, and \$3 to the state treasurer for deposit in the general fund,]~~ and shall retain the remaining [~~\$4~~] **\$7** as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15 ~~[and \$2 to the state treasurer for deposit in the general fund,]~~ and shall retain the remaining [~~\$3~~] **\$5** as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

97 Certified Public Accountants; Board Fees; Receipts. Amend RSA 309-B:4, IV to read as follows:

IV. *The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services.* All moneys collected by the board from fees authorized under this chapter shall be received and accounted for by the board, shall be deposited in the state treasury ~~[to the credit of the board, and shall not lapse]~~. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees. All fees prescribed by the board under prior law shall remain in effect until the board shall prescribe a new schedule of fees pursuant to RSA 541-A.

98 Professional Engineers; Receipts and Disbursements. Amend RSA 310-A:8 to read as follows:

310-A:8 Receipts and Disbursements. ~~[There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this subdivision and shall pay the same to the state treasurer. The secretary of the board shall receive such salary as the board shall determine.]~~ The board may employ such investigators, clerical, and other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose which is reasonably necessary for the proper performance of its duties under this subdivision, including the reasonable expenses of the board's delegate to meetings of, and membership dues to, the National Council of Examiners for Engineering and Surveying (NCEES). The board may, with the approval of the attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. ~~[Such compensation and reasonable expenses shall be paid from the funds of the board.]~~

99 Professional Engineers; Reference Removed. Amend RSA 310-A:3, IV to read as follows:

IV. ~~[In addition to any moneys received under RSA 310-A:8,]~~ Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

100 Land Surveyors; Receipts and Disbursements. Amend RSA 310-A:61 to read as follows:

310-A:61 Receipts and Disbursements. ~~[The secretary of the board shall receive and account for all moneys derived under this subdivision, and shall pay the same to the state treasurer. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided herein.]~~ The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which, in the opinion of the board, are reasonably necessary for the proper performance of its duties under this subdivision.

101 Professional Geologists; Receipts and Disbursements. Amend RSA 310-A:123 to read as follows:

310-A:123 Receipts and Disbursements. ~~[There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this subdivision and shall pay the same to the state treasurer.]~~ The board may employ such investigators, clerical assistants, and other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose which is reasonably necessary for the proper performance of its duties under this subdivision, including the reasonable expenses of the board's delegate to meetings and membership dues. The board may, with the approval of the attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. ~~[Such compensation and reasonable expenses shall be paid from the funds of the board.]~~

102 Real Estate Appraisers; Receipts and Disbursements. Amend RSA 310-B:21, I to read as follows:

I. The board shall receive and account for all moneys derived under the provisions of this chapter. ~~[At least monthly, the receipts shall be turned over to the state treasurer, who shall keep such moneys in a separate fund to be known as the real estate appraisers fund. Such fund shall be kept separate and apart from all moneys in the treasury, and shall be disbursed only for purposes of this chapter.]~~ Under no circumstances shall the total amount of payments exceed the fees collected under this chapter.

103 Appropriation; Reimbursement for Payment of Erroneously Charged Medical Benefits. The sum of \$19,164.34 is hereby appropriated to the department of administrative services for the purpose of reimbursing Mrs. Patrick Kelly, the spouse of a law enforcement officer who died in the line of duty, who through no fault of her own was charged erroneously for medical benefits promised to her by the state of New Hampshire. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

104 Department of Information Technology; Transfers Among Accounts. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, for the biennium ending June 30, 2015 the department of information technology may transfer funds within and among all accounting units and class lines within said department as necessary for the efficient management of the department. The department of information technology shall provide quarterly reports to the fiscal committee of the general court detailing said transactions.

105 Continuation of Appropriation Regarding Emergency Management. The sums appropriated pursuant to 2011, 223:1 in accounting unit 02-23-23-236010-2740, class 244, state match public assistance, shall not lapse until June 30, 2015.

106 General Fund; Transfer to Fish and Game Fund. The state treasurer shall transfer unrestricted general fund revenue to the fish and game fund in the amounts of \$699,000 for the fiscal year ending June 30, 2014 and \$893,000 for the fiscal year ending June 30, 2015. Said transfers shall occur no later than August 1st of each fiscal year.

107 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, III(b) to read as follows:

(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]~~ **108** percent of the total education grant distributed to such municipality in the previous fiscal year.

108 Purpose. RSA 489-C establishes a voluntary program for the certification of commercial road salt applicators in order to encourage more efficient winter maintenance of roadways, parking lots, and sidewalks and to provide certain liability protections for certified commercial applicators and landowners whose premises are maintained by certified commercial applicators.

109 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 489-B the following new chapter:

CHAPTER 489-C
SALT APPLICATOR CERTIFICATION OPTION

489-C:1 Definitions. In this chapter:

I. "Apply salt" means to apply salt or a salt alternative to roadways, parking lots, or sidewalks for the purpose of winter maintenance.

II. "Commercial applicator" means any individual who applies or supervises others who apply salt, but shall not include municipal or state employees.

III. "Commissioner" means the commissioner of the department of environmental services.

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

V. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other substance containing chloride.

VI. "Salt alternative" means any substance not containing chloride used for the purpose of de-icing or anti-icing.

489-C:2 Certification Option. Commercial applicators may elect to be annually certified by the department. Applicator certificates shall be issued by the department. Any business that employs multiple commercial applicators may obtain a master certificate for the owner or chief supervisor, and commercial applicators employed by the business may obtain certificates to qualify under the master certificate. Any business holding a master certificate shall ensure that all commercial applicators operating under its master certificate receive the required training and shall provide the required recordkeeping on behalf of all commercial applicators. Annual fees for certificates obtained under a master certificate shall be significantly less than the fees for a master certificate.

489-C:3 Rulemaking Authority. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

I. Policies and goals for applying salt.

II. Receiving and allocating federal grants and other funds or gifts for the purpose of carrying out any of the provisions of this chapter.

III. The types and frequency of training programs required for certification.

IV. Procedures for commercial applicators to obtain certification.

V. Recordkeeping required for commercial applicators to maintain certification.

489-C:4 Application for Certification. Applications for certification shall be on a form prescribed by the department and shall include the following:

I. The full name and address of the person applying for the certification.

II. The name and address of a person whose domicile is in the state, and who is authorized to receive and accept service of summons and legal notices of all kinds for the applicant.

III. The type of apparatus used to apply salt or salt alternative whether liquid or dry.

IV. Any other information deemed necessary by the department.

489-C:5 Administration and Enforcement.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. The department may issue an order to any person who is in violation of any provision of this chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to cease and desist from any act in violation of such provision, certification, or rule. Orders of the department under this section shall be effective immediately.

III. The commissioner, after notice and hearing pursuant to RSA 541-A, may revoke the certification of any person who violates this chapter. Rehearings and appeals relating to revocation shall be governed by RSA 541.

110 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners. Amend RSA 508 by inserting after section 21 the following new section:

508:22 New Section; Liability Limited for Winter Maintenance.

I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2, or owner, occupant, or lessee of land whose premises is maintained by a commercial applicator certified under RSA 489-C:2, shall be liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the commercial applicator's, owner's, occupant's, or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of best management practices for winter road, parking lot, and sidewalk maintenance adopted and published by the department of transportation and the department of environmental services. All commercial applicators, owners, occupants, or lessees who adopt such best management practices shall be presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.

II. In order to receive the liability protection provided in paragraph I, a commercial applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written record describing its winter road, parking lot and property maintenance practices. The written record shall include the type and rate of application of de-icing materials used, the dates of treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept for a period of 3 years.

111 Compensation; Definition. Amend RSA 77-E:1, V to read as follows:

V. "Compensation" means:

(a) All wages, salaries, fees, bonuses, commissions, or other payments paid **directly** or accrued **by the business enterprise** in the taxable period on behalf of or for the benefit of employees, officers, or directors of the business enterprise and subject to or specifically exempt from withholding under section 3401 of the United States Internal Revenue Code except such payments as are made expressly exempt from withholding under sections 3401(a)(1), (9), (10), (13), (14), (15), (16), (18), (19), and (20); **and except any tips required to be reported by the employee to the employer under section 6053(a) of the United States Internal Revenue Code; and**

(b) The amount of any deduction taken under RSA 77-A:4, III in the taxable period; and

(c) Any net earnings from self-employment subject to tax under section 1401 of the United States Internal Revenue Code to the extent not included in the amount of any deduction taken under RSA 77-A:4, III in the taxable period.

112 Legislative Budget Assistant; Charge for Cost of Financial Audits. Amend RSA 14:31-c to read as follows:

14:31-c Charge Back of **Financial** Audits of Special Funds Agencies. The cost of any **financial** audit done by the legislative budget assistant or by any other auditor under his **or her** direction or authority of any department, division, or agency funded by highway, fish and game, any self-sustaining, or special fund shall be a charge against the appropriate fund and said cost shall be transferred from said fund to the general fund.

113 Flood Control Payments. Notwithstanding any provision of law to the contrary, \$250,000 in FY 2014 and \$250,000 in FY 2015 shall be transferred from existing budgetary allocations of the department of justice to the department of revenue administration for the purpose of funding the flood control payments under the Connecticut River Flood Control Compact as contained in RSA 484:1 and the Merrimack River Flood Control Compact as contained in RSA 484:7.

114 Compensation and Benefit Cost Reductions. For the biennium ending June 30, 2015, the governor shall reduce total appropriations for compensation and benefits for classified employees in any department, as defined in RSA 9:1, by not less than \$20,000,000 in fiscal year 2014 and not less than \$50,000,000 for the biennium, of which the general fund component shall be not less than \$20,000,000.

115 New Section; Public Assistance to Blind, Aged, or Disabled Persons and to Dependent Children; Prohibited Use of Electronic Benefit Transfer Cards. Amend RSA 167 by inserting after section 7-a the following new section:

167:7-b Prohibited Use of Electronic Benefit Transfer Cards.

I. Any person receiving public assistance is prohibited from using electronic benefit transfer (EBT) cards or cash obtained with EBT cards for the purpose of purchasing or participating in any activities in any location listed in paragraph II. Any person receiving public assistance who uses an EBT card in violation of paragraph II shall be subject to the following penalties:

- (a) Suspension of cash assistance benefits for that person for 2 pay periods for the first offense.
- (b) Suspension of cash assistance benefits for that person for 4 pay periods for the second offense.
- (c) Suspension of cash assistance benefits for that person for 6 pay periods for the third and subsequent offense.

II. On or before January 1, 2014, the businesses listed in this paragraph shall disable the ability of automated teller machines and point-of-sale machines located on their business premises to accept EBT cards. The following businesses are required to comply with this paragraph:

- (a) State liquor stores and agency liquor stores established by or under the authority of the New Hampshire liquor commission.
- (b) Off-premises retail licensees that exclusively or primarily sell beer, wine, or other alcoholic beverages.
- (c) Gambling establishments licensed under the authority of New Hampshire racing and charitable gaming commission or the New Hampshire lottery commission.
- (d) Retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

III. The department may notify the licensing authority of any business listed in paragraph II in the event that such business has continued to allow the use of the EBT card in violation of this section. The licensing authority may take reasonable action as deemed appropriate under existing licensing provisions. Notwithstanding any provision of law to the contrary, the department is authorized to provide information and cooperate with the licensing authority regarding any investigation commenced under this section.

116 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, but not including government facilities.

117 Uncompensated Care Fund. Amend RSA 167:63, IV 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, but not including government facilities.

118 New Subdivision; Commission to Study Expansion of Medicaid Eligibility. Amend RSA 126-A by inserting after section 65 the following new subdivision:

Commission to Study Expansion of Medicaid Eligibility

126-A:66 Commission Established; Membership; Duties.

I.(a) There is established a commission to study the potential costs and benefits of expanding Medicaid eligibility in New Hampshire. The members of the commission shall be as follows:

- (1) Two members of the senate, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader.
- (2) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader.
- (3) The commissioner of the department of health and human services, or designee, who shall serve as a non-voting member.
- (4) A person representing the health care industry, appointed by the speaker of the house of representatives.
- (5) A person representing the insurance industry, appointed by the senate president.
- (6) One public member, appointed by the governor.

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

II.(a) The commission's study shall include, but not be limited to, the potential costs and benefits of:

(1) Expanding Medicaid eligibility in New Hampshire as authorized by section 1902(a)(10)(A)(i) (VIII) and section 1902(e)(14) of the Social Security Act as amended by the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

(2) Requesting federal approval to provide medical assistance through the purchase of private health insurance to individuals who become newly eligible for Medicaid if New Hampshire expands eligibility.

(3) Seeking a Medicaid waiver that would enhance state flexibility on program design, eligibility, co-payments, benefit levels, or seek a federal block grant for Medicaid.

(4) The impact that increased Medicaid eligibility as well as increased utilization of health care exchanges will have on the ability of medical providers to provide access to health care services.

(5) The impact that increasing Medicaid eligibility could have regarding increased cost shifting to other insured groups due to under reimbursement for Medicaid.

(b) The commission may solicit information from any person or entity the commission deems relevant to its study.

IV. The first-named senate member shall serve as chairperson of the commission. 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. Five members of the commission shall constitute a quorum.

V. The department of administrative services shall provide administrative support to the commission.

VI. The commission shall make an interim report of its finding and recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, and the governor on or before December 1, 2013 and a final report on or before December 1, 2014.

119 Appropriation. The sum of \$200,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2014, for the purpose of providing administrative support to the commission established in RSA 126-A:66 as inserted by section 118 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

120 Repeal. RSA 126-A:66, relative to the commission to study the potential costs and benefits of expanding Medicaid eligibility in New Hampshire, is repealed.

121 New Subdivision; Commission on Medicaid Long-Term Care Financing and Cost. Amend RSA 151-E by inserting after section 18 the following new subdivision:

Commission on Medicaid Long-Term Care Financing and Costs

151-E:19 Commission on Medicaid Long-Term Care Financing and Cost.

I. There is established a commission to review and analyze the costs and future funding of Medicaid long-term care services for the elderly, either in licensed facilities or under the Medicaid waiver in New Hampshire.

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

(1) One member of the senate who shall be a member of the finance committee, appointed by the president of the senate.

(2) Three members of the house of representatives, one of whom shall be a member of the health, human services and elderly affairs committee and one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

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

(4) A representative of the New Hampshire Association of Counties, appointed by the association.

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

II.(a) The commission shall review and analyze the costs and future funding of Medicaid long-term care services for the elderly, either in licensed facilities or under the Medicaid waiver in New Hampshire. The commission's study shall include, but not be limited to, a review and analysis of funding sources, reimbursement rates, and overall costs.

(b) The commission may solicit information from any other entity or resource the commission deems relevant to its study.

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

IV. The commission shall report its findings and any recommendations for proposed legislation to the oversight committee on health and human services, established in RSA 126-A:13, on or before November 1, 2013.

122 Repeal. RSA 151-E:19, relative to a commission to review and analyze the costs and future funding of Medicaid long-term care services for the elderly, either in licensed facilities or under the Medicaid waiver in New Hampshire, is repealed.

123 Transfer of Dedicated Funds; Renewable Energy Fund. Notwithstanding the provisions of RSA 362-F:10 and any other law to the contrary, for the fiscal year ending June 30, 2014, the department of administrative services shall transfer funds from the renewable energy fund to the general fund in the amount of \$16,100,000.

124 General Fund Balance. Notwithstanding RSA 9:13-e, II, any budget surplus for the close of the fiscal biennium ending June 30, 2013 shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

125 Transfer of Funds to the Tri-County Community Action Program.

I. Notwithstanding any provision of law to the contrary, the chairman of the public utilities commission is authorized to transfer funds from the account created by RSA 362-F:10 to the office of energy and planning to repay funds for low income home energy assistance, and to provide other necessary funds to Tri-County Community Action Program, Inc., acting through its court-appointed special trustee, for the stabilization of that agency, in an amount not to exceed \$533,000 upon request of the special trustee, until June 30, 2014. Such funds shall be used to pay and manage priority unsecured debt and such other obligations as the special trustee shall determine. The special trustee shall provide monthly reports on the use of such funds, as well as the efforts to stabilize and restore accountability to the agency, to the office of energy and planning, the department of justice charitable trusts unit, and to the probate court as it requires.

II. Funds transferred under this section shall be repaid by the Tri-County Community Action Program from litigation or settlement funds or from insurance proceeds received or recovered by the Tri-County Community Action Program from claims or litigation related to the circumstances that resulted in the special trusteeship. The state shall have a priority claim to reimbursement from such proceeds. The final amount utilized by the agency and the use of the funds shall be reported to the fiscal committee of the general court, the office of energy and planning, and the department of justice charitable trusts unit no later than July 31, 2014.

126 Trusts and Agency Funds; Other Post-Employment Benefits (OPEB) Trusts. Amend RSA 6:12-c by inserting after paragraph II the following new paragraph:

III.(a) The state treasurer may establish one or more other post-employment benefits (OPEB) trusts for the payment of other post-employment benefits for employees or officers of the state after their termination of service. In this paragraph, the term "other post-employment benefits" means employee benefits other than pensions that are received after employment ends, and may include such medical, disability, or other health benefits, as are covered by Statement No. 45 of the Governmental Accounting Standards Board (GASB). The term "trust" means a trust qualified under GASB Statement No. 43.

(b) Deposits to any fund under such a trust and any earnings on those deposits shall be irrevocable and shall be held in trust for the exclusive benefit of retirees and their beneficiaries in accordance with the terms of the plans or programs providing other post-employment benefits, except that funds governed by the trust may be withdrawn for other purposes only when the state's liability owed to former officers or employees for other post-employment benefits has been satisfied or otherwise eliminated pursuant to subparagraph (d) (2). The assets of any trust created pursuant to this paragraph shall be exempt from taxation and execution, attachment, garnishment, or any other process. No public officer, employee, or agency shall divert, use, or authorize the use of such funds for any purpose other than as provided in law for other post-employment benefits covered by the trust and administrative expenses.

(c) The state treasurer shall have the full power to invest, reinvest, and manage the assets of the trust. The state treasurer shall invest the assets of the trust with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The state treasurer shall also diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so. The state treasurer may engage a trust administrator, investment consultants, or other qualified professionals to assist with management and investment of the funds of the trust and may pay for these services out of the funds of the trust.

(d) The state treasurer may withdraw money from the funds of a trust created pursuant to this paragraph only:

(1) As needed to pay other post-employment benefits owed to former state officers and employees; or

(2) When all other post-employment benefits liability owed to former state officers or employees has been satisfied or otherwise deceased.

(e) The state treasurer shall complete and make available, not later than 120 days after the close of each fiscal year, an annual comprehensive financial report of the OPEB trust for the preceding fiscal year. The comprehensive financial report shall be prepared in a manner consistent with generally accepted accounting principals and shall be audited annually by a qualified independent auditor selected by the state treasurer.

(f) When the balance of any trust established under this paragraph reaches \$10,000,000, the state treasurer shall transfer responsibility for administration of the trust to a board of trustees comprised of the state treasurer and 3 members of the public. The governor, the speaker of the house of representatives, and the senate president shall each appoint one trustee, who shall be a qualified person with substantial investment or financial experience, taking into account factors such as educational background, business experience, and professional licensure and designations. The trustees shall serve 3-year terms and until a successor is appointed and qualified, except that the initial appointment by the governor shall be for a term of one year, the initial appointment by the speaker of the house of representatives shall be for a term of 2 years, and the initial appointment by the senate president shall be for a term of 3 years. No trustee, other than the state treasurer, may serve more than 3 full terms.

127 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 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.]~~

128 Department of Health and Human Services, Office of Medicaid Business and Policy; Hospital Reimbursement. Any hospital that provides designated receiving services under contract with the department of health and human services pursuant to RSA 135-C shall be reimbursed at a rate that is not less than 80 percent of the rate paid to New Hampshire hospital.

129 Effective Date.

I. Sections 28, 33, 54, 90, 111, 118, 119, and 121 of this act shall take effect upon its passage.

II. Sections 31, 34, 66-67, 77, 89, 91, and 105 of this act shall take effect June 30, 2013.

III. Sections 108-110 of this act shall take effect 90 days after its passage.

IV. Section 120 of this act shall take effect December 2, 2014.

V. Section 115 of this act shall take effect January 1, 2014.

VI. Section 35 of this act shall take effect November 15, 2013.

VII. Section 122 of this act shall take effect November 1, 2013.

VIII. Section 127 of this act shall take effect July 1, 2015.

IX. Sections 26 and 27 of this act shall take effect as provided in section 28 of this act.

X. The remainder of this act shall take effect July 1, 2013.

2013-1954s

AMENDED ANALYSIS

This bill:

1. Funds meals and rooms distributions to cities and towns for the fiscal ending June 30, 2014 at no more than the fiscal year 2013 level of distribution.

2. Suspends RSA 31-A, relating to revenue sharing with cities and towns for the biennium ending June 30, 2015.

3. 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, 2013 through June 30, 2015, and provides a waiver of the suspension of school building aid.

4. 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, 2015.

5. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2015 under certain circumstances.

6. Authorizes the commissioner of the department of health and human services to submit a Medicaid plan amendment for suspension of catastrophic aid payment to hospitals.

7. 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.

8. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2015.

9. 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 each January of the biennium, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

10. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

11. 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.

12. Authorizes any state agency or department to enter into agreements to lease-purchase vehicles and equipment from outside vendors and to lease vehicles and equipment from other state agencies or departments.

13. Appropriates federal emergency assistance grants to the department of transportation.

14. Suspends bumping rights.

15. Authorizes the lottery commission to use monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance.

16. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2015.

17. Suspends the allocation of gross appropriations from the highway fund.

18. Transfers an appropriation received by the governor's commission on disability.

19. Establishes hiring priority for laid off classified state employees.

20. Limits the number of judicial appointments, but provides for an increase in the number of appointments where a marital master position is filled by a judge.

21. Suspends certain provisions regarding funeral expenses for recipients of public assistance.

22. Authorizes transfers of funds by the department of resources and economic development for welcome centers.

23. Revises requirements for MMIS reports.
24. Establishes the position of manager of risks and benefits in the department of administrative services.
25. Authorizes the department of administrative services to consolidate human resource, payroll, and business processing functions across state agencies as a means of achieving greater efficiencies and cost-savings.
26. Prevents the anticipated lapse of a prior appropriation to the department of administrative services to hire an independent business processing consultant.
27. Authorizes the department of administrative services to transfer funds within accounting units of the department.
28. Directs the department of administrative services to develop a cost containment plan for the New Hampshire retiree health care program.
29. Establishes a commission to study cost containment options relative to the retiree health plan for new employees.
30. Eliminates the impaired driver education program (IDEP) and impaired driver care management program (IDCMP) account and the alcoholism and alcohol abuse account.
31. Establishes priority for reimbursement from a decedent's estate to the department of health and human services for financial and/or medical assistance provided to the decedent.
32. Clarifies the duties of the office of reimbursements and allows the department of health and human services to collect certain information relative to persons filing financial statements.
33. Exempts the department of health and human services from the bond requirement when administering an estate.
34. Requires that for the biennium ending June 30, 2015, 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.
35. Provides that the rate for services, placements, and programs paid for by the department of health and human services for delinquent children, child protection act, and children in need of services shall be not greater than the rates in effect on June 30, 2013; provided that upon the implementation of managed care, the rate of reimbursement shall be agreed upon by the provider and the managed care organization.
36. Clarifies the purposes for which the uncompensated care fund may be used.
37. Repeals the requirement that the commissioner of the department of health and human services make a report relative to payment methodology under the uncompensated care program.
38. Suspends congregate housing and congregate services.
39. Repeals a law relative to certification of shelter beds.
40. Provides that certain home care providers do not have to get a new license if they change the physical location of their office within the licensure period, and decreases the personal care provider license fee under RSA 151.
41. Establishes the innovation in Medicaid delivery (I-MD) commission to prepare a Medicaid waiver application intended to improve access and quality of care for Medicaid patients.
42. Authorizes the department of corrections to fill unfunded positions within a total expenditure cap and transfer funds within and among all accounting units within the department.
43. Restores state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.
44. Limits department of education expenditures for chartered public schools to 100 percent of budgeted amounts.
45. Requires the community college system to remit funds to the state for retiree health care benefits, and requires the community college system and the department of administrative services to establish a task force on the future cost allocation of retiree health care benefits for community college system employees and retirees.

46. Repeals a provision relative to fines paid by mail.
47. Makes the police standards and training fund nonlapsing.
48. Authorizes the commissioner of the department of safety, with prior approval of the fiscal committee of the general court, to transfer additional funds over budget estimates from the fire standards and training and emergency medical services fund, if necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management.
49. Clarifies the calculation of meals and rooms tax revenue credited to the division of travel and tourism development.
50. Permits utilization of certain funds to support fish and game staff costs.
51. Establishes divisions within the fish and game department.
52. Permits moneys collected from hatchery vending machines to be used for additional purchases.
53. Extends the period during which no new certificates of need shall be granted for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility.
54. Transfers revenue from Cannon Mountain operations to the Cannon Mountain capital improvement fund.
55. Requires the department of resources and economic development to deposit revenue derived from Cannon Mountain in the state park fund until June 30, 2015.
56. Repeals the provision relating to funds to be distributed to colleges and universities under the UNIQUE endowment allocation program.
57. Establishes the position of deputy commissioner of employment security as an unclassified position requiring appointment by the governor and council.
58. Requires the bank commissioner to assess institutions for any deficiency between fees collected and department expenditures for the fiscal year.
59. Exempts the judicial branch of certain requirements for transferring funds within the judicial branch appropriations.
60. Requires the attorney general to submit to the fiscal committee of the general court reports detailing all legal settlements awarded to the state.
61. Requires the department of revenue administration to compile data and issue a report to the house finance committee on the use and cost allocation of the Mosaic Parcel GIS system.
62. Requires the liquor commission to reimburse the department of justice for certain legal costs.
63. Requires the department of environmental services to discontinue the first in, first out delayed and deferred infrastructure project list for state aid grants for the biennium ending June 30, 2015 and identifies those infrastructure projects that are on the list and eligible for payments.
64. Amends the procedure for the transfer of unexpended and unencumbered appropriations from the special legislative subaccounts.
65. Repeals a provision relative to the submission of the McAuliffe-Shepard discovery center commission business plan to the fiscal committee of the general court.
66. Extends an appropriation to establish a North Country fire training facility.
67. Provides that the department of safety credit as agency income of motor vehicle fines shall not lapse until the second year of each biennium.
68. Requires the pharmacy board to provide inspectional services to certain boards without assessing a fee.
69. Requires the department of health and human services to establish a uniform, sliding-fee scale for voluntary services provided by approved alcohol treatment programs.
70. Requires the commissioner of the department of health and human services and area agencies to provide to any person, or that person's guardian, who is receiving state services pursuant to a plan with an individualized budget, a copy of such budget and the expenditures made under such budget.

71. Increases the portion of vital record fees retained by the town clerk and removes the requirement that a portion of the fees be deposited in the general fund.

72. Clarifies procedures for the boards regulating engineers, land surveyors, accountants, real estate appraisers, and geologists relative to receipts and disbursements of moneys received.

73. Makes an appropriation to the department of administrative services, for the purpose of reimbursing the spouse of a law enforcement officer who died in the line of duty, for erroneously charged medical benefits.

74. Authorizes the department of information technology to transfer funds within and among its accounting units, with a quarterly report to the fiscal committee of the general court.

75. Prevents the anticipated lapse of a prior appropriation to the department of safety for emergency management administration.

76. Requires the transfer of unrestricted general fund revenues to the fish and game fund.

77. Increases the maximum total education grant amount available to a municipality.

78. Limits the liability of landowners and salt applicators who opt for certification and employ winter maintenance best practices.

79. This bill redefines the term compensation for the purposes of the business enterprise tax.

80. Clarifies a provision for the charge for costs of financial audits done by the legislative budget assistant.

81. Requires the transfer of funds from the department of justice to the department of revenue administration for the purpose of funding flood control payments under the Connecticut and Merrimack River flood control compacts.

82. This bill requires the governor to reduce total appropriations for compensation and benefits by a specified amount for the biennium ending June 30, 2015.

83. Prohibits use of electronic benefit transfer (EBT) cards at liquor stores and similar establishments.

84. Exempts special hospitals for rehabilitation from the Medicaid enhancement tax.

85. Establishes a commission to study the potential costs and benefits of expanding Medicaid eligibility in New Hampshire.

86. Establishes a commission to review and analyze the costs and future funding of Medicaid long-term care services for the elderly, either in licensed facilities or under the Medicaid waiver in New Hampshire.

87. Transfers \$16,100,000 from the renewable energy fund to the general fund.

88. Requires that any budget surplus at the close of the fiscal year ending June 30, 2013 remain in the general fund.

89. Requires the public utilities commission to transfer funds to the office of energy and planning to repay funds for low income home energy assistance and to provide other necessary funds to the court-appointed trustee of the Tri-County Community Action Program.

90. Authorizes the treasurer to establish other post-employment benefits (OPEB) trusts.

91. This bill makes the navigation safety fund nonlapsing.

92. Requires reimbursement to any hospital providing certain services under contract with the department of health and human services.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Without objection, the Senate is in recess. Out of recess.

Sen. Odell presiding.

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12

June 5, 2013

2013-2005s

03/10

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing sections 118-120 with the following:

118 New Paragraph; Department of Health and Human Services; Assistance to Newly Eligible Population Consistent with Federal Law. Amend RSA 126-A:5 by inserting after paragraph XXI the following new paragraph:

XXII.(a) Notwithstanding any provision of law to the contrary, the commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services and take any other administrative and operational actions necessary to expand eligibility for Medicaid in the state authorized by section 1902(a)(10)(A)(i)(VIII) and section 1902(e)(14) of the Social Security Act as amended by the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152 (hereinafter the "Act"). The state shall seek federal approval to provide medical assistance to individuals who become eligible for Medicaid pursuant to this section and to other individuals eligible under section 1902(a)(10)(A)(i) of the Act in the same amount, duration, and scope. The expansion provisions under this paragraph shall be implemented commencing January 1, 2014 or as soon thereafter as is practicable.

(b) The commissioner may adopt rules, pursuant to RSA 541-A, as necessary to implement the Medicaid eligibility expansion under subparagraph (a).

(c) The commissioner is authorized to accept and expend all federal funds authorized by the Act as necessary to implement the eligibility expansion under subparagraph (a).

119 Medicaid Expansion. The state of New Hampshire may opt out of the Medicaid expansion established pursuant to section 118 of this act at any time.

120 Department of Health and Human Services; Medicaid Breast and Cervical Cancer Program. Enrollment in the Medicaid breast and cervical cancer program, under 42 U.S.C. section 1396a(aa), shall be suspended effective December 31, 2013 conditioned upon implementation of the Medicaid expansion group pursuant to RSA 126-A:5, XXII. Any individual covered under the Medicaid breast and cervical cancer program prior to December 31, 2013 shall continue to be covered for the program unless his or her medical treatment has concluded, or until the next redetermination of his or her eligibility by the department, whichever event occurs later; whereas after, the individual's eligibility for the Medicaid expansion group shall be determined by the department pursuant to RSA 126-A:5, XXII. Commencing January 1, 2014, administrative rule He-W 641.09 shall be limited in its application to only those individuals enrolled in the Medicaid breast and cervical cancer program receiving treatment as of December 31, 2013 conditioned upon implementation of the Medicaid expansion group pursuant to RSA 126-A:5, XXII.

Amend the bill by replacing all after section 128 with the following:

129 Appropriations and Charges; Health and Human Services. In addition to any other sums appropriated for the biennium ending June 30, 2015, the following appropriations and reductions are hereby authorized for the following departments and agencies. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated:

<u>Accounting Unit</u>	<u>Class</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2014</u>	<u>FY 2015</u>
05-95-45-4510-7996		Client Elig and Enrollment Ops			
05-95-45-4510-7996	103	Contracts for Op Services	General Funds	\$2,015,000	\$1,779,000
			Federal Funds	\$1,860,451	\$1,667,614
05-95-47-4700-7941		BCC Program			
05-95-47-4700-7941	100	Prescription Drug Expenses	General Funds	\$(35,000)	\$(160,373)
			Federal Funds	\$(65,000)	\$(297,836)
	101	Medical Payment to Providers	General Funds	\$(245,000)	\$(408,245)
			Federal Funds	\$(455,000)	\$(758,170)

565	Outpatient Hospital	General Funds	\$(227,500)	\$(993,684)
		Federal Funds	\$(422,500)	\$(1,845,412)

130 Effective Date.

- I. Sections 28, 33, 54, 90, 111, and 121 of this act shall take effect upon its passage.
- II. Sections 31, 34, 66-67, 77, 89, 91, and 105 of this act shall take effect June 30, 2013.
- III. Sections 108-110 of this act shall take effect 90 days after its passage.
- IV. Section 115 of this act shall take effect January 1, 2014.
- V. Section 35 of this act shall take effect November 15, 2013.
- VI. Section 122 of this act shall take effect November 1, 2013.
- VII. Section 127 of this act shall take effect July 1, 2015.
- VIII. Sections 26 and 27 of this act shall take effect as provided in section 28 of this act.
- IX. The remainder of this act shall take effect July 1, 2013.

2013-2005s

AMENDED ANALYSIS

85.(a) Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to seek federal approval for assistance to newly eligible populations, and allows the state of New Hampshire to opt out of Medicaid expansion at any time.

(b) Suspends the Medicaid breast and cervical cancer program conditioned upon implementation of the Medicaid expansion group.

93. Makes additional appropriations and charges for transitional assistance and breast and cervical cancer programs.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon, Odell.

Yeas: 11 - Nays: 13

Failed.

Without objection, the Senate is in recess. Out of recess.

President Bragdon presiding.

Without objection, the Senate is in recess. Out of recess.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

June 5, 2013

2013-2013s

10/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 114 with the following:

114 Appropriation; Department of Health and Human Services. In addition to any other sums appropriated, the sum of \$7,000,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2015. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by inserting the following new sections:

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.68~~] **\$1.98** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

130 Tobacco Tax Rate. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [48] **56.6** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

131 Applicability. Sections 129 and 130 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all cigarettes and taxable tobacco products other than cigarettes in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 60 days after the effective date of this section. The tax rate effective July 1, 2013 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

132 Repeal. 2011, 224:379 through 224:381, relative to contingent tax rate increases of the tobacco tax on cigarettes and other tobacco products based on reporting of tobacco tax revenues, are repealed.

133 Appropriations and Reductions; Health and Human Services. In addition to any other sums appropriated for the biennium ending June 30, 2015, the following appropriations and reductions are hereby authorized for the following departments and agencies. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

<u>Accounting Unit</u>	<u>Class</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2014</u>	<u>FY 2015</u>
05-95-47-4700-7943		Uncompensated Care Fund			
05-95-47-4700-7943	602	State Funds Non-Match	General Funds	\$8,885,621	\$0
05-95-45-4500-6174		APTD			
05-95-45-4500-6174	501	Payments to Clients	General Funds	\$1,000,000	\$1,000,000
05-95-92-9200-7010		Commty Mental Health Svcs			
05-95-92-9200-7010	502	Payments To Providers	General Funds	\$1,000,000	\$1,000,000

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 5, 2013

2013-2006s

10/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting the following new sections:

129 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 \$[45] **50** to be paid by the parties entering into the marriage. The clerk shall forward \$[38] **43** from each fee to the department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$[38] **43** portion of the marriage license fee.

130 Health and Human Services; Additional Appropriations and Reductions. In addition to any other sums appropriated for the biennium ending June 30, 2015, the following appropriations and reductions are hereby authorized for the following departments and agencies. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated:

<u>Accounting Unit</u>	<u>Class</u>	<u>Department/Agency</u>	<u>Fund Source</u>	<u>FY 2014</u>	<u>FY 2015</u>
05-95-42-4210-2959		Domestic Violence Program	Agency Income	\$39,773	\$39,773
05-95-42-4210-2959		Domestic Violence Program	General Funds	(\$39,773)	(\$39,773)

2013-2006s

AMENDED ANALYSIS

93. Increases the marriage license fee by \$5 with the additional amount funding the domestic violence program.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Sanborn, seconded by Sen. Boutin.

The following Senators voted Yes: Woodburn, Watters, Pierce, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 10 - Nays: 14

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 3, 2013

2013-1981s

08/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 106 with the following:

106 General Fund; Transfer to Fish and Game Fund. The state treasurer shall transfer unrestricted general fund revenue to the fish and game fund in the amounts of \$589,000 for the fiscal year ending June 30, 2014 and \$753,000 for the fiscal year ending June 30, 2015. Said transfers shall occur no later than August 1st of each fiscal year.

Amend the bill by inserting the following new section:

129 Saltwater Fishing License; Fees. Amend RSA 214:9, XVI(e)(1) to read as follows:

(1) [\$10] **\$15** for resident and nonresident individuals.

2013-1981s

AMENDED ANALYSIS

93. Increases the fee for saltwater fishing licenses.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Sanborn, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Watters, Pierce, Larsen, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

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

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

Without objection, the Senate is in recess. Out of recess.

CAPITAL BUDGET

HB 25-FN-A, making appropriations for capital improvements. Ought to Pass with Amendment, Vote 6-0. Senator Boutin for the committee.

Capital Budget

May 9, 2013

2013-1640s

10/03

Amendment to HB 25-FN-A

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General	
A. Unspecified Minor Military Construction	\$5,500,000
Less Federal	<u>-5,500,000</u>
Net state appropriation subparagraph A	0
B. Land Acquisition	1,000,000
C. Statewide Readiness Center Restoration and Modernization	1,750,000
Less Federal	<u>-875,000</u>
Net state appropriation subparagraph C	875,000
D. Federal Property Conv to Readiness Cntr and Maint. Shop	1,000,000
Less Federal	<u>-750,000</u>
Net state appropriation subparagraph D	250,000
E. Manchester Field Maintenance Shop Design	2,500,000
Less Federal	<u>-2,500,000</u>
Net state appropriation subparagraph E	0
F. Columbarium Expansion	675,000
Less Federal	<u>-675,000</u>
Net state appropriation subparagraph F	0
G. Manchester RC Restoration and Modernization	750,000
Less Federal	<u>-375,000</u>
Net state appropriation subparagraph G	375,000
H. Veterans' Cemetery Archeological Study	30,000
I. Underground Storage Tank (UST) Removal	<u>25,000</u>
Total state appropriation paragraph I	\$2,555,000
II. Department of Administrative Services	
A. Statewide Projects	
1. Emergency Repairs-All State Owned Facilities	\$500,000
2. Statewide Energy Efficiency Improvements	500,000

B. General Services	
1. Records and Archives-New Roof	480,000
2. DHHS HVAC Repairs	775,000
3. Morton Building Cooling Tower	217,000
4. State House Dome Repair	472,445
5. State House Annex – Replace Roof	450,000
6. State House Life/Safety Facilities Upgrade	101,000
C. Facilities and Asset Management	
1. Dolloff Domestic Water Main Replacement	260,000
2. Driveway/Parking and Walkway Paving Phase 3	790,000
3. Main Building Asbestos Abatement/Lead Paint Control	630,000
4. Main Building Window Replacement Phase 1	450,000
D. Court Facilities	
1. Coos County Courthouse-Bullnose Repairs	240,000
2. Concord District Courthouse-New Roof	245,000
3. Rockingham County Superior Court – Replace Roof	551,250
4. Rockingham County Superior Court – Replace Cooling Tower	217,000
5. Manchester Circuit Courthouse – Install Generator	438,000
6. Lebanon District Court – Replace Roof	<u>142,000</u>
Total state appropriation paragraph II	\$7,458,695
III. Department of Agriculture, Markets and Food	
A. New Hampshire Building-Eastern States Expo-Roof Replacement	<u>\$235,000</u>
Total state appropriation paragraph III	\$235,000
IV. Department of Corrections	
A. 224 Bed Women's Prison and Transitional Housing Facility *	\$38,000,000
B. Remove and Replace 2, 20,000 Gallon Oil Tanks and one 5,000 Gallon Diesel Tank	130,000
C. Electronic Medical Records System	<u>500,000</u>
Total state appropriation paragraph IV	\$38,630,000
<p>* The project in subparagraph A shall utilize the construction management method of contracting. The design for the project shall be submitted no later than April 1, 2014 to the capital budget overview committee for approval and shall include sufficient acreage for possible expansion to 350 beds for future needs. The primary location for the siting of the facility shall be in Concord on state lands adjacent to the men's prison. If an alternative location is deemed necessary, the siting for the facility shall be subject to prior approval of the capital budget overview committee. The department shall report quarterly to the capital budget overview committee on the status of the project.</p>	
V. Department of Education	
A. Renovation of CTE Center-Whitefield- State Share *	\$13,500,000
B. Renovation of CTE Center-Salem- State Share *	<u>10,775,000</u>
Total state appropriation paragraph V	\$24,275,000
<p>* The funds appropriated to the department of education in subparagraphs A and B for CTE centers in Whitefield and Salem shall not be spent, obligated, or encumbered until such time as an action plan has received approval from the capital budget overview committee.</p>	
VI. Department of Environmental Services	
A. Dam Repairs and Reconstruction *	\$2,715,000
B. Drinking Water SRF Matching Funds	3,487,988
C. Clean Water SRF Matching Funds	1,970,352
Less Other Funds **	<u>-1,970,352</u>
Net state appropriation subparagraph C	0
D. Flood Warning and Operations Improvements	<u>225,000</u>
Total state appropriation paragraph VI	\$6,427,988
<p>* For the appropriation made in subparagraph VI, A, the department is authorized to reallocate funds as necessary to address emergencies or alternate repairs or reconstruction needs at other dams if delays in other projects occur.</p>	
<p>** To provide funds for the appropriation made in subparagraph VI, C, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,970,352 and for said purpose may</p>	

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 pursuant to subparagraph VI, C shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

VII. Department of Health and Human Services

A. Glencliff Fire and ADA Code Compliance	470,000
B. APS Security and Safety Upgrades	500,000
C. Glencliff Residential Building Security	125,000
D. Glencliff Hydro Dam Repair	655,000
E. New Heights Incremental Modernization	16,843,842
Less Federal	<u>-11,959,128</u>
Net state appropriation subparagraph E	4,884,714
F. Child Support Systems Maintenance and Enhancement	5,550,000
Less Federal	<u>-3,663,000</u>
Net state appropriation subparagraph F	1,887,000
G. Food Protection Data System	280,000
Less Other Funds *	<u>-210,000</u>
Net state appropriation subparagraph G	70,000
H. Psychiatric Crisis Beds	2,150,000
I. Bridges Modernization Project	1,000,000
Less Federal	<u>-500,000</u>
Net state appropriation subparagraph I	<u>500,000</u>
Total state appropriation paragraph VII	\$11,241,714

* To provide funds for the appropriation made in subparagraph VII, G, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$210,000 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 pursuant to subparagraph VII, G shall be made from the public health services special fund under RSA 143:11.

VIII. Department of Information Technology

A. Enterprise Licensing Solution	\$2,295,000
B. Network Access Control	<u>560,000</u>
Total state appropriation paragraph VIII	\$2,855,000

IX. Judicial Branch

A. E-Court Initiative	\$3,219,604
B. Furnishings and Security Equipment-Cheshire County Courthouse	<u>200,000</u>
Total state appropriation paragraph IX	\$3,419,604

X. Department of Justice

A. Installation of Video Conferencing Hardware	\$62,000
B. ProLaw Upgrade	497,010
Less Other Funds *	<u>-27,187</u>
Net state appropriation subparagraph B	<u>469,823</u>
Total state appropriation paragraph X	\$531,823

* To provide funds for the appropriation made in subparagraph X, B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$27,187 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 pursuant to subparagraph X, B shall be made from agency income.

XI. Legislative Branch

A. House of Representatives Voting System Software-LED Summary Displays	\$500,000
B. Legislative Integrated Software Package	<u>500,000</u>
Total state appropriation paragraph XI	\$1,000,000

XII. Liquor Commission

A. New Salem Retail Store	\$5,400,000
Less Other Funds *	<u>-5,400,000</u>
Net state appropriation subparagraph A	0

B. Hampton North and South Renovations	6,380,000
Less Other Funds *	<u>-6,380,000</u>
Net state appropriation subparagraph B	0
C. New Epping Retail Store	3,850,000
Less Other Funds *	<u>-3,850,000</u>
Net state appropriation subparagraph C	0
D. New Warner Retail Store	3,500,000
Less Other Funds *	<u>-3,500,000</u>
Net state appropriation subparagraph D	0
E. Renovate Space from Retail to Office	780,000
Less Other Funds *	<u>-780,000</u>
Net state appropriation subparagraph E	0
F. Nashua Retail Store – Parking Lot	80,000
Less Other Funds *	<u>-80,000</u>
Net state appropriation subparagraph F	0
G. Computer Software – Credit Card	10,000,000
Less Other Funds *	<u>-10,000,000</u>
Net state appropriation subparagraph G	0
Total state appropriation paragraph XII	\$0

* To provide funds for the appropriations made in paragraph XII, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$29,990,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.

XIII. Department of Resources and Economic Development

A. State Parks Improvements	\$1,300,000
B. Roofing and Repair-State Parks	1,200,000
C. Sherman Adams Building Entrance Replacement	375,000
D. Hampton North Beach Seawall Repair	5,000,000
Less Other Funds *	<u>-2,500,000</u>
Net state appropriation subparagraph D	2,500,000
E. Radio Systems	233,000
F. Fire Tower Repairs	360,000
G. Memorial, 400th Anniversary- Rye Harbor State Park**	<u>40,000</u>
Total state appropriation paragraph XIII	\$6,008,000

* To provide funds for the appropriations made in subparagraph XIII, D, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,500,000 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 Hampton Beach parking meter fund under RSA 216:3, II.

** The state appropriation in subparagraph XIII, G shall be a state match against private funds raised, up to \$40,000, for the purpose of constructing the memorial commemorating the 400th anniversary of the discovery of the Isles of Shoals by John Smith at Ragged Neck in Rye Harbor State Park.

XIV. Department of Safety

A. Radio Interoperability Infrastructure	
Upgrade – General Fund Portion	<u>\$300,000</u>
Total state appropriation paragraph XIV	\$300,000

XV. Secretary of State

A. Shelving Replacement and Fire Suppression	<u>\$675,000</u>
Total state appropriation paragraph XV	\$675,000

XVI. Department of Transportation

A. Aeronautics, Rail and Transit	
1. 5 percent Match for Federal Aviation Admin Projects	\$24,972,073
Less Federal	<u>-23,307,397</u>
Net state appropriation subparagraph 1	1,664,676
2. Public Transit Bus and Facility Matching Funds	545,000

3. Freight Rail – State Matching Funds	600,000
Total state appropriation paragraph XVI	\$2,809,676
XVII. Veterans Home	
A. Equipment Upgrades	\$1,650,000
Less Federal	<u>-1,072,500</u>
Net state appropriation subparagraph A	<u>577,500</u>
Total state appropriation paragraph XVII	\$577,500
XVIII. Community College System of New Hampshire	
A. Lump Sum for Capital Projects	\$13,000,000
Less Other Funds *	<u>-5,000,000</u>
Net state appropriation subparagraph A	<u>8,000,000</u>
Totals for paragraph XVIII	<u>\$8,000,000</u>

* To provide funds for the appropriations made in subparagraph XVIII, A the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$5,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

Total state appropriation section 1	\$117,000,000
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2 Capital Appropriation; Highway Funds. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety	
A. Radio Interoperability Infrastructure	
Upgrade – Highway Fund Portion	\$1,700,000
B. Fire Academy Bldg Upgrades and Critical Maintenance	375,000
Less Other Funds *	<u>-375,000</u>
Net state appropriation subparagraph B	0
C. Land Acquisition and Improvement	1,000,000
Less Other Funds **	<u>-1,000,000</u>
Net state appropriation subparagraph C	0
D. NH Marine Patrol Headquarters	9,379,313
Less Other Funds **	<u>-9,379,313</u>
Net state appropriation subparagraph D	0
Total state appropriation paragraph I	\$1,700,000

* To provide funds for the appropriation made in subparagraph I, B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$375,000 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 pursuant to subparagraph I, B shall be made from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

** To provide funds for the appropriations made in subparagraphs I, C and D, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$10,379,313 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 pursuant to subparagraphs I, C and D shall be made from the navigation safety fund established under RSA 270-E:6-a.

II. Department of Transportation	
A. Underground Fuel Tank Replacement-Statewide	\$3,500,000
B. Project Development Computer Systems Replacement	3,260,000
C. JOMB Data Center HVAC and UPS Replacement	510,000
D. Welcome Information Center Critical and Deferred Maintenance	967,500
E. New Patrol Shed PS528 Derry, Design, Engineering, and Construction	3,180,000
F. New Patrol Shed PS602 Strafford, Design	160,000
G. Sarah Long Bridge – TIGER Grant Federal Match	<u>5,000,000</u>
Total state appropriation paragraph II	<u>\$16,577,500</u>
Total state appropriation section 2	\$18,277,500

3 Capital Appropriation; University System of New Hampshire. The sums hereinafter detailed are appropriated for the projects specified:

A. Lump Sum for Capital Projects	\$6,000,000
B. Hewitt Annex Renovation – NH State Veterinary Diagnostic Lab	500,000
C. UNH – Cowell Stadium Lights	<u>1,500,000</u>
Total state appropriation section 3	\$8,000,000

4 Expenditures; General. The appropriation made for the purposes mentioned in sections 1 and 2 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

5 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 3 of this act and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 3 of this act are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 3 of this act for all or any of the projects listed in section 3 of this act, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

6 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

7 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$193,729,352 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$125,000,000, highway funds \$18,277,500, and other funds \$50,451,852.

8 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 3 of this act shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 of this act shall be made from the highway fund.

9 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 7 of this act shall be reduced by the same amount.

10 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by Governor and Council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

11 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 7 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

12 Bureau of Public Works Design and Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act Compliance services for projects utilizing federal funds, for those projects included in this act.

13 Project Purpose Amended; Adjutant General; 2009 Capital Budget. Amend 2009, 145:1, I, B to read as follows:

B. D&E Storage Buildings- Additional Power & Lighting; <i>Power and Lighting Improvements – Statewide</i>	282,000
Less Federal	<u>-141,000</u>
Net state appropriation subparagraph B	141,000

14 Project Purpose Amended; Administrative Services; 2009 Capital Budget. Amend 2009, 145:1, II, C, 3 to read as follows:

3. Main Building ***Kitchen***, Bakery [Roof Repair], ***Connector, and Industrial Shop - Raze Buildings and Create Parking Lot***

210,000

15 Project Purpose Amended; Administrative Services; 2011 Capital Budget. Amend 2011, 253:1, II, B, 4 to read as follows:

4. Main Building Kitchen [Roof Repair], ***Bakery, Connector, and Industrial Shop - Raze Buildings and Create Parking Lot***

500,000

16 Project Purpose Amended, Department of Safety, 2011 Capital Budget. Amend 2011, 253:2, II, A to read as follows:

A. Standby Generator Replacement Hayes Bldg (33 Hazen Dr.),

Computer Room A/C Upgrade, and DMV HQ Generator

\$775,000

17 Project Purpose Amended; Administrative Services; 2011 Capital Budget. Amend 2011, 253:1, II, B, 2 to read as follows:

2. Lakes Region Facility Campus Site Environmental

Survey II, **and DOIT Productivity Suite Desktop Security *** 300,000

18 Project Purpose Amended; Administrative Services; Former Corrections Project; 2009 Capital Budget. Amend 2009, 145:1, IV, F, as amended by 2011, 253:14, to read as follows:

F. Stormwater/Sewer System-EPA order #05-13, **and**

DOIT Productivity Suite Desktop Security 575,000

19 Project Purpose Amended; Administrative Services; 2009 Capital Budget. Amend 2009, 145:15, II(b) to read as follows:

(b) Northern Carroll County New Roof, **and DOIT Productivity**

Suite Desktop Security \$130,000

20 Project Purpose Amended; Administrative Services; 2009 Capital Budget. Amend 2009, 145:1, II, B, 1 through 5 to read as follows:

1. Johnson Hall Renovations/Repairs, **and DOIT Productivity**

Suite Desktop Security 53,000

2. LOB Critical Maintenance, **and DOIT Productivity**

Suite Desktop Security 2,900,000

3. DHHS Replace Chillers, Tower Repairs 780,000

4. Johnson Hall New Roof, **and DOIT Productivity**

Suite Desktop Security 198,000

5. State Library-Repoint Brick, Internal Repairs, **and**

DOIT Productivity Suite Desktop Security 1,345,000

21 Project Purposes Amended; Administrative Services; 2009 Capital Budget. Amend 2009, 145:16, II, (a) through (d) to read as follows:

(a) Supreme Court Parking Lot, **and DOIT Productivity**

Suite Desktop Security 394,295

(b) Supreme Court ADA Access, **and DOIT Productivity**

Suite Desktop Security 275,000

(c) Morton Building New Roof 650,000

(d) State House Ice Stop System, **and DOIT Productivity**

Suite Desktop Security 80,000

22 Project Purpose Amended; Administrative Services; 2009 Capital Budget. Amend 2009, 145:1, II, C, 1 to read as follows:

1. Bow Brook Pond Dredging & Dam Stoplog, **and**

DOIT Productivity Suite Desktop Security 1,100,000

23 Project Purpose Amended; Department of Corrections; 2009 Capital Budget. Amend 2009, 145:1, IV, E to read as follows:

E. MSU & Admin Bldg-Replace Sprinkler System, **and**

DOIT Productivity Suite Desktop Security 390,000

24 Unencumbered Balances Transferred; Department of Information Technology; Productivity Suite Desktop Security Project Authorized.

I. The sum of \$2,372,094 from the unencumbered balances of the projects amended by sections 17 through 23 of this act are hereby transferred to the department of information technology for the purpose of funding the capital project of productivity suite desktop security.

II. All contracts and projects and plans and specifications therefor for the project authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

III. The appropriations in sections 17 through 23 of this act as amended and transferred in this section are hereby extended and shall not lapse until June 30, 2015.

25 Project Purpose Amended; Project Added; Department of Corrections; 2009 Capital Budget. Amend 2009, 145:1, IV, C to read as follows:

C. **1. Residential Treatment Unit Phase 2, and Business**

One Stop ~~[3,650,000]~~ **3,155,000**

2. Steam Lines and Injector at Men's Prison **495,000**

26 Project Purpose Amended; Administrative Services; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, II, A, 3 as amended by 2009, 145:16 and as extended by 2009, 145:19, 15 to read as follows:

3. Merrimack District Courthouse* and Business One Stop 7,000,000

27 Project Purpose Amended; Education; 2009 Capital Budget; Business One Stop. Amend 2009, 145:1, V, C as extended by 2011, 253:28, 48 to read as follows:

C. **Regional Career and Technical Education**

Center, State Share * **and Business One Stop** 8,000,000

28 Project Purpose Amended; Veterans' Home; 2009 Capital Budget; Business One Stop. Amend 2009, 145:1, XIII, A-C as amended by 2011, 253:17 and as extended by 2011, 253:28, 106 and 107 to read as follows:

A. **Life Safety Infrastructure Upgrades and Business One Stop** \$6,800,000

Less Federal -4,420,000

Net state appropriation subparagraph A 2,380,000

B. **Master Plan** 100,000

C. **Central Shipping and Receiving/Multi-purpose**

Center* **and Business One Stop** 1,400,000

Less Federal -910,000

Net state appropriation subparagraph C 490,000

29 Purpose Added; Kindergarten Construction Bonded Appropriation; Business One Stop. Amend 2011, 224:328, I to read as follows:

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. ***Any remaining balance shall be transferred to the department of information technology for Business One Stop.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

30 Project Purpose Amended; Adjutant General; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, I, C as extended by 2009, 145:19, 6 and 2011, 253:28, 10 to read as follows:

C. **Armory - Alarm Fire Systems and Business One Stop** 575,000

Less Federal -287,500

Net state appropriation subparagraph C 287,500

31 Project Purpose Amended; Corrections; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, V, C as extended by 2009, 145:19, 24 and 2011, 253:28, 44 to read as follows:

C. Structural Wall and Beam Repair – Men's

Prison <i>and Business One Stop</i>	1,780,000
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32 Project Purpose Amended; Corrections; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, V, G as extended by 2009, 145:19, 25 and 2011, 253:28, 45 to read as follows:

G. Residential Treatment Unit, Phase 1 –

Concord <i>and Business One Stop</i>	1,480,000
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33 Project Purpose Amended; Environmental Services; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, VII, C as extended by 2009, 145:19, 40 and 2011, 253:28, 60 to read as follows:

C. Hazardous Waste Superfund Match I <i>and Business One Stop</i>	1,040,000
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34 Project Purpose Amended; Environmental Services; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, VII, G as extended by 2009, 145:19, 44 and 2011, 253:28, 62 to read as follows:

G. Gorham Office Repairs and Renovations <i>and Business One Stop</i>	<u>50,000</u>
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35 Capital Appropriation Purpose Amended; Department of Environmental Services; Dorrs Pond Dam; Business One Stop. Amend 2010, 29:4, I to read as follows:

I. The sum not to exceed \$125,000 is hereby appropriated to the department of environmental services, for the purpose of funding the state share of remediation and repair of the Dorrs Pond dam in the city of Manchester related to water flowing from Goldfish Pond. Such sum shall be for a 50 percent local match for the cost of such remediation and repair by the city of Manchester. ***Any remaining balance shall be transferred to the department of information technology for Business One Stop.***

36 Project Purpose Amended; Health and Human Services; 2011 Capital Budget; Business One Stop. Amend 2011, 253:1, VII, K to read as follows:

K. Warehousing Infrastructure/Inventory

Management Proj. <i>and Business One Stop</i>	2,000,000
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Less Federal Funds	<u>(1,900,000)</u>
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Net state appropriation subparagraph K	100,000
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37 Project Purpose Amended; Health and Human Services; 2011 Capital Budget; Business One Stop. Amend 2011, 253:1, VII, O to read as follows:

O. Brown Building at Glencliff - Window

Replacement <i>and Business One Stop</i>	390,000
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38 Project Purpose Amended; Health and Human Services; 2009 Capital Budget; Business One Stop. Amend 2009, 145:1, VII, A to read as follows:

A. Facility Study-Plant Infrastructure Efficiencies <i>and Business One Stop</i>	175,000
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39 Project Purpose Amended; Health and Human Services; 2007 Capital Budget; Business One Stop. Amend 2007, 264:1, IX, D as amended by 2009, 145:12 and as extended by 2009, 145:19, 51 to read as follows:

D. Replacement of Huntress and Lodge Houses <i>and Business One Stop</i>	976,000
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40 Project Purpose Amended; Health and Human Services; 2001 Capital Budget; Business One Stop. Amend 2001, 202:1, IX, H as amended by 2007, 264:23 and as extended by 2003, 240:34, LVIII; 2005, 259:25, XXXIV; and 2007, 264:29, LI to read as follows:

H. Bridges Enhancement * <i>and Business One Stop</i>	2,061,000
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Less Federal	<u>-1,500,000</u>
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Net state appropriation subparagraph H	561,070
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41 Project Purpose Amended; Resources and Economic Development; 2005 Capital Budget; Business One Stop. Amend 2005, 259:1, IX, E as extended by 2007, 264:29, LXIII; 2009, 145:19, 56; and 2011, 253:28, 80 to read as follows:

E. Mount Washington Electrification <i>and Business One Stop</i>	540,000
Less Mount Washington Fund*	<u>-300,000</u>
Net state appropriation subparagraph E	240,000

42 Unencumbered Balances Transferred; Department of Information Technology; Business One Stop Project Funding Authorized.

I. An amount not to exceed \$3,100,000 from the unencumbered balances of the projects amended by sections 25 through 41 of this act are hereby transferred to the department of information technology for the purpose of funding the capital project of Business One Stop.

II. All contracts and projects and plans and specifications therefor for the project authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

III. The appropriations in sections 25 through 41 of this act as amended and transferred in this section are hereby extended and shall not lapse until June 30, 2015.

43 2011 Capital Budget; Patrol Shed and Salt Storage, Salem. Amend 2011, 253:2, III and the total state appropriation section 2 to read as follows:

III. Department of Transportation

A. Underground Fuel Tank Replacement-Statewide	\$2,000,000
B. Statewide Radio Communication Replacement	1,240,000
C. Statewide Salt Sheds	1,100,000
D. New Patrol Shed and Salt Storage PS514 Salem	[3,330,000] \$3,530,000
E. TMC Equipment Room Upgrade to Data Center	<u>580,000</u>
Total state appropriation paragraph III	[\$8,250,000] \$8,450,000
Total state appropriation section 2	[\$9,423,187] \$9,623,187

44 Totals Adjusted; 2011 Capital Budget. Amend 2011, 253:5 as amended by 2012, 187:4 and 2013, 2:2 to read as follows:

253:5 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$97,278,481]~~ **\$97,478,481** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$87,865,294 and highway funds ~~[\$9,423,187]~~ **\$9,623,187**; with other funds \$73,008,172.

45 Commission Established; Construction of 400th Anniversary Memorial at Ragged Neck in Rye Harbor State Park.

I. There is hereby established a commission to oversee the design, siting, and construction of a memorial commemorating the 400th anniversary of the discovery of the Isles of Shoals by John Smith at Ragged Neck in Rye Harbor State Park, using the funds appropriated in section 1, paragraph XIII, G of this act.

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

(a) Two members of the house of representatives, one from each major political party, appointed by the speaker of the house of representatives.

(b) Two members of the senate, one from each major political party appointed by the president of the senate.

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

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

(e) One person appointed by the governor.

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

IV. The commission shall advise the department of resources and economic development, division of parks and recreation, on the design, siting, and construction of a monument at Ragged Neck in Rye Harbor State Park commemorating the 400th anniversary of the discovery of the Isles of Shoals by John Smith. The commission shall approve the design and location of the memorial prior to construction. The commission shall also monitor the raising of private funds required for the state match to expend the state capital appropriation for the construction of the memorial.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum. The commission shall meet as necessary until completion of the project.

46 Lapse Dates Extended to June 30, 2015. The following appropriations are hereby extended to June 30, 2015:

1. The appropriation made to the adjutant general in 2011, 253:1, I, A for statewide facilities improvements.

2. The appropriation made to the adjutant general in 2011, 253:1, I, B for readiness center restoration and modernization.

3. The appropriation made to the adjutant general in 2009, 145:1, I, B extended by 2011, 253:28, 2, and amended by section 13 of this act, for D and E storage buildings, additional power and lighting; power and lighting improvements – statewide.

4. The appropriation made to the adjutant general in 2007, 264:1, I, B extended by 2009, 145:19, 5 extended by 2011, 253:28, 9 for armory-statewide auxiliary power.

5. The appropriation made to the adjutant general in 2007, 264:1, I, F extended by 2009, 145:19, 9 extended by 2011, 253:28, 11 for regional training institute construction.

6. The appropriation made to the department of administrative services in 2011, 253:1, II, A, 1 for Rockingham county reseal/drainage.

7. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 1 for Hugh Gallen OPS-FACP replacement.

8. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 3 for driveway/parking and walkway paving phase 2.

9. The appropriation made to the department of administrative services 2011, 253:1, II, B, 4, as amended by section 15 of this act, for main building kitchen, bakery, connector, and industrial shop - raze buildings and create parking lot.

10. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 5 for lakes region facility roof repair.

11. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 6 for Hugh Gallen OPS main building ADA restrooms.

12. The appropriation made to the department of administrative services in 2011, 253:1, II, B, 7 for Philbrook Center renovation.

13. The appropriation made to the department of administrative services in 2011, 253:1, II, C, 1 for critical IT infrastructure.

14. The appropriation made to the department of administrative services in 2011, 253:1, II, C, 2 for ERP phase 2 HR and payroll systems.

15. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 1 for emergency repairs-all facilities.

16. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 2 for statewide energy efficiency improvements.

17. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 5 for state house dome renovation and repair.

18. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 6 for DHHS window repairs.

19. The appropriation made to the department of administrative services in 2011, 253:1, II, D, 7 for state house annex windows.

20. The appropriation made to the department of administrative services in 2011, 253:2, I, A for ERP phase II-highway funds.

21. The appropriation made to the department of administrative services in 2009, 145:1, II, A, 1 extended by 2011, 253: 28, 12 for Hillsborough county north asbestos abatement.

22. The appropriation made to the department of administrative services in 2009, 145:1, II, A, 2 extended by 2011, 253:28, 13 for master plan for the courts.

23. The appropriation made to the department of administrative services 2009, 145:1, II, C, 3, as extended by 2011, 253:28, 21, as amended by section 14 of this act, for main building bakery, kitchen, connector, and industrial shop - raze buildings and create parking lot.

24. The appropriation made to the department of administrative services in 2009, 145:1, II, C, 4 extended by 2011, 253:28, 22 for Hugh Gallen office park parking.

25. The appropriation made to the department of administrative services in 2009, 145:1, II, E, 1 extended by 2011, 253:28, 24 for state owned facilities energy and lighting improvements.

26. The appropriation made to the department of administrative services in 2009, 145:1, II, E, 3 extended by 2011, 253:28, 25 for ERP information technology phase II.

27. The appropriation made to the department of administrative services in 2005, 259:1, II, A, 2 amended by 2007, 264:14 extended by 2007, 264:29, IX extended by 2009, 145:19, 12 extended by 2011, 253:28, 30 for Cheshire and Merrimack county courthouse design, Keene district court design and renovate temporary space.

28. The appropriation made to the department of administrative services in 2003, 240:1, II, C, 2 extended by 2005, 259:25, XVI extended by 2007, 264:29, XIX extended by 2009, 145:19, 13 extended by 2011, 253:28, 31 for enterprise resource planning.

29. The appropriation made to the community college system in 2011, 253:1, XVI, A for Manchester community college student center.

30. The appropriation made to the community college system in 2011, 253:1, XVI, B for career/tech building.

31. The appropriation made to the community college system in 2009, 145:1, III, A extended by 2011, 253:28, 34 for critical maintenance.

32. The appropriation made to the community college system in 2009, 145:1, III, E extended by 2011, 253:28, 35 for health science and tech building, Nashua.

33. The appropriation made to the department of corrections in 2009, 145:1, IV, A extended by 2011, 253:28, 36 for women's prison and transitional housing site/design.

34. The appropriation made to the department of corrections in 2009, 145:1, IV, B extended by 2011, 253:28, 37 for MSU dorms, CCU, SPU, MCS, MCN bathroom repair.

35. The appropriation made to the department of corrections in 2009, 145:1, IV, D extended by 2011, 253:28, 39 for admin east wing-upgrade electric wiring.

36. The appropriation made to the department of corrections in 2007, 264:1, V, A extended by 2009, 145:19, 23 extended by 2011, 253:28, 43 for electronic security upgrades-men's prison.

37. The appropriation made to the department of corrections in 2009, 145:1, IV, C, 2 as amended by section 25 of this act for steam lines and injector at men's prison.

38. The appropriation made to the department of education in 2011, 253:1, IV, A for pre-engineering tech career pathway.

39. The appropriation made to the department of education in 2011, 253:1, IV, B for CTE center renovation-Pinkerton.

40. The appropriation made to the department of education in 2011, 253:1, IV, C for CTE center renovation-Laconia.

41. The appropriation made to the department of education in 2009, 145:1, V, A extended by 2011, 253:28, 46 for pre-engineering technology.

42. The appropriation made to the department of employment security in 2011, 253:1, V, A for Tobey building renovation and garage construction.

43. The appropriation made to the department of environmental services in 2011, 253:1, VI, A for clean water state revolving fund loan program.

44. The appropriation made to the department of environmental services in 2011, 253:1, VI, B for drinking water state revolving fund state match.

45. The appropriation made to the department of environmental services in 2011, 253:1, VI, C for dam repairs and reconstruction.

46. The appropriation made to the department of environmental services in 2011, 253:1, VI, D for Great Bay oil spill protection strategy.

47. The appropriation made to the department of environmental services in 2011, 253:1, VI, E for WRBP infrastructure capital improvements.

48. The appropriation made to the department of environmental services in 2011, 253:1, VI, F for Suncook river infrastructure protection project.

49. The appropriation made to the department of environmental services in 2009, 145:1, VI, A extended by 2011, 253:28, 50 for WRBP wastewater treatment plant improvements.

50. The appropriation made to the department of environmental services in 2009, 145:1, VI, B extended by 2011, 253:28, 51 for drinking water state revolving fund matching funds.

51. The appropriation made to the department of environmental services in 2007, 264:1, VII, A extended by 2009, 145:19, 38 extended by 2011, 253:28, 58 for drinking water state revolving fund matching funds.

52. The appropriation made to the department of environmental services in 2007, 264:1, VII, B extended by 2009, 145:19, 39 extended by 2011, 253:28, 59 for wastewater state revolving fund matching funds.

53. The appropriation made to the department of environmental services in 2007, 264:1, VII, F, as extended by 2009, 145:19, 43, and 2011, 253:28, 61 for dam repairs, removal and reconstruction.

54. The appropriation made to the department of environmental services in 2003, 240:1, V, A extended by 2005, 259:25, XXVIII extended by 2007, 264:29, XXXV extended by 2009, 145:19, 31 extended by 2011, 253:28, 53 for hazardous waste superfund match.

55. The appropriation made to the department of fish and game in 2011, 253:1, XVII, A for Jones pond dam repair and reconstruction.

56. The appropriation made to the department of fish and game in 2009, 145:3, III extended by 2011, 253:28, 63 for point of service registration.

57. The appropriation made to the department of fish and game in 2005, 259:3, II extended by 2007, 264:29, XLVI extended by 2009, 145:19, 45 extended by 2011, 253:28, 64 for hatchery system modernization.

58. The appropriation made to the department of health and human services in 2011, 253:1, VII, A for fire protection sprinklers.

59. The appropriation made to the department of health and human services in 2011, 253:1, VII, B for admin building fire safety/ADA compliance.

60. The appropriation made to the department of health and human services in 2011, 253:1, VII, D for APS repair/renovations-roof, windows and curtain wall.

61. The appropriation made to the department of health and human services in 2011, 253:1, VII, E for boiler house building-new roof.

62. The appropriation made to the department of health and human services in 2011, 253:1, VII, G for incremental renewal of New Heights.

63. The appropriation made to the department of health and human services in 2011, 253:1, VII, H for electronic health records.

64. The appropriation made to the department of health and human services in 2011, 253:1, VII, I for regional assessments database II.

65. The appropriation made to the department of health and human services in 2011, 253:1, VII, J for video conferencing-administrative appeals unit.

66. The appropriation made to the department of health and human services in 2011, 253:1, VII, L for replatform option application.

67. The appropriation made to the department of health and human services in 2011, 253:1, VII, M for admin building handicap access and elevator.

68. The appropriation made to the department of health and human services in 2011, 253:1, VII, N for DPHS radiochemistry lab improvements.

69. The appropriation made to the department of health and human services in 2011, 253:1, VII, P for Howard rec. building renovations, roof and brickwork.

70. The appropriation made to the department of health and human services in 2011, 253:1, VII, Q for ACCESS front door release II.

71. The appropriation made to the department of health and human services in 2009, 145:1, VII, B extended by 2011, 253:28, 65 for incremental renewal of HEIGHTS phase II.

72. The appropriation made to the department of health and human services in 2009, 145:17, IV, C extended by 2011, 253:28, 67 for strategic plan for legacy systems, 50-50 federal match.

73. The appropriation made to the department of health and human services in 2007, 264:1, IX, C, as amended by 2009, 145:18, as extended by 2009, 145:19, 50, and 2011, 253:28, 69 for Glencliff-Brown building patient room floor abatement, tunnel repair, admin. building roof replacement.

74. The appropriation made to the department of information technology in 2011, 253:1, VIII, B for network operations infrastructure upgrade and VOIP.

75. The appropriation made to the department of information technology in 2011, 253:1, VIII, C for business one stop center.

76. The appropriation made to the judicial branch in 2011, 253:1, IX, A for prisoner video conference.

77. The appropriation made to the judicial branch in 2011, 253:1, IX, B for call center.

78. The appropriation made to the judicial branch in 2011, 253:1, IX, C for e-court initiative.

79. The appropriation made to the liquor commission in 2011, 253:1, X, A for Hooksett north and south store additions.

80. The appropriation made to the liquor commission in 2011, 253:1, X, C for Chesterfield-new store.

81. The appropriation made to the Pease development authority in 2007, 264:1, XII, B as amended by 2008, 5:1 extended by 2009, 145:19, 54 extended by 2011, 253:28, 74 for Rye harbor commercial fish pier.

82. The appropriation made to the department of resources and economic development in 2011, 253:1, XII, A for fire tower maintenance.

83. The appropriation made to the department of resources and economic development in 2011, 253:1, XII, B for state park repairs.

84. The appropriation made to the department of resources and economic development in 2011, 253:1, XII, C for Mt. Washington-Adams building concrete repair.

85. The appropriation made to the department of resources and economic development in 2011, 253:1, XII, F for Cannon Mtn upgrades-snowmaking.

86. The appropriation made to the department of resources and economic development in 2009, 145:1, X, C extended by 2011, 253:28, 77 for Mittersill expansion.

87. The appropriation made to the department of resources and economic development in 2009, 145:1, X, B, as extended by 2011, 253:28, 76 for Mount Washington tip top house repairs.

88. The appropriation made to the department of revenue administration in 2009, 145:1, XI, A extended by 2011, 253:28, 82 for tax system 2010.

89. The appropriation made to the department of safety in 2011, 253:1, XIII, A for e-911 next generation.

90. The appropriation made to the department of safety in 2011, 253:1, XIII, B for Suncook river property acquisition and hazard mitigation.

91. The appropriation made to the department of safety in 2011, 253:2, II, A, as amended by section 16 of this act for Hayes building standby generator replacement, computer room A/C upgrade, and DMV HQ generator.

92. The appropriation made to the department of safety in 2009, 145:2, I, A extended by 2011, 253:28, 83 for DMV VISION project continuation.

93. The appropriation made to the department of safety in 2007, 264:2, I, D extended by 2009, 145:19, 63 extended by 2011, 253:28, 87 for OIT projects for DMV.

94. The appropriation made to the department of transportation in 2011, 253:1, XIV, A for 2.5 percent match for FAA projects.

95. The appropriation made to the department of transportation in 2011, 253:1, XIV, B for bus replacement-transit match.

96. The appropriation made to the department of transportation in 2011, 253:2, III, A for underground fuel tank replacement.

97. The appropriation made to the department of transportation in 2011, 253:2, III, B for statewide radio communication replacement.

98. The appropriation made to the department of transportation in 2011, 253:2, III, C for statewide salt sheds.

99. The appropriation made to the department of transportation in 2011, 253:2, III, D as amended by section 43 of this act for new patrol shed and salt storage-Salem.

100. The appropriation made to the department of transportation in 2011, 253:2, III, E for data center TMC equipment room upgrade.

101. The appropriation made to the department of transportation in 2009, 145:1, XII, A extended by 2011, 253:28, 88 for FAA projects.

102. The appropriation made to the department of transportation in 2009, 145:1, XII, B extended by 2011, 253:28, 89 for public transit bus matching funds.

103. The appropriation made to the department of transportation in 2009, 145:1, XII, C extended by 2011, 253:28, 90 for airport navigation equipment.

104. The appropriation made to the department of transportation in 2009, 145:1, XII, E extended by 2011, 253:28, 92 for state owned rail bridge repair.

105. The appropriation made to the department of transportation in 2009, 145:2, II, C extended by 2011, 253:28, 94 for replacement of automated fueling system-phase 2.

106. The appropriation made to the department of transportation in 2007, 264:1, XIV, A extended by 2009, 145:19, 65 extended by 2011, 253:28, 99 for 5-10 percent match for FAA projects.

107. The appropriation made to the department of transportation in 2007, 264:1, XIV, C extended by 2009, 145:19, 67 amended by 2011, 253:16 extended by 2011, 253:28, 100 for rail match.

108. The appropriation made to the department of transportation in 2007, 264:2, II, E extended by 2009, 145:19, 74 extended by 2011, 253:28, 102 for fuel center computer system.

109. The appropriation made to the department of transportation in 2007, 264:1, XIV, B extended by 2009, 145:19, 66 extended by 2011, 253:28, 103 for public transit bus replacement.

110. The appropriation made to the department of transportation in 2005, 259:1, XIII, F amended by 2007, 264:20, extended by 2007, 264:29 extended by 2009, 145:19, 81 extended by 2011, 253:28, 104 for railroad acquisition right of first refusal rail match.

111. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, extended by 2001, 202:28, XXXIII extended by 2003, 240:34, LXXVI extended by 2005, 259:25, LVI extended by 2007, 264:29 LXXIV extended by 2009, 145:19, 64 extended by 2011, 253:28, 98 for acquisition for railroad and airport properties.

112. The appropriation made to the New Hampshire veterans' home in 2011, 253:1, XV, A for electronic medical records.

47 Effective Date.

I. Section 46 of this act shall take effect June 30, 2013.

II. The remainder of this act shall take effect July 1, 2013.

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.

COMMERCE

HB 668-FN, relative to group and individual health insurance market rules. Inexpedient to Legislate, Vote 3-2. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Pierce, seconded by Sen. Soucy.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

FINANCE

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, and relative to the director and assistant director of the division of homeland security and emergency management in the department of safety. Re-refer to committee, Vote 4-1.

Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. Forrester is in favor of the Committee recommendation of Re-refer to committee on HB 124-FN.

Sen. Bradley moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Forrester is in opposition to the motion of Ought to Pass on HB 124-FN.

HB 260-FN, relative to the children in need of services (CHINS) program. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Finance
 May 30, 2013
 2013-1971s
 05/01

Amendment to HB 260-FN

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

AN ACT relative to the children in need of services (CHINS) program and relative to court-ordered placements in shelter care facilities and at the youth development center.

Amend the bill by replacing all after section 15 with the following:

16 Delinquent Children; Dispositional Hearing; Commitment. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. ***Commitment under this subparagraph may only be made following written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community.*** Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified.

17 New Paragraph; Delinquent Children; Definition of Shelter Care Facility. Amend RSA 169-B:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Shelter care facility" means a non-secure or staff-secure facility for the temporary care of children no less than 11 nor more than 17 years of age. Shelter care facilities may be utilized for children prior to or following adjudication or disposition. A shelter care facility may not be operated in the same building as a facility for architecturally secure confinement of children or adults.

18 New Paragraph; Children in Need of Services; Definition of Shelter Care Facility. Amend RSA 169-D:2 by inserting after paragraph XIII by following new paragraph:

XIV. "Shelter care facility" means a non-secure or staff-secure facility for the temporary care of children no less than 11 nor more than 17 years of age. Shelter care facilities may be utilized for children prior to or following adjudication or disposition. A shelter care facility may not be operated in the same building as a facility for architecturally secure confinement of children or adults.

19 New Paragraph; New Hampshire Youth Development Center; Treatment Services in Least Restrictive Environment. Amend RSA 621:1 by inserting after paragraph II the following new paragraph:

III. To ensure that juveniles are placed in the least restrictive environment consistent with their treatment needs, their safety, and the safety of the community, the department shall not establish treatment services at the youth development center or other architecturally secure facility which are not also available to children living in the community or in settings other than architecturally secure settings.

20 New Paragraph; Release and Discharge from Youth Development Center. Amend RSA 621:19 by inserting after paragraph I the following new paragraph:

I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-B:35-a no later than 6 months following the child's commitment pursuant to RSA 169:19, I(j). Release is not required under this paragraph during the period that a child is the subject of a delinquency petition which is awaiting adjudication or disposition. The department may seek a waiver of this provision from the court which ordered the commitment of the child, which may be granted by the court following written findings of fact supported by clear and convincing evidence that continued commitment is necessary to protect the safety of the minor or of the community. Such a waiver may be granted for up to 90 days. The number of waivers which may be granted in a particular case is not limited.

21 New Section; Parole of Delinquents; Right to Counsel of Children Subject to Parole Revocation. Amend RSA 170-H by inserting after section 10 the following new section:

170-H:10-a Right to Counsel of Children Subject to Parole Revocation.

I. Every child subject to revocation of parole has the right to the assistance of counsel, which may not be waived except following consultation between the child and a parent or counsel. Consultation between a child and parent is not sufficient to support waiver under this section if the parent was a victim or complainant in the underlying proceeding or is a witness or provided information in support of the basis for revocation in the parole revocation proceeding. Children known to the department or the board to have an emotional disorder, intellectual disability, or any other condition which may be expected to interfere with a child's ability to understand the proceedings, make decisions, or otherwise handle the proceedings without the assistance of counsel may not waive their right to counsel.

II. For purposes of this section, a child shall be considered a child who is subject to a parole revocation proceeding if the child has been released pursuant to RSA 170-H:5 or RSA 621:19, I for longer than a total of 30 days during one or more periods of release and is subject to return under RSA 621:25.

22 Delinquent Children; Case Closure and Review of Disposition. Amend RSA 169-B:31 to read as follows:

169-B:31 Case Closure and Review of Disposition. Upon making a finding that the purposes of this chapter have been met with regard to the minor named in the petition, or for such other reason the court may deem appropriate and consistent with the purposes of this chapter, the court may order a case closed. Any case remaining open for 12 months after the date of the disposition shall be reviewed by the court annually and closed, unless the court finds by a preponderance of the evidence that the continued provision of services and court involvement are necessary and shall be fruitful to rehabilitate the minor or protect the public interest. All such findings shall be in writing and shall include the basis upon which those findings were made. ***Upon request by the child, the court shall also review any case in which the child remains at the youth development center more than 6 months after the order of commitment without having been released on parole or having been returned to the youth development center following revocation of parole. Successive requests for review shall be granted upon request by the child but the court may deny such requests without a hearing if a review was held less than 90 days prior to receipt of a request for review.***

23 Rules Adopted by the Juvenile Parole Board. Amend RSA 170-H:4, III(d) and (e) to read as follows:

(d) Procedures for revocation of parole~~[-and]~~

(e) Conditions under which the department may return a parolee to a secure facility pending action by the board~~[-]~~ ; ***and***

(f) Procedures for providing effective notice to children subject to parole revocation proceedings of the right to counsel, for determining if a waiver of the right to counsel by a child is knowing, voluntary, and intelligent, and for the accurate determination of the existence of a disability which would interfere with a child's ability to understand the proceedings, make decisions, or otherwise handle the proceedings without the assistance of counsel.

24 Effective Date.

I. Sections 1-15 of this act shall take effect September 1, 2013.

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

2013-1971s

AMENDED ANALYSIS

This bill:

I. Expands the definition of a child in need of services under RSA 169-D, revises circumstances under which the court may order various services or placements, and gives the department discretion to offer voluntary services.

II. Directs the department of health and human services to collect certain data regarding the CHINS program.

III. Provides for the suspension of voluntary services if appropriated funds will be insufficient to support voluntary services.

IV. Requires school board truancy policies to include certain information relative to student attendance.

V. Limits the commitment of children to the youth development center to cases where a court is presented with evidence that a juvenile is dangerous.

VI. Provides a definition for shelter care facility in cases involving juvenile delinquency and children in need of services.

VII. Requires that the department make treatment available in both non-secure and secure settings.

VIII. Creates a presumption of parole after 6 months for children at the youth development center for non-violent offenses.

IX. Provides for a right to counsel for children facing revocation of their parole from the youth development center, which cannot be waived if the child has a disability.

X. Provides for periodic court review of cases where a juvenile is held at the youth development center for more than 6 months.

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 295-FN, requiring criminal background checks for volunteers and employees at youth skill camps. Ought to Pass, Vote 4-1. Senator Larsen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 594-FN, relative to the general consumer credit laws of the state. Ought to Pass, Vote 5-0. Senator Morse for the committee.

Sen. Reagan offered a floor amendment.

Sen. Reagan, Dist. 17
June 5, 2013
2013-2009s
08/10

Floor Amendment to HB 594

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

AN ACT relative to the general consumer credit laws of the state and making a technical correction.

Amend the bill by replacing all after section 29 with the following:

30 Managed Care Law; Prescriptions. Amend RSA 420-J:7-b, II to read as follows:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug. ~~[The exception process shall begin when the prescribing provider has provided the health benefit plan with the clinical rationale for the exception.]~~ The exception process shall begin when the prescribing provider has submitted a request with a clinical rationale for the exception to the health benefit plan. A prescription that requires an exception for coverage shall be considered approved if the exception process exceeds 48 hours.

31 Contingency. If SB 45 of the 2013 regular legislative session takes effect, section 30 of this act shall take effect at 12:01 a.m. on the effective date of SB 45. If SB 45 does not take effect, section 30 of this act shall not take effect.

32 Effective Date.

I. Section 30 of this act shall take effect as provided in section 31 of this act.

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

2013-2009s

AMENDED ANALYSIS

This bill modifies several provisions of the consumer credit law.

This bill also makes a technical correction to SB 45 of the 2013 regular legislative session.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

June 5, 2013

2013-2016s

10/01

Floor Amendment to HB 594

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

AN ACT relative to the general consumer credit laws of the state making a technical correction, and relative to a town clerk and tax collector electing to be a member in the retirement system.

Amend the bill by replacing all after section 31 with the following:

32 Retirement System; Contingent Amendment; Membership. Amend RSA 100-A:3, I(a)(5) to read as follows:

(5) Notwithstanding subparagraph (4), an official who concurrently holds the offices of town clerk and tax collector for the same employer, and who is eligible for the same fringe benefits as other full-time employees of the employer, may satisfy the conditions under subparagraphs (2)-(3) by using both offices to qualify. ***Such official shall be allowed to continue membership in the retirement system if already enrolled, if the hours and salary of the combined offices meet the requirements for membership.***

33 Contingency. If HB 342-FN of the 2013 regular legislative session becomes law, section 32 of this act shall take effect at 12:01 a.m. on the effective date of section 4 of HB 342-FN. If HB 342-FN does not become law, section 32 of this act shall not take effect.

34 Effective Date.

I. Section 30 of this act shall take effect as provided in section 31 of this act.

II. Section 32 of this act shall take effect as provided in section 33 of this act.

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

2013-2016s

AMENDED ANALYSIS

This bill modifies several provisions of the consumer credit law. This bill also makes a technical correction to SB 45 of the 2013 regular legislative session. This bill also clarifies the membership of person concurrently holding the offices of both town clerk and tax collector in the retirement system contingent on HB 342-FN becoming law.

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.

PUBLIC AND MUNICIPAL AFFAIRS

HB 220, relative to the New Hampshire medal of honor. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Public and Municipal Affairs

May 29, 2013

2013-1964s

08/01

Amendment to HB 220

Amend RSA 110-B:81, II as inserted by section 1 of the bill by replacing it with the following:

II. ~~[The adjutant general shall cause the name of a recipient of the New Hampshire medal of honor to be entered on a New Hampshire medal of honor roll.]~~

HH:] ***In addition to the individuals described in paragraph I,*** individuals eligible to receive the New Hampshire medal of honor ~~[include]~~ ***are limited to:***

- (a) Members of the New Hampshire national guard at the time they were killed *in action*.
- (b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed *in action*.
- (c) Members of the United States armed forces who were:
 - (1) Legal residents of New Hampshire at the time they were killed[-] *in action; or*
 - (2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed *in action*.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

2013-1964s

AMENDED ANALYSIS

This bill revises eligibility requirements for the New Hampshire medal of honor.

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 518, relative to establishing an individual's status as a veteran and specifying that training for active duty is service for purposes of the veterans' tax credit. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

Public and Municipal Affairs

May 29, 2013

2013-1962s

08/04

Amendment to HB 518

Amend the bill by replacing section 1 with the following:

1 Documents Used to Establish Veteran Status. Amend RSA 21:50, I(b)(21) to read as follows:

(21) *Notarized statement of service letter signed by the individual's commanding officer or administrative officer.*

(22) *Completed DD FORM 4/2, October 2007 from the National Guard.*

(23) *Completed DD FORM 1300, February 2011.*

(24) Other documents approved by the director, state office of veterans services.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

2013-1962s

AMENDED ANALYSIS

This bill adds a notarized statement of service letter, a completed DD FORM 4/2, October 2007 from the National Guard, and a completed DD FORM 1300, February 2011 to the documents accepted to establish an individual's status as a veteran. This bill also specifies that training for active duty shall be included as service for purposes of the veterans' tax credit.

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 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit. Re-refer to committee, Vote 4-0. Senator Lasky for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. Pierce moved Ought to Pass.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

May 29, 2013

2013-1963s

08/01

Floor Amendment to HB 524

Amend RSA 110-B:28, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The adjutant general may cooperate with and enter into ***contracts or*** agreements with the federal government, or any agency thereof, as he or she deems desirable to secure the participation of the United States government, through the allotment of federal funds, in the costs of constructing, enlarging, or altering armories or other [military] facilities ***on federal land. The adjutant general may contract with the federal government to perform construction, modifications, or improvements to state owned facilities or land, subject to the approval of the New Hampshire department of justice. The adjutant general may adopt procedures relative to this section to ensure the best interest of the federal and state of New Hampshire governments and the national guard.***

Without objection, the Senate is in recess. Out of recess.

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.

COMMERCE

HB 357, prohibiting an employer from using credit history in employment decisions. Re-refer to committee, Vote 3-2. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. Bradley moved Ought to Pass.

Without objection, the Senate is in recess. Out of recess.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

June 5, 2013

2013-1999s

06/10

Floor Amendment to HB 357

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

AN ACT prohibiting an employer from using credit history in employment decisions and authorizing electronic payment of payroll.

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

2 Payment of Wages; Weekly. Amend RSA 275:43, I(e) to read as follows:

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due[; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further], provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

3 Payment of Wages; Weekly. RSA 275:43, II(b) is repealed and reenacted to read as follows:

(b) Provide its employees the option of being paid by direct deposit under subparagraph I(c). If, after the employer has offered an employee direct deposit and provided the employee with the written disclosures required by subparagraph (a), the employee does not designate an account at a financial institution for direct deposit, the employer may arrange to pay the employee using a payroll card.

4 Payment of Wages; Weekly. Amend RSA 275:43, II(c) and (d) to read as follows:

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed~~[-and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes]~~. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account at any time, without penalty to the employee ***and to instead receive wages by direct deposit or another method offered by the employer, if any.***

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

2013-1999s

AMENDED ANALYSIS

This bill:

I. Prohibits employers from using credit history in employment decisions.

II. Deletes the requirement that an employer who pays wages by electronic fund transfer offer employees the option of being paid by check.

III. Permits an employer to pay wages with a payroll card after offering employees the option of being paid by direct deposit.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Soucy moved to divide the question: Section 1; Sections 2, 3, and 4.

Without objection, the Senate is in recess. Out of recess.

The Chair ruled the question divisible: Section 1; Sections 2, 3, and 4.

Without objection, the Senate is in recess. Out of recess.

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 1 and 5.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Stiles, Bragdon.

The following Senators voted No: Forrester, Sanborn, Morse, Prescott.

Yeas: 20 - Nays: 4

Adopted, Sections 1 and 5 ordered to Third Reading.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 2, 3, 4, and 5.

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Gilmour, Lasky, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Kelly, Larsen, Soucy, D'Allesandro, Fuller Clark

Yeas: 17 - Nays: 7

Adopted, Sections 2, 3, 4, and 5 ordered to Third Reading.

COMMERCE

HB 414, relative to privacy in the workplace. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
May 8, 2013
2013-1597s
06/09

Amendment to HB 414

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Use of Social Media and Electronic Mail. Amend RSA 275 by inserting after section 70 the following new subdivision:

Use of Social Media and Electronic Mail

275:71 Definitions. In this subdivision:

I. "Social media" means an electronic medium where users may create and view user-generated content, including but not limited to uploading or downloading videos or still photographs, blogs, video blogs, podcasts, or instant messages.

II. "Personal account" means an account, service, or profile on a social networking website that is used by a current or prospective employee primarily for personal communications unrelated to any business purposes of the employer. This definition shall not apply to any account, service, or profile created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer or to engage in business related communications.

275:72 Use of Social Media and Electronic Mail.

I. No employer shall request or require that an employee or prospective employee disclose a user name and password for accessing any personal account or service through an electronic communication device.

II. No employer shall compel an employee or applicant to add anyone, including the employer or the employer's agent, to a list of contacts associated with an electronic mail account or personal account or require, request, suggest, or cause an employee or applicant to change the privacy settings associated with any electronic mail or personal account.

III. No employer shall take or threaten to take disciplinary action against any employee for such employee's refusal to provide a user name and password, to add anyone to a list of contacts, or to change a privacy setting.

IV. Nothing in this subdivision shall limit an employer's right to:

(a) Adopt and enforce lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use.

(b) Monitor usage of the employer's electronic equipment and electronic mail.

V. Nothing in this subdivision shall prohibit an employer from obtaining information about an employee or prospective employee that is in the public domain or to prevent an employer from conducting an investigation to ensure compliance with securities or financial laws or other regulatory requirements based on information on an employee's personal website, Internet website, or web-based account or similar account for business purposes, except as proscribed in paragraph I and II.

VI. Nothing in this subdivision shall be construed to prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations.

275:73 Penalty. Any employer violating RSA 275:72 shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

2013-1597s

AMENDED ANALYSIS

This bill prohibits an employer from requiring an employee or prospective employee to disclose his or her social media or electronic mail passwords.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

June 6, 2013

2013-2026s

10/04

Floor Amendment to HB 414

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

AN ACT relative to privacy in the workplace and relative to legislative approval of collective bargaining agreements entered into by the state.

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

2 New Paragraph; Bargaining by State Employees. Amend RSA 273-A:9 by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provision of law to the contrary, the cost items of every collective bargaining agreement entered into by the state shall be approved by the fiscal committee of the general court before each takes effect.

AMENDED ANALYSIS

This bill prohibits an employer from requiring an employee or prospective employee to disclose his or her social media or electronic mail passwords. This bill also requires approval by the fiscal committee of the general court of the cost items of all collective bargaining agreements entered into by the state.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Soucy moved to divide the question: Section 1; Section 2.

The Chair ruled the question divisible: Section 1; Section 2.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 1 and 3.

A roll call was requested by Sen. Boutin, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, Sections 1 and 3 ordered to Third Reading.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 2 and 3.

A roll call was requested by Sen. Fuller Clark, seconded by Sen. Soucy.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted, Sections 2 and 3 ordered to Third Reading.

COMMERCE

HB 664-FN, relative to the New Hampshire vaccine association. Ought to Pass with Amendment, Vote 3-2. Senator Bradley for the committee.

Commerce
May 14, 2013
2013-1713s
01/04

Amendment to HB 664-FN

Amend RSA 126-Q:3, V(o) and (p) as inserted by section 5 of the bill by replacing them with the following:

~~(o) [Perform any other functions as may be necessary or proper to carry out the plan of operation.]~~
Adopt procedures by which affiliated assessable entities calculate their assessment on an aggregate basis and procedures to ensure that no assessable life is counted more than once. Unless otherwise determined by the board, the assessable entity responsible for the payment of the provider's administrative costs for childhood vaccines shall be the entity responsible for reporting assessable lives and payment of the corresponding assessment.

(p) Submit an annual report regarding the association's activities, its financial reports, and any newly-approved vaccines adopted by the department of health and human services to the president of the senate, the speaker of the house of representatives, and the governor.

(q) Perform any other functions as may be necessary or proper to carry out the plan of operation.

Amend the bill by replacing all after section 7 with the following:

8 New Subparagraphs; Members Added to Board. Amend RSA 126-Q:3, III by inserting after subparagraph (d) the following new subparagraphs:

(e) One member appointed by the governor and council who shall represent self-insured entities.

(f) One public member appointed by the speaker of the house of representatives.

(g) One public member appointed by the president of the senate.

9 Effective Date. This act shall take effect upon its passage.

Sen. Cataldo moved to Lay on the Table HB 664-FN. Failed.

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

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16
June 6, 2013
2013-2025s
10/03

Floor Amendment to HB 664-FN

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

AN ACT relative to the New Hampshire vaccine association and relative to voter registration.

Amend the bill by replacing all after section 8 with the following:

9 Voter Registration. Amend RSA 654:7 to read as follows:

654:7 Voter Registration; Voter Registration Form.

I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in paragraph IV.

IV. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name _____
 Last (suffix) First Full Middle Name

2. Domicile Address _____
 Street Ward Number

 Town or City Zip Code

3. Mailing Address if different than in 2 _____
 Street Ward Number

 Town or City Zip Code

4. Place and Date of Birth _____
 Town or City Zip Code

Date _____

5. If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____
 Town or City

 Street Ward Number

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

~~[In declaring New Hampshire as my domicile]~~ **As a person domiciled in New Hampshire**, I am subject to the laws of the state of New Hampshire ~~[which apply to all residents]~~, including laws ~~[requiring]~~ **that may require** a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

10 Effective Date.

I. Section 9 of act shall take effect 60 days after its passage.

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

2013-2025s

AMENDED ANALYSIS

This bill makes changes to the law governing the New Hampshire Vaccine Association. The bill also modifies the voter registration form.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Boutin.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Soucy moved to divide the question: Sections 1-8; Section 9.

The Chair ruled the question divisible: Sections 1-8; Section 9.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 1-8 and 10.

A roll call was requested by Sen. Fuller Clark, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Sanborn, Reagan.

Yeas: 22 - Nays: 2

Adopted, Sections 1-8 and 10 ordered to Third Reading.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 9 and 10.

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Forrester, Bradley, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Cataldo, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 12 - Nays: 12

Failed.

Without objection, the Senate is in recess. Out of recess.

MOTION OF RECONSIDERATION

Sen. Cataldo, having voted on the prevailing side, moved to reconsider Sections 9 and 10 of HB 664-FN, the sections having previously been found Ought to Pass as Amended.

Without objection, the Senate is in recess. Out of recess.

The question is on the motion to reconsider Sections 9 and 10 of HB 664-FN, the sections having previously been found Ought to Pass as Amended.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Soucy, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, D'Allesandro, Fuller Clark.

Yeas: 15 - Nays: 9

Adopted.

MOTION OF RECONSIDERATION

Sen. Cataldo, having voted on the prevailing side, moved to reconsider Sections 1-8 and 10 of HB 664-FN, the sections having previously been found Ought to Pass as Amended. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 1-8 and 10.

A roll call was requested by Sen. Fuller Clark, seconded by Sen. Soucy.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Sanborn, Reagan.

Yeas: 22 - Nays: 2

Adopted, Sections 1-8 and 10 ordered to Third Reading.

The question is on the adoption of the motion of Ought to Pass as Amended on Sections 9 and 10.

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted, Sections 9 and 10 ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 233, relative to the care of the war memorial in Franconia Notch state park. Ought to Pass, Vote 4-0. Senator Woodburn for the committee.

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

Sen. Boutin, Dist. 16

May 24, 2013

2013-1932s

10/05

Floor Amendment to HB 233

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

AN ACT relative to the care of the war memorial in Franconia Notch state park, and relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

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

2 Statement of Purpose. The general court finds that:

I. Since the Revolutionary War, more than 1,000,000 members of the United States Armed Forces have paid the ultimate price by sacrificing their lives in the line of duty.

II. The contributions of those fallen members of the Armed Forces are deserving of national recognition.

III. Currently, there is no officially recognized symbol that solely acknowledges members of the Armed Forces who died in the line of duty.

3 New Sections; Honor and Remember Flag. Amend RSA 3 by inserting after section 3-b the following new sections:

3:3-c Official Adoption of Honor and Remember Flag. The Honor and Remember Flag created by Honor and Remember, Inc., is hereby adopted as this state's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

3:3-d Display of Honor and Remember Flag. The Honor and Remember Flag shall be displayed by the state daily at the New Hampshire state veterans cemetery in Boscawen, above the state house in Concord immediately below the state flag when there is a New Hampshire casualty, and on the following days:

I. Gold Star Mother's Day, the first Sunday after Easter.

II. Memorial Day, the last Monday in May.

III. Independence Day, July 4.

IV. National POW/MIA Recognition Day.

V. Veterans Day, November 11.

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

2013-1932s

AMENDED ANALYSIS

This bill establishes the standards of care for the war memorial in Franconia Notch state park. This bill also adopts the national Honor and Remember Flag as the official symbol of the state of New Hampshire to recognize and honor fallen members of the armed forces.

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.

ENERGY AND NATURAL RESOURCES

HB 542, relative to electric renewable portfolio standards. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

May 8, 2013

2013-1617s

09/01

Amendment to HB 542

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

1 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2025</u>
	<i>and thereafter</i>								
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	[6.5] 1.4%	[6.5%] 1.5%	[7.0%] 3.0%	8.0%	8.0%
Class IV	0.5%	1%	1%	1%	1%	1.3%	1.4%	1.5%	1.5%

*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.2 percent in 2013, 0.4 percent in 2014, and increased annually by 0.2 percent per year from 2015 through 2025. Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

2 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall ~~[only]~~ **primarily** be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

3 Renewable Energy Fund. Amend RSA 362-F:10, V to read as follows:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II source of electricity, has a total peak generation capacity of ~~[less than 5]~~ **10** kilowatts **or fewer**, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

4 Effective Date. This act shall take effect upon its passage.

2013-1617s

AMENDED ANALYSIS

This bill makes certain changes to electric renewable portfolio standards and renewable energy fund payments.

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

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

Sen. Bradley, Dist. 3

Sen. Hosmer, Dist. 7

June 5, 2013

2013-2012s

08/10

Floor Amendment to HB 542

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

AN ACT relative to the renewable energy fund and regulation of telephone, Voice Over Internet Protocol, and IP-enabled service providers.

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

1 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall ~~[only]~~ **primarily** be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

2 Renewable Energy Fund. Amend RSA 362-F:10, V to read as follows:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II source of electricity, has a total peak generation capacity of ~~[less than 5]~~ **10** kilowatts **or fewer**, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

3 IP-enabled Service; Definition. Amend RSA 362:7, I(a) to read as follows:

(e) "IP-enabled service" means any service, capability, functionality, or application provided using Internet Protocol, or any successor protocol, that enables ~~[an end]~~ **a** user to send or receive a communication in Internet Protocol format or any successor format, regardless of technology; provided, however, that no service included within the definition of "Voice over Internet Protocol service" shall be included within this definition.

4 Providers of VoIP and IP-enabled Service. Amend RSA 362:7, II to read as follows:

II. Except as set forth in paragraph III, notwithstanding any other provision of law to the contrary, no department, agency, commission, or political subdivision of the state, shall enact, adopt, or enforce, either directly or indirectly, any law, rule, regulation, ordinance, standard, order, or other provision having the force or effect of law that regulates or has the effect of regulating the market entry, market exit, transfer of control, rates, terms, or conditions of any VoIP service or IP enabled service or any provider of VoIP service or IP-enabled service, **or otherwise regulating as public utilities such services or providers in a manner other than as set forth in paragraph III.**

5 Users; Exceptions. Amend RSA 365:1-a to read as follows:

365:1-a Exceptions. Except for complaints about RSA 371:17 through RSA 371:24, RSA 374:2-a, RSA 374:22-p, **I (b)**, RSA 374:28-a, RSA 374:34-a, RSA 374:48 through RSA 374:56, RSA 374:59, and RSA 378:44 through RSA 378:48, the provisions of this chapter shall not apply to any end user of an excepted local exchange carrier, nor to any service provided to such end user. Such end users may~~[-, however,]~~ make complaints to the commission regarding ~~[the provision of]~~ basic service, **as defined by RSA 374:22-p, I (b)** by excepted local exchange carriers.

6 Affordable Telephone Service; Rulemaking. Amend RSA 374:22-p, I(c) to read as follows:

(c) Any combination of basic service along with any other service **or feature** offered by the telecommunications service provider is nonbasic service **and shall not be regulated by the commission.**

7 Effective Date. This act shall take effect upon its passage.

2013-2012s

AMENDED ANALYSIS

This bill makes certain changes to renewable energy fund payments and clarifies state regulation of telephone, Voice over Internet Protocol (VoIP), and IP-enabled service providers.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

June 6, 2013

2013-2020s

06/01

Floor Amendment to HB 542

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

AN ACT relative to the renewable energy fund and regulation of telephone, Voice Over Internet Protocol, and IP-enabled service providers and relative to electric renewable portfolio standards.

Amend the bill by replacing all after section 6 with the following:

7 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2025</u>
	and thereafter								
Class I	0.0%	0.5%	1%	2%	3%	[4%] 3.8%	5%	6%	15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	[6.5] 1.4%	[6.5%] 1.5%	[7.0%] 3.0%	8.0%	8.0%
Class IV	0.5%	1%	1%	1%	1%	1.3%	1.4%	1.5%	1.5%

*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be ~~[0.2 percent in 2013;]~~ 0.4 percent in 2014, **0.6 percent in 2015, 1.3 percent in 2016**, and increased annually by ~~[0.2]~~ **0.1** percent per year from ~~[2015 through 2025]~~ **2017 through 2023, after which it shall remain unchanged.** Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

8 Electric Renewable Energy Classes; Class 1 (New). Amend RSA 362-F:4, I(1) to read as follows:

(1) Biomass renewable energy technologies producing useful thermal energy that began operation after January 1, 2013 provided that:

(1) If the unit is a biomass unit rated between 3 and 30 Mmbtu/hr design gross heat input, ~~[and has]~~ **it shall have** an average particulate emission rate of less than or equal to 0.10 lbs/Mmbtu as measured and verified by conducting and reporting the results of a one-time initial stack test in accordance with methods approved by the department;

(2) If the unit is a biomass unit rated equal to or greater than 30 Mmbtu/hr design gross heat input, ~~[and has]~~ **it shall have** an average particulate emission rate of less than or equal to 0.02 lbs/Mmbtu as measured and verified under RSA 362-F:12;

(3) If the unit is a biomass unit rated less than 100 Mmbtu/hr design gross heat input, ~~[and it implements]~~ best management practices as determined by the department **shall be implemented**; and

(4) If the unit is a biomass unit rated equal to or greater than 100 Mmbtu/hr design gross heat input, ~~[and it has]~~ **it shall have** a quarterly average NOx emission rate of less than or equal to 0.075 Mmbtu/hr as measured and verified under RSA 362-F:12[-]; **and**

(5) If the unit is an upgrade or replacement to an existing source of thermal energy that used biomass as its primary fuel source in its normal operation prior to January 1, 2013, then the unit shall be a combined heat and power unit that provides district heating, and at least 80 percent of the resulting tax basis of the unit's plant and equipment, but not its property and intangible assets, shall be derived from capital investments directly related to the upgrade or replacement and made on or after January 1, 2013.

9 Renewable Energy Fund; Rates RSA 362-F:10, III is repealed and reenacted to read as follows:

III.(a) Beginning in 2013, the commission shall adjust these rates by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor for classes III and IV and 1/2 of such Index for classes I and II.

(b) In lieu of the adjustments under subparagraph (a) for class III in 2015, 2016 and 2017, the class rate in each of those years shall be \$45.

(c) By January 31, 2018 the commission shall compute the 2018 class III rate to equal the rate that would have resulted in 2018 by the application of subparagraph (a) to the 2013 rate and each subsequent year's rate to 2018.

(d) In 2019 and thereafter, the class III rate shall be determined by application of subparagraph (a) to the prior year's rate.

10 Renewable Portfolio Standards Study Committee.

I.(a) There is established a renewable portfolio standards study committee to study:

(1) Whether to alter the class III alternative compliance payment rates for 2018 and any subsequent years;

(2) Whether to alter the Class I, II, and IV alternative compliance payment rate in 2015 and any subsequent years;

(3) The impact that alternative compliance payments in New Hampshire and other New England states have upon the production of renewable energy;

(4) Methods to protect electric customers from increasing energy prices;

(5) The shortfall potential, if any, and reasons for the shortfall potential in the purchase percentage requirements of RSA 362-F:3; and

(6) Whether to create a cap and rebate program for the renewable energy fund to protect electric customers from higher electric rates; and

(7) The impact of renewable portfolio standards in other New England states on New Hampshire.

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

(1) Two members of the senate who are members of the energy and natural resources committee, appointed by the president of the senate.

(2) Three members of the house of representatives who are members of the science, technology and energy committee, appointed by the speaker of the house of representatives.

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

III. The committee shall study:

(a) Whether to alter the class III alternative compliance payment rate for 2018 and any subsequent years, and, if so shall propose any such changes or formula for change;

(b) Whether to alter the Class I, II, and IV alternative compliance payment rates in 2015 and any subsequent years, and, if so shall propose any such changes or formula for change;

(c) The impact that alternative compliance payments in New Hampshire and other New England states have upon the production of renewable energy;

(d) Methods to protect electric customers from increasing energy prices and impacts of the renewable portfolio standard on the competitive market for electricity;

(e) The shortfall potential, if any, and reasons for the shortfall potential in the purchase percentage requirements of RSA 362-F:3, and may propose a mechanism to provide a credit or other after the fact adjustment device against potential alternative compliance payments when the purchase percentage requirement has not been met due to eligible facilities selling into another jurisdiction's renewable portfolio standards market;

(f) Whether to create a cap and rebate program for the renewable energy fund to protect electric customers from higher electric rates;

(g) The impact of renewable portfolio standards in other New England states on New Hampshire;

(h) The impact of any proposed changes to the renewable portfolio standard on pre-existing retail and wholesale supply contracts; and

(i) The need to better coordinate and standardize renewable portfolio standards among the New England states within the ISO-NE.

IV. The committee shall solicit input from any individual or organization with relevant information or expertise.

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

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

11 Effective Date. This act shall take effect upon its passage.

2013-2020s

AMENDED ANALYSIS

This bill:

I. Makes certain changes to renewable energy fund payments and clarifies state regulation of telephone, Voice over Internet Protocol (VoIP), and IP-enabled service providers.

II. Makes adjustments in the purchase percentage requirements and the alternative compliance payment amount and mechanism under the electric renewable portfolio standards law.

III. Establishes a renewable portfolio standards study committee.

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.

Without objection, the Senate is in recess. Out of recess.

Without objection, the Clerk shall 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 94, relative to portable electronics insurance.

Sen. Sanborn moves concurrence. Adopted.

SB 89, relative to the definition of lead fishing sinkers and jigs and the penalties for prohibited sales of lead fishing sinkers and jigs.

Sen. Prescott moves concurrence. Adopted.

SB 101, relative to collocation and modification of personal wireless services facilities.

Sen. Prescott moves concurrence. Adopted.

SB 163, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

Sen. Prescott moves concurrence. Adopted.

SB 164, authorizing coastal management provisions in master plans.

Sen. Prescott moves concurrence. Adopted.

SB 33, making technical changes to the judicial retirement plan.

Sen. Carson moves concurrence. Adopted.

SB 42, relative to applications for licensure by the real estate appraisers board.

Sen. Carson moves concurrence. Adopted.

SB 54, relative to appeals from the department of administrative services bureau of public works design and construction.

Sen. Carson moves concurrence. Adopted.

SB 96, relative to vexatious litigants.

Sen. Carson moves concurrence. Adopted.

SB 11-L, relative to water and sewer utility districts and water or sewer utility districts.

Sen. Boutin moves concurrence. Adopted.

SB 49, relative to appeals of planning board decisions.

Sen. Boutin moves concurrence. Adopted.

SB 185, establishing a commission on housing policy and regulation.

Sen. Boutin moves concurrence. Adopted.

SB 197, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions.

Sen. Boutin moves concurrence. Adopted.

SB 20, making modifications to the DWI ignition interlock program.

Sen. Rausch moves concurrence. Adopted.

SB 85, relative to commercial motor vehicle operation.

Sen. Rausch moves concurrence. Adopted.

SB 159, exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations.

Sen. Boutin moves concurrence. Adopted.

SB 160-FN-A, relative to turnpikes and electronic toll collection.

Sen. Rausch moves concurrence. 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 157-FN, establishing a New Hampshire disaster relief fund.

Sen. Morse moves nonconcurrence and requests Committee of Conference.

The President appoints Senators Bragdon, Forrester, Larsen.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

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

HB 353, relative to the regulation of private investigators and security guards.

and requests a Committee of Conference.

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

REPRESENTATIVES: Weber, C. McGuire, P. Schmidt, M. Nelson

Sen. Carson moves to accede to House Request. Adopted.

The President appoints Senators Reagan, Carson, Soucy.

HOUSE MESSAGE

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

HB 635, establishing a committee to study state rest areas and relative to the solicitation of requests for proposals for the naming rights to rest areas.

and requests a Committee of Conference.

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

REPRESENTATIVES: Campbell, Chandler, Ramsey, Piper

Sen. Rausch moves to accede to House Request. Adopted.

The President appoints Senators Rausch, Boutin, Gilmour.

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, 2014 and June 30, 2015.

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

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

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, and relative to the director and assistant director of the division of homeland security and emergency management in the department of safety.

HB 220, relative to the New Hampshire medal of honor.

HB 224, relative to the authority of the superintendent of a county correctional facility.

HB 233, relative to the care of the war memorial in Franconia Notch state park, and relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

HB 260-FN, relative to the children in need of services (CHINS) program and relative to court-ordered placements in shelter care facilities and at the youth development center.

HB 295-FN, requiring criminal background checks for volunteers and employees at youth skill camps.

HB 357, prohibiting an employer from using credit history in employment decisions and authorizing electronic payment of payroll.

HB 414, relative to privacy in the workplace and relative to legislative approval of collective bargaining agreements entered into by the state.

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients.

HB 518, relative to establishing an individual's status as a veteran and specifying that training for active duty is service for purposes of the veterans' tax credit.

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

HB 542, relative to the renewable energy fund and regulation of telephone, Voice Over Internet Protocol, and IP-enabled service providers and relative to electric renewable portfolio standards.

HB 594-FN, relative to the general consumer credit laws of the state making a technical correction, and relative to a town clerk and tax collector electing to be a member in the retirement system.

HB 664-FN, relative to the New Hampshire vaccine association and relative to voter registration.

LIST OF RULE 6-25'S FOR THE DAY

ANNOUNCEMENTS

Without objection all Rule 2-16's shall be entered into the permanent *Journal of the Senate*. Adopted.

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.