

HB 2-FN-A-LOCAL – AS AMENDED BY THE HOUSE

09Apr2009... 1197h  
09Apr2009... 1235h

2009 SESSION

09-1049  
09/01

HOUSE BILL                    ***2-FN-A-LOCAL***

AN ACT                    relative to state fees, funds, revenues and expenditures.

SPONSORS:                Rep. M. Smith, Straf 7

COMMITTEE:                Finance

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AMENDED ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.
2. Increases the tobacco tax.
3. Establishes a tax on gambling winnings.
4. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.
5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.
6. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
7. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
8. Increases the fees for motor vehicle records charged to insurance companies and drivers.
9. Authorizes the commissioner of safety to make certain personnel reallocations.
10. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
11. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
12. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
13. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.

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14. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
15. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
16. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
17. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
18. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
19. Requires the department of health and human services to establish a medical home pilot program.
20. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
21. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
22. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
23. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
24. Makes changes in the residential child care facilities rate setting.
25. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
26. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
27. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
28. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
29. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
30. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
31. Increases the percentage of certain outstanding loan principal balances used to pay the costs

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of administering the state water pollution control and drinking water revolving loan funds.

32. Increases the fee for department review of subsurface plans and subdivisions.

33. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.

34. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.

35. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.

36. Changes the state share of payment of the retirement system annual employer contribution.

37. Requires premium contribution amounts from retired state employees for retiree health insurance.

38. Changes the retirement system certification of the state cost of other post-employment benefits.

39. Consolidates certain district courts.

40. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.

41. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.

42. Suspends bumping rights for classified employees.

43. Provides criteria for rehiring of laid off state employees.

44. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.

45. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.

46. Changes the letter grade classification for the director of plant and property management in the department of administrative services.

47. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.

48. Creates a director of policy and administration in the department of transportation.

49. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.

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50. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.

51. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.

52. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.

53. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.

54. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.

55. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.

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

57. Establishes the state workforce opportunity council within the department of resources and economic development.

58. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.

59. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

60. Allows the real estate commission to collect a handling charge for fees paid electronically.

61. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.

62. Establishes the position of chief multi-state auditor for the department of revenue administration.

63. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.

64. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.

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

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66. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.

67. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.

68. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.

69. Increases boating registration and license fees.

70. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.

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

72. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.

73. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.

74. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.

75. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.

76. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.

77. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

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

79. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.

80. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.

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81. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.

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

83. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.

84. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.

85. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.

86. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

87. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                             Matter removed from current law appears [~~in brackets and struck through~~].  
                             Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to state fees, funds, revenues and expenditures.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

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

3           I. Notwithstanding any other provision of law, the New Hampshire Medical Malpractice  
4 Joint Underwriting Association (NHMMJUA), by and through its board of directors, and any person  
5 having responsibility and authority for the custody or investment of the assets of the NHMMJUA are  
6 hereby authorized and directed to transfer by June 30, 2009 the sum of \$50,000,000, and by June 30,  
7 2010 the additional sum of \$30,000,000, and by June 30, 2011 the additional sum of \$30,000,000  
8 from the Post-1985 Account to the general fund. This sum shall be used for the purpose of  
9 supporting programs that promote access to needed health care for underserved persons.

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

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

21           IV. Notwithstanding any other provision of law, the state shall hold harmless, defend, and  
22 indemnify any state officer, any person with responsibility and authority for the custody or  
23 investment of the assets of the NHMMJUA, any member of the board of directors of the NHMMJUA,  
24 and any attorney, accountant, advisor, consultant, or actuary who shall have been employed or  
25 retained by or shall have advised such persons against any claim, demand, suit, action, proceeding,  
26 or judgment arising out of or in connection with any transaction pursuant to this section; provided  
27 that such person or entity shall, within 7 days after the date on which such person or entity is served  
28 with or receives actual notice of any writ, complaint, petition, process, notice, demand, claim, or  
29 pleading, give notice thereof in writing to the attorney general. Upon such notice the attorney

1 general shall determine whether the acts complained of were committed within the scope of official  
2 duty for the state, and that such acts were not fraudulent, taken in bad faith, wanton, or reckless;  
3 and if so determined, the attorney general shall represent and defend such person or entity with  
4 respect to such claim or throughout such action, or shall retain outside counsel to represent or defend  
5 such person; and the state shall defray all costs of such representation or defense, to be paid from  
6 funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold  
7 harmless such person from any costs, damages, awards, judgments, or settlements arising therefrom,  
8 provided such person or entity cooperates fully with such representation or defense.

9 2 Tobacco Tax; Rate Increased. Amend RSA 78:7 to read as follows:

10 78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.33~~] **\$1.68**  
11 for each package containing 20 cigarettes or at a rate proportional to such rate for packages  
12 containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment  
13 of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in  
14 which such products usually are sold at retail. The word “package” as used in this section shall not  
15 include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this  
16 state is prohibited by the Constitution of the United States.

17 3 Tobacco Tax; Applicability. Section 2 of this act shall apply to all persons licensed under RSA  
18 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report  
19 of such inventory with the department of revenue administration on a form prescribed by the  
20 commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2009  
21 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of  
22 computing penalties under RSA 21-J.

23 4 New Subdivision; Gambling Tax. Amend RSA 77 by inserting after section 37 the following  
24 new subdivision:

25 **Gambling Tax**

26 77:38 Definitions.

27 I. “Gambling winnings” means any money distribution to winners of any gambling activity  
28 whether in-state or out-of-state including, but not limited to, bingo, lucky 7, sweepstakes, pari-  
29 mutuel, charitable gaming, casino gaming, internet gaming, or the equivalent.

30 II. “Payor” means any individual or entity that pays gambling winnings.

31 77:39 Registration.

32 I. No payor shall pay out any gambling winnings without first registering with the  
33 department. The registration shall not be assignable and shall not be transferred. Any payor who  
34 fails to register as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

35 II. Each payor shall apply for registration on a form designated by the commissioner.  
36 Applicants shall furnish the following:

37 (a) Evidence acceptable to the commissioner of such applicant’s proper licensure and



1 good standing with the appropriate licensing authority.

2 (b) Social security number, or federal employment identification number, as applicable.  
3 The number furnished shall be the same number used to file any applicable business tax returns.

4 (c) A declaration of any unpaid tax, interest, and penalty liability to the state. If none,  
5 such shall be stated.

6 (d) Consent by each signatory on a license application for the department to conduct a  
7 credit check.

8 (e) Signatures. The application shall be signed under the pains and penalties of perjury  
9 by the applicant or applicants as attesting to the information provided in this paragraph and  
10 acknowledging each applicant's personal liability for the payment of tax as provided under  
11 RSA 77:40. If the applicant is a business entity, every partner, member, or corporate officer shall  
12 sign the application.

13 (f) If a business entity, a copy of applicable articles of incorporation, limited liability  
14 company agreement, partnership agreement, franchise agreement, or other business document that  
15 clearly enumerates interest holders of such entity.

16 (g) Any other information that may be required by the commissioner.

17 III. Registrations shall expire one year from the original issue date, unless the business  
18 ceases operation, a change in ownership occurs to include changes in the interest holders of a  
19 business entity, or the license is revoked or suspended by the department prior to expiration of the  
20 license. The license shall be conspicuously posted in a public area upon the premises to which it  
21 relates.

22 IV. No applicant shall be registered or renewed if such person, or entity with which such  
23 person is affiliated, has any unpaid tax, interest, or penalty that has been assessed and finally  
24 determined to be due for any tax administered by the department.

25 V. No payor shall be issued an original registration if the issuance of such registration  
26 permits any person to circumvent or evade the payment of tax, interest, or penalties. The  
27 commissioner shall have the authority to request any additional information or documentation from  
28 an applicant to aid in his or her determination.

29 VI. Any change of information required in paragraph II, shall be reported by the registrant  
30 to the department on a form designated by the commissioner. All such changes shall be reported  
31 within 30 days and shall be accompanied by relevant documentation.

32 77:40 Tax Imposed. A tax is hereby imposed at a rate of 10 percent upon:

33 I. Any individual who is an inhabitant or resident of this state whose gambling winnings  
34 from any payor either in-state or out-of-state equals \$600 or more.

35 II. Any individual who is not a resident of this state whose gambling winnings from any in-  
36 state payor equals \$600 or more.

37 77:41 Withholding. Each payor operating in-state shall withhold the tax from the distribution of

1 taxable gambling winnings to the winner. Within 10 days after the end of each month, the payor  
2 shall pay over such tax to the department accompanied by such form or return as determined by the  
3 commissioner. The payor shall keep books and records in a form acceptable to the department  
4 showing the amount of all taxes collected.

5 77:42 Returns and Payment of Tax by Individuals. Every resident who receives taxable  
6 gambling winnings from an out-of-state payor shall pay the tax imposed under this subdivision and  
7 file a return on or before the fifteenth day of the fourth month following the expiration of the tax  
8 year.

9 77:43 Nature of Tax; Penalties and Violations.

10 I. The tax imposed by this subdivision shall become state funds at the moment a payor  
11 distributes gambling winnings to the winner.

12 II. Any resident who fails to pay tax or file returns as required by RSA 77:42 shall be subject  
13 to failure to file penalties under RSA 21-J:31 and failure to pay penalties under RSA 21-J:33.

14 III. A payor who willfully fails to withhold and pay over in full said funds on or before the  
15 due date for filing returns under RSA 77:41 shall be guilty of:

16 (a) A violation for 2 offenses in any 12-month period.

17 (b) Theft by misapplication of property under RSA 637:10 for the third offense and every  
18 offense thereafter within any 12-month period.

19 77:44 Enforcement. An action may be brought by the commissioner in the name of the state to  
20 recover the amount of taxes, penalties, and interest due from the operator, if the action is brought  
21 within 3 years after the taxes, penalties, and interest are due. The action is returnable in the county  
22 where the operator resides if he or she is a resident of the state; and if a nonresident, the action is  
23 returnable to the county of Merrimack. The limitation of 3 years in this section does not apply to a  
24 suit to collect taxes, penalties, interest, and costs when the operator filed a fraudulent return or  
25 failed to file a return when the return was due.

26 77:45 Bonds; State Agency Cooperation.

27 I. Any unpaid tax liability of a payor may be collected from any bond that a payor filed with  
28 the appropriate licensing authority or any other state agency.

29 II. All state agencies shall cooperate and assist the department in the administration of the  
30 tax imposed under this subdivision.

31 5 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the  
32 following new paragraph:

33 XIII. The collection of state taxes administered by the department under RSA 77:38 –  
34 RSA 77:45, including required forms, information, documentation, and fees.

35 6 Repeal. RSA 284:21-r, relative to the exemption of sweepstakes prizes from taxation, is  
36 repealed.

37 7 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows

1 78-A:6 Imposition of Tax.

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

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

4 (a) Three cents for a charge between \$.36 and \$.37 inclusive;

5 (b) Four cents for a charge between \$.38 and \$.50 inclusive;

6 (c) Five cents for a charge between \$.51 and \$.62 inclusive;

7 (d) Six cents for a charge between \$.63 and \$.75 inclusive;

8 (e) Seven cents for a charge between \$.76 and \$.87 inclusive;

9 (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

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

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

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

15 8 Meals and Rooms Tax; Distributions to Cities and Towns. Notwithstanding any provision of  
16 law, for each fiscal year of the biennium ending June 30, 2011, the state treasurer shall fund the  
17 distribution of revenue to cities and towns pursuant to the formula for determining the amount of  
18 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year  
19 2009 level of distribution.

20 9 State Treasurer and State Accounts; Suspension of Revenue Sharing. Notwithstanding any  
21 provision of law, for the biennium ending June 30, 2011, the state treasurer shall suspend the  
22 distribution of revenue to cities and towns pursuant to the formula for determining the amount of  
23 revenue returnable to cities and towns under RSA 31-A.

24 10 Contingent School Building Aid Transfer; Fiscal Year 2009. Amend 2008S, 1:8 to read as  
25 follows:

26 1:8 Contingent School Building Aid Transfer; Fiscal Year 2009.

27 I. ~~[In the event of a general fund unreserved, undesignated deficit at the close of fiscal year~~  
28 ~~2009 as determined by the official audit performed pursuant to RSA 21 I:8, I(h),]~~ The commissioner  
29 of administrative services shall transfer appropriation authority and expenditures from the general  
30 fund to the capital fund related to the school building aid program pursuant to 2007, 262, PAU 06-  
31 03-02-02-02, in an amount equal to ~~[the lesser of:~~

32 ~~(a)] \$40,000,000[; or~~

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

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

1 and notes shall be made from the general fund.

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

5 11 Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

6 II. The department may issue a copy of any motor vehicle record upon the request of an  
7 insurance company or any other authorized agent, and *notwithstanding RSA 91-A shall require*  
8 *payment by the insurance company or authorized agent of a fee of [\$\$] \$10.50 for email or other*  
9 *computer-generated requests where payment is debited against an account established*  
10 *with the department, or \$15 for all other requests*, which shall be deposited in the fire standards  
11 and training and emergency medical services fund established in RSA 21-P:12-d. *Agreements for*  
12 *records made available to bulk data users shall continue to be negotiated as provided in*  
13 *RSA 260:14, XV(b).*

14 12 Fees Collected from Drivers. Amend RSA 263:42, II to read as follows:

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

20 13 Department of Safety; Personnel Reallocations Authorized. For the biennium ending  
21 June 30, 2011, the commissioner of safety, whenever he or she deems it will improve the efficiency  
22 and effectiveness of the delivery of service within the department, may, with approval of the fiscal  
23 committee of the general court and governor and council and further subject to approval of the  
24 position classifications by the director of personnel, eliminate certain personnel positions that may  
25 become vacant during the biennium and establish in their place other personnel positions from the  
26 same funding source, provided the cost of the new positions does not exceed the amounts budgeted  
27 for the positions being eliminated. The commissioner of safety shall submit reports on or before  
28 December 1, 2009, June 30, 2010, and December 1, 2010 to the chairmen of the house and senate  
29 executive departments and administration committees on any actions taken as a result of this  
30 authorization.

31 14 Division of State Police; Transfers Authorized. Notwithstanding the provisions of RSA 9:16-  
32 a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the  
33 request of the commissioner of safety, is authorized to transfer within and among any and all  
34 components and class codes of the budget of the division of state police for the biennium ending June  
35 30, 2011, regardless of funding source or mix, sufficient funds to cover overtime obligations for state  
36 police activities within the traffic bureau and detective bureau, witness fees, and the accompanying  
37 benefits. The total amount transferred shall not exceed \$300,000. When making the transfers, every

1 effort shall be made to maintain the original funding sources for the amounts transferred.

2 15 Department of Health and Human Services; Authority to Fill Unfunded Positions.  
3 Notwithstanding any provision of law to the contrary, the commissioner of the department of health  
4 and human services may fill unfunded positions during the biennium ending June 30, 2011, provided  
5 that the total expenditure for such positions shall not exceed the amount appropriated for personal  
6 services, permanent, and personal services, unclassified.

7 16 Department of Health and Human Services; Department of Revenue Administration; Medical  
8 Assistance; Memorandum of Understanding.

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

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

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

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

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

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

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

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

29 17 Department of Health and Human Services; Bureau of Behavioral Health; Mental Health  
30 Low Utilizers and Prior Authorization. For the biennium ending June 30, 2011, the department of  
31 health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults  
32 with low service utilization of community mental health services, as identified in He-M 401.07;  
33 provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such  
34 persons or community mental health providers to request a waiver of the \$4,000 limit based on  
35 legitimate treatment considerations.

36 18 Department of Health and Human Services; Bureau of Elderly and Adult Services; County  
37 Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County

1 Payments. Amend RSA 167:18-a, II to read as follows:

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

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

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

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

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

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

10 19 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund  
11 Suspended. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2011, all gross  
12 revenue derived by the liquor commission from the sale of liquor and related products, or from  
13 license fees, shall be deposited into the state general fund.

14 20 Department of Health and Human Services; Direct Graduate Medical Education. The  
15 commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for  
16 Medicare and Medicaid Services to cease the provision of direct graduate medical education  
17 payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1,  
18 2009. Upon approval of said state plan amendment, and as of the effective date of said state plan  
19 amendment, any obligations for payment of direct graduate medical education are terminated.

20 21 New Paragraph; Department of Health and Human Services; State Children's Health  
21 Insurance Program. Amend RSA 126-A:3 by inserting after paragraph VII the following new  
22 paragraph:

23 VIII. The commissioner shall submit a Title XXI state plan amendment and adopt  
24 administrative rules pursuant to RSA 541-A for the purposes of increasing the State Children's  
25 Health Insurance (SCHIP) premiums. For SCHIP recipients with income 185-249 percent of federal  
26 poverty limits the premium increase shall be \$7 per month. For SCHIP recipients with income of  
27 250-300 percent of current federal poverty limits the premium increase shall be \$9 per month. Such  
28 Title XXI state plan amendment and administrative rules may be done in conjunction with any  
29 premium related state plan amendment and rules necessary to implement changes occasioned by  
30 SCHIP contract reprocurement.

31 22 Department of Health and Human Services; Medicaid State Plan Amendment; Medicaid  
32 Provider Classification for Certain Critical Access Hospitals. The department of health and human  
33 services shall submit a state plan amendment for approval by the federal Centers of Medicare and  
34 Medicaid Services creating a Medicaid provider classification for critical access hospitals located in  
35 Coos and Grafton Counties to allow for differentiated reimbursement for maternity-related labor and  
36 delivery services to assure uninterrupted access to such services consistent with 42 C.F.R. section  
37 447.253(b)(1)(ii)(C).

1           23 Department of Health and Human Services; Medical Home Pilot Program. The department  
2 of health and human services shall develop a Medical Home pilot program utilizing disease  
3 management funds available when the disease management contract ends and other such grant  
4 funds as may become available for this purpose. The department shall report to the health and  
5 human services oversight committee every 6 months commencing in October 2009 until the pilot  
6 concludes.

7           24 Repeal. RSA 126-A:4-d, relative to a Medicaid waiver to support the extension of Medicaid-  
8 allowable HIV/AIDS services, is repealed.

9           25 Department of Health and Human Services; Lead Poisoning Prevention Fund; Application of  
10 Receipts. Amend RSA 6:12, I(b)(51) to read as follows:

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

13           26 Department of Health and Human Services; Unclassified Positions Established.

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

16 Department of health and human services	chief pharmacist
17 Department of health and human services	pharmacist (1)
18 Department of health and human services	pharmacist (2)
19 Department of health and human services	pharmacist (3)
20 Department of health and human services	pharmacist (4)
21 Department of health and human services	pharmacist (5)
22 Department of health and human services	pharmacist (6)

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

26           III. The following classified positions are abolished as of June 30, 2009:

27 chief pharmacist #15719  
28 pharmacist #15704  
29 pharmacist #15706  
30 pharmacist #15741  
31 pharmacist #15810  
32 pharmacist #15831  
33 pharmacist #16360

34           27 Department of Health and Human Services; Services for Children, Youth and Families;  
35 Incentive Funds. Amend RSA 170-G:4, XVI to read as follows:

36           XVI. Encourage cities, towns and counties to develop and maintain prevention programs,  
37 court diversion programs and alternative dispositions for juveniles other than placements outside of

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

9 28 Department of Health and Human Services; Suspension of Residential Rate Setting Rule.  
10 Notwithstanding any provision of the law or rule to the contrary, for the biennium ending  
11 June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended.  
12 The base rate for residential providers for the biennium ending June 30, 2011 shall be the rate in  
13 effect on June 30, 2009.

14 29 Department of Health and Human Services; Delinquent Children; Accompanied  
15 Transportation. Amend RSA 169-B:40, I(b) to read as follows:

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

19 30 Department of Health and Human Services; Child Protection Act; Accompanied  
20 Transportation. Amend RSA 169-C:27, I(b) to read as follows:

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

24 31 Department of Health and Human Services; Children in Need of Services; Accompanied  
25 Transportation. Amend RSA 169-D:29, I(b) to read as follows:

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

29 32 New Subparagraph; Delinquent Children; Liability of Expenses and Hearing on Liability.  
30 Amend RSA 169-B:40, I by inserting after subparagraph (e) the following new subparagraph:

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

34 33 New Subparagraph; Child Protection Act; Liability of Expenses and Hearing on Liability.  
35 Amend RSA 169-C:27, I by inserting after subparagraph (e) the following new subparagraph:

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



1           34 New Subparagraph; Children in Need of Services; Liability of Expenses and Hearing on  
2 Liability. Amend RSA 169-D:29, I by inserting after subparagraph (e) the following new  
3 subparagraph:

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

7           35 Repeal. The following are repealed:

8                   I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.

9                   II. RSA 167:11, relative to funeral expenses to recipients of public assistance.

10                  III. RSA 165:20, relative to reimbursement for aid to assisted persons.

11           36 Department of Health and Human Services; Program Eligibility; Additional Revenues;  
12 Transfer Among Accounts.

13                   I. For the biennium ending June 30, 2011, the department of health and human services  
14 shall not authorize, without prior approval of the fiscal committee of the general court and governor  
15 and council, any change to program eligibility standards or benefit levels that might be expected to  
16 increase enrollment in the program or increase expenditures from any source of funds; provided,  
17 however, that no such prior approval shall be required if a change to a federal program in which the  
18 state is participating as of the effective date of this section is required by federal law.

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

28                   III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the  
29 contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court  
30 and governor and council, for the biennium ending June 30, 2011, the commissioner of the  
31 department of health and human services is hereby authorized to transfer funds within and among  
32 all PAUs within the department, as the commissioner deems necessary and appropriate to address  
33 present or projected budget deficits, or to respond to changes in federal laws, regulations, or  
34 programs, and otherwise as necessary for the efficient management of the department, with the  
35 exception of class 60 transfers.

36           37 New Paragraph; Powers and Duties of Commissioners; Advertising. Amend RSA 21-G:9 by  
37 inserting after paragraph V the following new paragraph:

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

7 38 Repeal. RSA 126-A:5, XVI, relative to advertising by the department of health and human  
8 services, is repealed.

9 39 Department of Environmental Services; State Revolving Loan Fund; Administrative Fee  
10 Increase. Amend RSA 486:14(b) to read as follows:

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

21 40 Department of Environmental Services; Fee for Department Review of Subsurface Plans and  
22 Subdivisions. Amend RSA 485-A:30, I to read as follows:

23 I. Any person submitting plans and specifications for a subdivision of land shall pay to the  
24 department a fee of ~~[\$150]~~ **\$300** per lot. Said fee shall be for reviewing such plans and specifications  
25 and making site inspections. Any person submitting plans and specifications for sewage or waste  
26 disposal systems shall pay to the department a fee of \$140 for each system. Said fee shall be for  
27 reviewing such plans and specifications, making site inspections, the administration of sludge and  
28 septage management programs, and for establishing a system for electronic permitting for waste  
29 disposal systems, subdivision plans, and for permits and approvals under the department’s land  
30 regulation authority. The fees required by this paragraph shall be paid at the time said plans and  
31 specifications are submitted and shall be deposited ~~[with the treasurer as unrestricted revenue]~~ ***in***  
32 ***the subsurface systems fund established in paragraph I-b.*** For the purposes of this paragraph,  
33 the term “lot” shall not include tent sites or travel trailer sites in recreational parks which are  
34 operated on a seasonal basis for not more than 9 months per year.

35 41 New Paragraphs; Department of Environmental Services; Fee for Department Review of  
36 Subsurface Plans and Subdivisions. Amend RSA 485-A:30 by inserting after paragraph I-a the  
37 following new paragraphs:

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

5 I-c. Beginning October 1, 2009 and each fiscal quarter thereafter, the department shall  
6 submit a quarterly report to the house and senate finance committees, the house resources,  
7 recreation, and development committee, and the senate energy, environment, and economic  
8 development committee relative to administration of the subsurface systems program.

9 42 New Subparagraph; Dedicated Fund; Subsurface Systems Fund Added. Amend RSA 6:12,  
10 I(b) by inserting after subparagraph (276) the following new subparagraph:

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

12 43 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
13 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

16 44 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
17 chapter 125-R the following new chapter:

18 CHAPTER 125-S

19 MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

20 125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
21 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
22 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
23 incurred by the department of environmental services in the prevention and abatement of emissions  
24 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

25 125-S:2 Definitions. In this chapter:

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

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

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

31 125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
32 which shall be administered by the department of environmental services. This fund shall be used  
33 for costs incurred by the department in the course of carrying out activities that are designed to  
34 reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts,  
35 donations, or interest generated by these funds shall be deposited with the state treasurer in a  
36 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
37 continually appropriated to the department for the administration of this chapter.

1           125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
2 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

3           45 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

4           266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$2.90** for each sticker furnished an  
5 approved inspection station. *The division shall transfer \$.25 of each fee collected under this*  
6 *section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All  
7 unused stickers returned by the approved inspection station to the division shall be refundable at the  
8 rate of [~~\$2.50~~] **\$2.90** each, except that unused stickers purchased from the division for a fee of \$2.50  
9 shall be refundable at the rate of \$2.50 each.

10          46 Retirement System; Member Contribution Rates; 2009 - 2010. Amend RSA 100-A:16, I(a) to  
11 read as follows:

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

17           Employees	[ <del>5.00</del> ] <b>7.00</b>
18           Teachers	[ <del>5.00</del> ] <b>7.00</b>
19           Permanent Policemen	[ <del>9.30</del> ] <b>11.00</b>
20           Permanent Firemen	[ <del>9.30</del> ] <b>11.00</b>

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

1 and credited to the individual account, in the member annuity savings fund, of the member from  
2 whose compensation the deduction was made.

3 47 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees.  
4 The retirement system shall utilize the sums attributable to the increase in member contribution  
5 rates under RSA 100-A:16, I(a) as amended by section 46 of this act to reduce previously certified  
6 employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice  
7 requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer  
8 contribution rates for the state fiscal years 2010 and 2011.

9 48 Retirement System; Member Contribution Rates; 2011 Version. Amend RSA 100-A:16, I(a) to  
10 read as follows:

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

16 Employees	<del>[7.00]</del> <b>5.00</b>
17 Teachers	<del>[7.00]</del> <b>5.00</b>
18 Permanent Policemen	<del>[11.00]</del> <b>9.30</b>
19 Permanent Firemen	<del>[11.00]</del> <b>9.30</b>

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

1 whose compensation the deduction was made.

2 49 Retirement System; State Annuity Accumulation Fund; Employer Contribution; State  
3 Payment. Amend RSA 100-A:16, II(b) and (c) to read as follows:

4 (b) The contributions of each employer for benefits under the retirement system on  
5 account of group II members shall consist of a percentage of the earnable compensation of its  
6 members to be known as the “normal contribution,” and an additional amount to be known as the  
7 “accrued liability contribution;” provided that any employer, other than the state, shall pay ~~[65]~~ 70  
8 percent of such total contributions *for state fiscal year 2010*, and ~~[35]~~ 30 percent thereof shall be  
9 paid by the state *for state fiscal year 2010, and that beginning with state fiscal year 2011 any*  
10 *employer, other than the state, shall pay 75 percent of such total contributions, and 25*  
11 *percent thereof shall be paid by the state, and that beginning with state fiscal year 2012,*  
12 *and every state fiscal year thereafter, any employer, other than the state, shall pay 65*  
13 *percent of such total contributions, and 35 percent thereof shall be paid by the state;* and  
14 provided further that, in case of group II members employed by the state, the state shall pay both  
15 normal and accrued liability contributions. The rate percent of such normal contribution, including  
16 contributions on behalf of group II members whose group II creditable service is in excess of 40  
17 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the  
18 particular members of the various member classifications as shown by actuarial valuations, except  
19 as provided in subparagraphs (h) and (i).

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

35 50 Retiree Health Insurance Premium Contribution for Fiscal Years 2010 and 2011. The  
36 retirement system shall deduct from the monthly retirement allowance of retired state employees  
37 under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30,

1 the premium contribution amounts for the retiree and covered spouse, if any, of 11.5 percent of such  
2 monthly retirement allowance during state fiscal year 2010, and 12 percent of such monthly  
3 retirement allowance during state fiscal year 2011. Deducted amounts, which shall be in addition to  
4 and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52,  
5 RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk  
6 management fund.

7 51 New Subparagraph; Retirement System; Certification of State Employer Contributions;  
8 Medical Subsidy Payment. Amend RSA 100-A:16, III by inserting after subparagraph (c) the  
9 following new subparagraph:

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

19 52 District Courts; Judicial District Consolidation. Amend RSA 502-A:1 to read as follows:

20 502-A:1 Judicial Districts. A comprehensive system of judicial districts, each with a district  
21 court, is hereby organized, constituted and established as follows:

22 Rockingham County

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

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

35 II-a. [Repealed.]

36 III. DERRY DISTRICT. The Derry district shall consist of the towns of Derry, Londonderry,  
37 Chester, and Sandown. The district court for the district shall be located in Derry, holding sessions

1 regularly therein and elsewhere in the district as justice may require. The name of the court shall be  
2 Derry District Court.

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

8 V. SALEM DISTRICT. The Salem district shall consist of the towns of Salem, *Plaistow*,  
9 *Hampstead*, *Kingston*, *Newton*, *Atkinson*, *Danville*, and Windham in Rockingham county and  
10 the town of Pelham in Hillsborough county. The district court for the district shall be located in  
11 Salem, holding sessions regularly therein and elsewhere in the district as justice may require. The  
12 name of the court shall be Salem District Court.

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

Strafford County

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

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

Belknap County

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



1 District Court.

2 Carroll County

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

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

18 Merrimack County

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

24 ~~[XIII.]~~ **XII.** HOOKSETT DISTRICT. The Hooksett district shall consist of the towns of  
25 Allenstown, Pembroke, and Hooksett. The district court for the district shall be located in Hooksett,  
26 holding sessions regularly therein and elsewhere in the district as justice may require. The name of  
27 the court shall be the Hooksett District Court.

28 ~~[XIV.]~~ **XIII.** FRANKLIN DISTRICT. The Franklin district shall consist of the city of  
29 Franklin and the towns of Northfield, Danbury, Andover, Boscawen, Salisbury, Hill, *Wilmot*, and  
30 Webster in Merrimack county and the towns of Sanbornton and Tilton in Belknap county. The  
31 district court for the district shall be located in Franklin, holding sessions regularly therein and  
32 elsewhere in the district as justice may require. The name of the court shall be Franklin District  
33 Court.

34 ~~[XV.]~~ **XIV.** HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district  
35 shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of  
36 Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The court shall be  
37 located in a city or town within the judicial district in a location and facility designated pursuant to

1 RSA 490-B:3, having regard for the convenience of the communities within the district, provided,  
2 however, that the court shall not be located in any building which does not meet the minimum  
3 standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.  
4 The court shall hold sessions regularly at the principal court location and elsewhere in the district as  
5 justice may require. Special sessions of said court for cases arising from the town of Henniker shall  
6 be held at the principal court location as the caseload and justice requires. The court shall bear the  
7 name of the city or town in which it is located.

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

12 ~~XVII. [Repealed.]~~

Hillsborough County

13  
14 ~~[XVIII.] XV. MANCHESTER DISTRICT. The Manchester district shall consist of the city of~~  
15 ~~Manchester. The district court for the district shall be located in Manchester, holding sessions~~  
16 ~~regularly therein as justice may require. The name of the court shall be Manchester District Court.~~

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

21 ~~[XX.] XVII. MERRIMACK DISTRICT. The Merrimack district shall consist of the towns of~~  
22 ~~Merrimack, Litchfield, and Bedford. The district court for the district shall be located in Merrimack,~~  
23 ~~holding sessions regularly therein and elsewhere in the district as justice may require. The name of~~  
24 ~~the court shall be the Merrimack District Court.~~

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

29 ~~[XXII.] XIX. **KEENE-JAFFREY-PETERBOROUGH** DISTRICT. The **Keene**-Jaffrey-~~  
30 ~~Peterborough district shall consist of the *city of Keene and the towns of Stoddard,*~~  
31 ~~*Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough,*~~  
32 ~~*Winchester, Richmond, Hinsdale, Walpole, Alstead, Troy, and Chesterfield in Cheshire*~~  
33 ~~*county, and the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and*~~  
34 ~~*Sharon in Hillsborough county and the towns of Jaffrey, Dublin, Fitzwilliam, and Rindge in Cheshire*~~  
35 ~~*county. The district court for the district shall be located in Jaffrey or Peterborough, holding*~~  
36 ~~*sessions regularly therein and elsewhere in the district as justice may require. The name of the*~~  
37 ~~*court shall be Jaffrey-Peterborough District Court.*~~



1 convenience of the communities within the district, provided, however, that the court shall not be  
2 located in any building which does not meet the minimum standard prescribed by the New  
3 Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name  
4 of the city or town in which it is located.

5 ~~[XXVII a. [Repealed.]]~~

6 Grafton County

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

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

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

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

29 Coos County

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

1 pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

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

8 ~~[XXXIV.]~~ **XXX.** LANCASTER DISTRICT. The Lancaster district shall consist of the towns  
9 of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton and, Jefferson, and the  
10 unincorporated places of Kilkenny, Bean's Grant, Chandler's Purchase, and Crawford's Purchase.  
11 The district court for the district shall be located in Lancaster, holding sessions regularly therein  
12 and elsewhere in the district as justice may require. The name of the court shall be Lancaster  
13 District Court.

14 53 Committee Established. There is established a committee to study closing the Claremont,  
15 Colebrook, and Milford district courts.

16 54 Membership and Compensation.

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

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

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

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

23 55 Duties. The committee shall study closing the Claremont, Colebrook, and Milford district  
24 courts.

25 56 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
26 among the members. The first meeting of the committee shall be called by the first-named house  
27 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
28 section. Four members of the committee shall constitute a quorum.

29 57 Report. The committee shall report its findings and any recommendations for proposed  
30 legislation to the speaker of the house of representatives, the president of the senate, the house  
31 clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

32 58 New Paragraph; Discretionary Sentences; Release from State Prison. Amend RSA 651:25 by  
33 inserting after paragraph VI the following new paragraph:

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

37 (1) The department of corrections receives an order of deportation for the prisoner

1 from the United States Immigration and Customs Enforcement;

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

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

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

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

12 59 Department of Administrative Services; Suspension of Bumping Rights. The displacement of  
13 classified state employees by more senior classified state employees, or so-called bumping, pursuant  
14 to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director  
15 of the division of personnel is hereby suspended from the effective date of this section to June 30,  
16 2011.

17 60 Rehiring of Laid Off State Employees.

18 I. For purposes of this section, "laid off" means any person who receives written notice of the  
19 state's intent to lay him or her off or who is laid off between July 1, 2009 and June 30, 2011, as a  
20 result of reorganization or downsizing of state government.

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

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

29 61 State Employees Group Insurance; Restrictions on Self-Insured Plans. Amend RSA 21-I:30-  
30 b, I(a) to read as follows:

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

33 62 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2, II to  
34 read as follows:

35 II. The commissioner shall nominate for appointment by the governor, with the consent of  
36 the council, each division director, the assistant commissioner, **the deputy commissioner**, the  
37 internal auditor, the financial data manager and the senior operational analyst. The division

1 directors, the assistant commissioner, *the deputy commissioner*, the internal auditor, the financial  
2 data manager and the senior operational analyst shall each serve for a term of 4 years.

3 63 New Section; Department of Administrative Services; Deputy Commissioner. Amend RSA  
4 21-I by inserting after section 3-a the following new section:

5 21-I:3-b Deputy Commissioner.

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

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

13 64 Department of Administrative Services; Salary of Deputy Commissioner. The position of  
14 deputy commissioner established under RSA 21-I:3-b shall be unfunded for the biennium ending  
15 June 30, 2011. In the event funding becomes available during the biennium, the commissioner of the  
16 department of administrative services may request transfer approval authority from the fiscal  
17 committee of the general court, and if granted, shall transfer such funds to fund the position.

18 65 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as  
19 follows:

20 Delete:

21 GG Department of administrative services director of plant and property management

22 Insert:

23 HH Department of administrative services director of plant and property management

24 66 Real Estate Commission; Renewal Notice. Amend RSA 331-A:19, I to read as follows:

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

28 67 Real Estate Commission; Rulemaking Notice. Amend RSA 331-A:7, VII to read as follows:

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

34 68 New Section; Department of Transportation; Director of Policy and Administration. Amend  
35 RSA 21-L by inserting after section 5-a the following new section:

36 21-L:5-b Director of Policy and Administration.

37 I. There is established within the department a position of an unclassified director of policy

1 and administration. The commissioner of transportation shall nominate a director of policy and  
2 administration for appointment by the governor, with consent of the council. The director shall serve  
3 a term of 4 years. The director shall be qualified to hold that position by reason of education and  
4 experience.

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

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

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

17 69 Eastern New Hampshire Turnpike; Authority Granted. Amend the introductory paragraph  
18 of RSA 237:17 to read as follows:

19 237:17 Authority Granted. The commissioner of transportation, with the approval of the  
20 governor and council, shall locate and construct a continuous highway from a point on the  
21 Massachusetts-New Hampshire boundary in the town of Seabrook to a point *on the*  
22 *New Hampshire-Maine boundary* in the city of Portsmouth, and from ~~[said point]~~ *the*  
23 *Portsmouth traffic circle* in the city of Portsmouth to a point in the vicinity of the ~~[city of~~  
24 ~~Rochester]~~ *town of Milton*, and shall operate and maintain said highway as a toll road as  
25 hereinafter provided.

26 70 Highways Named. Amend RSA 237:18 to read as follows:

27 237:18 Highways Named. The portion of the toll road from *the Massachusetts-*  
28 *New Hampshire boundary in the town of* Seabrook ~~[connecting with route 1 in Maine]~~ *to a point*  
29 *on the New Hampshire-Maine boundary in the city of Portsmouth* shall be designated as the  
30 Blue Star memorial highway as provided in chapter 115, Laws of 1949, and shall be located on the  
31 road as now constructed. That part of the said toll road from ~~[a point]~~ *the Portsmouth traffic*  
32 *circle* in the city of Portsmouth to a point in the vicinity of the ~~[city of Rochester]~~ *town of Milton*,  
33 shall be designated and named Spaulding turnpike.

34 71 New Section; Department of Transportation; Expansion of the Turnpike System. Amend  
35 RSA 237 by inserting after section 49-a the following new section:

36 237:50 Acquisition; Authority Granted.

37 I. The department of transportation, acting by and on behalf of the state, is hereby



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

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

13 III. Acquisition and expansion of the eastern New Hampshire turnpike system for  
14 \$120,000,000 plus interest shall be at the state borrowing rate to be paid over a maximum 20-year  
15 term to the highway fund from the turnpike reserves under terms and conditions to be determined  
16 by the commissioner of transportation.

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

21 72 Issuance of Revenue Bonds. Amend RSA 237-A:2 to read as follows:

22 237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known  
23 as “turnpike system revenue bonds.” The bonds may be issued from time to time for the purpose of  
24 financing the project costs of construction of any turnpike or of paying or refunding any bonds issued  
25 pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued  
26 pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described  
27 in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal  
28 of, premium, if any, and interest on all bonds shall be payable solely from the particular funds  
29 provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as  
30 the governor and council shall determine, not exceeding in the aggregate [~~\$586,050,000~~  
31 **\$766,050,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including  
32 rates variable from time to time as determined by such index, banker’s loan rate or other method as  
33 may be determined by the treasurer, and shall mature at such time or times as may be determined  
34 by the treasurer, except that no bond shall mature more than 40 years from the date of its issue.  
35 Bonds may be made redeemable before maturity either at the option of the state or at the option of  
36 the holder, or on the occurrence of specified events, at such price or prices and under such terms and  
37 conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall

1 determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the  
2 treasurer and countersigned by the governor. The bonds may be sold in such manner, either at  
3 public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of  
4 interest, as the treasurer may determine.

5 73 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(a) to read as  
6 follows:

7 (a) Improvements to the Blue Star memorial highway.

8 RSA 237:2, I, IX. ~~[55,800,000]~~ **70,000,000**

9 74 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(k) to read as  
10 follows:

11 (k) Toll collection equipment. RSA 237:2, VIII, IX. ~~[39,000,000]~~ **119,000,000**

12 75 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(m) to read as  
13 follows:

14 (m) Construction of a second barrel from exits 12 to 16  
15 on the Spaulding Turnpike with related interchange

16 improvements from exits 11 to 16. RSA 237:2, IX. ~~[138,200,000]~~ **160,000,000**

17 76 New Subparagraphs; Department of Transportation; Turnpike System Funds. Amend  
18 RSA 237:7, I by inserting after subparagraph (o) the following new subparagraphs:

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

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

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

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

23 77 New Paragraph; Turnpike System; Authority. Amend RSA 237:2 by inserting after  
24 paragraph IX the following new paragraph:

25 X. Acquire, expand, and make improvements to the eastern New Hampshire turnpike from  
26 the northerly expansion joint of the Interstate Route 95 bridge over the Spaulding Turnpike, U.S.  
27 Route 4 and N.H. Route 16 (bridge No. 197/22) north to a point on the New Hampshire-Maine border  
28 in the city of Portsmouth, said improvements to include the installation of open road tolling for the  
29 toll currently on Interstate Route 95 in the town of Hampton.

30 78 New Paragraph; E-Z Pass Operations Interagency Agreement. Amend RSA 237:16-c by  
31 inserting after paragraph III the following new paragraph:

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

1           79 Department of Transportation; Welcome Centers. In order to better serve the public while  
2 utilizing revenue generating opportunities, the general court supports the idea of commercializing  
3 the rest areas, welcome centers, and state liquor store sites along the highways and turnpikes. The  
4 commissioner of the department of transportation is authorized to issue requests for proposals  
5 relative to the sale, lease, or concession of these areas, including the use of public/private  
6 partnerships to develop and reconstruct the rest areas, welcome areas, and state liquor store sites  
7 along the turnpikes and highways as may be necessary to provide full service centers with food,  
8 liquor sales, gas, and other retail goods and services for the traveling public. Any proposal accepted  
9 by the commissioner under this section shall be submitted for approval in accordance with laws  
10 governing the disposition of state-owned real estate.

11           80 Fish and Game Department; Game Management Account. Notwithstanding RSA 206:34-b or  
12 any other provision of law, for the biennium ending June 30, 2011, all moneys collected from the sale  
13 of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits shall be deposited  
14 in the fish and game fund and shall be used for the purposes specified in RSA 206:34-a.

15           81 State Government Waste Reduction, Recycling, and Recycled Products Purchase.  
16 Notwithstanding any provision of law, for the biennium ending June 30, 2011, the requirements of  
17 RSA 9-C:4, III and RSA 9-C:8-10 are suspended.

18           82 Boards, Commissions, and Councils; Expiration Date.

19           I. All non-regulatory boards, commissions, councils, advisory committees, and task forces in  
20 state government created by statute or administrative rule shall expire on June 30, 2011, unless  
21 reinstated by the general court. The office of legislative services shall provide a list of all such  
22 boards, commissions, councils, advisory committees, and task forces in state government created by  
23 statute or administrative rule to the speaker of the house of representatives, the senate president,  
24 and the governor on or before September 30, 2009.

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

33           III. The supreme court shall conduct a review of all boards, commissions, councils, advisory  
34 committees, and task forces created by the judicial branch or by court order and shall eliminate non-  
35 essential boards, commissions, councils, advisory committees, and task forces on or before June 30,  
36 2011.

37           83 Committee on Consolidation of Boards, Commissions, and Councils Established.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37           VI. The committee shall report its findings and any recommendations for proposed

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

3 84 New Subdivision; Department of Resources and Economic Development; Workforce  
4 Opportunity Council. Amend RSA 12-A by inserting after section 59 the following new subdivision:

5 Workforce Opportunity Council

6 12-A:60 Workforce Opportunity Council. The state workforce opportunity council, established  
7 pursuant to Executive Order 2001-1, shall be a part of the department of resources and economic  
8 development. The commissioner shall oversee the responsibilities of the state workforce opportunity  
9 council.

10 85 Department of Insurance; New Hampshire Citizens Health Initiative. The New Hampshire  
11 insurance department is hereby authorized and directed to seek governor and council approval to  
12 enter into a cooperative project agreement with the university system of New Hampshire, acting  
13 through the university of New Hampshire, whereby the New Hampshire Institute for Health Policy  
14 and Practice will support the efforts of the New Hampshire Citizens Health Initiative (CHI). This  
15 agreement shall provide for operational support of the CHI, as well as technical assistance and  
16 consultant services to support CHI Pillar Projects relating to health care provider reimbursement,  
17 medical home, health information technology and exchange, and health care finance and structure  
18 transparency. Funding for this agreement provided by the insurance department shall not exceed  
19 \$380,000 through June 30, 2011.

20 86 Legislative Branch; Revised Health Benefit Plan. The legislative branch shall lapse \$73,546  
21 during the fiscal year ending June 30, 2010 and \$159,350 during the fiscal year ending June 30,  
22 2011 in connection with the implementation of the revised health benefit plan for unclassified and  
23 nonclassified state employees.

24 87 Judicial Branch; Revised Health Benefit Plan. The judicial branch shall lapse \$345,563  
25 during the fiscal year ending June 30, 2010 and \$748,725 during the fiscal year ending June 30,  
26 2011 in connection with the implementation of the revised health benefit plan for unclassified and  
27 nonclassified state employees.

28 88 New Section; Real Estate Commission; Fees Collected Electronically; Handling Charge.  
29 Amend RSA 331-A by inserting after section 24-a the following new section:

30 331-A:24-b Handling Charge. If the real estate commission collects a fee electronically for any  
31 license, any document, or any other purpose under this chapter, the commission shall collect a  
32 handling charge for each fee paid electronically, including by Internet or facsimile, by adding 2  
33 percent to the total collected.

34 89 Horse and Dog Racing; Employees. Amend RSA 284:3 to read as follows:

35 284:3 Employees. At least 85 percent of the persons employed by a person, association, or  
36 corporation conducting a racing plant *or simulcasting* under the provisions hereof shall have  
37 resided in this state for a period of not less than one year. The provisions of this section shall not

1 apply to the construction of a racing plant or its equipment.

2 90 New Paragraph; Racing and Charitable Gaming Commission; Fees to Cover Costs of  
3 Administering Live Racing. Amend RSA 284:6-a by inserting after paragraph V the following new  
4 paragraph:

5 VI. The racing and charitable gaming commission shall establish and adjust annual fees for  
6 licensees conducting live racing in an amount sufficient to generate revenue that approximates the  
7 direct costs of administering the live racing provisions of this chapter.

8 91 Horse and Dog Racing; Racing and Charitable Gaming Commission; Rulemaking. Amend  
9 RSA 284:12, III to read as follows:

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

12 92 Horse and Dog Racing; License Required; Investigation Fees. Amend RSA 284:12-a to read as  
13 follows:

14 284:12-a License Required; Investigation Fees.

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

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

24 93 License; Live Running or Harness Horse Racing. Amend the introductory paragraph of  
25 RSA 284:15, I to read as follows:

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

31 94 Requirements; Simulcast Dog Racing. Amend RSA 284:15-a to read as follows:

32 284:15-a Requirements. Any person, association, or corporation desiring to hold **or simulcast** a  
33 dog race for public exhibition at **or for** which pari-mutuel pools are to be sold, shall apply to said  
34 commission for a license to do so. The application shall be signed and sworn to by the person or  
35 executive officer of the association or corporation and shall contain the information set forth in  
36 RSA 284:15. Any New Hampshire agricultural fair association certified as such, by the  
37 commissioner of agriculture, markets, and food, shall be entitled to one special 6 day racing license

1 annually.

2 95 Issuance of Licenses; Simulcast Racing. Amend RSA 284:16 to read as follows:

3 284:16 Issuance of Licenses. If the commission is satisfied that all the provisions hereof and the  
4 rules and regulations prescribed have been and will be complied with by the applicant and that the  
5 financial backing upon which said application is predicated is sound and is committed in support of  
6 said application, it may issue a license which shall expire on the thirty-first day of December. The  
7 license shall set forth the name of the licensee, the place where the races or race meets **or**  
8 **simulcastings** are to be held, and the time and number of days during which racing **or**  
9 **simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor  
10 assignable. Said commission shall have power to revoke any license for good cause upon reasonable  
11 notice and hearing. The commission may at any time for cause require the removal of any employee  
12 or official employed by any licensee hereunder. The license of any corporation shall automatically  
13 cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of  
14 the corporation and the corporation shall not hold a running or harness horse race or meet for public  
15 exhibition without a new license.

16 96 Issuance of Licenses; Simulcasting Races. Amend RSA 284:16-a to read as follows:

17 284:16-a Issuance of Licenses. If the greyhound racing commission is satisfied that all the  
18 provisions hereof and the rules and regulations prescribed have been and will be complied with by  
19 the applicant and that the financial backing upon which said application is predicated is sound and  
20 is committed in support of said application, it may issue a license which shall expire on the thirty-  
21 first day of December. The license shall set forth the name of the licensee, the place where the races  
22 or race meets **or simulcastings** are to be held, and the time and number of days during which  
23 racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be  
24 transferable nor assignable. Said commission shall have power to revoke any license for good cause  
25 upon reasonable notice and hearing. The commission may at any time for cause require the removal  
26 of any employee or official employed by any licensee hereunder. The license of any corporation shall  
27 automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the  
28 voting stock of the corporation and the corporation shall not hold a dog race or meet for public  
29 exhibition without a new license. Any New Hampshire agricultural fair association certified as such,  
30 by the commissioner of agriculture, markets, and food, shall be entitled to one special 6-day license  
31 annually to hold a dog race meet.

32 97 Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness Horse Racing. Amend  
33 RSA 284:22-a, I(c) to read as follows:

34 (c) "Licensee" means any individual, association, partnership, joint venture, corporation,  
35 or other organization or other entity which holds a license under RSA 284 to conduct a race meet, **or**  
36 **if the election is made pursuant to RSA 284:22-a, II(c), "licensee" means any individual,**  
37 **association, partnership, joint venture, corporation, or other organization or entity which**

1 *holds a license under RSA 284 to conduct simulcasting at a facility at which live running*  
2 *or harness horse racing or live dog racing was conducted in 2008.*

3 98 New Subparagraph; Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness  
4 Horse Racing. Amend RSA 284:22-a, II by inserting after subparagraph (b) the following new  
5 subparagraph:

6 (c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint  
7 venture, corporation, or other organization or entity may be issued a license to conduct simulcasting  
8 without conducting live racing provided such person makes such election with the approval of the  
9 commission and such person or entity held a license on January 1, 2009 under this chapter to  
10 conduct a race meet.

11 99 Applicability. The fees established in RSA 284:6-a, VI as inserted by section 90 of this act  
12 shall apply to licenses issued on or after January 1, 2010.

13 100 Department of Revenue Administration; Position of Chief Multi-State Auditor Established.

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

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

18 101 Unclassified Officers; Chief Multi-State Auditor Added. Amend RSA 94:1-a, I(a) as follows:

19 Insert:

20 DD Department of revenue administration chief multi-state auditor

21 102 New Section; Supreme Court; Judicial Branch Information Technology Fund. Amend RSA  
22 490 by inserting after section 26-g the following new section:

23 490:26-h Judicial Branch Information Technology Fund.

24 I. Except as provided in paragraph IV:

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

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

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

36 III. The funds on deposit in the judicial branch information technology fund shall be  
37 invested by the state treasurer in obligations of the United States government, in government



1 agency obligations, in obligations which are legal investments for savings banks and trust  
2 companies, and in all types of savings accounts or certificates of deposit of both state or federally  
3 chartered institutions.

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

10 103 Penalty Assessment. Amend RSA 188-F:31, I to read as follows:

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

15 104 Penalty Assessment. Amend RSA 188-F:31, IV to read as follows:

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

22 105 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

23 I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved  
24 case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other  
25 document supplementary to the entered case, and for any service rendered by the clerk, such fees as  
26 shall from time to time be established by the court. The clerk shall set aside 7 percent of each entry  
27 fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and**  
28 **14 percent of each entry fee paid into the court for deposit into the judicial branch**  
29 **information technology fund established under RSA 490:26-h**. The proceeds of fees for motions  
30 to appear in court pro hac vice shall be paid into the law library revolving fund established in  
31 RSA 490:25, III.

32 106 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12, II to read as follows:

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

1           107 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

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

6           108 District Court Entry Fees. Amend RSA 502-A:28, II to read as follows:

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

11           109 Probate Court Entry Fees. Amend RSA 548:23-a, II to read as follows:

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

16           110 New Subparagraph; Application of Receipts; Judicial Branch Information Technology Fund.  
17 Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

20           111 Uniform Fines; Judicial Branch Information Technology Fund. Amend RSA 262:44, I to read  
21 as follows:

22           I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled  
23 “Notice of Fine, Division of Motor Vehicles” which shall contain the normal fines for violations of the  
24 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be  
25 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the  
26 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear  
27 personally. Defendants summoned to appear personally shall do so on the arraignment date  
28 specified in the summons, unless otherwise ordered by the court. Defendants who are issued a  
29 summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on  
30 the summons and return it with payment of the fine plus penalty assessment to the director of the  
31 division of motor vehicles within 30 days of the date of the summons. The director of the division of  
32 motor vehicles shall remit the penalty assessments collected to the police standards and training  
33 council for deposit in the police standards and training council training fund and to the state  
34 treasurer to be credited and continually appropriated to the victims’ assistance fund **and the**  
35 **judicial branch information technology fund** in the percentages and manner prescribed in RSA  
36 188-F:31. Fines shall be paid over to the treasurer for deposit in the highway fund, or to such  
37 department or agency of the state as the law provides, within 14 days of their receipt.

1           112 Purchase of Supplies; Exemptions; Liquor Commission. RSA 21-I:18, I(b) is repealed and  
2 reenacted to read as follows:

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

7           113 Liquor Commission; State Stores. RSA 177:1 is repealed and reenacted to read as follows:

8           177:1 State Stores. The commission may lease and purchase and equip, in the name of the  
9 state, such stores, warehouses, supplies, materials, products, and other merchandising requirements  
10 for the sale or promotion of liquor and related products as are necessary to carry out the provisions of  
11 this chapter. The commission may lease, in the name of the state, space in state stores for the  
12 purpose of installing automated teller machines. No newly established state store shall be operated  
13 within 200 feet of any public or private school, church, chapel, or parish house.

14           114 Closing of State Liquor Stores. RSA 177:2, I is repealed and reenacted to read as follows:

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

21           115 Licensing of Agency Liquor Stores. During the period beginning July 1, 2009 and ending  
22 June 30, 2011:

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

26                   II. The commission shall issue no more than 3 new agency liquor store licenses.

27           116 Repeal. 2008, 296:31 and 32, relative to eligibility for certain wine discounts, are repealed.

28           117 Department of Health and Human Services and Department of Safety Agreement Relative  
29 to Fee for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the  
30 commissioner of the department of safety and the commissioner of the department of health and  
31 human services shall negotiate a reduced fee for performing a state criminal record check of  
32 department of health and human services employees, service providers, and licensed and license-  
33 exempt child day care providers.

34           118 New Subparagraph; Rulemaking Exemption; Fee for Criminal Record Check. Amend  
35 RSA 541-A:21, I by inserting after subparagraph (bb) the following new subparagraph:

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

1 care providers.

2 119 Annulment of Criminal Records. Amend RSA 651:5, IX to read as follows:

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

15 120 Great Bay; Reference to Saltwater License. Amend RSA 211:17-b to read as follows:

16 211:17-b Operation of Motor Vehicles, Snowmobiles, or OHRVs on Ice on Great Bay. No person  
17 shall drive a motor vehicle, snowmobile, or OHRV on the ice on Great Bay, except that any person  
18 who holds a New Hampshire ~~fishing~~ **recreational saltwater** license **under RSA 214:9, XVI** may  
19 do so, provided that he **or she** does not drive or park his **or her** vehicle any closer than 300 feet to  
20 any occupied so-called bob-house, fishing shanty, or fishing hole other than the one ~~he~~ **the person**  
21 occupies. The provisions of this section shall not apply to any person engaged in emergency rescue  
22 operations or public service of any description. No person driving a motor vehicle, snowmobile, or  
23 OHRV on the ice on Great Bay shall operate said vehicle at a speed greater than 10 miles per hour.  
24 Whoever violates any provision of this section shall be guilty of a violation.

25 121 New Paragraph; Licenses; Application; Recreational Saltwater License. Amend RSA 214:9  
26 by inserting after paragraph XV the following new paragraph:

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

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

1 possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title.

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

9 (d) In this paragraph:

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

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

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

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

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

22 (e) The following fees shall apply:

23 (1) \$15 for resident and nonresident individuals.

24 (2) \$75 for charter boats and other for hire vessels, except party boats.

25 (3) \$150 for party boats.

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

28 122 License Required; Marine Species Added. Amend RSA 214:1 to read as follows:

29 214:1 License Required. No person, except as hereinafter provided, shall at any time fish, hunt,  
30 trap, shoot, pursue, take or kill freshwater fish, *marine and estuarine finfish species*, saltwater  
31 smelt, saltwater shad, saltwater salmonoids, wild birds, or wild animals in this state, without first  
32 procuring a proper and valid license to do so, and then only in accordance with the terms of such  
33 license and subject to all the provisions of this title. The licensee shall carry such license on his *or*  
34 *her* person when so engaged, and the license shall be subject to inspection on demand of any person.

35 123 Licenses for Aged Persons. Amend RSA 214:6 to read as follows:

36 214:6 Licenses for Aged Persons. Any resident of this state who is over 65 years of age and who  
37 is receiving public aid may, upon presentation of proof of such aid, make application to the executive

1 director of fish and game for a special license to ~~[fish]~~ **take**, and to transport fish [~~and saltwater~~  
2 ~~smelt~~], under the restrictions of this title. Such license shall be marked in such manner as the  
3 executive director may designate and there shall be no fee for such license.

4 124 Fishing License; Saltwater Species Removed. Amend RSA 214:9, II to read as follows:

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

9 125 One-Day Fishing License; Saltwater Species Removed. Amend RSA 214:9, II-b to read as  
10 follows:

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

15 126 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, III to read as  
16 follows:

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

22 127 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, VI-a to read  
23 as follows:

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

29 128 Nonresident Fishing License; Saltwater Species Removed. Amend the introductory  
30 paragraph of RSA 214:9, VIII to read as follows:

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

36 129 References Changed; Special License for Persons Over 68 Years of Age. Amend RSA 214:7-a  
37 to read as follows:

1           214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over  
2 may make application, to any authorized agent of the state for the sale of *freshwater* fishing,  
3 hunting or trapping licenses, for a special license to fish[~~]~~ *in freshwaters and* hunt or trap, under  
4 the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow  
5 and arrow. The license shall be marked in such manner as the executive director may designate,  
6 and there shall be no fee, including the agent’s fee, for such license. The license shall be effective for  
7 the resident during the remainder of the resident’s life, as long as the applicant remains a resident of  
8 the state, unless sooner suspended or revoked by the executive director. The minimum residency  
9 requirements of RSA 214:7-b are applicable.

10           130 Lifetime Licenses. Amend RSA 214:9-c, I(a) to read as follows:

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

16           131 Repeal. The following are repealed:

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

19           132 Registration Fees. Amend RSA 270-E:5, I to read as follows:

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

- |  |                                  |
|--|----------------------------------|
| 22           (a) Up to and including 16 feet | <del>[\$12]</del> <b>\$18.50</b> |
| 23           (b) 16.1 feet to 21 feet        | <del>[\$17]</del> <b>\$26</b>    |
| 24           (c) 21.1 feet to 30 feet        | <del>[\$26]</del> <b>\$38</b>    |
| 25           (d) 30.1 feet to 45 feet        | <del>[\$36]</del> <b>\$53</b>    |
| 26           (e) 45.1 feet and over          | <del>[\$46]</del> <b>\$70.50</b> |

27           133 Lake Restoration and Preservation Fee. Amend RSA 270-E:5, II(a) to read as follows:

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

31           134 Agent Fee. Amend RSA 270-E:5, II(c) to read as follows:

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

35           135 Transfer Fee. Amend RSA 270-E:10 to read as follows:

36           270-E:10 Notice of Transfer; Destruction or Abandonment. The owner shall furnish the  
37 department written notice of the transfer of all or any part of his *or her* interest, other than the

1 creation of a security interest, in a vessel registered in this state pursuant to this chapter or the  
 2 destruction or abandonment of such vessel within 15 days of its transfer, destruction, or  
 3 abandonment. Such transfer, destruction, or abandonment shall terminate the certificate of  
 4 numbers for such vessel, except that in the case of a transfer of a part interest which does not affect  
 5 the owner’s rights to operate such vessel, the transfer shall not terminate the certificate of numbers.  
 6 If a vessel is transferred, the original number shall be retained by the new owner. A person who  
 7 transfers the ownership of a vessel, upon filing a new application, may have another boat registered  
 8 in his **or her** name for the remainder of the period for which the vessel is registered for [~~\$3~~] **\$5**.

9 136 Commercial Vessels; Penalty and License Fees. Amend RSA 270-E:22 and RSA 270-E:23 to  
 10 read as follows:

11 270-E:22 Commercial Vessels; Penalty.

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

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

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

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

27 270-E:23 License Fees. There shall be paid to the commissioner for every [~~general~~] certificate of  
 28 captain, master, pilot, or engineer, [~~\$4~~] **\$15** [~~; and for every limited certificate of captain, master,~~  
 29 ~~pilot, or engineer, \$2~~]. A [~~general~~] certificate shall entitle the holder thereof to act in the capacity  
 30 named on any vessel of the class described in the certificate [~~; a limited certificate shall entitle the~~  
 31 ~~holder to act in such capacity only on a particular vessel named in the certificate~~]. Only one  
 32 certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on  
 33 any motorized vessel permitted to carry a maximum of 25 persons. **If a person fails the**  
 34 **examination required by RSA 270-E:22, I, the person may retake the examination for a fee**  
 35 **of \$10 paid to the commissioner.** The fees paid **for re-examinations and** for certificates issued  
 36 under this section shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

37 137 Addition to Boat Fee. Amend RSA 487:25, I to read as follows:



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

11 138 Registration Fees. RSA 270-E:5, I is repealed and reenacted to read as follows:

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

14 (a) Up to and including 16 feet	\$12
15 (b) 16.1 feet to 21 feet	\$17
16 (c) 21.1 feet to 30 feet	\$26
17 (d) 30.1 feet to 45 feet	\$36
18 (e) 45.1 feet and over	\$46

19 139 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after  
20 subparagraph (276) the following new subparagraph:

21 (277) Moneys deposited in the New Hampshire road and bridge account established  
22 under RSA 260:32-a.

23 140 Levy of Tolls and Exemptions. Amend the introductory paragraph of RSA 260:32 to read as  
24 follows:

25 260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon  
26 upon the sale of each gallon of motor fuel sold by distributors thereof. ***The road toll on gasoline***  
27 ***shall increase to \$.23 per gallon beginning July 1, 2009; to \$.28 per gallon beginning***  
28 ***April 1, 2010; and to \$.33 per gallon beginning April 1, 2011. The road toll on special fuel***  
29 ***(diesel) shall increase to \$.20 on July 1, 2010; \$.22 on July 1, 2012; \$.25 on July 1, 2014; \$.29***  
30 ***on July 1, 2016; and \$.33 on July 1, 2018.*** The road toll shall be collected by the distributor from  
31 the purchaser and remitted to the state in the manner hereinafter set forth. ***All amounts collected***  
32 ***in excess of \$.18 per gallon shall be apportioned as follows: 80 percent shall be deposited***  
33 ***on a monthly basis into the New Hampshire road and bridge account established in***  
34 ***RSA 260:32-a, and 20 percent shall be deposited on a monthly basis into the highway and***  
35 ***bridge betterment account established in RSA 235:23-a, II.*** Provided, that the road toll shall  
36 not apply to:

37 141 New Sections; Account Established; Apportionment. Amend RSA 260 by inserting after

1 section 32 the following new sections:

2 260:32-a Account Established. There is established a separate account in the highway fund  
3 called the New Hampshire road and bridge account to be used exclusively for the construction,  
4 reconstruction, and maintenance of state and municipal roads and bridges in the state. The account  
5 shall consist of 80 percent of the funds attributable to all road toll revenue collected in excess of \$.18  
6 per gallon. The amount deposited into the New Hampshire road and bridge account is hereby  
7 exclusively and continually appropriated to the department of transportation and shall be  
8 nonlapsing.

9 260:32-b Apportionment. In each fiscal year, the commissioner shall allocate an amount equal  
10 to 12 percent of the total road toll revenue collected in the preceding fiscal year to be distributed to  
11 cities and towns in accordance with the formula in RSA 235:23, I and shall be in addition to any  
12 amounts allocated under that paragraph. The remaining 88 percent in the New Hampshire road  
13 and bridge account shall be allocated to the department of transportation exclusively for the  
14 construction, reconstruction, and maintenance of state roads and bridges.

15 142 Use of Road Tolls. Amend RSA 260:35 to read as follows:

16 260:35 Use of Road Tolls. The road tolls shall be used initially to pay the interest and principal  
17 due on any bonds and notes issued pertaining to highway purposes, and the remainder shall be paid  
18 into the highway fund. *The allocation limitations established under RSA 9:9-b shall apply*  
19 *only to the funds attributable to the first \$.18 per gallon of road toll revenue. Eighty*  
20 *percent of the funds collected in excess of \$.18 per gallon shall be deposited into the*  
21 *New Hampshire road and bridge account established in RSA 260:32-a and 20 percent of the*  
22 *funds collected in excess of \$.18 per gallon shall be deposited into the highway and bridge*  
23 *betterment account established in RSA 235:23, II and apportioned in accordance with*  
24 *RSA 260:32-b.*

25 143 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, I to read as follows:

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

33 144 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, V to read as follows:

34 V. The transporter shall report to the commissioner on forms prescribed by the  
35 commissioner, not later than the twentieth of the succeeding calendar month, subject to prosecution  
36 for unsworn falsification, all deliveries of motor fuel and petroleum products made to *or from* points  
37 within the state during the previous calendar month. Such reports shall contain sufficient

1 information to identify the quantities delivered, the consignor, the consignee and such additional  
2 information as the commissioner may require. A report shall be filed for any month in which no  
3 activity occurs. Information required pursuant to this paragraph which has been deemed  
4 confidential or as to which a request for confidential treatment is pending shall not be shown to or  
5 reviewed by any person other than the employees of the department who have a legitimate need to  
6 know the information for the purposes of enforcement of this subdivision, or fuel tax officials of  
7 another state as required by RSA 260:56, I, in which case the officials shall be required by the  
8 commissioner to agree to a similar limitation on disclosure before such information is furnished.

9 145 Commission Established. There is established a commission to study future sustainable  
10 revenue sources for funding improvements to state and municipal highways and bridges.

11 146 Membership and Compensation.

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

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

15 (b) One member of the senate, appointed by the president of the senate.

16 (c) The commissioner of the department of revenue administration, or designee.

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

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

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

20 (g) The commissioner of the department of resources and economic development, or  
21 designee.

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

24 147 Duties. The commission shall study revenue sources that are fair and adequate to meet the  
25 funding needs of state and municipal highways and bridges based on the new technology in electric,  
26 hybrid, and other alternative fuel automobiles.

27 148 Chairperson; Quorum. The members of the commission shall elect a chairperson from  
28 among the members. The first meeting of the commission shall be called by the first-named house  
29 member. The first meeting of the commission shall be held within 45 days of the effective date of  
30 this section. Five members of the commission shall constitute a quorum.

31 149 Report. The commission shall report its findings and any recommendations for proposed  
32 legislation to the speaker of the house of representatives, the president of the senate, the house  
33 clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

34 150 New Section; Outdoor Advertising; Liquor Stores. Amend RSA 236 by inserting after  
35 section 73-a the following new section:

36 236:73-b Liquor Stores. The department of transportation shall design, locate, and erect along  
37 state highways suitable signs to advertise nearby state liquor stores.

1           151 Chartered Public Schools; Average Daily Membership in Attendance Limited.

2           I. For the fiscal year ending June 30, 2010, the average daily membership in attendance  
3 (ADMA) as defined in RSA 198:38, I for all chartered public schools approved pursuant to RSA 194-  
4 B:3-a on or before June 30, 2009 shall not exceed 1,353 pupils. During the fiscal year, the  
5 commissioner of the department of education may adjust enrollments on a school-by-school basis,  
6 and within the ADMA limit established in this paragraph, as necessary for the efficient  
7 administration of available chartered public school seats.

8           II. For the fiscal year ending June 30, 2011, the average daily membership in attendance  
9 (ADMA) as defined in RSA 198:38, I for all chartered public schools approved pursuant to RSA 194-  
10 B:3-a on or before June 30, 2009 shall not exceed 1,519 pupils. During the fiscal year, the  
11 commissioner of the department of education may adjust enrollments on a school-by-school basis,  
12 and within the ADMA limit established in this paragraph, as necessary for the efficient  
13 administration of available chartered public school seats.

14           III. The commissioner of the department of education shall obtain approval from the fiscal  
15 committee of the general court, and from the governor and council, for funding for any chartered  
16 public school approved between July 1, 2009 and June 30, 2011, and to amend the ADMA limits  
17 established in paragraphs I and II of this section. Such funding may be paid on the warrant of the  
18 governor out of any money in the treasury not otherwise appropriated.

19           152 Department of Health and Human Services; Coordination of the Tobey School and the  
20 Philbrook Center. The department of health and human services shall study the cost and service  
21 efficiencies that could be realized through a coordination of resources, facilities, and personnel  
22 between the Tobey School and the Philbrook Center. The department shall report the findings of the  
23 study to the fiscal committee of the general court on or before December 31, 2009.

24           153 Department of Health and Human Services; Division of Family Assistance; Employment  
25 Support Program; Transportation. The department of health and human services, division of family  
26 assistance, shall withdraw its request for proposals for transportation for the employment support  
27 program for the biennium ending June 30, 2011 issued prior to the effective date of this section. The  
28 division shall issue a new request for proposals for transportation for the employment support  
29 program for the biennium ending June 30, 2011 after evaluating the feasibility of an ownership  
30 option that involves providing down payments for purchases of new motor vehicles.

31           154 Department of Health and Human Services; Medicaid Classification. The department of  
32 health and human services shall submit a Medicaid state plan amendment creating a Medicaid  
33 provider classification for approval by the Centers for Medicare and Medicaid Services that  
34 recognizes Children’s Hospital at Dartmouth-Hitchcock as the state’s children’s hospital providing  
35 comprehensive pediatric specialty and subspecialty services. Diagnostic related group (DRG) rates  
36 shall be differentiated from other hospital rates and shall reflect the uniqueness and intensity of  
37 pediatric services provided and the need to preserve the availability of such services to the Medicaid

1 population.

2 155 Department of Health and Human Services; Catastrophic Aid Program. The department of  
3 health and human services shall submit to the federal Centers for Medicare and Medicaid Services a  
4 Medicaid state plan amendment for the purpose of defining the criteria by which catastrophic claims  
5 payments will be made to reflect only those claims with diagnostic related group (DRG) weights  
6 greater than 4.0 and lengths of stay greater than 30 days to support the most medically  
7 complex/high acuity cases. Funds are to be used to provide for additional inpatient payments  
8 outside of the DRG system where the DRG payment plus any other insurance is below 25 percent of  
9 hospital charge. The total funds available for catastrophic claims shall equal 3.3 percent of the  
10 projected annual inpatient expenditure. Reimbursement shall be limited to 65 percent of charges,  
11 reduced by prior payments, DRG allowed amounts, and third party insurance. The state shall  
12 expend half of the catastrophic fund no later than December 31 of each year and the second half no  
13 later than June 30 of each year. Claims shall be submitted to the New Hampshire Medicaid  
14 program by December 15 and June 15 for the respective 6-month periods in order to be considered  
15 for catastrophic payment. Claims shall be paid based upon date of service until catastrophic funds  
16 for that 6-month period are exhausted. No claims or portions of claims shall be carried over into the  
17 subsequent 6-month period, nor shall excess funds be carried over into the subsequent 6-month  
18 period.

19 156 Nullification of HB 658-FN. If HB 658-FN of the 2009 legislative session becomes law and  
20 the effective date of HB 658-FN is on or after July 1, 2009, HB 658-FN shall not take effect. If HB  
21 658-FN becomes law and the effective date of HB 658-FN is prior to July 1, 2009, the provisions of  
22 HB 658-FN are hereby nullified.

23 157 Bureau of Elderly and Adult Services; Nursing Services. For the fiscal year ending June 30,  
24 2009, the appropriations contained in 2007, 262:1 in PAU 05-01-08-04-01, class 90 nursing services  
25 and class 87 home health services shall be nonlapsing, and any balance remaining at the end of the  
26 fiscal year shall be paid to nursing homes and home health services providers as additional rates.  
27 The additional rates shall be based on the rate-setting methodology in effect on the effective date of  
28 this section. The commissioner shall file a report with the fiscal committee of the general court by  
29 October 1, 2009 which details the balance carried forward from fiscal year 2009 and the amounts to  
30 be paid as additional rates.

31 158 New Subparagraph; Department of Safety; General Functions. Amend RSA 21-P:2, II by  
32 inserting after subparagraph (i) the following new subparagraph:

33 (j) Enforcing alcoholic beverage laws.

34 159 Definitions. Amend RSA 175:1, LIV-a to read as follows:

35 LIV-a. "Private club" means an organization incorporated under the laws of this state,  
36 whose members are equal shareholders, whose assets belong to the members equally, and whose  
37 members have an equal vote in club affairs and a right to run for club offices. The licensed area of a

1 private club shall be operated solely for the use of members and their accompanied guests, and shall  
2 be open for inspection by investigators of the ~~[commission]~~ **department of safety** and local law  
3 enforcement officials whenever operating.

4 160 Liquor Commission. Amend RSA 176:8, I to read as follows:

5 I. The commission shall have a bureau of ~~[enforcement and]~~ licensing to be headed by the  
6 chief of ~~[enforcement and]~~ licensing, who shall have such labor grade as may be determined by the  
7 division of personnel. The chief of ~~[enforcement and]~~ licensing shall report to the commission,  
8 supervise the day-to-day activities of the commission's ~~[enforcement and]~~ licensing functions, and  
9 perform such additional duties as the commission shall from time to time assign. The chief shall  
10 handle all license applications and shall make recommendations, in writing, to the commission, on  
11 whether to grant the license application. The commission shall then either grant or deny the  
12 request, stating its reasons in writing. An aggrieved applicant may appeal the commission's decision  
13 to the commission as a whole. ~~[Recommendations for fines, revocations, and suspensions of licenses~~  
14 ~~shall follow the same procedure.]~~

15 161 References Deleted. Amend RSA 176:10 to read as follows:

16 176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of  
17 the United States during “any war in which the United States was engaged, and received an  
18 honorable discharge from such service,” shall be given preference in appointment under the  
19 provisions of RSA 176:7~~[- RSA 176:9,]~~ **and** RSA 177:4, ~~[and RSA 179:59,]~~ if qualified for such  
20 positions.

21 162 Closing of State Stores. Amend RSA 177:2, II to read as follows:

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

29 163 Reference Deleted. Amend RSA 178:11, V to read as follows:

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

34 164 Reference Changed. Amend RSA 178:22, V(h)(12) to read as follows:

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

1           165 Reference Deleted. Amend RSA 178:22, V(l)(4) to read as follows:

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

7           166 Reference Deleted. Amend RSA 178:30, IX to read as follows:

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

11           167 Limited Credits. Amend RSA 179:13, V to read as follows:

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

22           168 Reference Changed. Amend RSA 179:15 to read as follows:

23                   179:15 Transportation of Beverages and Wine. A person may transport or deliver beverages and  
24 wines in this state without a license, provided such beverages and wines were obtained as authorized  
25 by this title and provided such beverages and wines are for consumption only and not for resale  
26 purposes. Licensees may transport and deliver to their place of business beverages and wines  
27 purchased as authorized under this title, and, except on-premises licensees, may transport and  
28 deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles  
29 operated under the control of themselves or of their employees or agents, provided that the owner of  
30 such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on  
31 behalf of the licensee for whom they are transporting such beverages and wines. Every person  
32 operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the  
33 license in the vehicle so operated, and shall carry such evidence as the commission by rule may  
34 prescribe showing the origin and destination of the beverages and wines being transported or  
35 delivered. Upon demand of any law enforcement officer, investigator, or employee of the  
36 [~~commission~~] **department of safety**, the person operating such vehicle shall produce for inspection a  
37 copy of the license and the evidence required by this section. Failure to produce such license or

1 evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise  
2 provided, beverages and wines may be transported within the state only by a railroad or steamboat  
3 corporation or by a person regularly and lawfully conducting a general express or trucking business,  
4 and in each case holding a valid carrier's license issued by the commission. Nothing in this section  
5 shall prohibit individual retail licensees from arranging for the delivery of wine products to a  
6 location central for the parties involved.

7 169 Reference Deleted. Amend RSA 179:35 to read as follows:

8 179:35 Retention of Invoices and Sale and Delivery Slips. All invoices, sales slips, and delivery  
9 slips, current and covering a period of 60 days prior to the current date pertaining to purchases of  
10 beverages and liquor shall be retained by the licensee on the premises or be readily available for  
11 examination by the ~~[commission or its liquor investigators]~~ **department of safety**.

12 170 References Deleted. Amend the section heading of RSA 179:56 and RSA 179:56, I to read as  
13 follows:

14 179:56 Hearings; ~~[Investigations;]~~ False Statement; Enforcement Policy.

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

24 171 Prosecutions. Amend RSA 179:59 to read as follows:

25 179:59 Prosecutions. ~~[The commission shall appoint liquor investigators whose primary~~  
26 ~~function shall be the proper prosecution of this title. The liquor investigators shall have all the~~  
27 ~~powers of the sheriff in any county, with reference to enforcement of all laws either in cooperation~~  
28 ~~with, or independently of, the officers of any county or town.]~~ The ~~[commission]~~ **department of**  
29 **safety** shall have the primary responsibility for the enforcement of all liquor and beverage laws upon  
30 premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. Any  
31 person violating the provisions of any law may be prosecuted by the ~~[commission or any of its~~  
32 ~~investigators as provided in this section]~~ **department of safety**, or by county or city attorneys, or by  
33 sheriffs or their deputies, or by police officials of towns.

34 172 Repeal. The following are repealed:

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

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

37 173 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.



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

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

10 174 Federal Fiscal Stabilization Funds for Deposit into the Education Trust Fund. It is the  
11 intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from  
12 the United States Department of Education under the provisions of the American Recovery and  
13 Reinvestment Act of 2009 into the education trust fund established in RSA 198:39. Funds deposited  
14 into the education trust fund shall only be used in a manner consistent with section 14002  
15 (a)(2)(A)(i)(II) of the American Recovery and Reinvestment Act of 2009, and the funding formulae  
16 contained in RSA 194-B:11 and RSA 198, for the purpose of funding increases in adequacy and  
17 equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.

18 175 New Paragraphs; Certification of Reduced Ignition Propensity Cigarettes. Amend RSA 339-  
19 F:6 by inserting after paragraph III the following new paragraphs:

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

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

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

34 176 Tobacco Tax; Definition of Tobacco Products. Amend RSA 78:1, XIV to read as follows:

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

37 177 New Paragraph; Definition of Premium Cigars. Amend RSA 78:1 by inserting after

1 paragraph XX the following new paragraph:

2 XXI. “Premium cigars” means cigars which are made entirely by hand of all natural tobacco  
3 leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more than  
4 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.

5 178 Tobacco Tax Imposed on Tobacco Products Other Than Cigarettes. Amend RSA 78:7-c to  
6 read as follows:

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

14 179 Insurance; Premium Tax. Amend RSA 400-A:32, I(a)(3) and (4) to read as follows:

15 (3) Effective January 1, [~~2010~~] **2012**, a tax of 1.25 percent for all lines of business  
16 written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II; and

17 (4) Effective January 1, [~~2011~~] **2013**, a tax of one percent for all lines of business  
18 written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II.

19 180 New Paragraph; Insurer Retention Plan; Reporting. Amend 2006, 277:4 by inserting after  
20 paragraph II the following new paragraph:

21 III. Before May 15, 2010, the insurance commissioner and the commissioner of the  
22 department of resources and economic development shall jointly present a report to the house and  
23 senate ways and means committees detailing the number of re-domestications and new jobs  
24 associated therewith, in addition to comparative data on the total number of property and casualty  
25 insurance jobs and insurance revenues in the state in 2006 and 2010.

26 181 Taxation of Transfers of Certain Estates. RSA 87:1 is repealed and reenacted to read as  
27 follows:

28 87:1 Tax Imposed; Exemption.

29 I. An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving a  
30 taxable estate for which the gross value after allowable deductions, as defined by the Internal  
31 Revenue Code of 1986, is greater than \$2,000,000, and who has property within this state.

32 II. The first \$2,000,000 of the gross value of the decedent’s estate shall be exempt from the  
33 estate tax.

34 III. The amount of the New Hampshire estate tax shall be equal to 8 percent of the gross  
35 value of the portion of the decedent’s taxable estate that exceeds the exemption in paragraph II.

36 IV. If only a portion of the decedent’s estate is located in this state, the tax shall be  
37 determined as follows:

1           (a) For a decedent who, at the time of death, was a resident of this state, the  
2 New Hampshire estate tax shall be reduced by an amount determined by multiplying the entire  
3 amount of the tax by the percentage which the gross value of the real and tangible property portion  
4 of the decedent's estate located outside of this state bears to the gross value of the entire estate.

5           (b) For a decedent who, at the time of death, was not a resident of this state, the  
6 New Hampshire estate tax shall be determined by multiplying the entire amount of the tax by the  
7 percentage which the gross value of the real and tangible property portion of the decedent's estate  
8 located in this state bears to the gross value of the entire estate.

9           182 When Payable. Amend RSA 87:2 to read as follows:

10           87:2 When Payable. The New Hampshire estate tax shall be payable to the department of  
11 revenue administration [~~at the same time or times at which the United States estate tax is payable~~]  
12 **9 months after the date of death of the decedent** and shall bear interest as prescribed in RSA 21-  
13 J:28.

14           183 Estates Affected. Amend RSA 87:11 to read as follows:

15           87:11 Estates Affected. The provisions [~~hereof~~] **of this chapter** shall apply to the estates of all  
16 decedents dying after [~~April 28, 1931~~] **January 1, 2010** and shall also apply to the estate of any  
17 decedent with respect to which the United States estate tax had not been paid on [~~April 28, 1931~~]  
18 **January 1, 2010**.

19           184 Penalty. Amend RSA 87:19 to read as follows:

20           87:19 Penalty. If an executor, administrator, trustee, fiduciary, or custodian neglects or refuses  
21 to comply with any of the requirements of RSA 87:17 or RSA 87:18, such person shall be liable to a  
22 penalty of not more than \$1,000, to be recovered by the department of revenue administration for the  
23 use of the state, and, upon petition by the department, notice and hearing, the probate court may  
24 remove such person, and appoint another person administrator with the will annexed, or  
25 administrator, as the case may be. **Such administrator shall also be responsible for any other**  
26 **penalties and interest applicable under RSA 21-J.**

27           185 Repeal. The following are repealed:

- 28           II. RSA 87:5, relative to lien of tax.
- 29           II. RSA 87:7, relative to intent of chapter.
- 30           III. RSA 87:9, relative to chapter void, when.

31           186 Exemption Increased. Amend RSA 77:3, I to read as follows:

32           I. Taxable income is that income received from interest and dividends during the tax year  
33 prior to the assessment date by:

34           (a) Individuals who are inhabitants or residents of this state for any part of the taxable  
35 year whose gross interest and dividend income from all sources, including income from a qualified  
36 investment company pursuant to RSA 77:4, V, exceeds [~~\$2,400~~] **\$5,000** during that taxable period.

37           (b) Partnerships, limited liability companies, associations, and trusts, the beneficial

1 interest in which is not represented by transferable shares, whose gross interest and dividend  
2 income from all sources exceeds [~~\$2,400~~] **\$5,000** during the taxable year, but not including a  
3 qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an  
4 employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section  
5 3.

6 (c) Fiduciaries deriving their appointment from a court of this state whose gross interest  
7 and dividend income from all sources exceeds [~~\$2,400~~] **\$5,000** during the taxable year.

8 187 New Paragraph; Taxable Income; Capital Gains. Amend RSA 77:4 by inserting after  
9 paragraph V the following new paragraph:

10 V-a. The capital gain reported on Schedule D of the taxpayer's federal income tax return.

11 188 Exemptions. Amend RSA 77:5, I to read as follows:

12 I. Income of [~~\$2,400~~] **\$5,000**.

13 189 Married Taxpayers; Joint Returns. Amend RSA 77:5-a to read as follows:

14 77:5-a Married Taxpayers; Joint Returns. A married taxpayer may claim the exemptions  
15 provided in RSA 77:5 for both self and spouse, regardless of the ownership of the income from  
16 interest [~~or~~], dividends, **on capital gains**, provided that both husband and wife file a joint return.

17 190 Returns and Declaration. Amend RSA 77:18, IV to read as follows:

18 IV. Notwithstanding the provisions of paragraphs I-III, the following individuals shall not be  
19 required to file a return and shall not be considered to have gross or net taxable income for the  
20 purposes of this chapter:

21 (a) Every individual whose total interest and dividend income is less than [~~\$2,400~~]  
22 **\$5,000** for a taxable period.

23 (b) For joint filers whose total interest and dividend income is less than [~~\$4,800~~] **\$10,000**  
24 for a taxable period.

25 191 New Section; Interest and Dividends Tax; Exclusion Added; Business Profits Tax Liability.  
26 Amend RSA 77 by inserting after section 4-f the following new section:

27 77:4-g Exclusion of Gain; Business Profits Tax. Any gain of a taxpayer for which the taxpayer is  
28 liable under RSA 77-A shall be excluded from liability for taxation under this chapter.

29 192 Repeal. The following are repealed:

30 I. RSA 77:4, IV, relative to the exemption of dividends declared by corporations to be a  
31 return of capital.

32 II. RSA 77:4-c, relative to sale or exchange of transferable shares not taxable.

33 III. RSA 77:7, relative to capital distribution.

34 193 Estimated Tax Payments. Any taxpayer under RSA 77 who has reported capital gain in  
35 2009 and who makes estimated tax payments under RSA 77:18 shall make estimated payments for  
36 2010 based upon the taxpayer's tax liability incurred under RSA 77 immediately prior to the  
37 effective date of this section.

1           194 Application. The provisions of sections 186-193 of this act shall apply to and be in effect on  
2 account of taxable periods ending on or after January 1, 2010.

3           195 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding  
4 any provision of law to the contrary, departments, agencies, and branches may transfer moneys from  
5 any class line, except from personnel and benefit class lines, within their approved budgets to class  
6 line 027 to fund information technology related projects which would not otherwise be funded.

7           196 Department of Corrections; Management Positions. For the biennium ending June 30,  
8 2011, no new positions shall be created and no existing positions shall be reclassified in order to  
9 establish new management positions specifically to replace abolished management positions at the  
10 Lakes Region facility.

11           197 Effective Date.

12           I. Section 1, paragraph III of section 26, and sections 46-47, 116, and 157 of this act shall  
13 take effect June 30, 2009.

14           II. Section 48 of this act shall take effect June 30, 2011.

15           III. Section 51 of this act shall take effect June 1, 2009.

16           IV. RSA 284:6-a, VI as inserted by section 90 of this act, section 175, and sections 181-185 of  
17 this act shall take effect January 1, 2010.

18           V. Sections 120-131 of this act shall take effect January 1, 2011.

19           VI. Sections 132-137 and 179-180 of this act shall take effect 60 days after its passage.

20           VII. Section 138 of this act shall take effect July 1, 2015.

21           VIII. Section 156 of this act shall take effect July 1, 2009 at 12:01 a.m.

22           IX. The remainder of this act shall take effect July 1, 2009.

LBAO  
09-1049  
03/03/09

**HB 2-FN-A-LOCAL - FISCAL NOTE**

AN ACT                   relative to state fees, funds, revenues and expenditures.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.